



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

AUG 27 2015

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested

Certified Mail#: (b)(6) Privacy, (b)(7)(C) Enf. Privacy

In Reply Refer to:

EPA File No 21U-15-R4

(b)(6) Privacy, (b)(7)(C) Enf. Privacy

Limestone Correctional Facility (b)(6) Privacy, (b)(7)(C) Enf. Privacy

(b)(6) Privacy, (b)(7)(C) Enf. Privacy

Harvest, Alabama 35749

Re: Notification of Receipt, Rejection, and Referral of Administrative Complaint

Dear (b)(6) Privacy, (b)(7)(C) Enf. Privacy

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), received your complaint on July 21, 2015. Your complaint alleged that the employees of Limestone Correctional Facility, which is operated by the Alabama Department of Corrections (ADOC), are not enforcing the Alabama Clean Indoor Air Act, ALA Code § 22-15A-1 *et seq.*, by allowing inmates to smoke hand-rolled cigarettes which results in discrimination against the Limestone inmates.

The OCR investigates complaints alleging violations of Title VI of the Civil Rights Act of 1964, as amended (Title VI), 42 United States Code (U.S.C.) §§ 2000d *et seq.*, and EPA's nondiscrimination regulations found at 40 Code of Federal Regulations (C.F.R.) Part 7. Title VI prohibits discrimination on the basis of race, color, or national origin in all programs or activities receiving or applying for Federal financial assistance.

Pursuant to EPA's nondiscrimination regulations, the OCR conducts a preliminary review of correspondence to determine acceptance, rejection, or referral. 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, correspondence must meet the jurisdictional requirements described in EPA's Part 7 regulations. First, it must be in writing. Second, it must describe an alleged discriminatory act that, if true, may violate EPA's nondiscrimination regulations (*i.e.*, an alleged discriminatory act based on race, color, national origin, sex, age, or disability). Third, it must be filed within 180 calendar days of the alleged discriminatory act. Finally, correspondence must be filed against an applicant for, or a recipient of, EPA assistance that allegedly committed the discriminatory act.


After careful review, the OCR is rejecting your complaint for investigation because it does not meet all of the jurisdictional requirements of EPA's

nondiscrimination regulations. First, neither the Limestone Correctional Facility nor the ADOC is an applicant for, or recipient of, EPA financial assistance. Second, allegations must describe an alleged discriminatory act that, if true, may violate EPA's nondiscrimination regulations. You do not claim discrimination based on your race, color, national origin, sex, age, or disability status. Therefore, your complaint does not fall within OCR jurisdiction, and OCR must reject it for investigation.

The decision not to investigate the issue above in no way amounts to a decision on the merits. Rather, it means the complaint has not met the jurisdictional criteria. The OCR also notes that this complaint is similar to the administrative complaint you filed on January 26, 2015 (EPA File No. 01R-15-R4). In the former administrative complaint, you also alleged that Limestone Correctional Facility was not enforcing the Alabama Clean Indoor Air Act. Since we rejected and referred that complaint for lack of jurisdiction, we are also rejecting and referring this amended complaint to the U.S. Department of Justice (DOJ), Office of Civil Rights, Office of Justice Programs. A copy of the letter to DOJ is enclosed. The contact at DOJ for the referral of this allegation is Michael Alston. Mr. Alston's contact information is U.S. Department of Justice, 810 Seventh Street N.W., Washington D.C., 20531, (202) 354-4380, askOCR@ojp.usdoj.gov.

If you have any questions, please contact William Yon at (202) 564-5617, at yon.william@epa.gov, or at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C., 20460. Thank you.

Sincerely,



Velveta Golightly-Howell
Director

Enclosure:

cc: Elise Packard
Associate General Counsel
Civil Rights & Finance Law Office, EPA
(MC 2399A)

Vickie Tellis
Acting Deputy Civil Rights Official/Acting Assistant Regional Administrator
Region IV
(MC 9T25)



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Certified Mail#:7009 2820 0002 1759 1162

In Reply Refer to:

EPA File No 21U-15-R4

OFFICE OF
CIVIL RIGHTS

Mr. Michael Alston
Director, Office of Civil Rights
Office of Justice Programs
U.S. Department of Justice
810 Seventh Street, N.W.
Washington, D.C. 20531-3718

Re: Referral of Administrative Complaint EPA File Number 21U-15-R4


Dear Mr. Alston:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), is referring the subject complaint that we received on July 21, 2015 from an inmate in Limestone Correctional Facility to your office due to its lack of jurisdiction. The Complainant alleged that Alabama Department of Corrections employees at Limestone (ADOC) are not enforcing the Alabama Clean Indoor Air Act, ALA Code § 22-15A-1 *et seq.* However, since neither the Limestone Correctional Facility nor the Alabama Department of Corrections is an applicant for, or recipient of, EPA financial assistance, the inmate's complaint does not fall within the OCR's jurisdiction, and the OCR must reject it for investigation. Additionally, the Complainant does not allege a discriminatory act that may violate EPA's nondiscrimination regulations. The OCR has notified the Complainant that his complaint has been forwarded to your office and provided your contact information.

The OCR also notes that the subject complaint is similar to a former administrative complaint filed on January 26, 2015 (EPA File No. 01R-15-R4). In that administrative complaint, the Complainant also alleged that ADOC was not enforcing the Alabama Clean Indoor Air Act. Since the OCR rejected and referred that complaint to your office for lack of jurisdiction, we are also rejecting and referring this amended complaint.

If you have any questions, please contact William Yon at (202) 564-5617, at yon.william@epa.gov, or at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C., 20460.

Sincerely,


Velveta Golightly-Howell
Director
Office of Civil Rights

Enclosure

cc: Elise Packard
Associate General Counsel, Civil Rights & Finance Law Office, EPA
(MC 2399A)

Vickie Tellis
Acting Assistant Regional Administrator, U.S. EPA Region IV
(MC 9T25)

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Limestone Correctional Facility

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