



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

OFFICE OF
CIVIL RIGHTS

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In Reply Refer To:

EPA File Nos. 17RD-16-R5;
18RD-16-R5; and 19RD-16-R5

Mr. Keith Creagh
Director
Michigan Department of Environmental Quality
P.O. Box 30473
Lansing, Michigan 48909-7973

Jamie W. Curtis, Chairperson
Genesee County Board of Commissioners
1101 Beach Street, Room 312
Flint, Michigan 48502-1470

Ms. Amy Alexander
Board Coordinator
Genesee County Administration Building
1101 Beach Street, Room 223
Flint, Michigan 48502-1470

The Honorable Karen Weaver
Mayor
City of Flint
1101 S. Saginaw Street
Flint, Michigan 48502

Re: Acceptance of Administrative Complaint

Dear Mayor Weaver, Ms. Alexander, and Messrs. Creagh and Curtis:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) is accepting an administrative complaint filed against the Michigan Department of Environmental Quality (MDEQ) (17RD-16-R5), Genesee County, Michigan (18RD-16-R5), and the City of Flint, Michigan (19RD-16-R5). The complaint alleges that MDEQ, Genesee County, and the City of Flint discriminated against the complainant, as well as other similarly situated individuals in Flint, Michigan, on the bases of race and disability, with respect to the distribution

of contaminated drinking water, in violation of Title VI of the Civil Rights Act of 1964, as amended, 42 United States Code 2000d *et seq.*, and Section 504 of the Rehabilitation Act of 1973, as amended, 29 United States Code 794, respectively.

Pursuant to EPA's nondiscrimination administrative regulations, OCR conducts a preliminary review of administrative complaints for 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 regulations. First, it must be in writing. *See* 40 C.F.R. § 7.120(b)(1). Second, it must allege a discriminatory act that, if true, may violate EPA's nondiscrimination regulations (*e.g.*, an alleged discriminatory act based on race, color, national origin, sex, age, or disability). *See* 40 C.F.R. § 7.120(b)(1). Third, the complaint must be filed within 180 calendar 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 a recipient of, EPA financial assistance that allegedly committed the discriminatory act. *See* 40 C.F.R. § 7.15.

After careful consideration, OCR has determined that the subject complaint meets the four jurisdictional requirements as stated above. First, the complaint is in writing. Second, the complaint alleges that discrimination occurred, in violation of EPA's nondiscrimination regulations. Third, the alleged discriminatory acts occurred within 180 days of the filing of the complaint. And finally, the complaint was filed against MDEQ, Genesee County, and the City of Flint, all of which are applicants for, or recipients of, EPA financial assistance.

Accordingly, OCR will investigate the following:

Whether MDEQ, Genesee County, and the City of Flint discriminated against the complainant and other similarly situated individuals in Flint, Michigan, on the bases of race, national origin, including limited-English proficiency, and disability with respect to the administration of the Safe Drinking Water Act of 1974, including public notification and involvement, in violation of 40 C.F.R. Part 7; and

Whether MDEQ, Genesee County, and the City of Flint discriminated against individuals in Flint, Michigan, on the basis of race, national origin, including limited-English proficiency, and disabilities by failing to have in place procedures for addressing compliance with the non-discrimination requirements, per by 40 C.F.R. Part 7.

The initiation of an investigation of the issues above is not a decision on the merits. OCR is a neutral fact finder and will begin its process to gather the relevant information, discuss the matter further with you and the complainant, as appropriate, and determine next steps utilizing our internal procedures. In the intervening time, OCR will provide you with an opportunity to make a written submission responding to, rebutting, or denying the issues that have been accepted for investigation within thirty (30) calendar days of receiving their copy of the letter. *See* 40 C.F.R. 7.120(d)(1)(ii-iii).

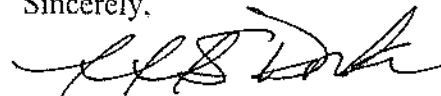
The EPA's nondiscrimination regulation provides that OCR will attempt to resolve complaints informally whenever possible. *See* 40 C.F.R. § 7.120(d)(2). Accordingly, OCR is willing to

discuss, at any point during the process, offers to informally resolve the subject complaint. OCR may, to the extent appropriate, offer alternative dispute resolution (ADR) as described at: <http://www.epa.gov/ocr/frequently-asked-questions-about-use-alternative-dispute-resolution-resolving-title-vi>. OCR may also contact representatives of the MDEQ, Genesee County, and the City of Flint to discuss your interest in entering into informal resolution discussions. We invite you to review OCR's Interim Case Resolution Manual for a more detailed explanation of the complaint resolution process at: http://www.epa.gov/sites/production/files/2015-12/documents/ocr_crm_final.pdf.

Finally, we would like to remind you that no one may intimidate, threaten, coerce, or engage in other discriminatory conduct against anyone because he or she has either taken action 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 OCR. OCR would investigate such a complaint if the situation warranted.

If you have questions regarding this letter, please feel free to contact me at (202)564-9649 or at dorka.lilian@epa.gov, or contact Katsumi Keeler, Case Manager, at (202)564-2347, keeler.katsumi@epa.gov, or by mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, NW, Washington, DC 20460-1000.

Sincerely,



Lilian S. Dorka
Acting Director

cc Elise Packard
Associate General Counsel
U.S. EPA, Civil Rights & Finance Law Office

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