UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
CARIBBEAN ENVIRONMENTAL PROTECTION DIVISION
CITY VIEW PLAZA, SUITE 7000
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040912

VIA EMAIL & OVERNIGHT MAIL

Ms. Helena Wooden-Aguilar
Assistant Director
External Affairs
Office of Civil Rights
USEPA Headquarters
Ariel Rios Building
1200 Pennsylvania Avenue, N. W.
Mail Code: 1201A
Washington, DC 20460

Re: Title VI Complaint Received from [redacted]
Representing the La Montalva, Ensenada Community,
Guanica, Puerto Rico

Dear Ms. Wooden-Aguilar:

The purpose of this letter is to refer to the Office of Civil Rights for your review and action, should you deem appropriate, a Title VI Complaint filed by [redacted], on behalf of the La Montalva Ensenada Community (the "Community"), in Guanica, Puerto Rico (the "Complaint").

The Community sent a letter dated June 24, 2011, to EPA Region 2's Caribbean Environmental Protection Division (CEPD). In the letter [redacted] alleges that the Puerto Rico Aqueduct and Sewer Authority ("PRASA") and Costa Mar Construction, S.E. ("CMC") used discriminatory practices regarding the EPA-funded and approved Pollution Control Project C-72-105-02, for the construction of a Sanitary Sewer System (the "Project") in La Montalva, Ensenada Ward, in the Municipality of Guánica, Puerto Rico.

The delay in referring the Complaint to OCR occurred because the CEPD did not realize the Ruiz letter was a Title VI complaint. On or about March 15, 2012, after consulting with Phyllis Feinmark, Acting Deputy Regional Counsel, and Melva J. Hayden, Regional Title VI Coordinator in the Office of Regional Counsel, it was determined that [redacted]' letter satisfies the requirements of a Title VI complaint, pursuant to 40. C.F.R. § 7.120. The letter is a writing. It

alleges a discriminatory action taken by PRASA, a Recipient of federal funding, which occurred within the 180 days statute of limitations.[1]

Background Information:

Mr. [redacted] alleges in his Complaint that PRASA and CMC used discriminatory practices when they did not connect approximately eight residences, including [redacted]' residence, to the Sanitary Sewer System constructed in Ensenada Ward. The Complaint also states that CMC did not conduct a site survey for the Project. As a result of this, the Project was constructed without taking into account that in La Montalva there is a storm sewer channel between Road PR 324 and residences parallel to the channel. The residences along the sewer channel were not connected to the sewer system, since it was not cost effective. Mr. [redacted] indicates that the Community presented a possible solution to PRASA and CMC, that would have allowed their residences to be connected to the sewer system. However, they were always told it was not cost-effective.

Mr [redacted] alleges further that the Project received $14,453,000 in federal funding, which was not used equitably to benefit the Community. He adds that the value of their residences will decrease, and that by not being connected to a sewer system, Mr. [redacted] and the affected residences, could be penalized in the future by the Puerto Rico Environmental Quality Board ("PREQB"), because they did not meet federal regulations.

In summary, Mr. [redacted] requests that EPA investigate this discriminatory action by PRASA and CMC with respect to the disparate impact this project has had and will have on the La Montalvo and Ensenada Community.

If your office needs additional information concerning the [redacted] Complaint, please contact Lourdes del Carmen Rodriguez, Assistant Regional Counsel, of my staff, at (787) 977-5819. We thank you in advance for your assistance in this matter.

Sincerely,

Jose Font, Acting Director

cc: Rafael Deleon, Director - EPA Office of Civil Rights

Enclosure

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[1] The initial planning for the sewer project dated back to 2009. But, upon further reading, Mr [redacted]' letter alleges that between May 10 - July 10, 2011, Costa Mar determined the project to be completed and turned it back over to PRASA. This time frame could put the discriminatory action within or close to the 180 days of the discriminatory action and the date the complaint was filed with the EPA Region 2 CEPD.