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

December 20, 2016

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested
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In Reply Refer to:
EPA No: 23RNO-16-R3

Mr. Benjamin H. Grumbles
Maryland Department of the Environment
1800 Washington Boulevard
Baltimore, Maryland 21230

Re: Rejection of Administrative Complaint

Dear Mr. Grumbles:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR) has rejected administrative complaint 23RNO-16-R3, filed with EPA on August 24, 2015 against the Maryland Department of the Environment (MDE).

Pursuant to the EPA's nondiscrimination regulation, OCR 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, OCR accepts for investigation complaints that meet all four jurisdictional requirements described in the EPA's nondiscrimination regulation. First, the complaint must be in writing. *See* 40 C.F.R. § 7.120(b)(1). Second, the complaint must describe an alleged discriminatory act that if true, may violate the EPA's nondiscrimination regulation (*e.g.*, an alleged discriminatory act based on race, color, national origin, sex, age, or disability). *Id.* Third, the complaint must be filed within 180 calendar days of the alleged act of discrimination. *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 who allegedly committed the discriminatory act. *See* 40 C.F.R. § 7.15.

As of the date of this letter, OCR has determined that the subject complaint does not meet all four jurisdictional requirements as stated above – specifically the 180-day requirement. The three other requirements are met here. First, the complaint is in writing. Second, the MDE is a recipient of federal financial assistance from EPA. And third, the complaint describes an alleged discriminatory act that may violate the EPA's nondiscrimination regulation.

However, OCR cannot accept this complaint for investigation. EPA's Title VI regulation requires that a complaint be filed within 180 days of the alleged discriminatory act. *See* 40 C.F.R. § 7.120(b)(2). The lawsuit was filed by MDE against the Complainant on December 17, 2013. The Complainant filed this complaint with EPA on August 24, 2015 and it was received by EPA on the same day. This is beyond 180 days after the date of the alleged discriminatory act. As such, this allegation does not meet EPA's jurisdictional requirement.

Furthermore, OCR attempted to reach out to Complainant on several occasions by phone and email (July 27, 2016, July 29, 2016, August 1, 2016, August 5, 2016) to ascertain the timing of when an MDE employee allegedly took the additional discriminatory actions against the Complainant. As Complainant has not replied to any of OCR's inquiries into this second allegation, we are unable to consider this information in determining whether this complaint was timely filed. Accordingly, EPA is closing this matter effective the date of this letter

If you have questions regarding this letter, please contact Jonathan Stein at (202) 564-2088, or by electronic mail at *stein.jonathan@epa.gov*.

Sincerely,

Lilian S. Dorka
Acting Director
Office of Civil Rights

cc: Elise Packard
Associate General Counsel
Civil Rights & Finance Law Office

Cecil Rodrigues
Deputy Regional Administrator
Deputy Civil Rights Official
U.S. EPA Region 3