



OFFICE OF EXTERNAL CIVIL RIGHTS COMPLIANCE

WASHINGTON, D.C. 20460

December 10, 2024

In Reply Refer To:

EPA Complaint No. 02NO-24-R1

Bonnie Heiple
Commissioner
Massachusetts Department of Environmental Protection
100 Cambridge Street, Suite 900
Boston, MA 02114
Bonnie.Heiple@mass.gov

RE: Rejection of Administrative Complaint

Dear Commissioner Heiple:

This letter serves to notify you that the U.S. Environmental Protection Agency (EPA), Office of Environmental Justice and External Civil Rights, Office of External Civil Rights Compliance (OECRC) is rejecting the referenced complaint against the Massachusetts Department of Environmental Protection (MassDEP), which the EPA received on September 30, 2024. The complaint alleges that MassDEP discriminated against the residents of New Bedford, when it failed to provide adequate outreach to the community as well as notice and accessible registration processes for public meetings and failed to translate copies of factual and important documents for LEP speakers in their own languages, on the basis of 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 MassDEP failed to provide meaningful access with respect to oral interpretation and translation of relevant documents into languages other than English. For the reasons described below, OECRC is rejecting the complaint and administratively closing this matter as of the date of this letter.

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 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 EPA's nondiscrimination regulation (i.e., an alleged discriminatory act based on race, color, national origin, sex, age, or disability). *Id.* Third, it must

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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.

In general, OECRC will accept, reject, or refer a complaint after considering jurisdictional factors discussed above. However, if OECRC obtains information leading OECRC to conclude that an investigation is unjustified for prudential reasons, OECRC may reject the complaint.¹

After careful consideration, OECRC is rejecting the complaint for investigation because it does not satisfy the jurisdictional requirements. The alleged discriminatory actions that MassDEP took did not occur within 180 days of filing this complaint. As such, the complaint does not meet the timeliness requirement. Therefore, OECRC is rejecting the complaint for investigation and closing this matter as of the date of this letter.

EPA's regulation prohibits applicants, recipients, and other persons from intimidating, threatening, coercing, or engaging in other discriminatory conduct against anyone because they have either acted or participated in an action to secure rights protected by the civil rights requirements that we enforce. See 40 C.F.R. § 7.100. Any individual alleging such harassment or intimidation may file a complaint with OECRC.

If you have any questions, please feel free to contact me by telephone at (202) 564-8796 or by email at hoang.anhthu@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
U.S. EPA Civil Rights & Finance Law Office

Karen McGuire
Deputy Civil Rights Official
Deputy Regional Administrator
U.S. EPA Region 1

¹ See Case Resolution Manual, Section 1.8, pp. 10-11 at https://www.epa.gov/sites/default/files/2021-01/documents/2021.1.5_final_case_resolution_manual_.pdf.

Commissioner Bonnie Heiple

Carl Dierker
Acting Regional Counsel
U.S. EPA Region 1