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

APR 16 2013

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested
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In Reply Refer to:
EPA File No. 01R-13-R5

Michael J. Hanley
Chair, Saginaw County Board of Commissioners
111 S. Michigan Ave.
Saginaw, MI 48602-2019

Re: Rejection of Administrative Complaint

Dear Mr. Hanley:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), is rejecting the administrative complaint filed against the Saginaw County municipal wastewater treatment facilities, received by EPA on January 16, 2013. Because OCR has responsibility for processing complaints alleging a violation of 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, we have assumed that the correspondence is a Title VI complaint.

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 an alleged discriminatory act that, if true, may violate EPA's nondiscrimination regulations (*i.e.*, an alleged discriminatory act based on race, color, national origin, sex, age, 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 allegedly committed the discriminatory act. 40 C.F.R. § 7.15.

After careful review, OCR is not accepting the following allegation for investigation:

(1) Saginaw County discriminatorily provided odorous water to minority inmates of Saginaw Correctional Facility.

This allegation does not meet EPA's jurisdictional requirements as described in EPA's nondiscrimination regulations. Saginaw Correctional Facility purchases its drinking water from and has its wastewater processed by Tittabawassee Township in Saginaw County; Tittabawassee Township in turn purchases its drinking water from the City of Saginaw. No subcomponents of Tittabawassee Township, the City of Saginaw and Saginaw County are recipients of EPA financial assistance. The grant the City of Saginaw received from EPA to improve its wastewater treatment plant ended in 2009 (Grant ID XP - 00E26701-1). As a result, OCR does not have jurisdiction and must reject the complaint.

However, because the Department of Justice (DOJ) may have subject matter expertise over the allegations in this complaint, the EPA is referring this complaint to DOJ for review and investigation as they deem appropriate. A copy of the letter to DOJ is enclosed with this correspondence. The contact person at DOJ for the referral of this allegation is: Mr. Michael Alston, U.S. Department of Justice, Office of Justice Programs, Office of Civil Rights, 810 Seventh Street, N.W., Washington, DC, 20531 at (202) 307-2027.

If you have questions regarding this letter, please contact Jerett Yan of the OCR External Compliance Program at (202) 564-3113, via electronic mail at yan.jerett@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,

Vicki Simons
Acting Director

Enclosure

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

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