



## OFFICE OF EXTERNAL CIVIL RIGHTS COMPLIANCE

WASHINGTON, D.C. 20460

December 6, 2024

**In Reply Refer to:**

EPA Complaint No. 07D-24-R5

Phillip D. Roos

Director

Michigan Department of Environment, Great Lakes and Energy

525 West Allegan Street

Post Office Box 30471

Lansing, MI 48909-7973

RoosP@michigan.gov

**RE: Acknowledgement and Acceptance of Administrative Complaint**

Dear Director Roos:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Environmental Justice and External Civil Rights, Office of External Civil Rights Compliance (OECRC), received an administrative complaint (Complaint) filed against the Michigan Department of Environment, Great Lakes and Energy (EGLE) on May 8, 2024. The Complaint alleges that the EGLE discriminated against a resident in the City of Flint on the basis of disability by denying equal access to services to persons with disabilities by failing to maintain a website that is accessible for persons with vision impairments. As described below, OECRC is accepting this issue for investigation.<sup>1</sup>

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

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<sup>1</sup> The complainant raised an additional allegation about the inaccessibility of EGLE's website in an email sent on December 5, 2024. This allegation will be addressed in the investigation of this Complaint.

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.

OECRC has determined that the Complaint meets the jurisdictional requirements described above. In general, OECRC will accept, reject, or refer a complaint after considering the jurisdictional factors above. However, if OECRC obtains information leading OECRC to conclude that an investigation is unwarranted for prudential reasons, OECRC may reject the complaint.<sup>2</sup>

After careful consideration, OECRC is accepting EPA Complaint No. 07D-24-R5 for investigation because the Complaint meets OECRC's four jurisdictional requirements. First, the Complaint is in writing. Second, it alleges a discriminatory act that, if true, may violate the Rehabilitation Act and EPA's nondiscrimination regulation. Third, the Complaint was filed within 180 days of the allegedly discriminatory act. Finally, EGLE is a recipient of EPA financial assistance.

Accordingly, OECRC will investigate the following issue:

- (1) Whether EGLE discriminated on the basis of disability by failing to maintain a website accessible for persons with vision impairments in violation of Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, and EPA's nondiscrimination regulation, 40 C.F.R. Part 7.

The initiation of an investigation of the issue above is not a decision on the merits. OECRC is a neutral fact finder and will begin its process to gather the relevant information, discuss the matter further with the Complainant and EGLE, if appropriate, and determine next steps utilizing OECRC's internal procedures. Generally, the investigation and resolution options and procedures identified in EPA's nondiscrimination regulation and OECRC's Case Resolution Manual (CRM) will be utilized for the complaint investigation process. We invite you to review OECRC's Case Resolution Manual for a more detailed explanation of OECRC's complaint resolution process, available at [https://www.epa.gov/sites/production/files/202101/documents/2021.1.5\\_final\\_case\\_resolution\\_manual\\_.pdf](https://www.epa.gov/sites/production/files/202101/documents/2021.1.5_final_case_resolution_manual_.pdf).

EGLE may send a written submission to OECRC responding to, rebutting, or denying the issue that has been accepted for investigation within thirty (30) calendar days of receiving a copy of this letter notifying you of the acceptance of EPA Complaint No. 07D-24-R5. *See* 40 C.F.R. § 7.120(d)(1)(ii-iii).

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<sup>2</sup> *See* U.S. EPA, OECRC Case Resolution Manual, Section 1.8 "Other Factors That May Be Considered Before Accepting a Complaint for Investigation," p. 11, available at: [https://www.epa.gov/sites/default/files/2021-01/documents/2021.1.5\\_final\\_case\\_resolution\\_manual\\_.pdf](https://www.epa.gov/sites/default/files/2021-01/documents/2021.1.5_final_case_resolution_manual_.pdf).

EPA's nondiscrimination regulation provides that OECRC shall attempt to resolve complaints informally whenever possible. *See* 40 C.F.R. § 7.120(d)(2). Accordingly, OECRC will contact you and the Complainants within 10 days of the date of this letter to provide information about OECRC's complaint process, and to offer and discuss the alternative dispute resolution (ADR)<sup>3</sup> and informal resolution agreement (IRA)<sup>4</sup> processes as potential options for resolution of the issue which OECRC has accepted for investigation. If EGLE (and Complainant with respect to ADR) agrees to engage in either of these potential resolution processes, OECRC will suspend the timeframe for issuing preliminary findings within 180 days of initiating the investigation. In the event that either of these potential resolution processes fails to result in an agreement, OECRC will notify EGLE as well as the Complainant that OECRC has resumed its process to issue preliminary findings, or otherwise resolve, within 180 days of the start of the investigation – excluding any days spent in either of these potential resolution processes.<sup>5</sup>

Please be advised that a copy of the Complaint is being released to you, consistent with 40 C.F.R. § 7.120(e). OECRC is releasing the complaint with appropriate redactions consistent with the Freedom of Information Act (FOIA) 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.<sup>6</sup>

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 taken action 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 questions about this letter, please feel free to contact me at (202) 564-8796 by email at [hoang.anhthu@epa.gov](mailto:hoang.anhthu@epa.gov); or Hayley Cormack, Case Manager, at (202) 250-8851, by email at [cormack.hayley@epa.gov](mailto:cormack.hayley@epa.gov).

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<sup>3</sup> EPA OECRC's Alternative Dispute Resolution (ADR) process involves the formal mediation of a complaint or complaint allegations between the complainant and recipient, through the use of a professionally trained mediator. *See* U.S. EPA, OECRC Case Resolution Manual, Section 3.3, at 24 (2021) (available at [https://www.epa.gov/sites/production/files/2021-01/documents/2021.1.5\\_final\\_case\\_resolution\\_manual\\_.pdf](https://www.epa.gov/sites/production/files/2021-01/documents/2021.1.5_final_case_resolution_manual_.pdf)).

<sup>4</sup> Informal Resolution occurs between OECRC and the recipient. *See* Case Resolution Manual, Section 3.1; [https://www.epa.gov/sites/production/files/2021-01/documents/2021.1.5\\_final\\_case\\_resolution\\_manual\\_.pdf](https://www.epa.gov/sites/production/files/2021-01/documents/2021.1.5_final_case_resolution_manual_.pdf); p. 22.

<sup>5</sup> *See* 40 C.F.R. § 7.115(c).

<sup>6</sup> 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.

Sincerely,

Anhthu Hoang  
Acting Director  
Office of External Civil Rights Compliance  
Office of Environmental Justice and External Civil Rights

cc: Ariadne Goerke  
Deputy Associate General Counsel  
Civil Rights & Finance Law Office

Cheryl Newton  
Deputy Regional Administrator  
Deputy Civil Rights Official  
U.S. EPA Region 5

Robert Kaplan  
Regional Counsel  
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