



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

JUN 10 2009

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested

Certified Mail #7004-1160-0002-3622-6642

In Reply Refer to:

EPA File No. 12R-04-R9

Lynne Brown
24 Harbor Rd
San Francisco, CA 94124

Re: Partial Acceptance of Administrative Complaint

Dear Mr. Brown:

The U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) received your administrative complaint on October 20, 2004. The complaint alleges that the City and County of San Francisco (CCSF) and the San Francisco Redevelopment Agency (SFRA) 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. For the reasons listed below, OCR is accepting the complaint in part and rejecting it in part.

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 Part 7 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.

Accordingly, the complaint is in writing, signed, and provides an avenue for contact. However, issues related to whether CCSF and SFRA are applicants for, or recipients of, EPA assistance will be discussed below.

I. SFRA's denial of meaningful public participation opportunities regarding Hunters Point Naval Shipyard resulted in a disparate impact on African American residents living near the shipyard.

Your complaint alleges that actions taken by SFRA concerning the former Hunters Point Naval Shipyard were not subjected to public review or comment, which created a disparate impact on you, and other African American residents living near the Hunters Point Shipyard. EPA's nondiscrimination regulations require complaints to be filed against an applicant for, or recipient of, EPA financial assistance. After careful review, this allegation is accepted for investigation because it meets EPA's four jurisdictional requirements. First, the complaint is in writing. Second, the complaint states a discriminatory act alleging that SFRA's denial of meaningful public participation opportunities had a disparate impact on African American residents living near the Hunters Point Naval Shipyard. Third, the complaint was filed within 180 days of the alleged discriminatory act by SFRA on April 29, 2004. Finally, EPA records indicate that SFRA was an applicant for an EPA Brownfields grant during the time the alleged discriminatory act occurred. Therefore, OCR must accept this allegation for investigation as it relates to SFRA.

II. CCSF's denial of meaningful public participation opportunities regarding Hunters Point Naval Shipyard resulted in a disparate impact on African American residents living near the shipyard.

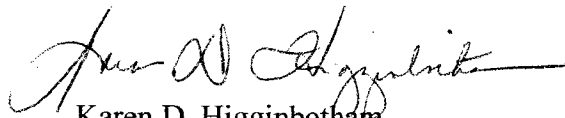
Your complaint alleges that actions taken by CCSF concerning the former Hunters Point Naval Shipyard were not subjected to public review or comment, which created a disparate impact on you and African American residents living near the Hunters Point Shipyard. EPA's nondiscrimination regulations require complaints to be filed against an applicant for, or recipient of, EPA financial assistance. After careful review, this allegation is rejected for investigation because it does not meet EPA's four jurisdictional requirements. The complaint is in writing, and states a discriminatory act alleging that CCSF denied the complainants meaningful public participation opportunities regarding Hunters Point Naval Shipyard, and this denial of public participation disparately impacted African American residents near the shipyard. However, the complaint was not filed within 180 days of the alleged discriminatory act by CCSF (the adoption of a Memorandum of Agreement with the U.S. Navy in 2000, and its amendment on January 23, 2002). Finally, EPA records also indicate that CCSF was not an applicant for, or recipient of, EPA financial assistance. Therefore, OCR must reject this allegation.

The letter dated August 6, 2007, that you co-signed requested that two additional allegations involving the Bay Area Air Quality Management District (BAAQMD) be combined with EPA File Number 12R-04-R9. Since BAAQMD was not a named recipient in the original complaint and the additional allegations occurred some time after the filing of the initial complaint, the initial complaint will not be amended. However, OCR will process the allegations concerning BAAQMD that were submitted in 2007 as a separate complaint. For future reference, the complaint concerning allegations about BAAQMD will be processed with the EPA File Number 16R-07-R9.

EPA's nondiscrimination regulations provide that OCR must attempt to resolve complaints informally whenever possible. 40 C.F.R. § 7.120(d)(2). Accordingly, OCR may discuss offers to informally resolve the complaint, and may, to the extent appropriate, facilitate an informal resolution process and the involvement of affected stakeholders.

If you have any questions, please contact Loren Hall of OCR's External Compliance Program, by telephone at (202) 343-9675, via e-mail at hall.loren@epa.gov, or by mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Ave. NW, Washington D.C., 20460-1000.

Sincerely,



Karen D. Higginbotham
Director

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