



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D C. 20460
Office of Environmental Justice and External Civil Rights
Office of External Civil Rights Compliance

August 23, 2023

In Reply Refer to:

EPA Complaint No. 06R-22-R3

The Honorable Muriel E. Bowser
Mayor
John A. Wilson Building
1350 Pennsylvania Avenue, NW
Suite 326
Washington, DC 20004
eom@dc.gov

Re: Rejection of Complaint 06R-22-R3

Dear Mayor Bowser:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of External Civil Rights Compliance (OECRC), has completed its jurisdictional review of a complaint that it received on May 25, 2022, filed on behalf of residents of the District of Columbia's (D.C.) Brentwood neighborhood, located in Northeast D.C. (Complaint). The Complaint alleges that the District of Columbia Department of General Services (DGS) and the District of Columbia Department of Energy and Environment (DOEE)¹ discriminated against residents of the Brentwood 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 DGS's submission of an Environmental Impact Statement Form (EISF) to DOEE for approval after the construction of the Office of the State Superintendent of Education (OSSE) school bus facility (Facility)² had already begun, and DOEE's approval thereof, subjected Black residents of the Brentwood neighborhood to discrimination.

Pursuant to EPA's nondiscrimination regulation, EPA's 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

¹ The Complaint also named (1) the Office of the District of Columbia Mayor, Muriel Bowser, and (2) the D.C. Office of the State Superintendent of Education. Based on OECRC's jurisdictional assessment, OECRC is not initiating an investigation against these two entities.

² The OSSE school bus facility is intended to house 250 school buses for transporting students with disabilities to schools and other locations in D.C. and potentially to other nearby locations in Maryland and/or Virginia.

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.

After careful consideration, OECRC is rejecting allegations against the Office of the Mayor because the Office of the Mayor is not a recipient of EPA financial assistance. Consequently, OECRC is closing this Complaint with regard to the claims against the Office of the Mayor as of the date of this letter.

If you have questions about this letter, please feel free to contact me at (202) 809-3297, by email at hoang.anhthu@epa.gov, or Zahra Khan, Case Manager, at (202) 564-0460, by email at khan.zahra@epa.gov.

Sincerely,

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

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

Diana Esher
Deputy Regional Administrator
Deputy Civil Rights Official
U.S. EPA Region 3

Cecil Rodrigues
Regional Counsel
U.S. EPA Region 3