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

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

June 1, 2018

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

In Reply Refer to:
EPA File No: 02R-18-R9

Vivian Ekchian
Superintendent
Los Angeles Unified School District
333 South Beaudry Avenue 24th Street
Los Angeles, CA 90017

Re: Rejection of Administrative Complaint

Dear Ms. Ekchian:

The U.S. Environmental Protection Agency (EPA), External Civil Rights Office (ECRCO), is in receipt of a complaint against the Los Angeles Unified School District (LAUSD) received on May 14, 2018, alleging discrimination based on race and national origin in violation of Title VI of the Civil Rights Act of 1964. The Complaint alleges that LAUSD discriminated against a local community and schools located near a former gasoline station in Los Angeles based on race and national origin by not ordering the former property owner to ensure the underground storage tanks were properly removed and, thus, contaminating the soil and groundwater. After careful consideration ECRCO cannot accept the 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 the administrative complaint for investigation because it does not meet the jurisdictional requirements described in EPA's nondiscrimination regulation. Specifically, the LAUSD is not an applicant for, or recipient of, EPA federal financial assistance. In addition, the complaint was not filed within 180 days of the acts alleged. As a result, ECRCO does not have jurisdiction to investigate the claims raised in the complaint. Accordingly, ECRCO is closing this case as of the date of this letter.

If you have questions about this letter, please contact Case Manager Ericka Farrell, at (202) 564-0717, via email at farrell.ericka@epa.gov, or by mail at U.S. EPA, Office of General Counsel, Mail Code 2310A, Room 2524, 1200 Pennsylvania Avenue, NW, Washington, DC, 20460-1000.

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

Deborah Jordan
Acting Deputy Regional Administrator
Acting Deputy Civil Rights Official
U.S. EPA Region 9