



UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D C. 20460

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

September 29, 2023

In Reply Refer to:

EPA File No: 04Rr-21-R5

Phil Roos, Director
The Michigan Department of Environment, Great Lakes, and Energy
525 West Allegan Street
Post Office Box 30471
Lansing, MI 48909-7973
RoosP@michigan.gov

Re: Administrative Closure without prejudice of EPA Complaint No. 04Rr-21-R5

Dear Director Roos:

This letter is to advise you that the U.S. Environmental Protection Agency (“EPA”), Office of Environmental Justice and External Civil Rights, Office of External Civil Rights Compliance (“OECRC”) has administratively closed its investigation of EPA Complaint No. 04Rr-21-R5 (“Complaint”) filed against the Michigan Department of Environment, Great Lakes, and Energy (“EGLE”). The Complaint alleged civil rights violations by EGLE involving its approval of Permit to Install (“PTI”) No. 133-19A for Graphic Packaging International (“GPI”) in Kalamazoo, Michigan, and with respect to EGLE’s oversight of GPI. During OECRC’s initial fact-finding, including an onsite visit to Kalamazoo on February 28, 2023, OECRC learned of continuing concerns raised by members of the community surrounding GPI regarding odors and potential air pollutant emissions from GPI.

Recently, OECRC was made aware of a class action lawsuit filed¹ (“Lawsuit”) in federal court that includes EPA and EGLE as defendants, that alleges, in part, the same civil rights issues filed against the same recipient as those raised in the Complaint. Section 2.5 of OECRC’s Case Resolution Manual provides that when the same civil rights issues have been filed against the same recipient in federal court, OECRC may administratively close the complaint.² In accordance with Section 2.5 of OECRC’s Case Resolution Manual, given that the Lawsuit raises the same civil rights issues in federal court against the same recipient as those raised in the Complaint, and because the litigation may affect the investigation and resolution of the

¹ *Dancer v. United States, et al.*, No. 23-00580 (W.D. Mich.)

² U.S. EPA, Office of External Civil Rights Compliance (formerly, External Civil Rights Compliance Office) *Case Resolution Manual*, Section 2.5 available at https://www.epa.gov/sites/default/files/2021-01/documents/2021.1.5_final_case_resolution_manual_.pdf.

Complaint, OECRC finds that that continuing the investigation and resolution efforts at this time is not justified for prudential reasons. As such, OECRC is closing the Complaint administratively, without prejudice, as of the date of this letter.³

As a result of this administrative closure without prejudice, EPA will take no further action in response to this Complaint. This Complaint may be re-filed with OECRC within 60 calendar days following termination of the court proceeding unless there has been a decision on the merits or settlement of issues that were also raised in the Complaint (dismissal without prejudice is not considered a decision on the merits).

Conclusion

OECRC is administratively closing without prejudice EPA Complaint No. 04Rr-21-R5 as of the date of this letter. As discussed above, this Complaint may be re-filed with OECRC within 60 calendar days unless there has been a decision on the merits or settlement of issues that were also raised in the Complaint. This letter sets forth EPA's disposition of EPA Complaint No. 04Rr-21-R5. This letter is not a formal statement of EPA policy and should not be relied upon, cited, or construed as such.

If you have questions about this letter, please feel free to contact me by email at hoang.anhthu@epa.gov, or Jack Pantziris, Case Manager at pantziris.jack@epa.gov.

Sincerely,

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

cc: Ariadne Goerke
Deputy Associate General Counsel
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Office of General Counsel, U.S. EPA

Cheryl Newton
Deputy Regional Administrator
Deputy Civil Rights Official
U.S. EPA Region 5

Robert Kaplan
Regional Counsel
U.S. EPA Region 5

³ *Id.*

James Clift
Deputy Director
The Michigan Department of Environment, Great Lakes, and Energy