



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

DEC 18 2012

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested

Certified Mail#: 7009-2820-0002-1759-1285

In Reply Refer to:

EPA File No.: 01R-12-R4

Mr. David A. Ludder
9150 McDougal Court
Tallahassee, FL 32312-4208

Re: Request to Reconsider Decision to Dismiss Without Prejudice Administrative Complaint

Dear Mr. Ludder:

This is in response to your letter dated October 4, 2012, to the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR) requesting that OCR reconsider its September 26, 2012, decision to dismiss without prejudice your complaints filed on January 6, 2012 and February 21, 2012, which EPA consolidated as one complaint under EPA File No. 01R-12-R4 (Complaint). The Complaint alleges that the Alabama Department of Environmental Management violated Title VI of the Civil Rights Act of 1964, as amended (Title VI) at 42 U.S.C., §§ 2000d *et seq.*, and EPA's regulations implementing Title VI at 40 C.F.R. Part 7, by renewing Permit No. 53-03 to Perry County Associates, LLC to operate the Arrowhead municipal solid waste landfill in Perry County Alabama and by modifying that permit to expand the disposal area of that landfill.

To support your "Request for Reconsideration," you have argued that nine complainants are not parties to the pending litigation; operations at the landfill will not be impacted by the pending litigation; the Complainants' Title VI complaints are directed against ADEM, not the Landfill operators; and, the abstention (by OCR) will allow the disparate impact of ADEM's actions to continue unabated. OCR may reconsider its decisions about administrative complaints when new and significant information is provided that demonstrates that there was a major substantive error. After carefully reviewing your "Request for Reconsideration", OCR has determined that OCR has not made a major substantive error; and therefore, has decided to uphold OCR's September 26, 2012, decision to dismiss the Complaint without prejudice.

If you have any further questions, please contact Helena Wooden-Aguilar, Assistant Director, Office of Civil Rights by telephone at (202) 564-0792, via electronic

mail at wooden-aguilar.helena@epa.gov, Office of Civil Rights (Mail Code 1201A),
1200 Pennsylvania Avenue, N.W., Washington, D.C., 20460-1000.

Sincerely,

A handwritten signature in black ink that reads "Rafael DeLeon". The signature is written in a cursive style with a large initial "R" and a long, sweeping tail.

Rafael DeLeon
Director

cc: Lance R. LeFleur, Director
Alabama Department of Environmental Management
1400 Coliseum Blvd.
Montgomery, AL 36130-2400

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

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EPA Region IV

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EPA Region IV