



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

MAY 15 2012

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested

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

In Reply Refer to:

EPA File No.: 02R-12-R6

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

Harvey, LA 70558 (b)(6) Privacy

Re: Rejection of Administrative Complaint

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

On September 27, 2011, you filed an administrative complaint with the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR). Your complaint alleges that the Louisiana Department of Environmental Quality (LDEQ) failed to notify the Harvey community of the imminent hazards on the (b)(6) Privacy, (b)(7)(C) Tract in violation of Sections 370.21, 312, and 304 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), and the Radiation Protection and Control Act of 1982. This is to notify you that after careful consideration, OCR is rejecting your administrative complaint for investigation.

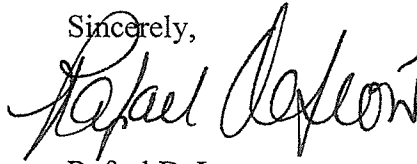
Pursuant to EPA's nondiscrimination regulations, OCR conducts a preliminary review of administrative complaints for acceptance, rejection, or referral. 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in EPA's nondiscrimination regulations. First, it must be in writing. Second, it must describe an alleged discriminatory act that violates EPA's nondiscrimination regulations (*i.e.*, an alleged discriminatory act based on race, color, national origin, sex, or disability). Third, it must be filed within 180 calendar days of the alleged discriminatory act. 40 C.F.R. § 7.120(b)(2). Finally, the complaint must be filed against a recipient of EPA assistance that allegedly committed the discriminatory act. 40 C.F.R. § 7.15.

Pursuant to EPA's nondiscrimination regulations implementing Title VI of the Civil Rights Act and other nondiscrimination statutes, OCR can investigate complaints of discrimination against recipients of EPA assistance on the bases of race, color, national origin, sex, or disability. However, your letter alleges violations of Sections 370.21, 312, and 304 of the Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA), and the Radiation Protection and Control Act of 1982, which are not enforced by OCR. Therefore OCR must reject your allegation.

While OCR does not enforce EPCRA, EPCRA's emergency planning requirements are designed to help communities prepare for and respond to emergencies involving hazardous substances. The Governor of each state has designated a State Emergency Response Commission responsible for implementing EPCRA provisions within each state. Please visit: http://www.epa.gov/osweroel/content/epcra/epcra_plan.htm for more information. Regarding the Radiation Protection and Control Act of 1982, it is not an Act administered by EPA or the United States.

If you have any questions about this letter, please contact Karen Randolph of the OCR External Compliance Program by telephone at (202) 564-0732, via electronic mail at randolph.karen@epa.gov or by 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 'Rafael DeLeon', written over the word 'Sincerely,'.

Rafael DeLeon
Director

cc: Stephen G. Pressman, Associate General Counsel
Civil Rights & Finance Law Office (MC 2399A)

Peggy M. Hatch, Secretary
Louisiana Department of Environmental Quality
P.O. Box 4301
Baton Rouge, LA 70821-4301

Manuela Roblez, EEO Officer
Region VI

Marcia Moncrieffe, Title VI Contact
Region VI