



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

Office of Environmental Justice and External Civil Rights
Office of External Civil Rights Compliance

July 17, 2023

In Reply Refer To:

EPA Complaint No. 02R-23-R6

Roger Gingles
Secretary
Louisiana Department of Environmental Quality
602 North Fifth Street
Baton Rouge, LA 70802
officesec@la.gov

Re: Rejection of Administrative Complaint

Dear Secretary Gingles:

This letter is to notify you that the Environmental Protection Agency (EPA), Office of External Civil Rights Compliance (hereinafter, "OECRC") is rejecting EPA Complaint No. 02R-23-R6, which involved the Louisiana Department of Environmental Quality (hereinafter, "LDEQ"). The Complaint alleged that LDEQ discriminated against Complainant on the basis of race¹ in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000(d) et seq., and EPA's nondiscrimination regulation, at 40 C.F.R. Part 7 by failing to take action against the Avoyelles Parish Police Jury (hereinafter, "APPJ") for its operation the "Illegal Dump Site (b)(6) Privacy." Separately, the Complainant also claims that LDEQ did not test Complainant's soil as requested.

Pursuant to EPA's nondiscrimination regulation, OECRC conducts a preliminary review of administrative complaints to determine acceptance, rejection, or referral to the appropriate Federal agency. *See* 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in the EPA's nondiscrimination regulation. First, the complaint must be in writing. *See* 40 C.F.R. § 7.120(b)(1). Second, it must describe an alleged discriminatory act that, if true, may violate the EPA's nondiscrimination regulation (i.e., an alleged discriminatory act based on race, color, national origin, sex, age, or disability). *Id.* Third, it must be filed within 180 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 recipient of, EPA financial assistance that allegedly committed the discriminatory act. *See* 40 C.F.R. § 7.15.

¹ The Complaint also alleged that LDEQ discriminated based on poverty, but OECRC does not have jurisdiction over discrimination based on wealth or income.

In an effort to clarify the Complainant's allegations, OECRC conducted interviews with the Complainant on February 3, 2023, March 21, 2023, and March 22, 2023. EPA also reviewed information Complainant submitted via email pursuant to EPA's written requests for clarification. Finally, OECRC examined records relating to the Complainant's communications with state agencies in Louisiana's Electronic Document Management System Database.

OECRC has determined that the allegation regarding LDEQ's inaction against the APPJ's waste site as stated in the complaint or clarified during follow-up interviews, is not sufficiently grounded in fact, because it appears that LDEQ did respond to Complainant's complaint filed with LDEQ in May 2022 by taking action against the waste site. The Complainant did not identify any additional alleged discriminatory act on the part of LDEQ that occurred within 180 days of filing this Complaint.² As such, OECRC cannot accept this allegation for investigation.

OECRC has also determined that the allegation regarding LDEQ's failure to test the Complainant's soil as requested, as stated in the Complaint or clarified during the follow-up interviews, lacks sufficient detail (i.e., who, what, when, how) for OECRC to determine the nature of the discrimination.³ Therefore, OECRC cannot accept this allegation for investigation. Consequently, OECRC is rejecting this complaint and closing the matter as of the date of this letter.

The EPA's nondiscrimination regulation prohibits applicants, recipients, and other persons from intimidating, threatening, coercing, or engaging in other discriminatory conduct against anyone because they have either taken action or participated in an action to secure rights protected by the civil rights requirements that we enforce. *See* 40 C.F.R. § 7.100. Any individual alleging such harassment or intimidation may file a complaint with OECRC.

If you have any questions, please contact me by telephone at (202) 809-3297 or by email at hoang.anhthu@epa.gov.

Sincerely,

ANHTHU
HOANG

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ANHTHU HOANG
Date: 2023.07.17
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Anhthu Hoang
Acting Director
Office of Environmental Justice & External Civil Rights
Office of External Civil Rights Compliance

cc: Ariadne Goerke
Deputy Associate General Counsel
Civil Rights & Finance Law Office

² OECRC Case Resolution Manual at Sections 1.5 and 1.8. *See* https://www.epa.gov/sites/default/files/2021-01/documents/2021.1.5_final_case_resolution_manual_.pdf

³ *Id.* at Section 1.8.

Roger Gingles, Secretary

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Stacey Dwyer
Deputy Regional Administrator
US EPA Region 6

James McGuire
Regional Counsel
US EPA Region 6