



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

NOV 21 2007

OFFICE OF
CIVIL RIGHTS

RETURN RECEIPT REQUESTED

Certified Mail# 7004-2510-0004-2241-8231

IN REPLY REFER TO:

EPA File No. 04R-07-R6

Marybelle Nzegwu
Center on Race, Poverty, and the Environment
47 Kearny Street, Suite 804
San Francisco, CA 94108

RE: ACCEPTANCE OF ADMINISTRATIVE COMPLAINT

Dear Ms. Nzegwu:

This is in response to your administrative complaint received by the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) on April 9, 2007. The complaint was filed by the Center on Race, Poverty, and the Environment, on behalf of African American and Hispanic residents in the Northside and Hillcrest neighborhoods of Corpus Christi, Texas. The complaint alleges that the City of Corpus Christi 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. This is to notify you that after careful consideration, OCR is accepting your administrative complaint for investigation.

Under Title VI, a recipient of Federal financial assistance may not discriminate on the basis of race, color, or national origin. Pursuant to EPA's nondiscrimination administrative regulations, OCR conducts a preliminary review of 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 nondiscrimination regulations. First, it must be in writing. Second, it must describe alleged discriminatory acts that violate EPA's nondiscrimination regulations (*i.e.*, an alleged discriminatory act based on race, color, or national origin). Third, it must be filed within 180 calendar days of the alleged discriminatory act. 40 C.F.R. § 7.120(b)(2). Finally, it must be filed against an applicant for, or a recipient of, EPA financial assistance that committed the alleged discriminatory act. 40 C.F.R. § 7.15. (A copy of EPA's nondiscrimination regulations is enclosed for your convenience.)

Complaint Allegation

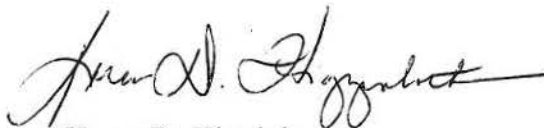
The Corpus Christi City Council's decision-making process that resulted in the approval to site a new sewage treatment facility in the Northside and Hillcrest neighborhoods created a disparate impact on the African American and Hispanic Americans in those communities.

The complaint states that on October 10, 2006, the Corpus Christi City Council voted to acquire a parcel of land owned by Flint Hills Resources, L.P., to site a sewage treatment facility. The complaint also states that the sewage treatment facility will have a substantial adverse effect on the Northside and Hillcrest neighborhoods, and will further exacerbate the effects of existing nearby facilities.

OCR will accept this allegation for investigation because it meets all of EPA's jurisdictional requirements. The complaint is in writing and describes an alleged discriminatory act that would violate EPA's Title VI regulations. The complaint also describes an alleged discriminatory act that occurred within 180 days of the filing of this complaint. (The complaint was filed on April 5, 2007, and the alleged discriminatory act occurred on October 10, 2006.) Finally, the City of Corpus Christi is an EPA financial assistance recipient. On February 19, 1999, the City of Corpus Christi was awarded a loan from the Clean Water State Revolving Fund (CWSRF).¹ The Texas Water Development Board (TWDB), through the CWSRF program, issued and administered the loan to the City of Corpus Christi. Therefore, the City of Corpus Christi, as a CWSRF loan recipient, is a recipient of federal funding within the meaning of Title VI.

If you have any questions, please contact Ms. Helena Wooden-Aguilar of my staff by telephone at (202) 343-9681, by e-mail at Wooden-Aguilar.Helena@epa.gov, or by mail to U.S. EPA Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460.

Sincerely,



Karen D. Higginbotham
Director

Enclosure

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

¹ The CWSRF are grants provided by EPA to the states to establish the CWSRF program. The states then loan funds from this program for the purpose of improving water quality to municipalities.