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

OFFICE OF
CIVIL RIGHTS

MAY 04 2010

Return Receipt Requested
Certified Mail #7009-2820-0002-1759-3555

In Reply Refer to:
EPA File No. 08R-09-R4

[redacted]

Re: Rejection of Administrative Complaint

Dear [redacted]

This letter is in reference to your administrative complaint filed with the U.S. Department of Justice (DOJ) on February 24, 2009, which DOJ referred to the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) on September 21, 2009. Your complaint alleges that the South Carolina Department of Health and Environmental Control (SCDHEC), the City of Charleston, and several other agencies violated Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000d *et seq.* (Title VI), and EPA's regulations implementing Title VI found at 40 C.F.R. Part 7. After careful consideration, OCR has concluded that it cannot accept your complaint for investigation because it does not meet the jurisdictional requirements described in EPA's nondiscrimination regulations.

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.

On March 12, 2010, OCR sent you a letter requesting clarification of your administrative complaint. The letter requested that you provide OCR with specific information within 15 calendar days of receiving our letter. On March 22, 2010, the U.S. Postal Service notified OCR that you received our letter on March 17, 2010. It has been more than 15 calendar days of your receipt of our letter requesting clarification of your administrative complaint, and you have not provided us with the requested information we needed to conduct the jurisdictional review. Therefore, OCR must reject your complaint.

If you have any questions about this letter, please contact Karen Randolph of the OCR External Compliance Program by telephone at (202) 343-9679, via electronic mail at Randolph.Karen@epa.gov, or by mail at: U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460-1000.

Sincerely,

Karen D. Higginbotham
Director

cc: Joseph P. Riley, Jr.
Mayor
City of Charleston
P.O. Box 652
Charleston, SC 29402

John F. Hassell III
Interim President and CEO
South Carolina State Ports Authority
176 Concord Street
Charleston, SC 29401

C. Earl Hunter
Commissioner
South Carolina Department of Health and Environmental Control
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Katherin E. Hall, Assistant General Counsel
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