UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

June 8, 2017

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

(b) (7)(C) Enforcement Privacy
[redacted]

Re: Request for Clarification

Dear (b) (7)(C) Enforcement Privacy [redacted]

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECRCO), has reviewed your correspondence received May 10, 2017. After carefully considering your correspondence, ECRCO has concluded that we need further information as to whether we are the appropriate office to address these concerns.

As previously indicated, ECRCO is responsible for processing and investigating complaints that allege discrimination by programs and activities receiving financial assistance from EPA. We enforce several civil rights laws, which, together, prohibit discrimination on the basis of race, color, national origin (including on the basis of limited-English proficiency); sex, disability, and age by applicants for and recipients of federal financial assistance from EPA.

Pursuant to EPA's nondiscrimination administrative regulation, ECRCO conducts a preliminary review of administrative complaints for acceptance, rejection, or referral to another agency. See 40 C.F.R § 7.120(b)(1). 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. *Id.* Second, it must allege an intentionally discriminatory act or a policy with discriminatory effects that violates the EPA's nondiscrimination regulation. *Id.* Third, it must be received within 180 calendar days of the alleged discriminatory act. See 40 C.F.R. §7.120(b)(2). Finally, it must be filed against an applicant for, or a recipient of, EPA financial assistance that committed the alleged discriminatory act. 40 C.F.R §7.15.

You have recently and previously raised a concern that sidewalks and property continue to be contaminated by the merging of sewage and storm drains, especially after particularly significant storms. You further raise a concern about the potentially detrimental health impacts this may have on residents. However, your correspondence does not provide us with enough information

to complete the review needed to determine whether we have jurisdiction to process your correspondence as a complaint. In the interests of ensuring whether we are the correct office to address your concerns as described above, please provide us with the following information within fifteen (15) calendar days of your receipt of this letter:

1) A description of the alleged discriminatory act(s) committed; that is, how do you believe the Village of Barrington discriminated against you, or other residents on your street that assert have authorized you to be their representative; and
2) Identification of the basis(es) (*i.e.*, race, color, national origin, sex, age, or disability) has the Village of Barrington discriminated.
3) Further information you may have regarding contact between the Village of Barrington and EPA regarding the EPA request to fix the infrastructure that you noted in your correspondence.

As noted above, in order to assist us in our review of your correspondence, we are asking that you respond to this request for clarification. Failure to respond within **fifteen (15) calendar days** of receipt may result in the closure of your complaint. To this effect, please either contact me by telephone at (202) 564-7299, by email at temple.kurt@epa.gov, or mail your reply to our office at your earliest convenience.

Sincerely,

Kurt Temple
Senior Advisor
External Civil Rights Compliance Office
Office of General Counsel

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

Robert Kaplan
Deputy Regional Administrator
Deputy Civil Rights Official
U.S. EPA, Region 5