



OFFICE OF EXTERNAL CIVIL RIGHTS COMPLIANCE

WASHINGTON, D.C. 20460

May 15, 2025

In Reply Refer To:

EPA Complaint No. 04X-24-R10

Casey Sixkiller, Director
Washington State Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600
casey.sixkiller@ecy.wa.gov

RE: Rejection of Administrative Complaint

Dear Director Sixkiller:

This letter serves to notify you that the U.S. Environmental Protection Agency (EPA), Office of External Civil Rights Compliance (OECRC) is rejecting the above-referenced complaint against the Washington State Department of Ecology (Ecology), which the EPA received on August 12, 2024. The complaint alleges that Ecology discriminated against City of Blaine residents when it failed to perform toxic site testing for NEPA, CWA and ESA compliance. 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 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. OECRC may also reject a complaint if it obtains information leading OECRC to

Casey Sixkiller, Director

conclude that an investigation is unjustified for prudential reasons.¹

After careful consideration, OECRC is rejecting the complaint for investigation because it does not satisfy one of the jurisdictional requirements. The complaint and subsequent information received from complainant lacks information detailing that the alleged discriminatory acts occurred within 180 days of filing this complaint. The complaint also did not identify which alleged recipient committed the acts. As such, the complaint does not meet the timeliness jurisdictional 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 Kurt Temple, Senior Advisor by email at temple.kurt@epa.gov.

Sincerely,

A handwritten signature in blue ink that reads "Theresa Segovia". The signature is fluid and cursive, with the first name "Theresa" and last name "Segovia" clearly distinguishable.

Theresa Segovia
Acting Assistant Administrator
Office of Environmental Justice and External Civil Rights

cc: Dan Opalski
Deputy Civil Rights Official
Deputy Regional Administrator
U.S. EPA Region 10

Beverly Li
Regional Counsel
U.S. EPA Region 10

¹ See Case Resolution Manual, Section 1.9, pp. 14-15 at https://www.epa.gov/system/files/documents/2025-01/case-resolution-manual-update_final_jan-2025.pdf