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

SEP 10 2012

OFFICE OF
CIVIL RIGHTS

**Return Receipt Requested**
Certified Mail#:7004-2510-0004-2241-6466

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

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

**Re: Request to Reconsider Rejection Decision of Administrative Complaint**

Dear (b) (6) Privacy

This is in response to your June 5, 2012, letter to the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR) concerning the rejection of your administrative complaint (EPA File 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 (FDEH) ("entities") intentionally discriminated against you by denying the citizens of South Brooksville a safe and healthy community. 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. OCR rejected your complaint on April 25, 2012, because the allegations did not meet the jurisdictional requirements described in EPA's nondiscrimination regulations.

As explained in our April 25, 2012, letter, EPA's implementing regulations require that the complaint be filed against a recipient of EPA assistance that committed the 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). OCR concluded that the City of Brooksville and Hernando County are not recipients of EPA financial assistance and that your complaint was untimely. Consequently, OCR could not accept the allegations against the City of Brooksville, Hernando County, FDEP, or FDEH for investigation.

On June 6, 2012, you submitted a request for reconsideration regarding OCR's April 25, 2012, decision. It contained ten power point presentations. The presentations you provided stated that health issues, property damage, and flooding are 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 has reviewed the information you submitted in your request for reconsideration of this complaint. This information does not include any facts demonstrating that OCR made a major, substantive error when conducting its

jurisdictional review. OCR, therefore, will not reverse its April 25, 2012 decision to reject the allegations contained in your July 21, 2011 complaint.

If you have any questions, please contact Ms. Helena Wooden-Aguilar, Assistant Director, of my staff by telephone at (202) 564-0792, by e-mail at wooden-aguilar.helena@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,

Rafael DeLeón
Director

cc: Stephen G. Pressman, Associate General Counsel
Civil Rights & Finance Law Office (MC 2399A)

Manuela Roblez, EEO Officer
EPA Region IV

Julia Rhodes, Assistant General Counsel
Civil Rights and Finance Law Office (MC 2399A)

Glen Main
White House Office of Presidential Correspondence (via e-mail)