UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

October 17, 2019

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

In Reply Refer to:
EPA File No: 01U-20-R3

(b) (6) Privacy, (b) (7)(C) Enforcement Privacy

LaBelle, PA 15450 (b) (6) Privacy

Re: Rejection and Referral of Administrative Complaint

Dear (b) (6) Privacy

The U.S. Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECRCO) is referring a complaint received October 16, 2019 from you, a prisoner incarcerated at the Fayette State Correction Institution in LaBelle, PA under the Pennsylvania Department of Corrections. You alleged that the toxic waste problems in the prison is life threatening and a hazard to your health. ECRCO cannot accept your complaint for investigation, because the Pennsylvania Department of Corrections is not a recipient of EPA financial assistance. After careful review, ECRCO cannot accept your complaint for investigation because it does not meet the jurisdictional requirements described in the EPA's nondiscrimination regulation. However, your complaint is being referred to the U.S. Department of Justice (DOJ).

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 correspondence does not meet the jurisdictional requirements of the EPA's nondiscrimination regulation. Particularly, the Pennsylvania Department of Corrections is not a

recipient of EPA financial assistance. As a result, the ECRCO must reject your complaint and close this case as of the date of this letter.

As the U.S. Department of Justice (DOJ), Civil Rights Division, Special Litigation Section, may have jurisdiction over the Pennsylvania Department of Corrections, the complaint is being referred to DOJ for appropriate action. A copy of the letter to DOJ is enclosed with this correspondence. Please contact Steven Rosenbaum at DOJ for information regarding the referral of this complaint. Mr. Rosenbaum's contact information is: U.S. Department of Justice, Special Litigation Section, Civil Rights Division, 950 Pennsylvania, Avenue, N.W., Washington D.C. 20530. We are also forwarding DOJ a copy of your complaint.

If you have any questions about this correspondence, please contact Dale Rhines, Deputy Director, at (202) 564-4174, by e-mail at rhines.dale@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,

Lilian S. Dorka
Director
External Civil Rights Compliance Office
Office of General Counsel

Enclosure

cc: Angelia Talbert-Duarte
Deputy Associate General Counsel
Civil Rights & Finance Law Office

Cecil Rodrigues
Acting Regional Counsel
Deputy Civil Rights Official
EPA Region 3