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

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

September 29, 2017

Return Receipt Requested
Certified Mail #: [redacted]

In Reply Refer to:
EPA File No. 25R-15-R6

[redacted]
Alexandria, LA 71302

Re: Rejection of Administrative Complaint

Dear [redacted]

The U.S. Environmental Protection Agency (EPA) External Civil Rights Compliance Office (ECRCO), formerly known as the Office of Civil Rights (OCR) received a complaint you filed on August 23, 2015. The complaint alleged that Stella-Jones Inc., Colfax Treating Co., creosote facilities in Alexandria and Pineville, Louisiana owned by [redacted], caused contamination leading to illness and death in the surrounding predominantly black community. After careful review, the ECRCO cannot accept your complaint for investigation.

Pursuant to EPA's nondiscrimination regulation, ECRCO conducts a preliminary review of administrative complaints to determine acceptance, rejection, or referral to the appropriate Federal agency. See 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in the EPA's nondiscrimination regulation. First, the complaint must be in writing. See 40 C.F.R. § 7.120(b)(1). Second, it must describe an alleged discriminatory act that, if true, may violate the EPA's nondiscrimination regulation (i.e., an alleged discriminatory act based on race, color, national origin, sex, age, or disability). Id. Third, it must be filed within 180 days of the alleged discriminatory act. See 40 C.F.R. § 7.120(b)(2). Finally, the complaint must be filed against an applicant for, or recipient of, EPA financial assistance that allegedly committed the discriminatory act. See 40 C.F.R. § 7.15.

ECRCO has concluded that it cannot accept your administrative complaint for investigation because it does not meet the jurisdictional requirements described in EPA's nondiscrimination regulation. Specifically, none of the above-mentioned creosote facilities and companies are

applicants for, or recipients of, EPA federal financial assistance. As a result, ECRCO does not have jurisdiction to investigate your claims. Accordingly, ECRCO is closing this case as of the date of this letter.

You spoke with Jeryl Covington, a member of my staff, about your complaint and discussed your close contact with Nancy Fagan of EPA's Region 6 through the "Making a Visible Difference" project. We contacted Nancy Fagan and she explained the work that she had been doing with you and the general Pineville community. We encourage you to continue to work with EPA's Region 6 Office. Specifically, you may contact Diana Greiner or Charlotte Runnels of EPA Region 6 if you have any outstanding environmental justice concerns. Their contact information is as follows:

Diana Greiner, Life Scientist
Greiner.diana@epa.gov
(214) 665-6492

Charlotte Runnels, Environmental Justice
Runnels.Charlotte@epa.gov
(214) 665-6442

If you have questions regarding this letter, please contact Zahra Khan at (202) 564-0460, by email at khan.zahra@epa.gov, or by mail at U.S. EPA, External Civil Rights Compliance Office (Mail Code 2310A), 1200 Pennsylvania Avenue, NW, Washington, DC, 20460-1000.

Sincerely,

Lilian S. Dorka
Director
External Civil Rights Compliance Office

cc: Kenneth Redden
Acting Associate General Counsel
Civil Rights & Finance Law Office

David Gray
Acting Deputy Regional Administrator
Acting Deputy Civil Rights Official
EPA, Region 6