



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 17 2012

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested

Certified Mail#: 7004-2510-0004-2241-5551

In Reply Refer to:

EPA File No.: 15R-05-R9

Mr. Stephen M. Brittle
President
Don't Waste Arizona, Inc.
6205 South 12th Street
Phoenix, AZ 85042-4327

Re: Dismissal of Administrative Complaint

Dear Mr. Brittle:

This is to notify you and Don't Waste Arizona that the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) is dismissing the above numbered administrative complaint. The complaint was filed on behalf of Latino residents living near Phoenix Brick Yard, located Phoenix, AZ. On July 18, 2005, a complaint was filed by Don't Waste Arizona Incorporated (DWAZ) with the Environmental Protection Agency (EPA) /Office of Civil Rights (OCR) concerning the Maricopa County Air Quality Department (MCAQD). This complaint was accepted for investigation on July 30, 2009.¹ The complaint alleges that MCAQD violated Title VI of the Civil Rights Act of 1964, as amended (Title VI), 42 U.S.C. § 2000d *et seq.*, and EPA's nondiscrimination regulations found at 40 C.F.R. Part 7. Specifically, the complainants allege that MCAQD's issuance of Title V permit V97-021 intentionally discriminated against the Latino residents who live adjacent to the Phoenix Brick Yard.

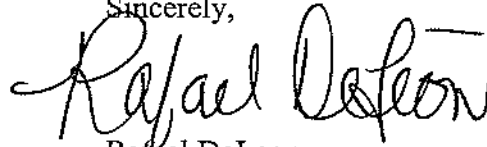
The Phoenix Brick Yard facility has ceased its brick operations at the 1814 South 7th Avenue facility. The permanent shutdown notification was received by Maricopa County on April 30, 2012. (See attached). Because your allegations concern the Phoenix Brick Yard facility which is no longer operating, OCR has determined that your allegation in EPA File No. 15R-05-R9 is moot and is being dismissed.

If you have any questions, please contact Helena Wooden-Aguilar, Assistant Director of OCR's External Compliance Program by telephone at (202) 343-9681, by e-mail at wooden-

¹ OCR also accepted for investigation EPA OCR File No. 10R-07-R9 and will continue to process that complaint.

aguilar.helena@epa.gov , or by mail to U.S. EPA, Office of Civil Rights (Mail Code 1201A),
1200 Pennsylvania Ave., N.W., Washington, D.C., 20460-1000.

Sincerely,

A handwritten signature in black ink that reads "Rafael DeLeon". The signature is fluid and cursive, with the first name "Rafael" being larger and more prominent than the last name "DeLeon".

Rafael DeLeon
Director

Enclosure

cc: William Wiley, Director
Maricopa County Air Quality Department
1001 N Central Ave., Suite 400
Phoenix, AZ 85004

Stephen G. Pressman, Associate General Counsel
Civil Rights & Finance Law Office (MC 2399A)

JoAnn Asami, Office of Regional Counsel
US EPA Region 9