



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

July 19, 2016

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested

Certified Mail #: (b)(6) Privacy, (b)(7)(C) Enf. Privacy

In Reply Refer to:

EPA File No. 10X-16-R5

(b)(6) Privacy, (b)(7)(C) Enf. Privacy

Brodhead, Wisconsin 53520- (b)(6) Privacy, (b)(7)(C) Enf. Privacy

Re: Rejection of Administrative Complaint

Dear (b)(6) Privacy, (b)(7)(C) Enf. Privacy

On January 14, 2016, the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) received your administrative complaint alleging that the coal-fired power plants in Chicago were causing you adverse health effects due to poor air quality in Wisconsin. After careful review, the OCR has concluded that it cannot accept your administrative complaint for investigation because it does not meet the jurisdictional requirements described in EPA's nondiscrimination regulations found at 40 CFR Part 7, so is closing the complaint as of the date of this letter.

The U.S. Environmental Protection Agency OCR investigates complaints under Title VI of the Civil Rights Act of 1964, as amended (Title VI), 42 United States Code (U.S.C.) §§ 2000d et seq., and the EPA's nondiscrimination regulations found at 40 Code of Federal Regulations (C.F.R.) Part 7. Pursuant to the EPA's nondiscrimination administrative regulations, the OCR conducts a preliminary review of administrative complaints for acceptance, rejection, or referral to another 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 regulations. First, it must be in writing. *See* 40 C.F.R. § 7.120(b)(1). Second, it must allege discriminatory acts that would violate the EPA's nondiscrimination regulations, such as an intentionally discriminatory act or a policy with discriminatory effects based on race, color, national origin, sex, age or disability. *Id.* Third, it must be received within 180 calendar days of the alleged discriminatory act. *See* 40 C.F.R. § 7.120(b)(2). Finally, it must be filed against an applicant for, or a recipient of, EPA financial assistance that committed the alleged discriminatory act. 40 C.F.R. § 7.15.

Your original complaint did not provide the OCR with enough information to complete the review needed to determine whether the OCR could investigate your complaint under

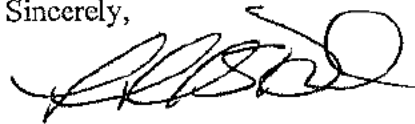
our nondiscrimination regulations. In a letter dated March 18, 2016, the OCR sought clarification about your complaint. Additionally, two members of my staff, Laura Bachle and Jeremy Lofthouse, contacted you on June 17, 2016 via telephone to seek further clarification. Specifically, the OCR requested that you provide the following information:

1. A verification of the date of the incident. The alleged discriminatory act must occur within 180 calendar days of when you filed your complaint (January 14, 2016).
2. A description of the recipient in question. OCR requires a specific recipient of EPA financial assistance to be named in the complaint. Based on the information you provided, we could not determine who the recipient may be.
3. A description of the alleged discriminatory act(s) committed, that is, please describe why and how you believe certain entity(ies) discriminated against you and on what basis(es); e.g. race, color, national origin, sex, age, or disability.

Your responses, via email on March 27, 2016 and phone on June 17, 2016, did not clarify the two latter requests. First, you did not name a specific recipient of EPA financial assistance. Second, you did not allege that these power plants discriminated against you or others on account of race, color, national origin, sex, age, or disability. Therefore, OCR lacks jurisdiction over this complaint and will close it as of the date of this letter.

If you have any questions about this letter, please contact Laura Bachle at (202) 566-2468 or via email at Bachle.Laura@epa.gov.

Sincerely,



Lilian S. Dorka
Acting Director
Office of Civil Rights

cc: Elise Packard
Associate General Counsel
Civil Rights & Finance Law Office (MC 2399A)

Robert Kaplin
Deputy Regional Administrator
Deputy Civil Rights Official,
U.S. EPA Region 5