UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON D C 20460

JUN 14 2010

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested
Certified Mail #7009-2820-0002-1759-3388

In Reply Refer to:
EPA File No. 3Rr-10-R4

[redacted]
P.O. Box 28295
Birmingham, Alabama, 35228

Re: Referral of Administrative Complaint

Dear [redacted]:

This is in response to your administrative complaint received on January 6, 2010, by the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR). Your complaint was originally filed on August 3, 2009 with the U.S. Department of Justice (DOJ). DOJ then referred it to EPA. Your complaint alleges that the Regional Planning Commission of Greater Birmingham (RPC), the Alabama Partners for Clean Air (APCA), and the Alabama Department of Transportation (ALDOT) 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.

Generally, your complaint alleges that RPC and APCA intentionally discriminated against you based on your race when you applied to participate in the Voluntary Emissions Testing Program. Specifically, your complaint alleges that RPC and APCA treated you differently than other applicants by requiring you to provide additional information, including a completed performance bond form, as part of the application process. In addition, your complaint alleges that ALDOT retaliated against you by denying your privately owned business the opportunity to become a registered Disadvantaged Business Enterprise. Due to the nature of your allegations, OCR has determined that it would be more appropriate for the Department of Transportation to investigation them. OCR, therefore, is referring your complaint and the additional information you provided to OCR, to Mr. Allen Masuda in the Office of Civil Rights at the U.S. Department of Transportation.

If you have any questions, please contact Helena Wooden-Aguilar of OCR's External Compliance Program, by telephone at (202) 343-9681, via e-mail at wooden-aguilar.helena@epa.gov, or by mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Ave. NW, Washington D.C., 20460-1000.

Sincerely,

Karen D. Higginbotham
Director

Enclosure

cc: Mr. Allen Masuda
U.S. Department of Transportation
Office of Civil Rights
1200 New Jersey Avenue, SE
8th Floor E81-314
Washington, DC 20590

Katherin E. Hall, Assistant General Counsel
Civil Rights and Finance Law Office (MC 2399A)

Teresa Murray
EPA Region IV