



## OFFICE OF EXTERNAL CIVIL RIGHTS COMPLIANCE

WASHINGTON, D.C. 20460

June 28, 2024

**In Reply Refer To:**

EPA Complaint No. 01RNO-24-R4

Mayor Andre Dickens  
Atlanta City Hall, City of Atlanta  
55 Trinity Avenue SW  
Atlanta, GA 30303  
[adickens@atlantaga.gov](mailto:adickens@atlantaga.gov)

**Re: Notification of Rejection of Complaint No. 01RNO-24-R4, City of Atlanta**

Dear Mayor Andre Dickens:

This letter is to notify you the Environmental Protection Agency (hereinafter, "EPA"), Office of External Civil Rights Compliance (hereinafter, "OECRC") is rejecting for investigation an administrative complaint filed against the City of Atlanta (EPA Complaint No. 01RNO-24-R4), on October 31, 2023. The complaint alleged that the Atlanta City Council ("ACC") discriminated against Black and Hispanic communities of DeKalb County, GA, on the basis on race 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 approving and funding the construction of the Atlanta Public Safety Training Center (hereinafter, "Training Center"), a police training facility. For the reasons identified below, OECRC is rejecting this complaint without prejudice, and is closing this case as of the date of this letter.

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.

In general, OECRC will accept, reject, or refer a complaint after considering the jurisdictional requirements. However, if OECRC obtains information leading OECRC to conclude that an investigation is unwarranted for prudential reasons, OECRC may reject the complaint.<sup>1</sup> In this instance, there are two pending litigation matters in United States District Court for the Northern District of Georgia involving the construction of the Training Center.<sup>2</sup> The outcomes of either case could resolve the underlying issues that Complainants stated are discriminatory.

Accordingly, OECRC is rejecting this complaint without prejudice and closing this matter as of the date of this letter. The complainant may be re-filed with OECRC within 60 calendar days following termination of the court proceeding if there has been no decision on the merits or settlement of the underlying issues giving rise to Complainants' civil rights allegations.<sup>3</sup>

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 or group believing they were subjected such harassment or intimidation may file a complaint with OECRC.

If you have any questions, please contact me by telephone at 202-564-3357 or by email at wilson.adam@epa.gov.

Sincerely,

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

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<sup>1</sup> See U.S. EPA, OECRC Case Resolution Manual ("OECRC CRM"), Section 1.8 "Other Factors That May Be Considered Before Accepting a Complaint for Investigation," p. 11 available at:

[https://www.epa.gov/sites/default/files/202101/documents/2021.1.5\\_final\\_case\\_resolution\\_manual\\_.pdf](https://www.epa.gov/sites/default/files/202101/documents/2021.1.5_final_case_resolution_manual_.pdf)

<sup>2</sup> *South River Watershed Alliance v. City of Atlanta*, Case No. 1:23-cv-03416-JPB (N.D. Ga. Aug. 1, 2023); *Lisa Baker, et. al., v. City of Atlanta*, Case No. 1:23-cv-02999-MHC (N.D. Ga. July 6, 2023)

<sup>3</sup> See OECRC CRM at 11.

cc:

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

César Zapata  
Acting Deputy Regional Administrator  
Deputy Civil Rights Official  
US EPA Region 4

Leif Palmer  
Regional Counsel  
US EPA Region 4