



OFFICE OF EXTERNAL CIVIL RIGHTS COMPLIANCE

WASHINGTON, D.C. 20460

October 7, 2024

In Reply Refer To:

EPA Complaint No. 05X-24-R5

Karl Gnadt
Managing Director
Champaign-Urbana Mass Transit District (MTD)
1101 E. University Ave.
Urbana, IL 61802-2009
managingdirector@mtd.org

RE: Rejection of Administrative Complaint

Dear Managing Director Karl Gnadt:

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 Champaign-Urbana Mass Transit District (MTD), which OECRC received on May 9, 2024. Specifically, the complaint alleges that MTD's bus drivers physically attacked you on or around May 24, 2023, because they were in possession of information of a genetic test you had. The complaint further alleges that MTD bus drivers have threatened you and refused you service. 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

Managing Director Karl Gnad

discussed above. However, if OECRC obtains information leading OECRC to conclude that an 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 all four jurisdictional requirements. First, MTD is not a recipient of EPA Federal financial assistance. Second, the May 24, 2023, incident does not allege a discriminatory act that, if true, would violate EPA's nondiscrimination regulation. Last, even if the May 24, 2023, incident did constitute a violation of EPA's nondiscrimination regulation, it is not timely, occurring well over 180 days prior to the date you filed this Complaint, on May 9, 2024. 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

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

Robert Kaplan
Regional Counsel
U.S. EPA Region 5

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.