



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

FEB - 1 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. 05RAD-10-R6

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

Harvey, LA 70558 (b)(6) Privacy, (b)(7)(C) Enf. Privacy

Re: Request to Reconsider Decision to Dismiss without prejudice Administrative Complaint

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

This is in response to your August 15, 2011, letter to the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) requesting that OCR reconsider its decision to dismiss without prejudice your complaint (EPA File No. 05RAD-10-R6) filed with EPA on February 22, 2010. Your complaint alleges that the Louisiana Department of Environmental Quality (LDEQ) discriminated against the African American, disabled, and elderly individuals in the Harvey community by failing to enforce the regulations to ensure proper cleanup of radioactive material on the (b)(6) Privacy, (b)(7)(C) Enf. Privacy

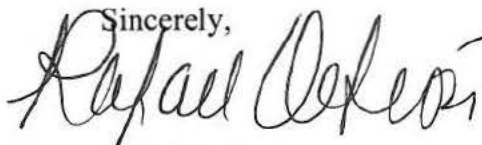
(b)(6) Privacy, (b)(7)(C) Enf. Privacy After carefully reviewing the information submitted with your request for reconsideration, we have determined that OCR's August 8, 2011, decision to dismiss your complaint without prejudice is not altered by the submission of this additional information.

Your August 15, 2011, letter to OCR specifically requests that OCR re-open your complaint because FMCS was not able to resolve your allegation of age discrimination through mediation. Your letter also provides new information obtained from an article in the January 20, 2010, edition of *PetroleumWorld.com* indicating that LDEQ was informed of the radioactive contamination on the (b)(6) Privacy, (b)(7)(C) Enf. Privacy in June 1986. On September 16, 2011, OCR contacted you to clarify your request for reconsideration and to seek additional information. You stated that the new information submitted serves as documentation that in 1986 LDEQ knew of the dangerous radioactive contamination on the (b)(6) Privacy, (b)(7)(C) Enf. Privacy property, but failed to inform the Harvey community. You also stated that LDEQ failed to notify the community of the imminent hazard on the (b)(6) Privacy, (b)(7)(C) Enf. Privacy pursuant to the Right-to-Know Act

of 1986 – Sec. 370.21, which you confirmed is a new allegation.¹ OCR informed you that any new allegations should be submitted as a new complaint. OCR subsequently received from you, on September 27, 2011, a letter submitting new information.² OCR will respond to that letter under separate cover.

EPA may reconsider decisions to dismiss administrative complaints when new and significant information is provided that demonstrates OCR made a major substantive error in its investigation of a complaint. As stated in OCR's August 8, 2011, letter to you LDEQ has not completed its review of the clean-up process, is still reviewing sampling data and has requested additional information from the consultant regarding the TENORM levels at the (b)(6) Privacy, (b)(7)(C) Ent. Privac property. Since the clean-up activities are not complete, the allegations are not ripe for review. The new information you provided states that in 1986, State regulators were notified of the possible radioactive contamination in the pipes cleaned on the (b)(6) Privacy, (b)(7)(C) Ent. Privac. However, this information has no bearing on whether LDEQ has determined that the clean-up is complete. Thus, your allegation is still not ripe for review. Therefore, after reviewing the information submitted, OCR has determined that the new information presented does not indicate a major, substantive error in EPA's August 8, 2011, decision.

Finally, even though OCR informed you that mediation for this complaint is available if both parties are willing to participate, because this is a final agency decision and this complaint is closed, EPA-funded mediation is no longer available. If you have any further questions, please contact Ms. Helena Wooden-Aguilar, Assistant Director, Office of Civil Rights by telephone at (202) 564-0792, via electronic mail at wooden-aguilar.helena@epa.gov, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C., 20460-1000.

Sincerely,


Rafael DeLeon
 Director

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

Manuela Roblez, EEO Officer
 Region IV

Marcia Moncrieffe, Title VI Contact
 Region IV

¹ Letter from (b)(6) Privacy, (b)(7)(C) Ent. Privac to Ms. Helena Wooden-Aguilar, Assistant Director, US EPA, Office of Civil Rights Re: Request for Reconsideration of Administrative Complaint (August 15, 2011).

² Letter from (b)(6) Privacy, (b)(7)(C) Ent. Privac to Ms. Helena Wooden-Aguilar, Assistant Director, US EPA, Office of Civil Rights (September 20, 2011).