UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON D.C. 20460

AUG 08 2011

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested
Certified Mail# 7004-2510-0004-2241-6244

In Reply Refer To:
EPA File No. 05RAD-10-R6

[redacted]

Re: Dismissal without prejudice of Administrative Complaint

Dear [redacted]:

This letter concerns the administrative complaint you filed on February 22, 2010, with the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) against the Louisiana Department of Environmental Quality (LDEQ), regarding LDEQ's oversight of the cleanup of the Grefer Tract in Harvey, Louisiana. Your complaint alleges that LDEQ discriminated against the African American, disabled, and elderly individuals in the Harvey community, by failing to enforce the regulations to ensure proper clean up of radioactive material on the Grefer Tract. By letter to you dated July 23, 2010, EPA accepted for investigation your allegations of race and disability discrimination, and referred your allegation of age discrimination to the Federal Mediation and Conciliation Service (FMCS) for mediation. However, because FMCS was not able to resolve the age allegation, it was referred back to EPA for investigation. This letter is to notify you that based on recent information obtained from LDEQ, EPA is dismissing this complaint without prejudice.

On January 14, 2011, LDEQ informed OCR that it has not yet deemed the clean-up of the Grefer Tract complete. By email correspondence dated May 26, 2011, LDEQ indicated that while no remediation activities are currently occurring at the Grefer Tract, LDEQ is still reviewing the sampling data, and has requested additional information from Radiation Technical Services regarding the Technologically Enhanced and Naturally Occurring Radioactive Materials (TENORM) levels at the Grefer property. Furthermore, LDEQ estimates that, completion of the review and issuance of the release is three to four months. However, this is contingent on the consultant's responses, results of the site visit, and whether additional remediation activities are required at the site. Based on this information, OCR has determined that the allegations in this complaint are not yet ripe for review.

OCR's standard practice is to dismiss without prejudice administrative complaints that are not yet ripe for review. Because the clean-up activities are not yet complete and the issue of whether LDEQ failed to enforce the regulations to ensure proper clean up of the Grefer property

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is not yet ripe for review, OCR is dismissing this complaint without prejudice. You may file a new complaint within 180 calendar days of LDEQ deeming the clean-up of the Grefer property to be complete or any other alleged discriminatory act.

If you have any questions regarding this letter, please contact Helena Wooden-Aguilar of OCR's External Compliance Program by telephone at (202) 564-0792, via electronic mail at wooden-aguilar.helena@epa.gov, by mail at: US EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C., 20460-1000.

Sincerely,

Rafael DeLeon
Director

cc: Peggy Hatch, Secretary
Louisiana Department of Environmental Quality

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

Manuela Roblez, EEO Officer
EPA Region 6

Marcia Moncrieffe, Title VI Contact
EPA Region 6