



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

SEP 09 2010

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested

Certified Mail #7009-2820-0002-1759-4071

In Reply Refer To:

EPA File No: 13R-06-R4

Friends of Five Mile Creek

[REDACTED]
P.O. Box 511

Fultondale, AL 35068

**Re: Referral of Request to Withdraw Alabama's Authorization
to Administer the RCRA Subtitle D Program**

Dear [REDACTED]

This letter is in reference to the administrative complaint of Friends of Five Mile Creek filed on August 21, 2006, with the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) against the Alabama Department of Environmental Management (ADEM). EPA accepted your administrative complaint on December 19, 2008. Your complaint alleges that ADEM failed to abide by the Alabama Solid Waste Disposal Act and 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 at 40 C.F.R. Part 7, when it approved the permit renewal application on July 11, 2006, for the New Georgia Landfill in Birmingham, Alabama. OCR accepted the following allegation for investigation:

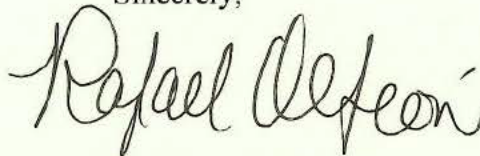
"ADEM's failure to abide by the Alabama Solid Waste Disposal Act when they approved the New Georgia Landfill permit on July 11, 2006, resulted in a disparate impact on the African American residents in Jefferson County, Alabama."

Your complaint also requests that "EPA remedy ADEM's violation of Title VI of the Civil Rights Act of 1964, by withdrawing ADEM's authorization to administer the RCRA Subtitle D program for regulating solid waste landfills, until ADEM complies with Alabama's Solid Wastes Disposal Act and Title VI of the Civil Rights Act of 1964."

OCR is continuing in its investigation of your complaint and will notify you of its decision once that investigation is completed. However, this letter is to inform you that OCR has also referred your request to the Resource Conservation and Recovery Act Division in EPA's Atlanta Regional Office (Region IV), for its consideration. Region IV will address your request as a petition to withdraw approval of Alabama's RCRA Subtitle D program and respond to you accordingly. Please note that this referral to Region IV has no implication on OCR's investigation or analysis of your allegations of discrimination under Title VI.

If you have any questions regarding this matter, please contact Karen Randolph of OCR's External Compliance Program by telephone at (202)343-9679, via electronic mail at Randolph.Karen@epa.gov, or by mail at: US EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, 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 more prominent than the last name "DeLeon".

Rafael DeLeon
Acting Director

cc: Onis Glenn III, Director
Alabama Department of Environmental Management

Alan Farmer, Director
RCRA Division
Region IV

Teresa Murray, EEO Officer
Region IV

Alfred R. Politzer, Assistant Regional Counsel
Office of Regional Counsel
Region IV

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