



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

OCT 01 2014

Return Receipt Requested

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

In Reply Refer to:

EPA File No.: 06R-14-R9

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

Vacaville, California 96596

Re: Rejection and Referral of Administrative Complaint

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

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), is rejecting your complaint filed against the California Medical Facility received by the EPA on June 6, 2014. OCR is referring the complaint to the U.S. Department of Justice's Civil Rights Division.

In your complaint you allege that the California Medical Facility violated Title VI of the Civil Rights Act of 1964, as amended (Title VI), 42 U.S.C. §§ 2000d *et seq.*, and the EPA's nondiscrimination regulations implementing Title VI found at 40 Code of Federal Regulations (C.F.R.) Part 7. Your complaint alleges that you were denied effective counsel in violation of your civil rights based on your race and socioeconomic status.

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

After careful review, OCR is rejecting your complaint because the allegations you describe do not meet the EPA's jurisdictional requirements. One of OCR's jurisdictional requirements to be accepted for investigation is that the complaint must be filed against a

recipient of EPA assistance that allegedly committed the discriminatory act(s). The California Department of Corrections and Rehabilitation and the California Medical Facility are not recipients of EPA financial assistance and therefore do not fall within the EPA OCR's investigative jurisdiction. As a result, OCR is unable to accept the complaint.

However, because the U.S. Department of Justice (DOJ) may have subject-matter expertise over the allegations in the subject complaint, it is being referred to the DOJ's Civil Rights Division to review and investigate as the DOJ deems appropriate. A copy of the letter to the DOJ and a copy of the EPA's nondiscrimination regulations implementing Title VI are enclosed with this correspondence. Please contact the U.S. DOJ Civil Rights Division via telephone at (202) 514-6255 or via mail at U.S. Department of Justice, Civil Rights Division, 950 Pennsylvania Avenue, N.W., Washington, D.C., 20530.

If you have any questions regarding this letter, please contact Jonathan Stein of the OCR External Compliance Program at (202) 564-2088, via e-mail at stein.jonathan@epa.gov, or via mail at U.S. EPA, Office of Civil Rights, Washington, D.C., 1200 Pennsylvania Avenue, N.W., Mail Code 1201A, Washington, D.C. 20460. Alternatively, please contact Helena Wooden-Aguilar, Acting Deputy Director of the Office of Civil Rights, at (202) 564-0792, or at wooden-aguilar.helena@epa.gov.

Sincerely,



Velveta Golightly-Howell
Director

Enclosures

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

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