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

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

November 24, 2017

Return Receipt Requested
Certified Mail #:

(b) (6) - Privacy, (b) (7)(C) - Enforcement Privacy
[redacted]
Merriam, KS 66203

In Reply Refer to:
EPA File No: 11D-17-R7
and 12D-17-R7

Re: Rejection/Closure of Administrative Complaint

Dear (b) (6) - Privacy, (b) (7)(C) - Enforcem[redacted]

On March 31, 2017, the U.S. Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECRCO) received your complaint, referred to our office from the Department of Justice, alleging the City of Merriam and City of Overland Park Fire Department discriminated against you based on your disability. ECRCO cannot accept your complaint for investigation because it does not meet the jurisdictional requirements set out in EPA's nondiscrimination regulation. Accordingly, this case is closed as the date of this letter.

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.

Your complaint does not meet the jurisdictional requirements of EPA's nondiscrimination regulation. Specifically, a complaint must be filed against an applicant for, or recipient of EPA financial assistance that allegedly committed a discriminatory act. Neither the City of Merriam, nor City of Overland Park Fire Department are recipients of EPA financial assistance, therefore,

the EPA does not have jurisdiction to investigate your complaint. As a result, ECRCO is rejecting the complaint for investigation and closing this case as of the date of this letter.

Previously, a Johnson County official connected you with the ADA coordinator for Johnson County government. If you continue to have any unresolved concerns with discrimination in your community, please contact Tom Dugan, Title VI coordinator for Johnson County government, via email at Tom.Dugan@jocogov.org.

If you have any questions about this correspondence, please contact Zahra Khan, Case Manager, at (202) 564-0460, by e-mail at khan.zahra@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,

Dale Rhines
Deputy Director
External Civil Rights Compliance Office

cc: Kenneth Redden
Associate General Counsel
Civil Rights & Finance Law Office

Mike Brincks
Assistant Regional Administrator
Deputy Civil Rights Official
US EPA Region 7