

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



EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

December 22, 2020

In Reply Refer to:

EPA Complaint No. 02R-21-R9

Grant Colfax, MD
Director of Health
San Francisco Department of Public Health
101 Grove Street
San Francisco, CA 94102
grant.colfax@sfgov.org

Re: Rejection of Administrative Complaint 02R-21-R9

Dear Director Colfax:

On November 30, 2020, the U.S. Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECRCO), received a complaint involving the Bay Area Air Quality Management District (BAAQMD) and the San Francisco Department of Public Health (SFDPH). During ECRCO's jurisdictional review process, the administrative complaint against SFDPH was renumbered as EPA Complaint No. 02R-21-R9. The complaint was filed by Californians for Renewable Energy, Inc. (Complainant) and it alleges that SFDPH discriminated against the historically Black community of Hunters Point, on the basis of race in violation of Title VI of the Civil Rights Act of 1964, and EPA's nondiscrimination regulation, at 40 C.F.R. Part 7. ECRCO has determined that it is rejecting the complaint against SFDPH and will close this case as of the date of this letter.

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.

ECRCO has concluded that it cannot accept this complaint for investigation because it does not meet the jurisdictional requirements described in EPA's nondiscrimination regulation. Specifically, SFDPH is not an applicant for, or recipient of, EPA financial assistance. As a

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result, ECRCO does not have jurisdiction to investigate the claims raised in the complaint. Accordingly, ECRCO is closing this case as of the date of this letter.

If you have questions about this letter, please feel free to contact Zahra Khan, Case Manager, at (202) 564-0460, by email at khan.zahra@epa.gov.

Sincerely,



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

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

Deborah Jordan
Deputy Civil Rights Official
US EPA Region 9

Sylvia Quast
Regional Counsel