



OFFICE OF EXTERNAL CIVIL RIGHTS COMPLIANCE

WASHINGTON, D.C. 20460

June 2, 2025

In Reply Refer to:

EPA Complaint No: 10R-23-R4

Mark Saliba, Mayor
City of Dothan
P.O. Box 2128
Dothan, AL 36302
mayor@dothan.org

Re: Preliminary Findings and Closure of EPA Complaint No. 10R-23-R4

Dear Mayor Saliba:

This letter is to advise you that the U.S. Environmental Protection Agency (EPA), Office of External Civil Rights Compliance (OECRC) is issuing a preliminary finding of sufficient evidence that the City of Dothan (the City) is currently meeting the relevant regulatory requirements identified herein, and accordingly, is closing its investigation of EPA Complaint No. 10R-23-R4 (Complaint) as of the date of this letter. The Complaint alleged that the City of Dothan (City) failed to implement the required procedural safeguards set forth in 40 C.F.R. §§ 7.85(g) (nondiscrimination coordinator), 7.90 (grievance procedures), and 7.95 (notice of nondiscrimination) of EPA's nondiscrimination regulation (40 C.F.R Part 7), which implements Title VI of the Civil Rights Act of 1964 (Title VI) and other federal nondiscrimination laws.¹

On March 6, 2024, after determining that the Complaint met the jurisdictional requirements, OECRC accepted the Complaint for investigation and used its discretion to broaden the scope of its investigation.² The acceptance letter identified the following issue for investigation:

Whether the City of Dothan has and is implementing the procedural safeguards required under Title VI and other federal civil rights laws, as well as EPA's implementing regulations

¹ Title VI of the Civil Rights Act of 1964, 42 United States Code §§ 2000d to 2000d-7 (Title VI); Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794; Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. §§ 1681 et seq.; Age Discrimination Act of 1975, 42 U.S.C. §§ 6101 et seq.; Federal Water Pollution Control Act Amendments of 1972, Pub. L. 92-500 § 13, 86 Stat. 903 (codified as amended at 33 U.S.C. § 1251 (1972)); 40 C.F.R. Parts 5 and 7.

² See Case Resolution Manual, Section 1.10, pp.15-16, https://www.epa.gov/system/files/documents/2025-01/case-resolution-manual-update_final_jan-2025.pdf.

at 40 C.F.R. Parts 5 and 7, that all recipients of federal assistance must have in place to comply with their general nondiscrimination obligations, including to ensure meaningful access to the City of Dothan's services, programs, and activities, for individuals with limited English proficiency (LEP) and individuals with disabilities, and to provide all individuals access to public participation opportunities associated with its programs, activities and services.

Complaint Investigation and Background

After accepting the Complaint for investigation, on March 18, 2024, the City submitted a response to the Complaint, including a copy of its Title VI Compliance Program document, adopted by the City on September 5, 2023. OECRC held initial meetings with the Complainant³ on March 25, 2024, and with the City on March 29, 2024, to explain OECRC's complaint processing procedures and the informal resolution agreement process. OECRC informed the Complainant and the City of OECRC's obligation to attempt to resolve complaints informally whenever possible⁴ and offered the informal resolution process to the City. The City chose ultimately not to accept that process.⁵

Accordingly, OECRC investigated the accepted issue pursuant to its authority under 40 C.F.R. Part 7. As part of OECRC's investigation, OECRC reviewed the City's website as well as materials and documents the City provided in its response to the Complaint. On May 10, 2024, OECRC followed up with a request for information (RFI) to the City. On June 7, 2024, the City timely responded to the RFI. The following preliminary findings result from OECRC's investigation.

Initially, when the Complaint was submitted, OECRC noted that the City lacked several elements required by EPA's nondiscrimination regulations, including a notice of nondiscrimination,⁶ grievance procedures,⁷ and designation of a nondiscrimination coordinator.⁸ Since the Complaint's submission, the City adopted a nondiscrimination program and provided documentation of its program to OECRC on March 18, 2024.⁹ The City provided additional information about its nondiscrimination program in the RFI response it submitted on June 7, 2024.

³ During the initial meeting with the Complainant, the Complainant expressed that they did not have additional or ongoing concerns because they thought the City had already addressed the issues raised by their Complaint after the Complaint was submitted by designating a nondiscrimination coordinator, posting a notice of nondiscrimination, and adopting grievance procedures. The Complainant inquired about closing the Complaint, and OECRC informed the Complainant that, because OECRC had broadened the issue accepted for investigation, OECRC would not be closing the Complaint at that time.

⁴ 40 C.F.R. § 7.120(d)(2)(i)

⁵ During the initial meeting with the City, the City expressed interest in considering the informal resolution process. On April 12, 2024, OECRC followed up with the City via email to reiterate the informal resolution options available. OECRC did not receive a response from the City.

⁶ 40 C.F.R. § 5.135(a); 40 C.F.R. § 7.95. *See also* 40 C.F.R. § 7.85(g).

⁷ 40 C.F.R. § 5.135(b); 40 C.F.R. § 7.90(b)

⁸ 40 C.F.R. § 5.135(a); 40 C.F.R. § 7.85(g)

⁹ City Response to EPA Complaint No. 10R-23-R4 Exhibit A (March 18, 2024).

According to the material submitted, the City's nondiscrimination program includes a Title VI Notice of Protection Against Discrimination,¹⁰ Title VI Complaint Procedures and Form, a Limited English Proficiency Plan,¹¹ and a Public Participation Plan.¹² Upon review of these materials, OECRC has determined that procedural safeguards deficiencies have been resolved by the City. Accordingly, OECRC finds sufficient evidence that the City is currently meeting the relevant regulatory requirements of 40 C.F.R. Part 7.

As a best practice, and to ensure the public is aware that the City complies with all of the federal nondiscrimination requirements, OECRC recommends that the City consider including in its notice of nondiscrimination and nondiscrimination policies and plans, a reference to all of the federal nondiscrimination laws that OECRC enforces, and not just refer to Title VI: Title VI of the Civil Rights Act of 1964 (race, color, national origin); Section 504 of the Rehabilitation Act of 1973 (disability); the Age Discrimination Act of 1975 (age); Section 13 of Federal Water Pollution Control Act of 1972 (sex)¹³; and Title IX of the Education Amendments of 1972 (sex in education programs and activities).¹⁴

Conclusion

For the reasons set forth above, OECRC is closing EPA Complaint 10R-23-R4. OECRC appreciates the cooperation of the Complainant and City in the resolution of this matter.

This letter sets forth OECRC's disposition of EPA Complaint 10R-23-R4. This letter is not a formal statement of OECRC policy and should not be relied upon, cited, or construed as such. This letter and any findings herein do not affect the City's continuing responsibility to comply with Title VI or other federal non-discrimination laws and EPA's regulations at 40 C.F.R. Parts 5 and 7, nor do they affect EPA's investigation of any Title VI or other federal civil rights complaints or address any other matter not addressed in this letter.

¹⁰ See Title VI Notices at <https://www.dothan.org/810/Title-VI-Notices>; see City Title VI Compliance Program at <https://www.dothan.org/811/City-of-Dothan-Title-VI-Compliance-Progr>.

¹¹ The City's website references limited-English proficient guidance "as required by Executive Order (EO) 13166." The City should be aware that EO 13166 has been revoked by EO 14224 "Designating English as the Official Language of the United States" (March 1, 2025); though nothing in the EO requires or directs any change in the services provided by any federal agency. In addition, pursuant to EO 14224, the Attorney General shall rescind any policy guidance documents issued pursuant to Executive Order 13166.

¹² See City Title VI Compliance Program at <https://www.dothan.org/811/City-of-Dothan-Title-VI-Compliance-Progr>.

¹³ 40 C.F.R. § 7.10.

¹⁴ 40 C.F.R. § 5.100; See Civil Rights Guidance on Procedural Safeguards: Requirements and Best Practices at <https://www.epa.gov/system/files/documents/2025-01/civil-rights-guidance-on-procedural-safeguards-august-2024-001.pdf>.

Mayor Mark Saliba

If you have any questions about this letter, please contact Kurt Temple, Senior Advisor, at temple.kurt@epa.gov.

Sincerely,

Susan Park
Deputy Assistant Administrator
Office of Environmental Justice and External Civil Rights

cc: Jeaneanne Gettle
Deputy Regional Administrator
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