



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 1544

In Reply Refer to:

EPA File No.: 09R-15-R4

Barbara A. Lee, Director
Department of Toxic Substances Control Headquarters
P.O. Box 806
Sacramento, California 95812-0806

Re: Acceptance of Administrative Complaint

Dear Ms. Lee:

This letter is to notify you that 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 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 the subject 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 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 their "Petition for Review" process.

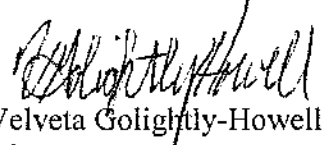
The decision to investigate the issues above is not a decision on the merits. EPA will begin its process to gather the relevant information, discuss the matter further with you and your designees, as well as the Complainants, if appropriate, and determine the next steps utilizing its internal procedures. As 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. 40 C.F.R. § 7.120(d)(2). Accordingly, OCR is willing to discuss with CalEPA and DTSC offers to informally resolve the subject 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-adr6.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, or U.S. mail at U.S. EPA, Office of Civil Rights (Mail Code

1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C., 20460-1000. (Note: Fix left margin so text aligns.)

Sincerely,

A handwritten signature in black ink, appearing to read "Velveta Golightly-Howell". The signature is fluid and cursive, with the first name "Velveta" being more prominent.

Velveta Golightly-Howell
Director