



UNITED STATES ENVIRONMENTAL  
PROTECTION AGENCY  
WASHINGTON, D C. 20460

Office of Environmental Justice and External Civil Rights  
Office of External Civil Rights Compliance

March 22, 2023

**In Reply Refer To:**

EPA Complaint No. 01R-23-R6

Paulette Guajardo  
Mayor  
City of Corpus Christi  
1201 Leopard Street  
Post Office Box 9277  
Corpus Christi, TX 78469  
paulette.guajardo@cctexas.com

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

Dear Mayor Guajardo:

On October 26, 2022, the U.S. Environmental Protection Agency (EPA), Office of External Civil Rights Compliance (OECRC), received an administrative complaint filed against the City of Corpus Christi, TX (City). The complaint alleges that the City discriminated against the African American Hillcrest neighborhood on the basis of race 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, the complaint alleges that the City's continuing policy of promoting the development of a proposed desalination plant in the predominantly African American Hillcrest neighborhood subjects its residents to discrimination on the basis of race.

Pursuant to EPA's nondiscrimination regulation, OECRC 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, OECRC will accept, reject, or refer a complaint after considering the four jurisdictional factors discussed above. However, if OECRC obtains information leading OECRC to conclude that an investigation is unjustified for prudential reasons, OECRC may reject the complaint.<sup>1</sup>

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<sup>1</sup> *See* OECRC Case Resolution Manual, Section 1.8, pp. 10-12, available at:  
[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)

After careful consideration, OECRC is rejecting this complaint without prejudice because the same allegations are under review by the U.S. Department of Housing and Urban Development (HUD). Specifically, on December 12, 2022, HUD accepted the same complaint for investigation. Further, it is our understanding that HUD will provide the Complainants with a comparable resolution process. Accordingly, to avoid duplication of efforts, OECRC is closing this matter administratively as of the date of this letter. OECRC will continue to follow the progress of HUD's investigation closely and provide any support and assistance requested by HUD.

In accordance with the OECRC Case Resolution Manual, a complaint may be re-filed with OECRC within 60 days of receiving notification of the completion of the HUD's resolution process.<sup>2</sup> If the complaint is re-filed, OECRC will proceed with its preliminary review to determine whether the complaint should be accepted, rejected, or referred.<sup>3</sup> Please note that OECRC generally anticipates adopting the decision issued by another federal agency regarding the same allegation. If the complaint is re-filed and accepted, OECRC may evaluate whether any additional action by EPA is needed in this case.

EPA's regulation prohibits applicants, recipients, and other persons from intimidating, threatening, coercing, or engaging in other discriminatory conduct against anyone because they either have taken action or participated in an action to secure rights protected by the civil rights requirements that we enforce. See 40 C.F.R. § 7.100.

If you have any questions, please contact case managers, Zahra Khan at (202) 564-0460 at [khan.zahra@epa.gov](mailto:khan.zahra@epa.gov) or Al Sweeney at (202) 564-7949 at [sweeney.alfred@epa.gov](mailto:sweeney.alfred@epa.gov), or you may contact me at (202) 809-3297 or [hoang.anhthu@epa.gov](mailto:hoang.anhthu@epa.gov).

Sincerely,

Anhthu Hoang  
Acting Director  
Office of External Civil Rights Compliance  
Office of Environmental Justice & External Civil Rights

cc:

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

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<sup>2</sup> *Id.*

<sup>3</sup> *Id.* at 11.

Paulette Guajardo, Mayor

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Stacey Dwyer  
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