



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

AUG 27 2010

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested

Certified Mail #7009-2820-0002-1759-4118

In Reply Refer To:

EPA File No: 16R-10-R9

Ms. Ingrid Bronstrom
Center on Race, Poverty and the Environment
47 Kearny Street, Suite 804
San Francisco, CA 94108

Re: Referral of Administrative Complaint

Dear Ms. Bronstrom:

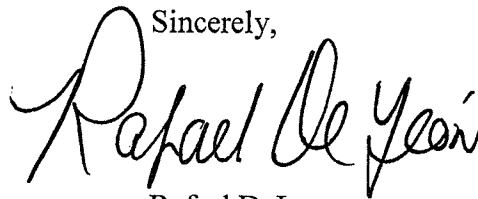
This letter is in response to your administrative complaint received by the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) from the US Department of Transportation on July 12, 2010. Your complaint states that the Board of Supervisors, Kings County, CA (Kings County) violated Title VI of the Civil Rights Act of 1964, as amended (Title VI), 42 U.S.C. § 2000d *et seq.* Specifically, that Kings County's recent approval for expansion of the Chemical Waste Management Kettleman Hills Hazardous Waste Facility (KHF) will have a discriminatory impact on the Latino residents in the surrounding community.

Pursuant to EPA's nondiscrimination regulations, OCR conducts a preliminary review of discrimination 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 Title VI regulations. First, it must be in writing. Second, it must describe an alleged discriminatory act that, if true, would 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 days of the alleged discriminatory act. Finally, the complaint must be filed against an applicant for, or recipient of, EPA assistance that allegedly committed the discriminatory act. 40 C.F.R. § 7.15. (A copy of EPA's nondiscrimination regulations is enclosed for your convenience.)

After careful consideration, OCR has concluded that it cannot accept the complaint for investigation because it does not meet the jurisdictional requirements described in EPA's regulations implementing Title VI. Specifically, the Board of Supervisors, Kings County, CA is not a recipient of or applicant for EPA financial assistance. However, OCR determined that the U.S Federal Highway Administration (FHWA) is a provider of financial assistance to Kings County, CA. Therefore, your complaint has been forwarded to FHWA.

If you have any questions concerning this letter, please contact Ms. Helena Wooden-Aguilar, of the OCR External Compliance and Complaints Program at 202-343-9681 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 that reads "Rafael DeLeon". The signature is fluid and cursive, with the first name "Rafael" being larger and more prominent than the last name "DeLeon".

Rafael DeLeon
Acting Director

Enclosure

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

Gina Edwards, EEO Officer
EPA Region 9

Brenda F. Armstead
Director, Investigations and Adjudications
U.S. Department of Transportation, Federal Highway Administration
1200 New Jersey Avenue, SE
Washington, DC 20590