



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

NOV 23 2011

OFFICE OF  
CIVIL RIGHTS

**Return Receipt Requested**

Certified Mail# 7004-2510-0004-2241-5193

**In Reply Refer To:**

EPA File No: 24R-10-R6

Mr. Brandon Harrell  
Orjanel Pointer  
Tulane University  
Tulane Environmental Law Clinic  
6329 Freret Street, Suite 130  
New Orleans, LA 70118-6231

**Return Receipt Requested**

Certified Mail# 7004-2510-0004-2241-5186

Adam Babich  
Tulane University  
Tulane Environmental Law Clinic  
6329 Freret Street, Suite 130  
New Orleans, LA 70118-6231

**Re: Rejection of Administrative Complaint**

Dear Mr. Harrell and Mr. Babich:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) is rejecting your administrative complaint filed against the Louisiana Department of Environmental Quality (LDEQ). EPA received your complaint on December 14, 2010. The complaint generally alleges that LDEQ 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. Specifically, your complaint alleges that the issuance of a Hazardous and Solid Waste Amendment corrective action renewal permit (Renewal Permit) on June 17, 2010, for Pittsburgh Plate Glass's (PPG) Lake Charles Complex will create disproportionate health impacts on the African American residents of Calcasieu Parish.

Pursuant to EPA's nondiscrimination administrative regulations, OCR conducts a preliminary review of administrative complaints for 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 nondiscrimination regulations. First, it

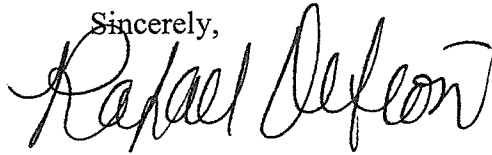
must be in writing. 40 C.F.R. §7.120(b)(1). Second, it must describe alleged discriminatory acts that would violate EPA's nondiscrimination regulations (*i.e.*, an alleged discriminatory act based on race, color, national origin, sex, or disability). *Id.* Third, it must be filed within 180 calendar days of the alleged discriminatory act. 40 C.F.R. §7.120(b)(2). Finally, it must be filed against a recipient of EPA financial assistance that committed the alleged discriminatory act. 40 C.F.R. § 7.15.

On January 21, 2011, OCR sent you a letter seeking clarification of your allegations. On March 1, 2011, you responded by alleging that the PPG facility is responsible for significant off-site contamination of environmental resources in Calcasieu Parish. Further, you allege that LDEQ's issuance of the June 17, 2010, Renewal Permit "ratif[ied] continued off-site contamination of natural resources that should be available to parish residents." You also allege that the Renewal Permit will result in disproportionate impacts on African American residents of Calcasieu Parish.

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 nondiscrimination regulations. As stated above, a complaint of discrimination must be filed within 180 days of the alleged discriminatory act. The scope of the Renewal Permit issued on June 17, 2010, covers onsite corrective action. The off-site corrective action, however, is not addressed by the Renewal Permit. Based upon our review of the information you submitted, decisions concerning the off-site corrective action were made in the Amended Settlement Agreement *In the Matter of Bayou d' Inde Site*, AI7442, EDMS 30096523, dated December 12, 2003, and also through a May 6, 2003, Memorandum of Understanding (MOU) between LDEQ and EPA Region 6 Superfund Group. Because these decisions were made in 2003, your complaint is untimely. Therefore, OCR cannot accept this complaint for investigation.

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](mailto: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,



Rafael DeLeon  
Director

cc: Alyssa Gsell, Attorney-Advisor  
Civil Rights and Finance Law Office (MC 2399A)

Manuela (Nellie) Roblez,  
EPA Region 6