



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

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

January 28, 2021

In Reply Refer To:

EPA Complaint No. 01R-21-R3

Keith D. Pierson
Mayor
City of Ranson
City Hall
312 S. Mildred Street
Ranson, West Virginia 25438
dpierson@ransonwv.us

Tony Grant
City Manager
City of Ranson
tgrant@ransonwv.us

Re: Rejection of Administrative Complaint

Dear Mayor Pierson and City Manager Grant:

This letter is to notify you that the Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECRCO) has completed its jurisdictional review of a complaint filed against the City of Ranson (City) and received by ECRCO on January 5, 2021. The complaint alleges that the City discriminated against African American descendants of those buried at the Boyd Carter Memorial Cemetery in Kearneysville, West Virginia, most recently in June 2020, on the basis of race in violation of Title VI of the Civil Rights Act of 1964 and EPA's nondiscrimination regulation at 40 C.F.R. Part 7. After careful consideration, ECRCO is rejecting this complaint and closing the complaint as of the date of this letter as EPA does not have jurisdiction to investigate.

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 Code of Federal Regulation (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

Mayor Keith Pierson
City Manager Tony Grant

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applicant for, or recipient of, EPA financial assistance that allegedly committed the discriminatory act. *See* 40 C.F.R. § 7.15.

In general, ECRCO will accept, reject, or refer a complaint after considering the jurisdictional requirements described above. ECRCO has reviewed available information and determined that the City is not a current applicant for or recipient of EPA financial assistance. ECRCO therefore lacks jurisdiction to accept this complaint for investigation.

In light of the above, we are closing this complaint as of the date of this letter. If you have questions about this letter, please contact Jonathan Stein by phone at (202) 564-2088 or by email at stein.jonathan@epa.gov.

Sincerely,



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

cc: Angelia Talbert-Duarte
Associate General Counsel
Civil Rights & Finance Law Office

Diana Esher
Acting Regional Administrator
Deputy Civil Rights Official
U.S. EPA Region 3

Cecil Rodrigues
Regional Counsel
U.S. EPA Region 3