

RETURN RECEIPT REQUESTED

Certified Mail No.

In Reply Refer to:

EPA File No. 19R-10-R9

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

Cathedral City, CA 92234 (b)(6) Privacy, (b)(7)(C) Enf. Privacy

Re: Rejection of Administrative Complaint

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

Your letter to the U.S. Department of Justice (DOJ) postmarked January 28, 2010, containing ~~demands~~ requests for action by the City of Palm Springs regarding specific environmental conditions, was referred to the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) on August 23, 2010, by DOJ. EPA OCR is responsible for investigating alleged violations of Title VI of the Civil Rights Act of 1964, as amended (Title VI), 42 U.S.C. §§ 2000d to 2000d-7, and EPA's nondiscrimination regulations.

Under EPA's nondiscrimination regulations, a recipient of EPA financial assistance may not discriminate on the basis of race, color, national origin, sex, or disability. Pursuant to EPA's nondiscrimination regulations, OCR conducts a preliminary review to determine acceptance, rejection, or referral. 40 C.F.R. § 7.120. 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 an alleged discriminatory act that violates EPA's nondiscrimination regulations (*i.e.*, an alleged discriminatory act based on race, color, national origin, gender, or disability). Third, it must be filed within 180 calendar days of the alleged discriminatory act. Finally, it must be filed against an applicant for, or a recipient of, EPA assistance that committed the allegedly discriminatory act. (A copy of EPA's nondiscrimination regulations is enclosed for your convenience.)

After careful consideration, OCR has concluded that it cannot investigate issues raised in your letter because it does not meet the jurisdictional requirements in EPA's nondiscrimination regulations. Specifically, you did not describe specific discriminatory acts that violate EPA's nondiscrimination regulations and did not state when they occurred. Moreover, the City of Palm Springs is not a recipient of EPA financial assistance.

If you have any questions, please contact Loren Hall of the OCR External Compliance Program at (202) 343-9675, via electronic mail at hall.loren@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,

Rafael DeLeon
Acting Director

Enclosure

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

Gina Edwards, EEO Officer
EPA Region 9

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