



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

OCT 10 2014

Return Receipt Requested

Certified Mail#: 7004-1160-0002-3622-9582

In Reply Refer to:

EPA File No.: 05R-14-R9

Camille M. Hazeur, Director
U.S. Department of Transportation
Office of Civil Rights
1849 C St NW, MS-5214
Washington, D.C. 20240-0036

Re: Referral of Administrative Complaint

Dear Director Hazeur:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), is referring an administrative complaint filed against the City of Oakland (California), the Port of Oakland, Customs and Border Protection, and a private company named North American 3PL to the U.S. Department of Transportation (DOT). EPA's OCR received this administrative complaint on May 9, 2014. The complainant generally alleges that the four entities named in the administrative complaint violated Title VI of the Civil Rights Act of 1964 and EPA's nondiscrimination regulations found at 40 Code of Federal Regulations (C.F.R.) Part 7.

Pursuant to EPA's nondiscrimination administrative regulations, OCR conducts a preliminary review of administrative complaints for acceptance, rejection, or referral. See 40 C.F.R. §7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in EPA's nondiscrimination regulations. First, it must be in writing. See 40 C.F.R. §7.120(b)(1). Second, it must describe alleged discriminatory acts that violate EPA's nondiscrimination regulations, such as an intentionally discriminatory act or a policy with discriminatory effects based on race, color, national origin, sex, age or disability. See 40 C.F.R. § 7.120(b)(1). Third, it must be received within 180 calendar days of the alleged discriminatory act. See 40 C.F.R. §7.120(b)(2). Finally, it must be filed against an applicant for, or a recipient of, EPA financial assistance that committed the alleged discriminatory act. See 40 C.F.R. § 7.15.

OCR has reviewed the complaint and concluded that none of the entities identified by the complainant are current recipients of EPA grants that relate directly to the complaint allegations. However, the U.S. DOT has apparently issued TIGER grants

to the Port of Oakland, and may also have subject matter expertise over the allegations in this complaint. Therefore, it is being referred to U.S. DOT to review and investigate as it deems appropriate.

A copy of the subject-complaint is enclosed with this correspondence. If you have any questions about this complaint, please contact Katsumi Keeler of my staff at (202) 564-2347, by e-mail at keeler.katsumi@epa.gov, or by mail at U.S. EPA, Office of Civil Rights, Mail Code, 1201A, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460.

Sincerely,



Velveta Golightly-Howell
Director
Office of Civil Rights

Enclosure

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

Alexis Strauss
Deputy Civil Rights Official
U.S. EPA Region IX