UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

June 7, 2017

Return Receipt Requested
Certified Mail#: 7015 3010 0001 1267 5904

In Reply Refer to:
EPA File No.: 21X-16-R3

(b) (6) - Privacy
Beltsville, MD 20705

Re: Rejection of Administrative Correspondence

Dear (b) (6) - Privacy

On March 17, 2016, the U.S. Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECRCO), received your correspondence regarding a low frequency hum that exists in your neighborhood of Beltsville, Maryland. You stated that this hum disrupts your home and is potentially contributing to a host of physical ailments experienced by you and your wife. Your complaint indicated that you were unclear about the source of the hum noise. In your complaint, you stated that you contacted Verizon, Comcast, and Pepco, and they did not seem to be responsible for the hum. You also mentioned a company called AiNET recently did cable installation infrastructure work in your neighborhood. ECRCO has determined that it cannot accept your administrative complaint for investigation because it does not meet the jurisdictional requirements set forth in EPA's nondiscrimination regulation.

Pursuant to the EPA's nondiscrimination administrative regulations, ECRCO conducts a preliminary review of administrative complaints for acceptance, rejection or referral to the appropriate agency. *See* 40 C.F.R. § 7.120(d)(1). Generally, ECRCO accepts for investigation complaints that meet the four jurisdictional requirements described in the EPA's nondiscrimination regulations. First, it must be in writing. *See* 40 C.F.R. § 7.120(b)(1). Second, it must a discriminatory act that, if true, may violate the EPA's nondiscrimination regulations (*e.g.*, an alleged discriminatory act based on race, color, national origin, sex, age, or Section 504 disability). *Id.* Third, the complaint must be filed within 180 calendar days of the alleged discriminatory act. *See* 40 C.F.R. § 7.120(b)(2). Finally, the complaint must be filed against an applicant for, or a recipient of, EPA financial assistance that allegedly committed the discriminatory act. *See* 40 C.F.R. § 7.15.

After careful consideration, ECRCO has concluded that it cannot accept the complaint for investigation because you did not identify or file against an applicant for, or a recipient of EPA

financial assistance. Furthermore, your complaint did not describe the alleged discrimination, nor did you provide dates for an alleged discriminatory act. In other words, your complaint did not state how, when, who, and what basis discrimination occurred against you.

Since the filing of your complaint, ECRCO staff have spoken with you on several occasions in order to clarify your complaint. Specifically, ECRCO staff discussed the issues of your complaint with you on March 17, 2016, March 30, 2016, May 23, 2017, and May 31, 2017. However, the additional information obtained through these conversations, did not provide the needed jurisdictional basis to allow ECRCO to address the issues raised in your correspondence.

Based on the foregoing, the ECRCO is rejecting and closing this complaint as of the date of this letter. You may wish to contact the Prince Georges County Government to file a complaint under the County Noise Ordinance. They may be reached at (301) 883-4748.

If there are any questions regarding the ECRCO's decision, please contact Samuel Peterson of ECRCO, at (202) 564-5393, via electronic mail at peterson.samuel@epa.gov, or by mail at U.S. EPA, External Civil Rights Compliance Office, (Mail Code 2310A), 1200 Pennsylvania Avenue, NW, Washington, DC 20460-1000.

Sincerely,

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

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

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