



OFFICE OF CIVIL RIGHTS AND ADJUDICATION

WASHINGTON, D.C. 20460

December 15, 2025

Edward F. Poolos, Director
Alabama Department of Environmental Management
1400 Coliseum Boulevard
Montgomery, AL 36110-2400
via email: director@adem.alabama.gov

RE: Rejection of EPA Complaint No. 01R-25-R4

Dear Director Poolos:

As you are aware, the U.S. Environmental Protection Agency (EPA), Office of Civil Rights and Adjudication (OCRA), External Civil Rights Division (ECRD) received the above-referenced complaint against the Alabama Department of Environmental Management (ADEM). This letter serves to notify you that ECRD is rejecting the complaint for investigation.

The complaint includes two allegations. First, the complaint alleges that ADEM discriminated against Black residents in Belle Mina, AL on the basis of race by issuing Minor Source Air Permit No. 708-0036-X001 and National Pollutant Discharge Elimination System Permit No. AL0084480 for the Belle Mina limestone quarry without conducting proper public notice and comment, in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000(d) et seq. and/or EPA's nondiscrimination regulation at 40 C.F.R. Part 7. Second, the complaint alleges that ADEM's internal Title VI investigatory process is inadequate and lacks transparency.

Pursuant to EPA's nondiscrimination regulation, ECRD must conduct a preliminary jurisdictional review of external civil rights complaints to determine whether to accept, reject, or refer it to an 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 complainant must submit a complaint in writing. See 40 C.F.R. § 7.120(b)(1). Second, the entity that the complainant identifies as allegedly engaging in discrimination must be an applicant for, or recipient of, EPA financial assistance. See 40 C.F.R. § 7.15.

Third, the complainant must describe an alleged discriminatory act that, if true, may violate EPA's nondiscrimination regulation. An alleged discriminatory act is one based on race, color, national origin, sex, age, or disability. *See 40 C.F.R. § 7.120(b)(1).* Fourth, a complainant must file the complaint within 180 days of the alleged discriminatory act. *See 40 C.F.R. § 7.120(b)(2).*

After careful consideration, ECRD must reject this complaint for investigation. Specifically, as to the first allegation related to ADEM's public participation procedures, the complaint was not received by ECRD within 180 calendar days of the alleged discriminatory act.¹ The alleged discriminatory act, ADEM's posting of the public notice for the two permits, occurred on December 1, 2023, and the complaint was received by ECRD on November 18, 2024.

Furthermore, as to the second allegation related to ADEM's Title VI investigatory process (grievance procedures), ECRD is currently investigating substantially similar allegations against the same recipient (EPA Case No. 03R-23-R4). As such, EPA will be closing this matter, in its entirety, as of the date of this letter.

Finally, EPA's nondiscrimination regulation prohibits applicants, recipients, and other persons from intimidating, threatening, coercing, or engaging in other discriminatory conduct against anyone because they have acted or participated in an action to secure rights protected by the civil rights requirements EPA enforces. *See 40 C.F.R. § 7.100.* Any individual that opines a recipient has engaged in such misconduct can file a complaint with EPA.

If you have any questions, please contact Case Managers Ashley Acosta-Fox and Rebecca Gillman by email at acostafox.ashley@epa.gov and/or gillman.rebecca@epa.gov.

Sincerely,



JuanCarlos M. Hunt, Director
Office of Civil Rights and Adjudication
U.S. Environmental Protection Agency

cc: Jeaneanne Gettle, Deputy Regional Administrator/Acting Deputy Civil Rights Official
Suzanne Rubini, Acting Regional Counsel, U.S. EPA Region 4

¹ Without making a determination, ECRD notes that there is pending litigation in federal district court and a local Alabama County court concerning the Belle Mina limestone quarry, which could provide a prudential basis for rejecting the complaint.