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

NOV 24 2010

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested
Certified Mail # 7004-1160-0002-3622-5966

In Reply Refer to:
EPA File No. 21R-10-R6

[redacted]

Re: Dismissal without prejudice of Administrative Complaint

Dear [redacted]:

This letter concerns your complaint that was received on September 26, 2010, by the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) alleging that the City of Baton Rouge has violated Title VI of the Civil Rights Act of 1964, as amended (Title VI), 42 U.S.C. §§ 2000d *et seq.*, and EPA's nondiscrimination regulations found at 40 C.F.R. Part 7.

Your complaint concerns the North Baton Rouge Waste Water Treatment Plant. OCR's standard practice is to dismiss without prejudice administrative complaints where the same subject matter is involved in a pending adjudicative proceeding. A decision has been issued by the State of Louisiana Court of Appeal, First Circuit, in case number 2009 – CA – 1076, which also involved the North Baton Rouge Waste Water Treatment Plant. It is OCR's understanding that the plaintiffs in that lawsuit have appealed this decision. The adjudicative process, therefore, has not yet concluded and the court's decision in the appeal may impact your administrative complaint filed with OCR. Therefore, OCR will not accept your administrative complaint at this time.

However, this complaint may be re-filed within 60 calendar days of the conclusion of the adjudicative process. If you choose to re-file the complaint, OCR will then proceed with its preliminary jurisdictional review to determine acceptance, rejection, or referral. Further, OCR may choose not to proceed with a complaint investigation if the allegations in the complaint were substantively decided by the state court.

If you have any questions, please contact Ms. Ericka Farrell of my staff at (202) 564-0717, via e-mail at farrell.ericka@epa.gov, or via mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460.

Sincerely,

Rafael DeLeon
Acting Director

cc: Katherin E. Hall, Assistant General Counsel
Civil Rights and Finance Law Office (MC 2399A)

Manuela (Nellie) Roblez,
EPA Region 6

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