



OFFICE OF CIVIL RIGHTS AND ADJUDICATION

WASHINGTON, D.C. 20460

October 8, 2026

Phillip Roos, Director
c/o Gillian Gainsley, Chief of Staff
Michigan Department of Environment, Great Lakes, and Energy
525 West Allegan Street
P.O. Box 30473
Lansing, MI 48909
via email: GainsleyG@michigan.gov

RE: Rejection of EPA Complaint No. 47-26-R5

Dear Director Roos:

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 Michigan Department of Environment, Great Lakes and Energy (EGLE). The complaint alleges that EGLE discriminated against Black and Latino residents of Southwest Detroit on the basis of race and national origin, in violation of Title VI of the Civil Rights Act of 1964, in the following ways:

- (1) EGLE failed to conduct cumulative impact analyses or civil rights reviews relating to the DTE Energy Environmental Enforcement Services (EES) Coke Battery facility;
- (2) EGLE failed to meaningfully respond to civil rights concerns raised during public comment periods in early 2025;
- (3) EGLE relied on self-reporting rather than independent analysis during permit review periods;
- (4) EGLE failed to incorporate demographic data into its permitting decisions; and
- (5) EGLE allowed the EES Coke Battery facility to continue to operate while its permit was under reapplication following federal enforcement actions.

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) and 7.100. Fourth, a complainant must file the complaint within 180 days of the alleged discriminatory act. *See* 7.120(b)(2).

After careful consideration, ECRD is rejecting this complaint. Allegations 1 -4 alleged that EGLE discriminated against Black and Latino residents through its permitting process; however, these allegations are untimely because they were filed more than 180 calendar days after EGLE approved and issued the final, most recent Air Use Permit to Install to the EES Coke Battery facility on June 11, 2025.

Additionally, as related to Allegation 5, Complainant alleges that EGLE permitted the EES Coke Battery facility to continue operating, without imposing interim protective measures or conducting a civil rights review, while its New Source Review permit was under reapplication, despite a February 17, 2026 federal court decision finding that the facility violated the Clean Air Act. The court's decision, however, concerns the conduct of the EES Coke Battery facility and does not impose any obligation on EGLE. Therefore, the complaint fails to identify a specific discriminatory act by EGLE that occurred within 180 days of the complaint filing with ECRD.

Accordingly, ECRD is rejecting this complaint in its entirety.

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 by email at johnson.charity@epa.gov or by phone at 202-564-4325.

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: Cheryl Newton, Deputy Regional Administrator/Deputy Civil Rights Official
Robert Peachey, Acting Regional Counsel
U.S. EPA, Region 5