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

MAR 0 3 2009

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested
Certified Mail #7004-1160-0002-3622-5645

In Reply Refer to:
EPA File No. 07R-08-R6

[redacted]
P.O. Box 1366
Texas City, TX 77592

Re: Acceptance of Administrative Complaint

Dear [redacted]

This letter is in response to your administrative complaint received by the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) on June 30, 2008. The complaint alleges that the Galveston County Health District (GCHD) 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. This is to notify you that after careful consideration, OCR is accepting your administrative complaint for investigation.

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 nondiscrimination regulations. First, it must be in writing. Second, it must describe an alleged discriminatory act that, if true, may 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 calendar days of the alleged discriminatory act. Finally, it must be filed against an applicant for, or a recipient of, EPA financial assistance that committed the alleged discriminatory act.

Your complaint alleged that GCHD discriminated against the African American residents living in the East Side of Texas City, Texas by not continuously monitoring air emissions from nearby facilities. Specifically, your complaint describes an incident that occurred on March 28, 2008, when an odor was reported to GCHD but because there was no continuous monitoring system, the odor was not detected. OCR is accepting the following allegation for investigation:

GCHD's failure to install a continuous monitoring system near the chemical, petro chemical, and storage tank facilities on the East Side of Texas City, Texas, has created a disparate impact on the African American residing in the East Side of Texas City, Texas.

This allegation is accepted for investigation because it meets EPA's four jurisdictional requirements. First, the complaint is in writing. Second, the complaint describes a discriminatory act that may violate EPA's nondiscrimination regulations, specifically Title VI. Third, the complaint was filed within 180 days of the alleged discriminatory act. EPA received your complaint on June 30, 2008. The incident described in your complaint occurred on March 28, 2008, which meets EPA's timeliness requirement. Finally, the complaint was filed against GCHD, which receives financial assistance from EPA.

EPA's nondiscrimination 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 regarding this letter, please contact Anthony Napoli of the OCR External Compliance Program via Federal Relay Service 800-877-8339, 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: Nellie Roblez
EPA Region 6

Dr. Harlan Guidry, CEO and Health Authority
Galveston County Health District
P.O. Box 939
La Marque, TX 77568

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