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

DEC 17 2013

OFFICE OF
CIVIL RIGHTS

**Return Receipt Requested**
Certified Mail#: 7004-1160-0002-3622-8509

**In Reply Refer to:**
EPA File No.: 08R-11-R4

(b) (6) - Privacy
[redacted]
Brooksville, FL 34601[redacted]

**Re: Request to Reconsider Decision to Reject Administrative Complaint**

Dear (b) (6) - Privacy

This is in response to your March 12, 2013, letter to the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), concerning the rejection of your Title VI complaint (No. 08R-11-R4). Your original complaint stated that the City of Brooksville, Hernando County, the Florida Department of Environmental Protection (FDEP), and the Florida Department of Health (DOH) ("entities") intentionally discriminated against you by denying the citizens of South Brooksville a safe and healthy community.[1] Specifically, you stated that they have allowed ten (10) contaminated sites in the City of Brooksville, a residential community, to spew chemicals from 1948 until October 12, 2011.[2]

OCR rejected your complaint on April 25, 2012, because the allegation did not meet the jurisdictional requirements described in EPA's nondiscrimination regulations. As explained in our April letter, EPA's implementing regulations require that the complaint be filed against a recipient of EPA assistance that committed an alleged discriminatory act and that the complaint be filed within 180 days of the alleged discriminatory act. *See* 40 C.F.R. § 7.120(b)(2). In addition, our letter stated that the City of Brooksville and Hernando County were not recipients of EPA financial assistance. Further, your complaint was untimely because you did not identify a decision by any of the entities within 180 days preceding the filing of your complaint. Consequently, OCR could not accept the allegations against the City of Brooksville, Hernando County, FDEP, or DOH for investigation.

[1] Administrative Complaint No. 8R-11-R4 filed by (b) (6) - Privacy on behalf of all Citizens of South Brooksville (34601) (July 21, 2011).
[2] Id.

Regarding DOH, the complaint also alleged that the entities named have limited the opportunity of minorities to gain equal access to services and programs by denying them access to information and opportunities for public participation in the development of the Hernando County Health Needs Report 2007. After careful review, OCR referred your complaint for investigation because the subject matter you had addressed is outside of EPA's jurisdiction. Because the U.S. Department of Health and Human Services (HHS) may have subject matter experts for this allegation in this complaint, the complaint was referred to HHS for review and action.

On June 5, 2012, you submitted your first request for reconsideration regarding OCR's April 25, 2012, decision. Your request contained ten power point presentations that provided information regarding health issues, property damage, and flooding occurring in South Brooksville Community as a consequence of inadequate construction planning, street construction, and installation of water lines by the City of Brooksville and Hernando County. OCR reviewed the information you submitted and concluded that the information did not demonstrate that OCR made a major, substantive error when conducting its jurisdictional review. OCR, therefore, did not reverse its April 25, 2012, decision to reject the allegations contained in your original complaint.

On March 12, 2013, you submitted a second request for reconsideration regarding OCR's April 25, 2012, decision. The information you submitted to EPA in support of your second request for reconsideration includes, but is not limited to, a 2012 Mobilizing for Action through Planning and Partnerships (MAPP) Health Needs Assessment, and the City of Brooksville application submitted to EPA Brownfields Community-Wide Assessment Grant Proposal. OCR has reviewed your second request for reconsideration and the supporting information and concludes that OCR did not make a major, substantive error when conducting its jurisdictional review. OCR, therefore, will not reverse its April 25, 2012 decision.

In your March 12, 2013, letter you did provide OCR with additional information on the Brooksville community. Although this new information was not sufficient to show OCR made a major substantive error when conducting its jurisdictional review, it appears that other agencies and offices may be able to assist you. Your letter stated that African Americans did not have the opportunity to provide input in the 2012 MAPP Health Needs Assessment. It appears that the issue raised in your letter may be addressed by HHS. Therefore, OCR is referring your letter to that office for review and action. The contact person at HHS for referral of this allegation is Mr. Leon Rodriguez, Office of Civil Rights, U.S. Department of Health and Human Services (HHS). Your letter also outlined several concerns regarding the City of Brooksville's EPA Brownfields Grants application and past redevelopment efforts. OCR understands that EPA's Region 4 Brownfield Office has been engaged with you on this issue. Should you have any further questions regarding this matter, please contact Barbara Caprita at (404) 562-8415.

If you have any questions about this correspondence, please contact Ms. Waleska Nieves-Munoz of my staff by telephone at (202) 564-7103, by e-mail at

nieves-munoz.waleska@epa.gov, or by mail to U.S. EPA, Office of Civil Rights, (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C., 20460.

Sincerely,

Vicki Simons
Acting Director

Enclosures

cc: Stephen G. Pressman, Associate General Counsel
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