



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

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
Emily.Frangos@ed.gov

Re: Referral of Administrative Complaint

Dear Ms. Frangos:

The U.S. Environmental Protection Agency (EPA), Office of External Civil Rights Compliance (OECRC) is referring a complaint OECRC received on May 25, 2022. The complaint, filed on behalf of residents of the District of Columbia's (D.C.) Brentwood neighborhood, located in Northeast D.C. (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.

EPA is rejecting the referenced complaint for lack of jurisdiction because OSSE is not a recipient of EPA financial assistance. However, it appears that OSSE may be a recipient of ED financial assistance. Therefore, OECRC is referring the complaint to ED for appropriate action. OECRC has simultaneously notified the Complainants' attorney and OSSE of the referral and provided them your contact information. The complaint as well as EPA's jurisdictional letters are enclosed.

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.

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.

Sincerely,

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

Enclosures (as email attachments):

Complaint to EPA

Complainant and OSSE Jurisdictional Letters issued by EPA

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