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

JAN 23 2012

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested
Certified Mail#: 7004-2510-0004-2241-5339

In Reply Refer To:
EPA File No. 07R-11-R4

[redacted]

Re: Referral and Rejection of Administrative Complaint

Dear [redacted]:

This letter is in reference to your administrative complaint the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) received on June 6, 2011. Your complaint alleges that the Georgia Department of Corrections (GDC), the Georgia Department of Juvenile Justice (GDJJ), the Children and Youth Coordinating Council, and the Criminal Justice Coordinating Council 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, by re-opening the J.C. Larmore Probation Detention Center in Fairburn, Georgia. Your complaint also expresses concerns regarding exposure to power lines placed through citizen's property, and the community being overburdened by the addition of an inert landfill in an area where seven landfills currently exist within a 10-mile radius of one another. OCR has reviewed the information in your complaint, and for the reasons stated below cannot accept your complaint.

Pursuant to EPA's nondiscrimination regulations, OCR conducts a preliminary review of administrative 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 nondiscrimination regulations. First, the complaint must be in writing. Second, the complaint must describe an alleged discriminatory act that violates EPA's nondiscrimination regulations (*i.e.*, an alleged discriminatory act based on race, color, national origin, sex, or disability). Third, the complaint must be filed within 180 calendar days of the alleged discriminatory act. Finally, the complaint must be filed against an applicant for, or recipient of, EPA assistance that allegedly committed the discriminatory act.

The first allegation in your complaint concerns the re-opening of the J.C. Larmore Probation Detention Center in Fairburn, Georgia. Specifically, you state that the decision

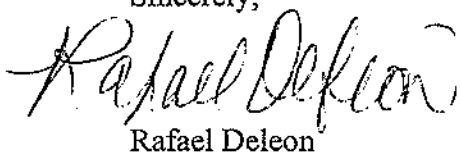
to re-open, made by the Georgia Department of Corrections and the Georgia Department of Juvenile Justice, the Children and Youth Coordinating Council, and the Criminal Justice Coordinating Council, is a violation of Title VI. OCR has determined that the Georgia Department of Juvenile Justice, the Children and Youth Coordinating Council, and the Criminal Justice Coordinating Council do not receive EPA financial assistance and therefore, are not EPA recipients. Upon further review OCR has determined that because the U. S. Department of Justice (DOJ) has subject matter expertise over this allegation, OCR is referring this allegation to DOJ for review and action. A copy of the letter to DOJ is enclosed with this correspondence.

Your complaint also refers to power lines placed through citizen's property. The Federal Communications Commission (FCC) is the agency with subject matter expertise over this allegation and, therefore, OCR is referring this allegation to FCC. A copy of the letter to FCC is enclosed with this correspondence.

Finally, your complaint states that your community is being overburdened by the addition of an inert landfill in an area where seven landfills currently exist within a 10-mile radius of one another. As stated above, the complaint must be filed against a recipient of EPA assistance that allegedly committed the discriminatory act. Your complaint does not describe the responsible party who committed the alleged act or identify the date of the alleged discriminatory act. Therefore, OCR must reject this allegation because it does not meet the jurisdictional requirements described in EPA's nondiscrimination regulations.

If you have any questions regarding this letter, please contact Ms. Karen Randolph of the OCR External Compliance Program by telephone at (202)564-0732, via electronic mail at Randolph.Karen@epa.gov by mail at: U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C., 20460-1000.

Sincerely,



Rafael Deleon
Director

Enclosure

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

Naima Halim-Chestnut, Title VI Coordinator
EPA Region 4

Teresa Murray, EEO Officer
EPA Region IV