



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

OFFICE OF  
CIVIL RIGHTS

APR 17 2015

**Return Receipt Requested**

Certified Mail#: 7009 2820 0002 1759 1513

**In Reply Refer to:**

EPA File No.: 09R-15-R4

Matthew Rodriguez  
Secretary for Environmental Protection  
California Environmental Protection Agency  
1001 I Street  
P.O. Box 2815  
Sacramento, California 95812-2815

**Re: Acceptance of Administrative Complaint**

Dear Mr. Rodriguez:

This letter is to notify you the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR) is accepting an administrative complaint (09R-15-R4) filed against the California Environmental Protection Agency (CalEPA) and the Department of Toxic Substances Control (DTSC) dated March 19, 2015. The complaint generally alleges that CalEPA and DTSC violated Title VI of the Civil Rights Act of 1964, as amended, 42 United States Code 2000d *et seq.* and the EPA's nondiscrimination regulations found at 40 Code of Federal Regulations (C.F.R.) Part 7.

Pursuant to the EPA's nondiscrimination regulations, 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). OCR accepts for investigation complaints that meet the four 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 (*e.g.*, 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 act. *See* 40 C.F.R. § 7.120(b)(2). Finally, the complaint must be against an applicant for, or a recipient of, EPA financial assistance that allegedly committed the discriminatory act. *See* 40 C.F.R. § 7.15. As of the date of this letter, OCR has determined that this complaint meets the four jurisdictional requirements as stated above. First, the complaint is in writing. Second, the complaint describes an alleged discriminatory act that may violate the EPA's nondiscrimination regulations. Third, the alleged discriminatory act occurred within 180 days of the filing of the complaint. And

finally, the complaint was filed against CalEPA and DTSC, applicants for or recipients of EPA financial assistance.

After careful consideration, OCR will investigate the following:


1. Whether CalEPA and DTSC violated Title VI of the Civil Rights Act and EPA's implementing regulations by approving a permit modification to expand the Kettleman Hills Hazardous Waste Facility (Kettleman Hills facility) that discriminates against Latinos in neighboring communities on the basis of national origin.
2. Whether CalEPA and DTSC violated Title VI of the Civil Rights Act and EPA's implementing regulations during the Kettleman Hills facility permit modification process by relying on reports developed through the public participation processes that discriminated against limited-English proficient, Spanish speaking residents on the basis of national origin, and that subjected them to a hostile environment on the basis of national origin.
3. Whether CalEPA's and DTSC violated Title VI of the Civil Rights Act and EPA's implementing regulations by refusing to consider information about alleged discrimination on the basis of national origin in Complainants' "Petition for Review" process.

The decision to investigate the issues above is not a decision on the merits. EPA will begin its process to gather the relevant information, discuss the matter further with you and your designees, as well as the Complainants, if appropriate, and determine the next steps utilizing its internal procedures. As a part of OCR's established investigative process, you will receive a request for information from OCR in the near future. In the intervening time, you are welcome to make a written submission responding to, rebutting, or denying the issues that have been accepted for investigation. *See* 40 CFR 7.120(d)(1)(ii).

EPA's nondiscrimination regulations provide that OCR will attempt to resolve complaints informally whenever possible. *See* 40 C.F.R. § 7.120(d)(2). Accordingly, OCR is willing to discuss with CalEPA and DTSC offers to informally resolve this complaint at any point during the process. In addition, OCR may, to the extent appropriate, facilitate an informal resolution process, including alternative dispute resolution (ADR), with the involvement of affected stakeholders, as described at <http://www.epa.gov/civilrights/faq-adrt6.htm>. We will contact both you and the Complainants in the near future to discuss your potential interest in pursuing ADR. Please provide OCR with the name of, and contact information for, your designated representative at your earliest convenience.

If you have any questions about this letter, please feel free to contact Helena Wooden-Aguilar, Assistant Director, External Civil Rights Program at (202) 564-0792, by e-mail at [wooden-aguilar.helena@epa.gov](mailto:wooden-aguilar.helena@epa.gov), or via U.S. mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C., 20460-1000.

Sincerely,

A handwritten signature in black ink, appearing to read "Velveta Golightly-Howell". The signature is written in a cursive, flowing style.

Velveta Golightly-Howell  
Director