



OFFICE OF EXTERNAL CIVIL RIGHTS COMPLIANCE

WASHINGTON, D.C. 20460

September 23, 2024

In Reply Refer To:

EPA Complaint No. 02U-24-R6

Mayor G.T. Bynum
City of Tulsa Oklahoma
175 E. 2nd St.
Tulsa, OK 74103
Mayor@cityoftulsa.org

RE: Rejection of Administrative Complaint

Dear Mayor Bynum:

This letter serves 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) is rejecting the referenced complaint against the City of Tulsa (City), which OECRC received on April 18, 2024. The complaint alleges that RCRA permits and building permits are being issued improperly due to environmental concerns related to air, water and soil contamination. For the reasons described below, OECRC is rejecting the complaint and administratively closing this matter as of the date of this letter.

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 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.

In general, OECRC will accept, reject, or refer a complaint after considering jurisdictional factors discussed above. However, if OECRC obtains information leading OECRC to conclude that an

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investigation is unjustified for prudential reasons, OECRC may reject the complaint.¹

After careful consideration, OECRC is rejecting the complaint for investigation because it does not satisfy the jurisdictional requirements. The complaint does not allege a discriminatory act(s) that, if true, may violate EPA's nondiscrimination regulation. In addition, since there is no alleged discriminatory act, the complaint is not timely. See 40 C.F.R. § 7.120. Therefore, OECRC is rejecting the complaint for investigation and closing this matter as of the date of this letter.

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 acted 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 any questions, please feel free to contact me by telephone at (202) 564-8796 or by email at hoang.anhthu@epa.gov.

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
U.S. EPA Civil Rights & Finance Law Office

Stacey Dwyer
Deputy Civil Rights Official
Deputy Regional Administrator
U.S. EPA Region 6

James McGuire
Regional Counsel
U.S. EPA Region 6

¹ See Case Resolution Manual, Section 1.8, pp. 10-11 at https://www.epa.gov/sites/default/files/2021-01/documents/2021.1.5_final_case_resolution_manual_.pdf.