



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D C. 20460

Office of Environmental Justice and External Civil Rights  
Office of External Civil Rights Compliance

September 27, 2022

**In Reply Refer to:**

EPA Complaint No. **07Rr-22-R5**

Brian O. Martin  
Executive Director  
Miami Valley Regional Planning Commission  
10 North Ludlow Street, Suite 700  
Dayton, OH 45402  
bmartin@mvrpc.org

**Re: Rejection of Correspondence**

Dear Mr. Martin:

This letter is to notify you that the Environmental Protection Agency (EPA), External Civil Rights Compliance Office (OECRC) is rejecting referenced administrative complaint filed against the Miami Valley Regional Planning Commission (MVRPC) in Ohio, which, although dated April 19, 2022, was received by OECRC on July 28, 2022. According to your correspondence, MVRPC discriminated on the basis of race and color in violation of Title VI of the Civil Rights Act of 1964 and EPA's implementing regulations at 40 C.F.R. Part 7. Complainant also alleges that a supervisor at MVRPC retaliated against complainant in violation of 40 C.F.R. § 7.100 by terminating employment when complainant made complaints about the discriminatory employment practices.

Pursuant to EPA's nondiscrimination regulation, OECRC conducts a preliminary review of correspondence 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. See OECRC's Case Resolution for a more detailed explanation, available at [https://www.epa.gov/sites/production/files/2021-01/documents/2021.1.5\\_final\\_case\\_resolution\\_manual\\_.pdf](https://www.epa.gov/sites/production/files/2021-01/documents/2021.1.5_final_case_resolution_manual_.pdf).

After careful consideration OECRC is not accepting your complaint for investigation. The allegations, even if true, would not provide sufficient basis for OECRC to assert jurisdiction. The MVRPC is not a recipient of EPA financial assistance.

In general, OECRC will accept, reject, or refer a complaint after considering the jurisdictional requirements described above. In the present case, OECRC has determined that the complaint, which alleges solely employment discrimination against an individual, may fall within the jurisdiction of the Equal Employment Opportunity Commission (EEOC). OECRC acknowledges that this complaint was concurrently filed with the EEOC.

If you have any questions, please contact Anhthu Hoang, Acting Director at [hoang.anhthu@epa.gov](mailto: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  
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