UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

March 1, 2018

Return Receipt Requested
Certified Mail #: (b) (6) Privacy

In Reply Refer to:
EPA No: 10D-17-R4

Ricardo Fernandez
City Manager
City Hall
300 South Adams Street
Tallahassee, FL 32301

Re: Rejection/Closure of Administrative Complaint

Dear Mr. Fernandez:

On February 7, 2017, the U.S. Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECRCO) received a complaint, forwarded by the Department of Justice (DOJ) alleging that the City of Tallahassee's Water Resource Engineering Division had violated Section 504 of the Rehabilitation Act of 1973 and the EPA's nondiscrimination regulation (*see* 40 C.F.R. Part 7, Subpart C) by failing to resolve the difficulty she was having with the quality of water coming into her home. Section 504 prohibits discrimination on the basis of disability in federally funded programs. ECRCO has determined that it cannot accept this administrative complaint for investigation because it does not meet the jurisdictional requirements described in EPA's nondiscrimination regulation.

Pursuant to EPA's nondiscrimination regulation, ECRCO 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 the 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 the 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.

After careful consideration, ECRCO has determined that it cannot accept this complaint for investigation for two reasons. First, in correspondence with the City and with ECRCO, the complainant states that she is impacted by the quality of water in her unit and that her seventeen

neighbors are similarly affected. However, her correspondence does not allege that she has been excluded from participation in or denied the benefits of a program or activity receiving Federal financial assistance solely because of her disability, or denied a reasonable accommodation to her disability, as prohibited by EPA's regulation at 40 CRF Part 7, Subpart C. In addition, ECRCO cannot accept this complaint for investigation because the City of Tallahassee's Water Resource Engineering Division is neither an applicant for, or a recipient of, EPA financial assistance. For the foregoing reasons, ECRCO cannot accept this complaint for investigation and is closing the complaint as of the date of this letter.

If you have any questions about this correspondence, please contact me, or Debra McGhee, ECRCO Team Lead, at (202) 564-4646, by e-mail at mcghee.debra@epa.gov or by mail at U.S. EPA External Civil Rights Compliance Office, (Mail Code 2310A), 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460.

Sincerely,

Lilian S. Dorka
Director
External Civil Rights Compliance Office
Office of General Counsel

cc: Elise Packard
Associate General Counsel
Civil Rights & Finance Law Office

Kenneth Lapierre
Assistant Deputy Regional Administrator
Deputy Civil Rights Official
US. EPA Region IV

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EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

March 1, 2018

Return Receipt Requested
Certified Mail #: 7015 3010 0001 1267 2781

In Reply Refer to:
EPA No: 10D-17-R4

Ms. Dawn Ganey
1520 Pullen Road
Tallahassee, FL 32301

Re: Rejection/Closure of Administrative Complaint

Dear Ms. Ganey:

On February 7, 2017, the U.S. Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECRCO) received your complaint, forwarded by the Department of Justice (DOJ) alleging that the City of Tallahassee's Water Resource Engineering Division had violated Section 504 of the Rehabilitation Act of 1973 and the EPA's nondiscrimination regulation (*see* 40 C.F.R. Part 7, Subpart C) by failing to resolve the difficulty you were having with the quality of water coming into your home. Section 504 prohibits discrimination on the basis of disability in federally funded programs. ECRCO has determined that it cannot accept your administrative complaint for investigation because it does not meet the jurisdictional requirements described in EPA's nondiscrimination regulation.

Pursuant to EPA's nondiscrimination regulation, ECRCO 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 the 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 the 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.

After careful consideration, ECRCO has determined that it cannot accept your complaint for investigation for two reasons. First, in correspondence with the City and with ECRCO you state that you are impacted by the quality of water in your unit and that your seventeen neighbors are similarly affected. However, your correspondence does not allege that you have been excluded from participation in or denied the benefits of a program or activity receiving Federal financial