



## OFFICE OF CIVIL RIGHTS AND ADJUDICATION

WASHINGTON, D.C. 20460

May 4, 2026

Charlotte R. Lane, Chairman  
c/o Jeffrey Foster, Attorney, Office of the General Counsel  
Public Service Commission of West Virginia  
201 Brooks Street  
Charleston, WV 25301  
via email: [JFoster@psc.state.wv.us](mailto:JFoster@psc.state.wv.us)

**RE: Rejection of EPA Complaint No. 20-26-R3**

Dear Chairman Charlotte Lane:

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 Public Service Commission of West Virginia (PSC). The complaint raises allegations of discrimination by the PSC on the basis of disability through its alleged ongoing failure to provide disabled residents of Gary, West Virginia “equal access to safe drinking and bathing water.”

This letter serves to notify you that ECRD is rejecting the complaint.

Pursuant to EPA’s nondiscrimination regulation, ECRD must conduct a preliminary jurisdictional review of administrative 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. *See* 40 C.F.R. § 7.120(b)(1). An alleged discriminatory act is one based on race, color, national origin, sex, age, or disability. 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 because PSC is not a recipient of EPA financial assistance.

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 by email at [acostafox.ashley@epa.gov](mailto:acostafox.ashley@epa.gov) and Nell Cormack by email at [cormack.nell@epa.gov](mailto:cormack.nell@epa.gov).

Sincerely,

A handwritten signature in black ink that reads "Juan Carlos Hunt". The signature is written in a cursive, flowing style.

JuanCarlos M. Hunt, Director  
U.S. EPA, Office of Civil Rights and Adjudication

cc: Catherine Libertz, Deputy Regional Administrator/Deputy Civil Rights Official  
Allison Gardner, Regional Counsel  
U.S. EPA, Region 3