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

MAY 3 1 2007

OFFICE OF
CIVIL RIGHTS

RETURN RECEIPT REQUESTED
Cert. No. 7004-2510-0004-2241-7883

IN REPLY REFER TO:
EPA File No: 19R-05-R4

Maxine Cousin, Executive Director
The Concerned Citizens for Justice
[redacted]

RETURN RECEIPT REQUESTED
Cert. No. 7004-2510-0004-2241-7876

Arthur Anderson, President
Bus Riders Union
[redacted]

Re: ACCEPTANCE OF ADMINISTRATIVE COMPLAINT

Dear Ms. Cousin and Mr. Anderson:

This is to notify you that the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) is accepting your administrative complaint filed against the Tennessee Department of Environment and Conservation (TDEC), the City of Chattanooga, and Hamilton County. Your complaint was received by the U.S. Department of Justice on September 26, 2005, and referred to EPA via the U.S. Department of Transportation on January 9, 2006. The complaint alleges that TDEC, the City of Chattanooga, and Hamilton County have violated Title VI of the Civil Rights Act of 1964, as amended (Title VI), 42 U.S.C.§§ 2000d *et seq.*, and EPA's regulations implementing Title VI, found at 40 C.F.R. Part 7.

Under Title VI, a recipient of Federal financial assistance may not discriminate on the basis of race, color, or national origin. Pursuant to EPA's Title VI administrative regulations, OCR conducts a preliminary review of Title VI 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 Title VI regulations. First, it must be in writing. Second, it must describe an alleged discriminatory act that violates EPA's Title VI regulations (*i.e.*, an alleged discriminatory act based on race, color, or national origin). Third, it must be filed within 180 calendar days of the alleged discriminatory act. 40 C.F.R. § 7.120(b)(2). Fourth, it must be filed against an applicant for, or a recipient of, EPA financial assistance that committed the alleged discriminatory act.

EPA's nondiscrimination regulations do not cover discrimination on the basis of low-income status. Since OCR does not have the authority to investigate allegations of discrimination based on income, any allegation in your complaint pertaining to low-income status will not be considered for investigation.

OCR is accepting the following allegation for investigation:

> The requirements of the motor vehicle inspection and maintenance (I/M) program, initiated by TDEC and implemented by the City of Chattanooga and Hamilton County, on April 1, 2005, have created a disparate impact on African Americans in Hamilton County and Davidson County.

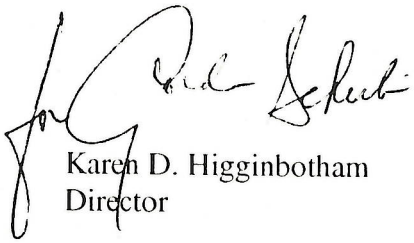
This allegation is accepted for investigation as it relates to the City of Chattanooga, Hamilton County, and TDEC because it meets EPA's four jurisdictional requirements. First, the complaint is in writing. Second, the complaint states a discriminatory act that may violate EPA's nondiscrimination regulations. Third, the complaint was filed within 180 days of the alleged discriminatory act (*i.e.*, the August 24, 2005, denial of Mr. Williams' vehicle registration renewal). Finally, Hamilton County and TDEC are recipients of EPA federal financial assistance. Moreover, since the City of Chattanooga receives financial assistance from EPA, the City of Chattanooga is considered a sub-recipient of EPA federal financial assistance.

Your complaint also alleged that the Tennessee Department of Safety (TDOS) created a disparate impact on African Americans in Hamilton County and Davidson County through the I/M program. TDOS is not a recipient, nor a sub-recipient, of EPA federal financial assistance. Therefore, the TDOS will not be a part of this investigation.

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 and the involvement of affected stakeholders.

If you have any questions, please contact Ms. Karen Randolph of my staff by phone at (202) 343-9679, by e-mail at Randolph.Karen@epa.gov, or by mail to the U.S. EPA Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460.

Sincerely,



Karen D. Higginbotham
Director

cc: Mayor Ron Littlefield
City of Chattanooga
Office of the Mayor
City Hall Suite 100
101 E. 11th Street
Chattanooga, TN 37402

Mayor Claude Ramsey
Hamilton County
208 Court House
Chattanooga, TN 37402

Commissioner James H. Fyke
Department of Environment & Conservation
401 Church Street, 1st Floor, L&C Annex
Nashville, TN 37243-0435

Interim Commissioner Gerald F. Nicely
Tennessee Department of Safety
Title and Registration Division
1150 Foster Avenue
Nashville, Tennessee 37249
Cert. No. 7004-2510-0004-2241-7925

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

Nancy Tommelleo, Title VI Coordinator
EPA Region 4