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

OFFICE OF
CIVIL RIGHTS

November 3, 2016

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In Reply Refer to:
EPA File No. 13R-16-R4

Mr. David A. Ludder
9150 McDougal Court
Tallahassee, Florida 32312-4208

Re: Notification of the Partial Closure for Title VI Administrative Complaint, EPA File No. 13R-16-R4

Dear Mr. Ludder:

This letter constitutes the partial closure of the administrative complaint you filed with the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR) against the Alabama Department of Environmental Management (ADEM) under Title VI of the Civil Rights act of 1964, as amended 42 U.S.C. §§ 2000d-7 (Title VI), and EPA's implementing regulation at 40 C.F.R. Part 7. By letter dated February 24, 2016, OCR accepted the following issues for investigation under Title VI Complaint No. 13R-16-R4:

> Whether ADEM discriminated against African-American residents in the surrounding community on the basis of race/color through the modification of the solid waste disposal permit number 35-06 and authorization to the City of Dothan to expand the City of Dothan Sanitary Landfill in violation of Title VI of the Civil Rights Act of 1964 and EPA's implementing regulation; and
>
> Whether ADEM is complying with the procedural safeguard provision delineated in 40 C.F.R. Part 7 Subpart D, which requires recipients of EPA financial assistance to have specific policies and procedures in place to comply with their affirmative non-discrimination obligations.

After accepting the issues for investigation, OCR learned that the permit discussed in the first issue was being appealed before the Alabama Environmental Management Commission (EMC). On June 10, 2016, ADEM rescinded and revoked the permit and requested that the appeal be dismissed based on the permit issue now being moot. The Administrative Law Judge recommended that the EMC dismiss the matter as moot; the EMC upheld the recommendation

and the appeal was dismissed on August 19, 2016.[1] OCR has spoken with ADEM and confirmed that this is in fact the current status. OCR has determined that the first issue of this complaint, set forth above, is moot and is being closed administratively consistent with OCR's *Interim Case Resolution Manual* effective the date of this letter. *See* https://www.epa.gov/sites/production/files/2015-12/documents/ocr_crm_final.pdf. OCR will take no further action on this issue. However, OCR will continue to investigate the second issue regarding ADEM's affirmative non-discrimination program. This issue will remain under EPA File No. 13R-16-R4.

If you have any questions, please feel free to call Brittany Martinez, Case Manager at (202) 564-0727, by email at martinez.brittany@epa.gov, or via U.S. mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington D.C., 20460-1000.

Sincerely,

Lilian S. Dorka
Acting Director
Office of Civil Rights

cc: Elise Packard
Associate General Counsel
Civil Rights & Finance Law Office

Ken Lapierre
Assistant Regional Administrator
Deputy Civil Rights Official
U.S. EPA Region 4

[1] EMC Docket No. 16-01 (August 19, 2016).