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

JUL 24 2013

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested
Certified Mail#: 7009-2820-0002-1759-0813

In Reply Refer to:
EPA File No. 02R-13-R3

Louis S. Folino
State Correctional Institution at Greene
Superintendent's Office
169 Progress Drive
Waynesburg, PA 15370-8082

Re: Rejection and Referral of Administrative Complaint

Dear Mr. Folino:

This is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), received an administrative complaint on January 30, 2013, alleging that the State Correctional Institution at Greene (SCIG) violated the Rehabilitation Act of 1973 and EPA's nondiscrimination regulations found at 40 C.F.R Part 7.

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 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 an applicant for, or a recipient of, EPA financial assistance that committed the alleged discriminatory act. 40 C.F.R. § 7.15.

The allegations do not meet EPA's jurisdictional requirements, in part, because SCIG is not a current recipient of EPA assistance. Therefore, OCR must reject the complaint for investigation.

However, because the Department of Justice may have subject matter expertise over the allegations in this complaint, it is being referred to DOJ to review and investigate as it deems appropriate.

If you have any questions about this letter, please contact Ericka Farrell of my staff at (202) 564-0717, via e-mail at farrell.ericka@epa.gov, or via mail at U.S. EPA, Office of Civil Rights, (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C., 20460.

Sincerely,

Vicki Simons
Acting Director

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

Cynthia Burrows
EEO Officer, EPA Region III