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

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

March 1, 2018

Return Receipt Requested
Certified Mail #: (b) (6) - Privacy

In Reply Refer to:
EPA File No: 05R-16-R4

(b) (6) - Privacy, (b) (7)(C) - Enforcement Privacy

Re: Rejection/Closure of Administrative Complaint

Dear (b) (6) - Privacy, (b) (7)(C) - Enforcement Privacy

On November 30, 2015, the U.S. Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECRCO) received your complaint alleging that Athens-Clarke County Landfill, operated by Athens-Clarke County (ACC), caused hazardous exposures to the Dunlap Road community. After careful review, ECRCO has determined that it cannot accept your complaint for investigation because there is insufficient information provided to determine whether it meets the jurisdictional requirements set out in EPA's nondiscrimination regulation. Accordingly, this case is closed as the date of this letter.

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.

Your original correspondence did not contain sufficient information to establish EPA's jurisdiction. Accordingly, ECRCO contacted you via electronic mail to seek clarification about

your complaint on July 6, 2016, August 17, 2016, and August 19, 2016. Specifically, in each request, ECRCO asked you to provide the following information:

1. Please describe the alleged discrimination that is currently occurring against the Dunlap Road Community and the Billups Grove Baptist Church.

2. How did the alleged discrimination affect the Dunlap Road and Billups Grove Baptist Church community? Please describe how the community has been harmed.

3. Please explain what, if any, changes have occurred in the operation of the landfill within 180 days prior to the date that you filed this complaint (November 30, 2015)? How have these changes led to the effects or harms identified above?

To date, ECRCO has not received a response to any of these requests for the above information. After careful review, ECRCO has determined that there is insufficient information in your complaint to establish EPA's jurisdiction over this matter. Therefore, ECRCO is rejecting the complaint for investigation and closing this case as of the date of this letter.

If you have any questions about this correspondence, please contact Zahra Khan, Case Manager, at (202) 564-0460, by e-mail 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, D.C. 20460.

Sincerely,

Lilian S. Dorka
Director
External Civil Rights Compliance Office
Office of General Counsel

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

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