UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

March 17, 2017

Return Receipt Requested
Certified Mail #: 7015 3010 0001 1267 5355

In Reply Refer to:
EPA File No: 14U-15-R3

Mr. Don Supcoe
Energy Corporation of America
Eastern Operations
500 Corporate Landing
Charleston, West Virginia 25311

Re: Closure of Administrative Complaint

Dear Mr. Supcoe:

On June 24, 2015, U.S. Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECRCO), received correspondence from a resident of Mingo County, West Virginia (Complainant) regarding concerns about damage to Complainant's home and property from nearby abandoned mines. In the correspondence, Complainant indicated that they had contacted the Energy Corporation of America regarding Complainant's property and Energy Corporation of America's involvement in this matter. ECRCO has determined that it cannot accept this administrative compliant for investigation as it relaties to Energy Corporation of America 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 for acceptance, rejection, or referral. 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in EPA's nondiscrimination regulation. First, it must be in writing. 40 C.F.R. § 7.120(b)(1). Second, it must describe an alleged discriminatory act that, if true, may violate 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 calendar days of the alleged discriminatory act. 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 allegedly committed the discriminatory act. 40 C.F.R. § 7.15.

After careful consideration, ECRCO has concluded that it cannot accept the complaint for investigation relative to Energy Corporation of America because Energy Corporation of America is neither an applicant for, nor a recipient of, EPA financial assistance. Therefore, ECRCO is

closing this complaint as of the date of this letter.

If you have any questions about this letter, please contact Jonathan Stein of my staff at (202) 564-2088, via email at Stein.Jonathan@epa.gov, or by mail at U.S. EPA, Office of General Counsel (Mail Code 2310A), 1200 Pennsylvania Avenue, N.W., 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 & Finance Law Office

John A. Armstead
Acting Deputy Regional Administrator
Acting Deputy Civil Rights Official
U.S. EPA Region 3