



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

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE  
OFFICE OF GENERAL COUNSEL

February 6, 2020

**Return Receipt Requested**

Certified Mail #: 7015 3010 0001 1267 2231

**In Reply Refer to:**

EPA Complaint No.: 30R-16-R3

Jeannie Haddaway-Riccio  
Secretary  
Maryland Department of Natural Resources  
580 Taylor Avenue  
Annapolis, MD 21401

Dear Secretary Haddaway-Riccio:

This letter is to notify you that the Maryland Department of Natural Resources (MDNR) has fully complied with the Informal Resolution Agreement (Agreement), dated January 30, 2019, reached between MDNR and the U.S. Environmental Protection Agency (EPA) External Civil Rights Compliance Office (ECRCO) in response to Complaint No. 30R-16-R3. Accordingly, Complaint No. 30R-16-R3 is closed as of the date of this letter.

On June 14, 2016, ECRCO accepted the following issue for investigation;

1. Whether the process and decision to issue a Certificate of Public Convenience and Necessity (CPCN) to Mattawoman Energy, LLC for the construction of a natural gas-fired power plant in Brandywine, Maryland discriminated on the basis of race, color, or national origin, in violation of Title VI; and
2. Whether the public engagement process prior to the decision to issue a CPCN discriminated on the basis of race, color, or national origin, in violation of Title VI.

On January 30, 2019, MDNR entered into an Informal Resolution Agreement (IRA) with ECRCO to resolve the issue accepted for investigation as well as additional concerns identified by ECRCO regarding MDNR's nondiscrimination program. Since the signing of the IRA, ECRCO provided significant technical assistance to MDNR and worked collaboratively with MDNR to support its development and implementation of the necessary policies, plans and procedures.

To address the primary issue accepted for investigation, the IRA required MDNR to adopt policy or procedure that, upon receiving notice of a CPCN application for a Qualifying Generating Station, MDNR's Power Plant Research Program will identify a community resource officer who will serve as a point of contact for members of the public interested in the application.

The IRA also required MDNR to develop and implement a nondiscrimination program that contains the procedural safeguards required by EPA's regulation at 40 C.F.R. Parts 5 and 7. These include, for example, items "prominently" posted and accessible to the public (including to persons with limited English proficiency (LEP) and persons with disabilities), such as a notice of nondiscrimination; a nondiscrimination coordinator; nondiscrimination grievance procedures; and to review and maintain its LEP and a disability policy and process.

Based on a careful review of the most current documentation submitted by MDNR and the information publicly available on MDNR's website, ECRCO has determined that MDNR has complied with the terms of the IRA entered into on January 30, 2019. MDNR made its submissions to ECRCO on May 13, 2019, June 17, 2019, and provided additional information and a request for formal closure of the informal resolution monitoring process in a letter dated January 16, 2020. Accordingly, ECRCO is terminating the monitoring of the IRA and closing EPA Complaint No. 30R-16-R3 as of the date of this letter.

Neither the conclusion of ECRCO's monitoring of this IRA or the closing of this complaint affect MDNR's continuing responsibility to comply with Title VI or the other federal non-discrimination laws and EPA's regulation at 40 C.F.R. Parts 5 and 7, nor does it affect EPA's investigation of any other Title VI or other federal civil rights complaints or address any other matter not covered by this Agreement.

If you have any questions, please feel free to contact me at 202-564-9649, by e-mail at [dorka.lilian@epa.gov](mailto:dorka.lilian@epa.gov), or Dale Rhines, ECRCO's Deputy Director at 202-564-4174, by email at [rhines.dale@epa.gov](mailto:rhines.dale@epa.gov) or U.S. mail at U.S. EPA, Office of General Counsel (Mail Code 2310A), 1200 Pennsylvania Avenue, N.W., Washington, D.C., 20460.

Sincerely,



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

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

Diana Esher  
Deputy Regional Administrator  
Deputy Civil Rights Official  
US EPA, Region 3

Cecil Rodrigues  
Regional Counsel  
US EPA, Region 3