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

OCT 15 2009

OFFICE OF
CIVIL RIGHTS

RETURN RECEIPT REQUESTED
Certified Mail #7004-1160-0002-3622-8639

In Reply Refer to:
EPA File No. 05R-09-R4

(b) (6) Privacy, (b) (7)(C) Enforceme
[redacted]
Birmingham, AL 35228

Re: Rejection of Administrative Complaint

Dear (b) (6) Privacy, (b) (7)(C) Enf [redacted]

This is in response to your administrative complaint received by the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) on July 30, 2009. The complaint was filed on behalf of yourself and African American residents of Birmingham, AL. It alleges that the City of Birmingham Public Safety Committee, the Jefferson County Department of Environmental Services, the Regional Planning Commission of Greater Birmingham, Alabama Partners for Clean Air, the Jefferson County Commission, and the Alabama Department of Environmental Management 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 implementing Title VI, found at 40 C.F.R. Part 7. This is to notify you that after careful consideration, OCR is rejecting your administrative complaint for investigation.

Pursuant to EPA's nondiscrimination regulations, OCR conducts a preliminary review 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 nondiscrimination regulations. First, it must be in writing. Second, it must describe an alleged discriminatory act that violates EPA's nondiscrimination regulations (*i.e.*, an alleged discriminatory act based on race, color, national origin, gender, or disability). 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 assistance that committed the allegedly discriminatory act. 40 C.F.R. § 7.15. (A copy of EPA's nondiscrimination regulations is enclosed for your convenience.)

In a letter dated September 9, 2009, OCR sought clarification about your administrative complaint. Specifically, the letter sought the following information:

1. A description of the specific act taken (or not taken) by each entity listed in your complaint; and

2. The date each alleged act was committed by each entity listed in your complaint. The letter requested the information within 14 calendar days of receipt, or OCR would not be able to accept the allegations in your complaint for investigation. The postal return receipt confirmed you accepted OCR's letter on September 16, 2009. To date, OCR has not received a reply to this letter.

Since your complaint does not meet all of EPA's jurisdictional requirements, OCR must reject it for investigation. If you have any questions, please contact Loren Hall of the OCR External Compliance Program at (202) 343-9675, via electronic mail at hall.loren@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,

Karen D. Higginbotham
Director

Enclosure

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

Debra Thomas, EPA Region 4

Joel Montgomery
Chairman, Public Safety Committee
Birmingham City Council
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Onis "Trey" Glenn, III
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