



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

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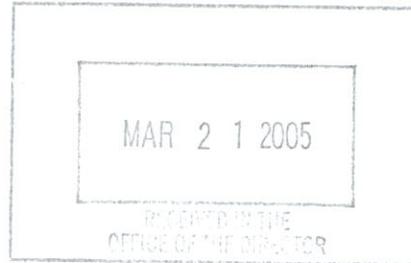
MAR 22 2005

Environmental Protection
Agency

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OFFICE OF
CIVIL RIGHTS

RETURN RECEIPT REQUESTED
Certified Mail# 7003 1680 0004 9923 2053



Renee Cipriano
Director
Illinois Environmental Protection Agency
1021 North Grand Avenue East
P.O. Box 19276
Springfield, Illinois 62794-9276

Re: Dismissal of Title VI Administrative Complaint, EPA File No. 14R-97-R5

Dear Director Cipriano,

On September 30, 1998, U.S. Environmental Protection Agency's (EPA) Office of Civil Rights (OCR) accepted an administrative complaint filed by the South Cook County Environmental Action Coalition (SCCEAC or Complainant). The complaint alleges violations of EPA's Title VI regulations at 40 C.F.R. Part 7 (Part 7) by the Illinois Environmental Protection Agency (Illinois EPA or Recipient). In particular, it alleged discriminatory effects from the permitting and ongoing operation of Robbins Resource Recovery Facility (RRRF). It further alleged a general failure by Recipient to take adequate measures to assure compliance with Part 7, including in the permitting of RRRF.

On January 13, 2005, OCR and Illinois EPA entered into a settlement agreement regarding the complaint. This letter constitutes OCR's dismissal of the complaint pursuant to an investigation and the settlement agreement.

Title VI of the Civil Rights Act of 1964 (Title VI) prohibits discrimination on the basis of race, color, or national origin under programs or activities receiving federal financial assistance. EPA's Part 7 regulations implement Title VI. The regulations prohibit intentional discrimination and discriminatory effects that occur in the administration of programs or activities that receive EPA funds. Facially neutral policies or practices that result in discriminatory effects violate the regulations, unless the recipient can provide justification and unless there are no less discriminatory alternatives. Illinois EPA is a recipient of EPA funds and therefore is subject to the requirements of Title VI and Part 7.

Regarding the first allegation of discriminatory effects from the permitting and ongoing operations of RRRF, based on a review of the materials submitted and information gathered during our investigation, as well as controlling legal authority, OCR find that events occurring subsequent to the filing of the Title VI complaint have extinguished any live controversy. Accordingly, OCR hereby dismisses this allegation as moot.

Regarding the second allegation of a general failure by the recipient to take adequate measures to comply with Title VI, OCR has not identified any instances of discriminatory effects resulting from failure to consider Title VI or Part 7. However, it appears that additional measures could be taken to improve responsiveness to concerns raised about potential discrimination. The measures that Illinois EPA has committed to carry out with regard to Title VI program implementation should ensure that Title VI or Part 7 concerns raised in future permitting decisions will be directly evaluated and addressed. In addition, since the complaint in this matter was accepted for investigation, Illinois EPA has established an Interim Environmental Justice Policy, which has a policy goal of ensuring "that communities are not disproportionately impacted by degradation of the environment or receive a less than equitable share of environmental protection and benefits." Furthermore, pursuant to the settlement agreement, Illinois EPA has agreed to appoint an official to coordinate Illinois EPA's efforts to comply with Part 7 and to post notice of its obligation not to discriminate pursuant to Part 7.

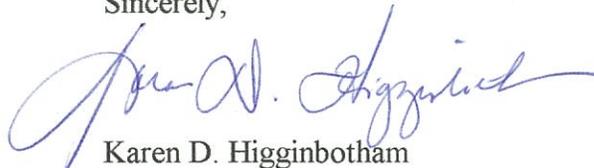
As a result of investigation of the complaint allegations, in consideration of the specific commitments Illinois EPA made in the voluntary settlement agreement, and according to controlling legal authority, EPA has not found a violation of Title VI or Part 7. Accordingly, EPA hereby dismisses the complaint as of the date of this letter, conditioned upon completion of the commitments that Illinois has agreed to undertake.

Part 7 provides all persons with the right to file complaints against recipients of federal financial assistance. No one may intimidate, threaten, coerce, or engage in other discriminatory conduct against any individual or group because of action taken, or participation in any action taken, to secure rights protected under Title VI and Part 7. 40 C.F.R. § 7.100.

Under the Freedom of Information Act, EPA may be required to release this document and related records upon request. In the event of such an event, EPA will seek to protect, to the extent permitted by law, any personal information, which, if released, could constitute an unwarranted invasion of the privacy of any individual.

In closing, I would like to thank the leadership and staff of Illinois EPA and the complainants for their cooperation and helpfulness during the settlement process. If you have any questions or would like to discuss this agreement further, please feel free to call Yasmin Yorker of my staff at (202) 343-9682.

Sincerely,



Karen D. Higginbotham
Director

Enclosure

cc: South Cook County Environmental Action Coalition
c/o Keith Harley
Chicago Legal Clinic
205 West Monroe Street, 4th Floor
Chicago, Illinois 60606

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