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

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

September 8, 2017

Return Receipt Requested
Certified Mail #: (b) (6) - Privacy

In Reply Refer to:
EPA No: 22D-17-R3

Herman Bauer Jr.
Chair
Township Board of Administrators
Franklin Township
191 Election House Road
Prospect, PA 16052

Re: Rejection of Administrative Complaint

Dear Mr. Bauer:

On July 11, 2017, the U.S. Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECRCO) received a complaint alleging that the Franklin Township, Butler County, Pennsylvania (PA), violated Section 504 of the Rehabilitation Act of 1973 and the EPA's nondiscrimination regulation (*see* 40 C.F.R. Part 7, Subpart C) by changing ordinances to allow fracking and failing to protect the complainant, a person with disabilities, from adverse health impacts. ECRCO has determined that it cannot accept this administrative complaint for investigation because it does not meet the jurisdictional requirements described in EPA's nondiscrimination regulation.

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.

After careful consideration, ECRCO has concluded that it cannot accept this complaint for investigation because Franklin Township, Butler County, PA, is not an applicant for, or a recipient of, EPA financial assistance. Therefore, ECRCO is closing the complaint as of the date of this letter. ECRCO has provided the complainant with contact information for the Pennsylvania Department of Environmental Protection.

If you have any questions about this letter, please contact Debra McGhee, Team Lead, at (202) 564-4646, by e-mail at mcghee.debra@epa.gov, or by mail at U.S. EPA, Office of General Counsel, External Civil Rights Compliance Office, 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
US. EPA Region 3