



OFFICE OF CIVIL RIGHTS AND ADJUDICATION

WASHINGTON, D.C. 20460

June 23, 2026

Jill Hunsaker Ryan, Executive Director
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive
South Denver, CO 80246
via email: jill.hunsakerryan@state.co.us

Re: Acceptance of EPA Complaint No. 17-26-R8

Dear Executive Director Ryan:

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 Colorado Department of Public Health and Environment (CDPHE). The complaint alleges that CDPHE discriminates on the basis of race (Black) in violation of Title VI of the Civil Rights Act of 1964 (Title VI) through its selective enforcement of the Code of Colorado Regulations, Regulation Number 8 (Control of Hazardous Air Pollutants) (“Regulation 8”).

This letter serves to notify you that ECRD is accepting the complaint for investigation.

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).

This complaint meets the four jurisdictional requirements. First, the Complainant provided a complaint in writing. Second, the entity, CDPHE, is a recipient of EPA financial assistance.

Third, Complainant alleges a discriminatory act that, if true, may violate federal external civil rights laws over which EPA has jurisdiction. Fourth, the complaint was filed within 180 days of the allegedly discriminatory act.

ECRD will investigate the following claim:

Whether CDPHE violated Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq. through the selective enforcement of Regulation 8 by imposing enforcement actions on Black contractors in a manner that differed from similarly situated non-Black contractors.

EPA's initiation of an investigation on the allegation above is not a decision on the merits. ECRD is a neutral fact finder and will begin its process to gather relevant information, discuss the matter with recipient, and determine next steps utilizing ECRD's internal procedures.

At this time, ECRD is providing CDPHE with an opportunity to respond, rebut, or deny in writing the claim ECRD has accepted for investigation. The response is due thirty calendar days from when ECRD notified CDPHE that ECRD accepted the complaint, which is the date of this letter. *See* 40 C.F.R. § 7.120(d)(1)(ii-iii).

EPA's nondiscrimination regulation provides that ECRD attempt to resolve complaints informally whenever possible. *See* 40 C.F.R. § 7.120(d)(2). Accordingly, ECRD will contact CDPHE and Complainant within ten days of the date of this letter to provide information about ECRD's complaint process and to offer and discuss mediation and the informal resolution agreement processes as potential options for resolution of this complaint.

ECRD is required to issue preliminary findings within 180 days of accepting this complaint. However, if CDPHE agrees to engage in either of the potential resolution processes, ECRD will suspend the timeframe for issuing preliminary findings.

If resolution efforts fail to result in a resolution of the complaint, ECRD will notify CDPHE that ECRD will resume its investigation. ECRD will complete its investigation and issue preliminary findings in accordance with its regulatory obligations. *See* 40 C.F.R. § 7.115(c).

In accordance with 40 C.F.R. § 7.120(e), ECRD is providing a copy of this complaint to CDPHE. ECRD is releasing the complaint with appropriate redactions consistent with the Freedom of Information Act and the Privacy Act and will only release identifying information to the extent necessary to comply with 40 C.F.R. Parts 5 and 7.¹

¹ Freedom of Information Act, 5 U.S.C. § 552(b)(6) and (7)(c) and the Privacy Act of 1974, 5 U.S.C. § 552a.

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 believes a recipient has engaged in such misconduct can file a complaint with EPA.

If you have any questions, please contact Case Manager Charity Johnson at (202) 564-4325 or by email at johnson.charity@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: Mark A. Smith, Deputy Regional Administrator/Deputy Civil Rights Official
Kenneth C. Schefski, Regional Counsel
U.S. EPA, Region 8