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

AUG 10 2015

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested
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In Reply Refer to:
EPA File No. 08R-15-R4

David A. Ludder
9150 McDougal Court
Tallahassee, Florida 32312-4208

Re: Acceptance of Administrative Complaint

Dear Mr. Ludder:

The U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) has received, and is accepting for investigation, the March 2, 2015 administrative complaint, 08R-15-R4, filed against the Jefferson County Department of Health (JCDH). This complaint generally alleges that JCDH violated Title VI of the Civil Rights Act of 1964 (Title VI), as amended, 42 United States Code §§ 2000d *et seq*., and the EPA's nondiscrimination regulations found at 40 Code of Federal Regulations (C.F.R.) Part 7 on October 3, 2014. Allegedly, JCDH issued a renewal of the Major Source Operating Permit Number 4-07-0355-03 to Walter Coke, Inc. which resulted in racial discrimination against African American residents in the adjacent community.

Pursuant to EPA's nondiscrimination regulations, OCR conducts a preliminary review of administrative complaints for acceptance, rejection or referral to the appropriate agency. *See* 40 C.F.R. § 7.120(d) (1). OCR accepts for investigation complaints that meet the four jurisdictional requirements described in the EPA's nondiscrimination regulations. First, the complaint must be in writing. *See* 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 (*e.g.*, 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 act. *See* 40 C.F.R. § 7.120(b) (2). Finally, the complaint must be against an applicant for, or a recipient of, EPA financial assistance that allegedly committed the discriminatory act. *See* 40 C.F.R. § 7.15.

OCR has determined that the subject complaint meets the four jurisdictional requirements as stated above. 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.

of the complaint. And finally, the complaint was filed against JCDH, a recipient of EPA financial assistance.

After careful consideration, OCR is accepting the following claim for investigation:

- Whether JCDH's October 3, 2014 issuance of Major Source Operating Permit Number 4-07-0355-03 to Walter Coke, Inc. resulted in discrimination on the basis of race against African American residents in the adjacent community in violation of Title VI.

The decision to investigate the claim in no way amounts to a decision on its merits. Rather, it means the complaint has met the jurisdictional criteria. EPA will begin gathering the relevant information and will discuss the matter further with both you and the recipients. If appropriate, we will then utilize OCR's internal procedures to determine the next steps. For example, the EPA's nondiscrimination regulations provide that OCR will attempt to resolve complaints informally whenever possible. *See* 40 C.F.R. § 7.120(d) (2). Accordingly, at any point in the process OCR is willing to discuss requests 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.

If you have questions regarding this letter, please contact Samuel Peterson of the OCR External Compliance Program at (202) 564-5393, via electronic mail at peterson.samuel@epa.gov, or by mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, NW, Washington, DC 20460-1000.

Sincerely,

Velveta Golightly-Howell
Director

Enclosure

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

Kenneth Lapierre
Assistant Regional Administrator, (MC 9T25)

Vickie Tellis
Assistant Regional Administrator, (MC 9T25)