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

DEC 20 2013

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested
Certified Mail#: 7004-1160-0002-3622-8530

In Reply Refer to:
EPA File No.: 04R-13-R6

[redacted]

RE: REJECTION OF ADMINISTRATIVE COMPLAINT

Dear Ms. [redacted]

This letter is in response to your administrative complaint filed with the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR). On February 7, 2013 the Department of Health and Human Services (HHS) referred your administrative complaint to EPA for review. Your complaint alleges that the Waller County Texas Commissioners 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.

OCR is responsible for processing and investigating complaints of discrimination filed against programs or activities that receive financial assistance from EPA. 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. (A copy of EPA's nondiscrimination regulations is enclosed for your convenience.)

Your complaint states the Waller County Commissioners voting to allow a Landfill to be developed near the residents of Hempstead, that is a predominantly Black and Hispanic community, without allowing the residents to comment. You also state the landfill would be located near a Historically Black College, Prairie View A&M. You allege the residents were not informed of meetings to allow them to comment on this development and feel they were kept out of the process to protect the development of this landfill in their community. The meetings were between the Waller County Commissioners Judge Glenn Beckendorff, the Texas Commission on Environmental Quality (TCEQ), and the Pintail lobbyist.

Allegation 1

Waller County Commissioners denied residents that are predominately Black and Hispanic public participation in its process of allowing a landfill to be developed near their residence.

You claim that the Waller County Commissioners allowed a Landfill to be developed near the residents of Hempstead without allowing the residents an opportunity to comment. After careful review, OCR has concluded that this allegation cannot be accepted for investigation because the Waller County Commissioners are not a recipient of EPA assistance and thus not subject to Title VI enforcement. Therefore, OCR must reject this allegation against Waller County Commissioners.

If you have questions regarding this letter, please contact Ericka Farrell of the OCR External Compliance Program at (202) 564-0717, via electronic mail at farrell.ericka@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

Enclosure

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

Samuel Coleman
Deputy Civil Rights Official
Region VI