



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

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE  
OFFICE OF GENERAL COUNSEL

August 4, 2022

**In Reply Refer to:**  
EPA Complaint No. 03R-22-R6

Sylvester Turner  
Mayor  
City of Houston  
901 Bagby Street  
Post Office Box 1562  
Houston, TX 77002  
mayor@houstontx.gov

**Re: Rejection without Prejudice of Administrative Complaint**

Dear Mayor Turner:

On January 28, 2022, the U.S. Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECRCO), received an administrative complaint filed against the City of Houston (City). The complaint alleges that the City of Houston discriminated against the Black and Latino residents of the Trinity/Houston Gardens Super Neighborhood SN48 (SN48) on the basis of race/national origin in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000(d) et seq., and EPA's nondiscrimination regulation, at 40 C.F.R. Part 7. Specifically, according to Complainants, the City's administration of municipal programs and services deprived residents of SN48 in Houston of the enjoyment of City services, amenities, infrastructure, and programs, with the effect of subjecting persons to discrimination on the basis of race/national origin.

The complaint was concurrently filed with the U.S. Department of Housing and Urban Development, the U.S. Department of Homeland Security, and the U.S. Department of Commerce. Because the complaint was filed with multiple agencies, the U.S. Department of Justice's Civil Rights Division's Federal Coordination and Compliance Section coordinated the federal review of jurisdiction.

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 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.

In general, ECRCO will accept, reject, or refer a complaint after considering the jurisdictional requirements described above. However, if ECRCO obtains information leading ECRCO to conclude that an investigation is unjustified for prudential reasons, ECRCO may reject complaint allegations. For example, as noted above, if the same complaint allegations have been filed with another Federal agency and ECRCO anticipates that the agency will provide the complainant with a comparable resolution process, ECRCO may reject the allegation without prejudice.<sup>1</sup>

After careful consideration, ECRCO is rejecting this complaint for investigation because as of July 22, 2022, the U.S. Department of Justice, through the Civil Rights Division's Federal Coordination and Compliance Section and United States Attorney's Office for the Southern District of Texas (collectively, DOJ), has accepted this complaint for investigation. DOJ has opened an investigation which will "examine whether the City's enforcement and solid waste management operations, policies and practices in response to illegal dumping have resulted in discrimination against Black and Latino residents in violation of Title VI of the Civil Rights Act of 1964 (Title VI)."<sup>2</sup> Given the scope of the issues pending before DOJ, and that DOJ's investigation and resolution process is comparable to the process used by ECRCO, and to avoid duplication, ECRCO is closing this case without prejudice effective the date of this letter. ECRCO will continue to closely follow the progress of DOJ's investigation and provide any support and assistance requested by them.

Please note that ECRCO is rejecting this complaint without prejudice. Pursuant to ECRCO's Case Resolution Manual, complainants may re-file "within 60 calendar days of the completion of the [DOJ's] action if the other agency's action does not resolve complainant's civil rights allegations or provide complainant with a comparable resolution process."<sup>3</sup> If the complaint is refiled, ECRCO will conduct another preliminary review to determine acceptance, rejection, or referral.<sup>4</sup> Note that ECRCO generally anticipates adopting a decision issued by another federal agency regarding the same allegation. ECRCO may evaluate whether any additional action by EPA is needed in this case, as a result of DOJ's finding.

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<sup>1</sup> *See* [https://www.epa.gov/sites/default/files/2021-01/documents/2021.1.5\\_final\\_case\\_resolution\\_manual\\_.pdf](https://www.epa.gov/sites/default/files/2021-01/documents/2021.1.5_final_case_resolution_manual_.pdf), at Section 1.8.

<sup>2</sup> *See* DOJ Press Release, July 22, 2022, at <https://www.justice.gov/opa/pr/justice-department-launches-environmental-justice-investigation-city-houston-texas>.

<sup>3</sup> *See* [https://www.epa.gov/sites/default/files/2021-01/documents/2021.1.5\\_final\\_case\\_resolution\\_manual\\_.pdf](https://www.epa.gov/sites/default/files/2021-01/documents/2021.1.5_final_case_resolution_manual_.pdf), at Section 1.8.

<sup>4</sup> *Id.*

If you have questions about this letter, please feel free to contact me by telephone at (202) 564-9649 or at [Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov), or Case Manager Jonathan Stein, at (202) 564-2088 or via email at [Stein.Jonathan@epa.gov](mailto:Stein.Jonathan@epa.gov).

Sincerely,



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

cc: Ariadne Goerke  
Deputy Associate General Counsel  
Civil Rights & Finance Law Office

Helena Wooden-Aguilar  
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