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ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

DEC 22 2007

OFFICE OF
CIVIL RIGHTS

RETURN RECEIPT REQUESTED

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IN REPLY REFER TO:

EPA File No. 08R-06-R4

[REDACTED]
Title VI Action Committee
[REDACTED]

RE: REJECTION OF ADMINISTRATIVE COMPLAINT

Dear Mr. [REDACTED]

This letter is in response to your administrative complaints filed with the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) on June 23, 2006, and July 6, 2006. Since both letters contained the same allegation about the same recipient, they were combined and reviewed as one complaint. The complaint alleges that the City of Clarksville 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.

Pursuant to EPA's nondiscrimination regulations, OCR conducts a preliminary review of administrative complaints for 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 an alleged discriminatory act that violates 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 calendar 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.)

Your complaint alleges that the City of Clarksville has failed to report to EPA several civil rights and discrimination lawsuits that it has lost in federal court. EPA's nondiscrimination regulations allow the filing of complaints by those who feel they have been "discriminated against in violation" of the regulations. 40 C.F.R. § 7.120(a). While your complaint alleges possible noncompliance with the procedural requirements for

recipients of EPA financial assistance, it does not describe a discriminatory act taken by the City of Clarksville which violates EPA's regulations. Please be aware that noncompliance by itself does not constitute discrimination.

Since the allegation discussed in your complaint does not meet the jurisdictional requirements described in EPA's nondiscrimination regulations, OCR must reject your complaint for investigation. Compliance with the procedural requirements of EPA's nondiscrimination regulations is mandatory for all EPA recipients. OCR will evaluate whether a compliance review of the City of Clarksville is warranted based on your allegation.

If you have any questions about this letter, please contact Karen Randolph of the OCR External Compliance Program by telephone at (202) 343-9679, via electronic mail at Randolph.Karen@epa.gov, or by mail at: U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460-1000.

Sincerely,



Karen D. Higginbotham
Director

Enclosure

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

Nancy Tommelleo, Title VI Coordinator
EPA Region 4