UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

March 17, 2017

Return Receipt Requested
Certified Mail #: 7015 3010 0001 1267 5324

In Reply Refer to:
EPA File No. 14U-15-R3

(b) (6) Privacy

Williamson, West Virginia 25561

Re: Closure of Administrative Complaint

Dear (b) (6) Privacy

On June 24, 2015, U.S. Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECRCO), received your correspondence regarding concerns about damage to your home and property from nearby abandoned mines. In your correspondence, you indicated that you had contacted the West Virginia Department of Environmental Protection, Office of Abandoned Mine Lands and Reclamation; Kinzer Drilling, LLC; and Energy Corporation of America regarding your property and their involvement in this matter. ECRCO has determined that it cannot accept your administrative compliant for investigation because it does not meet the jurisdictional requirements set forth in EPA's nondiscrimination regulation.

Pursuant to EPA's nondiscrimination regulation, ECRCO 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 regulation. 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 regulation (*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.

Your original correspondence did not provide ECRCO with enough information to determine whether ECRCO could investigate your concerns. Accordingly, in a letter dated August 27, 2015, ECRCO sought clarification from you about your correspondence. Specifically, ECRCO requested that you provide the following information:

1. A description of the alleged discriminatory act(s) committed by the West Virginia Department of Environmental Protection, Office of Abandoned Mine Lands and

Reclamation; Kinzer Drilling, LLC; and Energy Corporation of America that violated EPA's nondiscrimination regulations.

2. A description of how the West Virginia Department of Environmental Protection, Office of Abandoned Mine Lands and Reclamation; Kinzer Drilling, LLC; and Energy Corporation of America discriminated against you and on what basis(es); *e.g*, race, color, national origin, sex, age or disability.

3. The date(s) of the alleged discriminatory act(s) committed by the West Virginia Department of Environmental Protection, Office of Abandoned Mine Lands and Reclamation; Kinzer Drilling, LLC; and Energy Corporation of America that occurred within the 180 calendar days of when you filed your complaint (June 17, 2015).

ECRCO received responses from you on September 9, 2015, and December 2, 2015. Your responses, however, did not describe any alleged discriminatory acts or include dates when any alleged discriminatory acts occurred. In other words, you did not state how, when, and on what bases the West Virginia Department of Environmental Protection, Office of Abandoned Mine Lands and Reclamation; Kinzer Drilling, LLC; and Energy Corporation of America allegedly discriminated against you.

After careful consideration, ECRCO has concluded that it cannot accept your complaint for investigation because it does not meet the jurisdictional requirements described in EPA's nondiscrimination regulation. Therefore, ECRCO is closing your complaint as of the date of this letter.

ECRCO has been in touch with the following organizations near you that could be of service to you regarding your concerns. Their contact information is as follows:

U.S. Department of the Interior
Office of Surface Mining Reclamation and Enforcement
Roger W. Calhoun, Director
Charleston Field Office
1027 Virginia Street, East
Charleston, West Virginia 25301
(304) 347-7158

West Virginia Environmental Council
Conni Gratop Lewis
2207 Washington St E
Charleston West Virginia 25324
(304) 543-5811

(b) (6) Privacy

West Virginia Rivers Coalition
Angie Rosser
3501 MacCorkle Ave. SE #129
Charleston West Virginia 25304
(304) 637-7201

If you have any questions about this letter, please contact Jonathan Stein of my staff at (202) 564-2088, via email at Stein.Jonathan@epa.gov, or by mail at U.S. EPA, Office of General Counsel (Mail Code 2310A), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460.

Sincerely,

Lilian S. Dorka
Director
External Civil Rights Compliance Office
Office of General Counsel

cc: Kenneth Redden
Acting Associate General Counsel
Civil Rights & Finance Law Office

John A. Armstead
Acting Deputy Regional Administrator
Acting Deputy Civil Rights Official
U.S. EPA Region 3