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#: (b) (6) Privacy [redacted]

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

(b) (6) - Privacy [redacted]
Wisconsin Secure Program Facility
(b) (6) - Privacy [redacted]
Boscobel, WI (b) (6) [redacted]

Re: Rejection and Referral of Administrative Correspondence

(b) (6) - Privacy [redacted]

The U.S. Environmental Protection Agency (EPA) External Civil Rights Compliance Office (ECRCO), formerly known as the Office of Civil Rights (OCR) received correspondence from you on November 30, 2016, against Wisconsin Secure Program Facility (WSPF) and Wisconsin Department of Corrections (WDOC). In your complaint you alleged that unsanitary vent and sewage systems in your prison cell are causing you respiratory and other health issues. You also alleged that the drinking water serviced to the facility is unsafe to drink. 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 the EPA's nondiscrimination regulation, the ECRCO conducts a preliminary review of discrimination complaints for acceptance, rejection, or referral. *See* 40 C.F.R. § 7.120(d)(l). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in the EPA's nondiscrimination regulation. First, it must be in writing. Second, it must describe an alleged discriminatory act that, if true, may violate the EPA's nondiscrimination regulation (i.e., an alleged discriminatory act or policy with a discriminatory effect based on race, color, national origin, sex, age, or disability). Third, it must be filed within 180 calendar days of the alleged discriminatory act. *See* 40 C.F.R. § 7.120(b). Finally, the complaint must be filed against an applicant for, or a recipient of EPA 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 WSPF and WDOC are not recipients of EPA

(b) (6) - Privacy

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 WDOC and/or WSPF, 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 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

Enclosure

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