



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

OFFICE OF
CIVIL RIGHTS

February 11, 2016

Return Receipt Requested

Certified Mail #: 7015 0640 0006 0305 7404

In Reply Refer to:

EPA File No. 06R-15-R6

Mr. John Tesvich
Ameripure Oyster Company, Inc.
803 Willow Street
Franklin, Louisiana 70538

Re: Rejection of Administrative Complaint

Dear Mr. Tesvich:

This is to notify you that the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) has rejected an administrative complaint received on February 24, 2015, alleging that the Ameripure Oyster Company is engaging in "environmental racism" and that your processing facility is causing local pollution that is damaging residents' quality of life and enjoyment of their property, specifically with respect to the odors caused by your facility waste disposal methods, in violation of Title VI of the Civil Rights Act of 1964, as amended, and EPA's nondiscrimination regulations found at 40 Code of Federal Regulations (C.F.R.) Part 7. On May 5, 2015, OCR notified the complainant that it was rejecting the complaint.

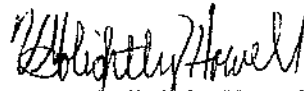
Pursuant to EPA's nondiscrimination administrative regulations, OCR conducts a preliminary review of administrative complaints for acceptance, rejection, or referral to another federal agency. 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in EPA's nondiscrimination regulations. First, it must be in writing. 40 C.F.R. § 7.120(b)(1). Second, it must allege discriminatory acts that would 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. *Id.* Third, it must be received within 180 calendar days of the alleged discriminatory act. 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. 40 C.F.R. § 7.15.

After careful review of the information that was provided by the complainant to OCR, the EPA has rejected the subject complaint based on a failure to meet the EPA's jurisdictional requirements. Specifically, the complaint did not identify an applicant for, or a recipient of, EPA financial assistance that allegedly committed the discriminatory act. 40 C.F.R. § 7.15. The City

of Franklin and the Ameripure Oyster Company, based on information available, were not recipients of EPA financial assistance. In addition, the complaint did not identify any alleged discriminatory act that occurred within 180 days from filing of the complaint. Also, the OCR does not have jurisdiction over any allegations based on income status. Accordingly, the EPA lacks jurisdiction over the complaint.

If you have questions regarding this letter, please contact Ericka Farrell of my staff at (202) 564-0717, or via e-mail at farrell.ericka@epa.gov, or by mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460-1000.

Sincerely,



Velveta Golightly-Howell
Director
Office of Civil Rights

cc: Elise Packard,
Associate General Counsel
Civil Rights & Finance Law Office

Samuel Coleman
Deputy Regional Administrator
Deputy Civil Rights Official
Region 6