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

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OFFICE OF
CIVIL RIGHTS

RETURN RECEIPT REQUESTED
Certified Mail #7004-2510-0004-2241-7838

IN REPLY REFER TO:
EPA File No. 05R-04-R5

[redacted]

Re: ACCEPTANCE OF ADMINISTRATIVE COMPLAINT

Dear [redacted]:

This is to notify you that the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) has accepted for investigation your May 24, 2004, administrative complaint. Your complaint was referred to OCR by the U.S. Commission on Civil Rights on June 17, 2004. Your complaint alleges that the Indiana Department of Environmental Management (IDEM) violated Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000d *et seq.* (Title VI), and EPA's regulations implementing Title VI at 40 C.F.R. Part 7.

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 Title VI administrative regulations, OCR conducts a preliminary review of Title VI 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 Title VI regulations. First, it must be in writing. Second, it must describe an alleged discriminatory act that violates EPA's Title VI regulations (*i.e.*, an alleged discriminatory act based on race, color, or national origin). Third, it must be filed 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 will investigate the following allegation:

Whether IDEM intentionally discriminated on the basis of race when it did not provide African Americans in Gary, Indiana, with a copy of the May 7, 2004, notice of decision to issue a permit to Midwest Medical Solutions.

This allegation is accepted for investigation because it meets the jurisdictional requirements in EPA's Title VI implementing regulations. First, the complaint is in writing. Second, the complaint alleges that IDEM discriminated when it did not provide African Americans in Gary with a copy of the May 7, 2004, notice of decision to issue a permit to Midwest Medical Solutions. Third, the complaint was filed within 180 days of May 7, 2004 (the date of the alleged discriminatory act). And finally, the complaint has been filed against IDEM, which receives financial assistance from EPA.

Your complaint also states that IDEM intentionally discriminated on the basis of income. Since Title VI and EPA's Title VI regulations do not address income, OCR will not investigate your allegation of income-based discrimination by IDEM.

Pursuant to EPA's Title VI regulations, IDEM may either respond to the complaint in writing within 30 calendar days of receiving this notice, or wait until OCR notifies IDEM of any preliminary findings of noncompliance. Additionally, EPA's Title VI regulations provide that OCR must attempt to resolve complaints informally whenever possible. 40 C.F.R. § 7.120(d)(2). Accordingly, OCR may discuss, at any point during the process, offers to informally resolve the complaint, and may, to the extent appropriate, facilitate an informal resolution process with the involvement of affected stakeholders.

If you have any questions, please contact Anthony Napoli of my staff via Federal Relay Service 800-877-8337, and provide the relay operator his telephone number 202-233-0652. He may also be reached via electronic mail at Napoli.Anthony@epa.gov, or by mail at: U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Ave., N.W., Washington, D.C. 20460-1000.

Sincerely,

Karen D. Higginbotham
Director

cc: Thomas Easterly, Commissioner
Indiana Department of Environmental Management
P.O. Box 6015
Indianapolis, Indiana 46206-6015

Terri A. Dickerson, Assistant Staff Director of Civil Rights Evaluation
U.S. Commission on Civil Rights
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Stephen G. Pressman, Associate General Counsel
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