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

DEC - 2 2013

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested
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In Reply Refer to:
EPA File No.: 03R-13-R4

Howard Corcoran
Director
Office of Grants and Debarment
USEPA Headquarters
Ariel Rios Building
1200 Pennsylvania Avenue, N. W.
Mail Code: 3901R
Washington, DC 20460

Re: Rejection and Referral of Administrative Complaint

Dear Director Corcoran:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), is rejecting the administrative complaint filed against the Georgia Department of Natural Resources (GDNR) received by EPA on February 4, 2013 and referring it to the Office of Grants and Debarment. The complaint generally alleges that GDNR violated Title VI of the Civil Rights Act of 1964, as amended, 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 administrative 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. 40 C.F.R. §7.120(b)(1). Second, it must describe alleged discriminatory acts that violate EPA's nondiscrimination regulations, such as, an intentionally discriminatory act or a policy with discriminatory effects based on race, color, national origin, sex, age or disability. *Id.* Third, it must be received 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.

OCR is rejecting the following allegation for investigation.

(1) "[F]ederal funding running through GDNR and McIntosh County have been misappropriated."

This allegation does not meet EPA's jurisdictional requirements. As a result, OCR is unable to accept the complaint.

However, because the OGD may have subject matter expertise over the allegations in this complaint, this complaint is being referred to OGD to review and investigate as it deems appropriate.

If you have questions regarding this letter, please contact Jerett Yan of the OCR External Compliance Program at (202) 564-3113, via electronic mail at yan.jerett@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,

Vicki Simons
Acting Director

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

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