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

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

September 14, 2017

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

In Reply Refer to:
EPA File No. 18X-17-R5

(b) (6) - Privacy, (b) (7)(C) - Enforcement Privacy [redacted]
Barrington, IL 60010

Via Email:
(b) (6) - Privacy, (b) (7)(C) - Enforcement Privacy [redacted]

Re: Rejection of Administrative Correspondence

Dear (b) (6) - Privacy, (b) (7)(C) - Enforcem [redacted]

On May 10, 2017, the U.S. Environmental Protection Agency (EPA), External Civil Rights Compliance Office of Civil Rights (ECRCO), received correspondence from you raising a concern about sidewalks and property becoming contaminated by the merging of sewage and storm drains, especially after particularly significant storms, and the potentially detrimental health impacts this situation may have on residents. 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 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 the complaint for investigation because your complaint did not describe an alleged discriminatory act based on race, color, national origin, sex, age or disability, that, if true, would violate EPA's nondiscrimination regulation. Since the filing of your complaint, you submitted additional correspondence to ECRCO on June 5, 2017, regarding your concern. However, neither that correspondence nor your initial May 10, 2017, correspondence provided us with the information necessary to establish jurisdiction over the issues raised in your correspondence. As a result, ECRCO sent you a request for clarification via email on June 8, 2017, and requested that you respond within 15 days. To date, ECRCO has not received a response from you to our request.

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 following agency regarding your concern:

Illinois Environmental Protection Agency
Bureau of Water/Compliance Assurance Section - MC #19
1021 North Grand Avenue East
P.O. Box 19276
Springfield, IL 62794-9276
Telephone: 217-782-9720
Fax: 217-782-9891

If you have any questions about this correspondence, please contact Jonathan Stein of my staff by telephone at (202) 564-2088, by email at stein.jonathan@epa.gov, or by mail to U.S. EPA, External Civil Rights Compliance Office (Mail Code 2310A), 1200 Pennsylvania Avenue, NW, 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 and Finance Law Office

Cheryl Newton
Acting Deputy Regional Administrator
Acting Deputy Civil Rights Official
U.S. EPA Region 5