



OFFICE OF CIVIL RIGHTS AND ADJUDICATION

WASHINGTON, D.C. 20460

January 6, 2026

John Bacon, Mayor
J. Michael Wilkes, City Manager
City of Olathe
100 E. Santa Fe Street
Olathe, KS 66061
via email: jbacon@olatheks.org
via email: jmwilkes@olatheks.org

Re: Rejection of EPA Complaint No. 03U-25-R7

Dear Mayor Bacon and City Manager Wilkes:

As you are aware, the U.S. Environmental Protection Agency (EPA), Office of Civil Rights and Adjudication (OCRA), External Civil Rights Division (ECRD) received the above-referenced complaint against the City of Olathe. The complaint raises allegations of discrimination by the City of Olathe against Johnson County residents in “flight path communities” by “failing to act on known lead hazards” and “refusing to monitor exposures, warn residents, or provide mitigation,” leading to “disproportionate health risks [and] burdens [that] fall especially on children and, in certain census tracts, minority residents.”¹

This letter serves to notify you that ECRD is rejecting the complaint.

Pursuant to EPA’s nondiscrimination regulation, ECRD conducts a preliminary jurisdictional review of external civil rights complaints to determine whether to accept, reject, or refer it to an 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 EPA’s nondiscrimination regulation.

¹ See Complaint No. 03U-25-R7

First, the complainant must submit a complaint in writing. *See* 40 C.F.R. § 7.120(b)(1). Second, the entity that the complainant identifies as allegedly engaging in discrimination must be an applicant for, or recipient of, EPA financial assistance. *See* 40 C.F.R. § 7.15.

Third, the complainant must describe an alleged discriminatory act that, if true, may violate EPA's nondiscrimination regulation. *See* 40 C.F.R. § 7.120(b)(1). An alleged discriminatory act is one based on race, color, national origin, sex, age, or disability. Fourth, a complainant must file the complaint within 180 days of the alleged discriminatory act. *See* 40 C.F.R. § 7.120(b)(2).

After careful consideration, ECRD must reject this complaint for investigation. Although the complaint is in writing and City of Olathe is a recipient of EPA financial assistance, the complaint does not allege a discriminatory act on the basis of a protected class that, if true, may violate of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000(d) et seq. and/or EPA's nondiscrimination regulation at 40 C.F.R. Part 7. Furthermore, the complaint does not specify a discriminatory incident that occurred within 180 days of filing a Title VI complaint with ECRD.

Accordingly, ECRD must reject this complaint for lack of jurisdiction as of the date of this letter.

Finally, EPA's nondiscrimination regulation prohibits applicants, recipients, and other persons from intimidating, threatening, coercing, or engaging in other discriminatory conduct against anyone because they have acted or participated in an action to secure rights protected by the civil rights requirements EPA enforces. *See* 40 C.F.R. § 7.100. Any individual that opines a recipient has engaged in such misconduct can file a complaint with EPA.

If you have questions, please contact Case Manager Rebecca Gillman by email at
Gillman.Rebecca@epa.gov.

Sincerely,



JuanCarlos M. Hunt, Director
Office of Civil Rights and Adjudication
U.S. Environmental Protection Agency

cc: David Cozad, Deputy Regional Administrator/Deputy Civil Rights Official
Leslie Humphrey, Acting Regional Counsel, U.S. EPA, Region 7