



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

APR 13 2015

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested

Certified Mail#: 7009 2820 0002 1759 0929

In Reply Refer to:

EPA File No.: 08R-14-R9

Dr. John E. Deasy
Superintendent of Schools
The Los Angeles Unified School District
333 South Beaudry Avenue
Los Angeles, California 90017

Re: Notification of Receipt and Rejection of Administrative Complaint

Dear Dr. Deasy:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), received correspondence from an individual on June 7, 2014, with subsequent written clarification received on December 29, 2014. In both letters, the individual alleged that the County of Los Angeles; the City of Los Angeles; the Los Angeles Regional Water Quality Control Board; the Los Angeles Unified School District; and the Shell Oil Company discriminated. More precisely, the letters included allegations that the failure of these entities to address underground pollution and contaminated soil removal in the Watts neighborhood of Los Angeles has a discriminatory impact on the adjacent African American community. Because the OCR is responsible for processing and investigating complaints alleging discrimination by EPA recipients of federal financial assistance in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d *et seq.*, as amended, and EPA implementing regulations at 40 Code of Federal Regulations (C.F.R.) Part 7, we construed the correspondence as such a complaint. The OCR, however, has concluded that it cannot accept the complaint for investigation.

Pursuant to the EPA's nondiscrimination regulations, the 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). For a complaint to be accepted for investigation, the complaint must meet the 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 (*i.e.*, 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 discriminatory act. *See* 40 C.F.R. § 7.120(b)(2). Finally, the complaint must be filed against an applicant for, or a recipient of, EPA financial assistance that allegedly committed

the discriminatory act. *See* 40 C.F.R. § 7.15. For your reference, we have enclosed a copy of the EPA's nondiscrimination regulations.

After careful review of the information provided to the OCR, the OCR is rejecting the subject complaint because it is untimely. Pursuant to the EPA's nondiscrimination regulations, a complaint must be filed within 180 calendar days of the alleged discriminatory act. The information provided identifies incidents that allegedly occurred from the 1950s through 2002.

If you have any questions, please contact Brittany Martinez of the OCR's External Compliance Program by telephone at (202) 564-0727, via e-mail at Martinez.Brittany@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,

A handwritten signature in black ink, appearing to read "V. Golightly-Howell" with a stylized flourish at the end.

Velveta Golightly-Howell
Director

Enclosure