



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

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

July 22, 2021

In Reply Refer To:

EPA Complaint No. 01X-20-R2

Victoria Kilpatrick
Mayor
Borough of Sayreville
167 Mail Street
Sayreville, NJ 08872
mayor@sayreville.com

Re: Rejection of Administrative Complaint

Dear Mayor Kilpatrick:

This letter is to notify you that the Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECRCO), has completed its review of a complaint filed against the Borough of Sayreville, NJ (Borough) that was received by ECRCO on June 24, 2021. The complaint alleges that the Borough discriminated against a resident based on sex and family status¹ in violation of Title VI of the Civil Rights Act of 1964. After careful consideration, ECRCO is rejecting this complaint and closing the complaint as of the date of this letter, as ECRCO does not have jurisdiction to investigate.

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 Code of Federal Regulation (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.

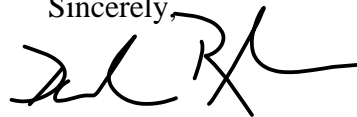
¹ Discrimination allegations or concerns related to family status, even if the allegations or concerns were true, it would not violate one of the federal nondiscrimination laws enforced by ECRCO because family status is not a protected class under the nondiscrimination laws.

ECRCO has concluded that it cannot accept this complaint for investigation because it does not meet the jurisdictional requirements described in EPA's nondiscrimination regulation. During a telephone conversation with the complainant on June 25, 2021, ECRCO staff explained our preliminary review process and sought clarification about the alleged discriminatory act. The information provided during this discussion did not provide sufficient factual information to allow ECRCO to infer that an alleged discriminatory act occurred or is occurring nor did the complainant describe an alleged discriminatory act(s) that, if true, may violate EPA's nondiscrimination regulations. Furthermore, the alleged act of discrimination reportedly originated in 2012 with the last reported contact between the parties occurring one (1) year ago. Finally, ECRCO reviewed available information and determined that the Borough is not an applicant for or recipient of EPA financial assistance. ECRCO therefore lacks jurisdiction to accept this complaint for investigation.

In light of the above, ECRCO is rejecting this complaint and closing this case as of the date of this letter. If you have questions about this letter, please contact Albert Karmi, Case Manager, at (202) 564-4106, by email at karmi.albert@epa.gov; or Jeryl Covington, Case Manager, at (202) 564-7713, by email at Covington.jeryl@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.

Thank you

Sincerely,

A handwritten signature in black ink, appearing to read 'DR', with a long horizontal flourish extending to the right.

Dale Rhines
Deputy Director
External Civil Rights Compliance Office
Office of General Counsel

cc: Angelia Talbert-Duarte
Associate General Counsel
Civil Rights & Finance Law Office

Walter Mugdan
Assistant Regional Administrator
Deputy Civil Rights Official
US EPA Region 2

Eric Schaaf
Regional Counsel
US EPA Region 2

Mayor Kilpatrick:

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