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

MAR 0 6 2015

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested
Certified Mail #: 7009 2820 0002 1759 1339

In Reply Refer to:
EPA File No: 03R-15-R4

Jonathan Stanton, PE
Environmental Health
Jefferson County Department of Health
1400 Sixth Avenue South
Birmingham, Alabama 35233

Re: Notification of Receipt and Acceptance of Administrative Complaint

Dear Mr. Stanton:

This is to notify you that the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) has received and is accepting a complaint, 03R-15-R4, filed against the Jefferson County Department of Health (JCDH) on February 6, 2015. The complaint generally alleges that the JCDH violated Title VI of the *Civil Rights Act of 1964*, as amended (Title VI), 42 United States Code (U.S.C.) §§ 2000d et seq., and the EPA's nondiscrimination regulations found at 40 Code of Federal Regulations (C.F.R.) Part 7.

Pursuant to the EPA's nondiscrimination regulations, OCR conducts a preliminary review of administrative 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 the EPA's nondiscrimination regulations. First, the complaint must be in writing. (40 C.F.R. § 7.120(b) (1) Second, the complaint must describe an alleged discriminatory act that, if true, may violate the EPA's nondiscrimination regulations (*i.e.*, an alleged discriminatory act based on race, color, national origin, sex, age, or disability). *Id.* Third, the complaint must be filed within 180 calendar days of the alleged discriminatory act. (40 C.F.R. § 7.120(b) (2).) Finally, the complaint must be filed against an applicant for, or a recipient of, EPA assistance that allegedly committed the discriminatory act. (40 C.F.R. § 7.15.)

After careful consideration, the EPA is accepting the following allegation for investigation:

- JCDH's approval on August 11, 2014 of ABC Coke's Major Source Operating Permit No. 4-07-0001-03 to operate a major source of air pollution in Jefferson County, Alabama, which has the effect of adversely

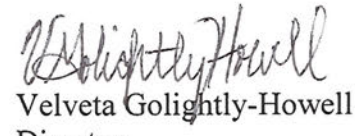
and disparately impacting African American residents in the adjacent community.

This allegation is accepted for investigation because it meets the EPA's four jurisdictional requirements. First, the complaint is in writing. Second, the complaint describes an alleged discriminatory act that may violate the EPA's nondiscrimination regulations. Third, the alleged discriminatory act occurred within 180 days of the filing of the complaint. And finally, the complaint was filed against JCDH, a recipient of EPA financial assistance. As a part of OCR's established investigative process, you will receive a request for information from OCR in the near future. In the intervening time, please feel free to provide OCR within thirty (30) days a written submission responding to, rebutting, or denying the allegations raised in the complaint. 40 C.F.R. § 7.120(d) (1) (ii)-(iii)

The EPA's nondiscrimination regulations provide that OCR will attempt to resolve complaints informally whenever possible. 40 C.F.R. §7.120(d) (2). Accordingly, OCR is willing to discuss, at any point during the process, offers to informally resolve the complaint, and may, to the extent appropriate, facilitate an informal resolution process with the involvement of affected stakeholders, including alternative dispute resolution (ADR) as described at http://www.epa.gov/civilrights/faq-adrt6.htm. We may contact both the Complainant or his representative, as applicable, and your designated representative in the near future to discuss potential interest in pursuing ADR. Please provide OCR with the name and contact information of your designated representative at your earliest convenience.

If you have any other questions, please do not hesitate to contact Samuel Peterson peterson.samuel@epa.gov at (202) 564-5393 or 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,



Velveta Golightly-Howell
Director

Enclosure

cc: Elise Packard
Associate General Counsel
Civil Rights & Finance Law Office
(MC 2399A)

Kenneth Lapierre
Deputy Civil Rights Official, Region IV (MC 9T25)