



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

AUG 10 2011

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested

Certified Mail# 7004-2510-0004-2241-6169

In Reply Refer to:

EPA File No.: 05R-11-R6

Ms. Sarah Eckhardt, Commissioner
P.O. Box 1748
Austin, TX 78767-1748

Return Receipt Requested

Certified Mail# 7004-2510-0004-2241-6176

Ms. Margaret Gomez, Commissioner
PO Box 1748
Austin, TX 78767-1748

Re: Rejection of Administrative Complaint No. 05R-11-R6

Dear Commissioners Eckhardt and Gomez:

On February 24, 2011, an administrative complaint was filed with the U.S. Department of Justice. The complaint was referred to the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) and the U.S. Department of the Interior (DOI). EPA's OCR received the complaint on May 13, 2011. The complaint alleges that Travis County Commissioners Court, City of Austin, Texas violated Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000d *et seq.*, and EPA's nondiscrimination regulations implementing Title VI, found at 40 C.F.R. Part 7. This is to notify you that after careful consideration, OCR is rejecting the administrative complaint for investigation.

Pursuant to EPA's nondiscrimination administrative regulations, OCR conducts a preliminary review of complaints to determine 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 alleged discriminatory acts that violate 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, it must be filed against an applicant for, or a recipient of, EPA assistance that committed the alleged discriminatory act. 40 C.F.R. § 7.15.

The administrative complaint stated that Travis County Commissioners Court intentionally discriminated by awarding a mining permit in a community that is predominately

African American and Hispanic-Spanish Speaking, and halting a mining development in an Anglo/Caucasian community in October of 2010. This allegation is rejected for investigation because Travis County Commissioners Court is not a recipient of EPA financial assistance. In addition, we understand that DOI has accepted the complaint for investigation. OCR has copied DOI on this letter.

If you have any questions or need clarification regarding this letter, please contact Ms. Helena Wooden-Aguilar, Assistant Director, of my staff by telephone at (202) 564-0792, by e-mail at wooden-aguilar.helena@epa.gov, or by mail to U.S. EPA Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C., 20460.

Sincerely,

A handwritten signature in black ink that reads "Rafael DeLeon". The signature is fluid and cursive, with the first name "Rafael" being more prominent and the last name "DeLeon" following in a similar style.

Rafael DeLeon
Director

cc: Ms. Sharon Eller, Director
U.S. Department of the Interior

Manuela Roblez, EEO Officer
EPA Region VI

Katherin E. Hall, Assistant General Counsel
Civil Rights and Finance Law Office (MC 2399A)