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

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

November 24, 2017

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

In Reply Refer to:
EPA File No: 01R-17-R5

Mr. Alec Messina, Director
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Post Office Box 19276
Springfield, Illinois 62794-9276

Re: Rejection/Closure of Administrative Complaint

Dear Mr. Messina:

On November 2, 2016, the U.S. Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECRCO) received a complaint alleging discrimination by Illinois Environmental Protection Agency. ECRCO cannot accept the complaint for investigation because it does not meet the jurisdictional requirements set out in EPA's nondiscrimination regulation. Accordingly, this case is closed as 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.

The original correspondence did not contain sufficient information to establish EPA's jurisdiction. Accordingly, ECRCO contacted the complainant to seek clarification about the complaint on December 12, 2016, January 10, 2017, and February 9, 2017. Although we did talk with the Complainant on December 2, 2016, we received no further information after that date.

The date provided by the Complainant of the last Notice of Violation from the IEPA was in June of 2015. That date was confirmed during a telephone interview with my staff on December 2, 2016. As that is the last date of alleged harm that the Complainant identified, ECRCO has determined that the Complainant failed to describe a timely act that would violate the federal non-discrimination statutes enforced by my office. As indicated above, the complaint must be filed within 180 days of the alleged discriminatory act. After careful review, ECRCO has determined that there is insufficient information in the complaint to establish EPA's jurisdiction over this matter. Therefore, ECRCO is rejecting the complaint for investigation and closing this case as of the date of this letter.

If you have any questions about this correspondence, please contact Zahra Khan, Case Manager, at (202) 564-0460, by e-mail at khan.zahra@epa.gov or by mail at U.S. EPA External Civil Rights Compliance Office, (Mail Code 2310A), 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460.

Sincerely,

Dale Rhines
Deputy Director
External Civil Rights Compliance Office

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

Cheryl Newton
Acting Deputy Regional Administrator
Deputy Civil Rights Official
US EPA Region 5