UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

August 3, 2017

Return Receipt Requested
Certified Mail #: 7015 3010 0001 1267 6079

In Reply Refer to:
EPA File No. 06X-17-R5 (WDOC)

Jon E. Litscher
Secretary
Wisconsin Department of Corrections
3099 E. Washington Avenue
Madison, WI 53704

Re: Rejection of Administrative Correspondence

Dear Secretary Litscher:

On November 30, 2016, the U.S. Environmental Protection Agency (EPA) External Civil Rights Compliance Office, received a complaint against Wisconsin Department of Corrections (WDOC) from a prisoner incarcerated at the Wisconsin Secure Program Facility (WSPF). The complaint alleges that there are unsanitary vent and sewage systems in the Complainant's prison cell causing the Complainant respiratory and other health issues. Complainant also alleges that the drinking water serviced to the prison facility is unsafe to drink. After careful review, ECRCO cannot accept the complaint for investigation because it does not meet the jurisdictional requirements described in the EPA's nondiscrimination regulation. However, the complaint is being referred to the U.S. Department of Justice (DOJ).

Pursuant to EPA's nondiscrimination regulation, ECRCO conducts a preliminary review of complaints to determine acceptance, rejection, or referral (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. 40 C.F.R. § 7.120(b)(2). Finally, it must be filed against an applicant for, or recipient of, EPA financial assistance that allegedly committed the discriminatory act. 40 C.F.R. § 7.15.

The complaint did not meet the jurisdictional requirements of the EPA's nondiscrimination regulation. Particularly, the WDOC is not a recipient of EPA financial assistance. As a result, ECRCO must reject the complaint and close this case as of the date of this letter.

As the DOJ's, Civil Rights Division, Special Litigation Section, may have jurisdiction over WDOC, the complaint is being referred to DOJ for appropriate action. 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.

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,

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
Deputy Civil Rights Official
U.S. EPA, Region 5