



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. 08R-22-R3

Dr. Christina Grant
State Superintendent of Education
Office of the State Superintendent of Education
1050 First Street, NE
Washington, DC 20002
christina.grant@dc.gov

Re: Rejection and Referral of Complaint 08R-22-R3

Dear Dr. Grant:

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 must be in writing. *See* 40 C.F.R. § 7.120(b)(1). Second, it must describe an alleged discriminatory act

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.

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 the allegations against the OSSE. The Complaint is in writing, alleges that a discriminatory act occurred in violation of EPA's nondiscrimination regulation, and was filed within 180 days of the allegedly discriminatory act. As to the fourth jurisdictional element regarding this complaint, the OSSE is not a recipient of EPA financial assistance. Consequently, OECRC is rejecting the claims against OSSE and closing that part of the Complaint as of the date of this letter.

However, the OSSE, as a component of the D.C. Public Schools, may be a financial assistance recipient of the U.S. Department of Education (ED). As such, EPA is referring the claims relating to OSSE to ED for appropriate action. Please direct further contacts relating to this complaint to:

Emily Frangos
Regional Director, Washington DC (Metro) Office
U.S. Department of Education
Office for Civil Rights
550 12th St. SW
Washington, D.C. 20202
Email: Emily.Frangos@ed.gov

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