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 #: 7015 3010 0001 1267 6154

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

Karen Darch, Village President
Jeff Lawler, Village Manager
Village of Barrington
Village Hall
200 South Hough Street
Barrington, Il 60010

Re: Rejection of Administrative Correspondence

Dear President Darch and Manager Lawler:

On May 10, 2017, the U.S. Environmental Protection Agency (EPA), External Civil Rights Compliance Office of Civil Rights (ECRCO), received correspondence from a Village resident (Complainant) 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 this 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 the complaint did not describe an alleged discriminatory act that, if true, would violate EPA's nondiscrimination regulation. That is, the Complainant did not indicate how, when, and on what basis(es) (race, color, national origin, sex, age or disability), the Village of Barrington discriminated against her.

Since the filing of this complaint, Complainant submitted additional correspondence to ECRCO via email on June 5, 2017, regarding Complainant's concern. However, neither that correspondence nor their initial May 10, 2017, correspondence provided us with the information necessary to establish jurisdiction over the issues raised in Complainant's correspondence. As a result, ECRCO sent Complainant a request for clarification via email on June 8, 2017, and requested that Complainant respond within 15 days. To date, ECRCO has not received a response from Complainant to our request.

Based on the foregoing, ECRCO is rejecting and closing this complaint as of the date of this letter. We have notified the Complainant that she may wish to contact the Illinois Environmental Protection Agency, Bureau of Water/Compliance Assurance Section.

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