



UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY  
WASHINGTON, D C. 20460

Office of Environmental Justice and External Civil Rights  
Office of External Civil Rights Compliance

January 4, 2023

**In Reply Refer to:**

EPA File No. 01RNO-22-R7

Dru Buntin  
Director  
Missouri Department of Natural Resources  
Post Office Box 176  
Jefferson City, MO 65102  
Dru.Buntin@dnr.mo.gov

**Re: Rejection of Administrative Complaint**

Dear Director Buntin:

The U.S. Environmental Protection Agency (EPA), Office of Environmental Justice & External Civil Rights, Office of External Civil Rights Compliance (OECRC),<sup>1</sup> is rejecting the administrative complaint filed by residents of Pettis County against the Missouri Department of Natural Resources (MODNR) which was received by the EPA on August 10, 2022. The complaint alleges that MODNR discriminated on the basis of race, color, and national origin in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000(d) *et seq.*, and EPA's nondiscrimination regulation, at 40 C.F.R. Part 7.

Specifically, the complaint alleges that MODNR's review of the applications for permits authorizing the construction and operation of sanitary landfills and related activities at the Pettis County Environmental Materials Management Park (which is operated by the Pettis County Development Company) and the Mid-Missouri Waste Systems landfill, subjected residents of the towns of Lamonte and Dresden in Pettis County, MO, to discrimination on the basis of race, color, and national origin. As explained below, OECRC is not accepting this complaint for investigation.

Pursuant to EPA's nondiscrimination regulation, OECRC 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.*,

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<sup>1</sup> On September 24, 2022, EPA announced the establishment of the Office of Environmental Justice and External Civil Rights (OEJECR). The new Office includes the External Civil Rights Compliance Office, which was renamed the Office of External Civil Rights Compliance (OECRC). OECRC continues to enforce and ensure compliance with federal civil rights laws, which prohibit discrimination by applicants for and recipients of EPA financial assistance.

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.

After careful consideration, OECRC has determined that the claims against MODNR do not meet the jurisdictional requirements stated above. Specifically, the complaint fails to demonstrate that the alleged discriminatory actions were taken by a recipient of EPA financial assistance, because the permitting authority responsible for the action described in the complaint is Pettis County, and not MODNR. OECRC has confirmed with MODNR that the permit applications for the two waste facilities identified in the complaint are not matters currently before the MODNR.

Pettis County is not a recipient of EPA financial assistance. However, the United States Department of Health and Human Services (HHS) may have jurisdiction over the County, which is a recipient of HHS financial assistance. Therefore, OECRC has referred the complaint to HHS for appropriate action. We have provided HHS with a copy of the complaint. We have also notified the Complainant of EPA's rejection of their complaint against MODNR and referral of the matter to HHS with respect to Pettis County.

If you have any questions about this correspondence, please contact me by telephone at (212) 637-5033 or by email at [hoang.anhthu@epa.gov](mailto:hoang.anhthu@epa.gov).

Sincerely,

Anhthu Hoang  
Acting Director  
Office of Environmental Justice &  
External Civil Rights  
Office of External Civil Rights Compliance

cc: Ariadne Goerke  
Deputy Associate General Counsel  
Civil Rights & Finance Law Office

Edward H. Chu  
Deputy Regional Administrator  
Deputy Civil Rights Official  
US EPA Region 7

Leslie Humphrey  
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