



OFFICE OF EXTERNAL CIVIL RIGHTS COMPLIANCE

WASHINGTON, D.C. 20460

June 17, 2024

In Reply Refer to:

EPA Complaint No. 01RNO-24-R1

The Honorable Arunan Arulampalam
Mayor of Hartford
Hartford City Hall
550 Main Street
2nd Floor, Room 200
Hartford, CT 06103
arunan.arulampalam@hartford.gov

Re: Acceptance of Administrative Complaint

Dear Mayor Arulampalam:

This letter serves as notification that OECRC is accepting the administrative complaint the U.S. Environmental Protection Agency (EPA), Office of Environmental Justice and External Civil Rights, Office of External Civil Rights Compliance (OECRC), filed on December 5, 2023, involving the City of Hartford ("Hartford"). The Complaint alleges that Hartford discriminated against the predominantly Black and Latino community in North Hartford, on the basis of race, color, and national origin 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 by failing to activate or implement its flood prevention system (e.g., dikes, pumping stations, conduits, and gates) in North Hartford.

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 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 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 accepting EPA Complaint No. 01RNO-24-R1 for investigation as the Complaint meets OECRC's four jurisdictional requirements. First, the Complaint is in writing. Second, it alleges discriminatory acts that, if true, may violate Title VI and EPA's nondiscrimination regulation. Third, the Complaint was filed within 180 days of the allegedly discriminatory act. Finally, Hartford is a recipient of EPA financial assistance.

Accordingly, OECRC will investigate the following issue:

Whether the City of Hartford discriminated on the basis of race, color and/or national origin by failing to implement flood prevention measures in the North End of Hartford, CT, in violation of Title VI of the Civil Rights Act of 1964 (Title VI), 43 U.S.C. § 2000d *et seq.*, and EPA's nondiscrimination regulation, 40 C.F.R. Part 7.

The initiation of an investigation of the issues above is not a decision on the merits. OECRC is a neutral fact finder and will begin its process to gather the relevant information, discuss the matter further with you and the Complainant, and determine next steps utilizing OECRC's internal procedures. Generally, the investigation and resolution options and procedures identified in EPA's nondiscrimination regulation and OECRC's Case Resolution Manual (CRM) will be utilized for the complaint investigation process. We invite you to review OECRC's Case Resolution Manual for a more detailed explanation of OECRC's complaint resolution process, available at:

https://www.epa.gov/sites/production/files/202101/documents/2021.1.5_final_case_resolution_manual_.pdf.

OECRC is providing Hartford with an opportunity to make a written submission responding to, rebutting, or denying the issues that have been accepted for investigation within thirty (30) calendar days of receiving a copy of this letter, notifying Hartford of the acceptance of EPA Complaint No. 01RNO-24-R1. *See* 40 C.F.R. § 7.120(d)(1)(ii-iii).

EPA's nondiscrimination regulation provides that OECRC shall attempt to resolve complaints informally whenever possible. *See* 40 C.F.R. § 7.120(d)(2). Accordingly, OECRC will contact the Complainant and Hartford within 10 days of the date of this letter to provide information about OECRC's complaint process, and to offer and discuss the alternative dispute resolution (ADR)¹ and informal resolution agreement² processes as potential options for resolving the issue which

¹ EPA OECRC's Alternative Dispute Resolution (ADR) process involves the formal mediation of a complaint or complaint allegations between the complainant and recipient, through the use of a professionally trained mediator. *See* U.S. EPA, OECRC Case Resolution Manual, Section 3.3, p.24.

https://www.epa.gov/sites/default/files/2021-01/documents/2021.1.5_final_case_resolution_manual_.pdf.

² Informal Resolution occurs between OECRC and the recipient. *See* https://www.epa.gov/sites/default/files/2021-01/documents/2021.1.5_final_case_resolution_manual_.pdf.

OECRC has accepted for investigation. If Hartford (and Complainant with respect to ADR) agree to engage in either of these potential resolution processes, OECRC will suspend the complaint investigation process related to the issuance of any preliminary findings pursuant to 40 C.F.R. § 7.115(c). *See generally* 40 C.F.R. §§ 7.115, 7.120. In the event that either of these potential resolution processes fails to result in an agreement, OECRC will notify Hartford as well as Complainant that OECRC has resumed its investigatory process to issue preliminary findings, as appropriate, within 180 days of the start of the investigation – excluding any days spent in either of these potential resolution processes.³

Attached, please find a copy of the Complaint, consistent with 40 C.F.R. § 7.120(e). OECRC is releasing the complaint with appropriate redactions consistent with the Freedom of Information Act (FOIA) and the Privacy Act and will only release identifying information to the extent necessary to comply with 40 C.F.R. Parts 5 and 7.⁴

EPA's regulation prohibits applicants, recipients, and other persons from intimidating, threatening, coercing, or engaging in other discriminatory conduct against anyone because they have either 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. Any individual alleging such harassment or intimidation may file a complaint with OECRC.

If you have any questions about the status of this correspondence, please contact the Case Manager assigned to this matter, V'Hesspa Glenn by telephone at (202) 809-5029 or by email at glenn.vhesspa@epa.gov.

Sincerely,



Adam Wilson
Acting Deputy Director
Office of Environmental Justice &
External Civil Rights
Office of External Civil Rights Compliance

Enclosure: Via Email, Redacted Copy of Complaint

³ *See* 40 C.F.R. § 7.115(c)

⁴ Freedom of Information Act, 5 U.S.C. § 552(b)(6) and (7)(c) and the Privacy Act of 1974, 5 U.S.C. § 552a.

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

Karen McGuire
Deputy Regional Administrator
Deputy Civil Rights Official
US EPA Region 1

Carl Dierker
Regional Counsel
US EPA Region 1