



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

NOV 27 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.: 17R-12-R6

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

Baton Rouge, Louisiana 70807 (b)(6) Privacy, (b)(7)(C) Enf. Privacy

RE: REJECTION OF ADMINISTRATIVE COMPLAINT

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

This letter concerns the electronic correspondence you sent to the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) on October 15, 2012 alleging that the City of Baton Rouge has violated Title VI of the Civil Rights Act of 1964, as amended (Title VI), 42 U.S.C. §§ 2000d *et seq.*, and EPA's nondiscrimination regulations found at 40 C.F.R Part 7. Your October 15th correspondence was in response to OCR's rejection letter dated September 27, 2012, of a complaint you previously filed concerning the same subject-matter (complaint number 09R-09-R6). In your October 15th correspondence you ask OCR to refile your claims.

Your October 15th correspondence and your previously filed complaint both alleged that the City of Baton Rouge's operation of the North Baton Rouge Sewage Treatment Plant is creating negative impacts on the citizens in the surrounding community. Your previously filed complaint was rejected because you failed to allege a discriminatory act within 180 days of the date you filed your complaint, as required by EPA's regulations at 40 C.F.R. § 7.120(b)(2). Your October 15th correspondence similarly fails to identify a timely alleged discriminatory act.

Consistent with the Department of Justice's Investigation Procedures Manual and OCR's policy, an "agency generally need not proceed with or continue a complaint investigation and attempts at resolution of an allegation under certain circumstances, which include. . . [when] the same allegations and issues of the complaint have been addressed in a recently closed complaint."¹ Your new complaint alleges the same allegations and issues which OCR rejected by correspondence dated September 27, 2012. Therefore, OCR will not proceed with or continue to process this new complaint.

¹ Department of Justice Civil Right Division Coordination and Review Section Investigation Procedures Manual for the Investigation and Resolution of Complaints Alleging Violations of Title VI and Other Nondiscrimination Statutes, September 1998, page 38.

In addition, while EPA may reconsider decisions to reject administrative complaints when new and significant information is provided that demonstrates OCR made a major substantive error in its resolution of a complaint, your submission fails to identify a timely discriminatory act for either complaint.

If you have questions regarding this letter, please contact Ericka Farrell of the OCR External Compliance Program at (202) 564-0717, via electronic mail at farrell.ericka@epa.gov or by mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, NW, Washington, DC, 20460-1000.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Rafael DeLeon', is written over the word 'Sincerely,'.

Rafael DeLeon
Director

cc: Mr. Pete Newkirk, Director
City of Baton Rouge
Department of Public Works
P.O. Box 1471
Baton Rouge, LA 70821-1471

Julia Rhodes, Assistant General Counsel
Civil Rights Law and Finance Office (MC 2399A)

Manuela (Nellie) Roblez,
EEO Officer, EPA Region 6

Marcia Moncrieffe
Title VI Contact, Region 6