



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

SEP 04 2007

OFFICE OF
CIVIL RIGHTS

RETURN RECEIPT REQUESTED

Certified Mail #7004-1160-0002-3622-8691

IN REPLY REFER TO:

EPA File No.15R-06-R3

[REDACTED]
Alpha Omega Construction
114 Berman Drive
Danville, VA 24550

RE: REFERRAL OF ADMINISTRATIVE COMPLAINT

Dear [REDACTED]

This letter is in response to your administrative complaint received by the U.S. Environmental Protection Agency's (EPA) Office of Civil Rights (OCR) on September 20, 2006. OCR construes your complaint to allege that the Commonwealth of Virginia Office of the Governor has 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 your complaint was referred to the U.S. Department of Interior (DOI).

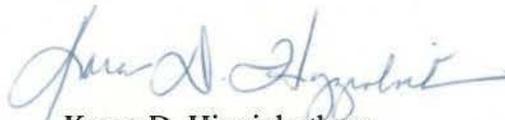
Under Title VI, a recipient of Federal financial assistance may not discriminate on the basis of race, color, or national origin. Pursuant to EPA's nondiscrimination regulations, OCR conducts a preliminary review of discrimination complaints to determine acceptance, rejection, or referral. 40 C.F.R. § 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. 40 C.F.R. § 7.15. (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 regulations implementing Title VI. Specifically, the Commonwealth

of Virginia Office of the Governor is not a recipient of EPA financial assistance. Since the DOI has the primary responsibility of preserving historic properties under the National Historic Preservation Act, this matter may fall under their jurisdiction. Therefore, your complaint has been forwarded to DOI for their review.

If you have questions regarding this letter, please contact Ericka Burwell of the OCR External Compliance Program at (202) 343-9224, via e-mail at burwell.ericka@epa.gov, or via 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: Stephen G. Pressman, Associate General Counsel
Civil Rights Law and Finance Office (MC 2399A)

Bill Early, Title VI Coordinator
EPA Region 3