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

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

August 29, 2017

Return Receipt Requested
Certified Mail #: 7015 3010 0001 1267 6185

In Reply Refer to:
EPA File No. 16U-16-R9

(b) (6) - Privacy
Sacramento, CA 95819 (b) (6) - Privacy
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Re: Rejection of Administrative Correspondence

Dear (b) (6) - Privacy

On March 6, 2016, the U.S. Environmental Protection Agency (EPA) External Civil Rights Compliance Office (ECRCO) received your complaint alleging corruption within the Sacramento Metropolitan Air Quality Management District. After careful review, ECRCO has concluded that it cannot accept your administrative complaint for investigation because it does not meet the jurisdictional requirements described in EPA's nondiscrimination regulations found at 40 CFR Part 7. Therefore, ECRCO is closing this case as of the date of this letter.

Pursuant to EPA's nondiscrimination regulation, ECRCO conducts a preliminary review of administrative complaints to determine acceptance, rejection, or referral to the appropriate Federal agency. *See* 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must meet the 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, it must describe an alleged discriminatory act that, if true, may violate the 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 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 recipient of, EPA financial assistance that allegedly committed the discriminatory act. *See* 40 C.F.R. § 7.15.

Your original correspondence did not provide ECRCO with sufficient information to determine

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ECRCO's authority to investigate your complaint under EPA's nondiscrimination regulation. That is, you did not indicate how, when, and on what basis(es), (race, color, national origin, sex, age, or disability), the Sacramento Metropolitan Air Quality Management District discriminated against you.

On June 22, 2016, ECRCO sought clarification about your complaint in a telephone call between you and two members of my staff, Katsumi Keeler and Jeremy Lofthouse. During the interview, ECRCO requested information regarding the date of the alleged harm. You indicated that on October 22, 2015, and February 25, 2016, you were denied or limited in the amount of time to speak before a meeting of the Board of the Sacramento Metropolitan Air Quality Management District. However, you also stated that the actual discrimination you encountered took place when the District applied a penalty at the close of a lawsuit with that agency. That penalty was ordered in February of 2008 per documentation provided by you. As the complaint was filed on March 6, 2016, that is well beyond the 180 days of the alleged discriminatory act. Accordingly, the information provided by you does not support that a timely alleged discriminatory act occurred.

In addition, my staff asked you to identify a basis for the alleged discrimination. You responded that showing such discrimination would be "a pretty tough door to get through." You did not provide any additional information about why you believe you were discriminated against, and on what basis. Therefore, ECRCO lacks jurisdiction over this complaint and cannot accept it for investigation. This matter is closed as of the date of this letter.

If you have any questions about this letter, please contact Case Manager Katsumi Keeler at (202) 564-2347 or via email at Keeler.Katsumi@epa.gov.

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

Deborah Jordan
Acting Deputy Regional Administrator
Acting Deputy Civil Rights Official
U.S. EPA Region 9