



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

DEC 31 2007

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested

Certified Mail #7004-2510-0004-2241-8477

In Reply Refer to:

EPA File No. 11R-07-R4

[REDACTED]

Re: Rejection of Administrative Complaint

Dear Mr. [REDACTED]:

This letter is in response to your administrative complaint filed with the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR). Your complaint was received by EPA on October 1, 2007. You allege that the Marion County Environmental Services violated Title VI of the Civil Rights Act of 1964, as amended (Title VI), 42 U.S.C. § 2000d *et seq.*, and EPA's regulations implementing Title VI found at 40 C.F.R. Part 7.


OCR is responsible for processing and investigating complaints of discrimination filed against programs or activities that receive financial assistance from EPA. Pursuant to EPA's nondiscrimination regulations, OCR conducts a preliminary review of discrimination complaints to determine acceptance, rejection, or referral. 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in EPA's Part 7 regulations. First, it must be in writing. Second, it must describe an alleged discriminatory act that, if true, would violate EPA's nondiscrimination regulations (*i.e.*, an alleged discriminatory act based on race, color, national origin, sex, or disability). Third, it must be filed within 180 days of the alleged discriminatory act. Finally, the complaint must be filed against an applicant for, or recipient of, EPA assistance that allegedly committed the discriminatory act. (A copy of EPA's nondiscrimination regulations is enclosed for your convenience.)

After careful consideration, OCR has concluded that it cannot accept the complaint for investigation because it does not meet the jurisdictional requirements

described in EPA's nondiscrimination regulations. As stated above, a complaint must be filed against an applicant for, or a recipient of, EPA assistance that allegedly committed the discriminatory act. According to the information submitted with your complaint, the alleged discriminatory acts were committed by the Marion County Environmental Services. Marion County Environmental Services is not an applicant for or a recipient of EPA financial assistance, therefore, OCR cannot accept your complaint for investigation.

If you have questions regarding this letter, please contact Helena Wooden-Aguilar of the OCR External Compliance Program at (202) 343-9681, via electronic mail at Wooden-Aguilar.Helena@epa.gov, or by mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, NW, Washington, DC 20460-1000.

Sincerely,



Karen D. Higginbotham
Director

Enclosure

cc: Nancy Tommello, Title VI Coordinator
EPA Region 4

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