



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 Complaint No. 01RNO-22-R7

Steven Mitchell
Regional Manager, Midwest Region
Office for Civil Rights
U.S. Department of Health and Human Services
233 N. Michigan Ave., Suite 240
Chicago, IL 60601
ocrmail@hhs.gov

Re: Referral of Administrative Complaint

Dear Mr. Mitchell:

The U.S. Environmental Protection Agency (EPA), Office of Environmental Justice & External Civil Rights, Office of External Civil Rights Compliance (OECRC),¹ is referring the above referenced administrative complaint filed by the 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'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 discriminated against the residents of the towns of Lamonte and Dresden in Pettis County, Missouri (the County) based on 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.

After careful consideration, OECRC has determined that the claims against MODNR do not meet EPA's jurisdictional requirements. 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. Therefore, OECRC must reject and close the complaint as the date of this letter because the complaint does

¹ On September 24, 2022, EPA announced the establishment of the Office of Environmental Justice and External Civil Rights (OEJEER). 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.

not fall within our jurisdiction.

The U.S. Department of Health and Human Services (HHS) may have jurisdiction over Pettis County, which is a recipient of HHS financial assistance. Therefore, OECRC by this letter refers this complaint to your office for appropriate action. We have notified the Complainant that EPA has referred the complaint to HHS for appropriate action and provided Complainant with your contact information.

We enclose a copy of our rejection letter to the Complainants and original complaint for your review. If you have any questions, please contact me at hoang.anhthu@epa.gov.

Thank you for your attention to this matter.

Sincerely,

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

Enclosures

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
Regional Counsel
US EPA Region 7