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

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

Mr. Chris Engel
City Administrator
9001 W. 62nd Street
Merriam, KS 66202

Re: Rejection/Closure of Administrative Complaint

Dear Mr. Engel:

On March 31, 2017, the U.S. Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECRCO) received a complaint alleging discrimination by City of Merriam. ECRCO cannot accept the 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.

The complaint did 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. The City of Merriam is not a

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

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