UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

November 24, 2017

Return Receipt Requested
Certified Mail #: (b) (6) - Privacy [redacted]

In Reply Refer to:
EPA File No: 01R-17-R5

(b) (6) - Privacy, (b) (7)(C) - Enforcement Privacy
[redacted]
Rockford, IL 61101

Re: Rejection/Closure of Administrative Complaint

Dear (b) (6) - Privacy, (b) (7)(C) - Enforcemen [redacted]

On November 2, 2016, the U.S. Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECRCO) received your complaint, referred to our office from the White House, alleging Illinois Environmental Protection Agency (IEPA) discriminated against you. ECRCO cannot accept your complaint for investigation because it does not meet the jurisdictional requirements set out in EPA's nondiscrimination regulation. Accordingly, this case is closed as the date of this letter.

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 original correspondence did not contain sufficient information to establish EPA's jurisdiction. Accordingly, ECRCO contacted you via phone and electronic mail to seek clarification about your complaint on December 2, 2016, January 10, 2017, and February 9, 2017 to obtain the information necessary to establish jurisdiction. Although we did talk with you on December 2, 2016, we received no further information from you after that date.

The date you have provided of the last Notice of Violation from the IEPA was in June of 2015. You confirmed that date during the telephone interview with my staff on December 2, 2016. As that is the last date of alleged harm that you have identified, ECRCO has determined that you failed to describe a timely act that would violate the federal non-discrimination statutes enforced by my office. As indicated above, the complaint must be filed within 180 days of the alleged discriminatory act. After careful review, ECRCO has determined that there is insufficient information in your complaint to establish EPA's jurisdiction over this matter. Therefore, ECRCO is rejecting the complaint for investigation and closing this case as of the date of this letter.

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,

Dale Rhines
Deputy -Director
External Civil Rights Compliance Office

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

Cheryl Newton
Acting Deputy Regional Administrator
Deputy Civil Rights Official
US EPA Region 5