



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460**

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

December 15, 2020

Via Email

EPA Complaint No. 29R-16-R3

Ben Grumbles
Secretary
Maryland Department of Environment
1800 Washington Boulevard
Baltimore, MD 21230
ben.grumbles@maryland.gov

Dear Secretary Grumbles:

This letter is to notify you that the Maryland Department of Environment (MDE) has fully complied with the Informal Resolution Agreement (Agreement), dated January 30, 2019, reached between MDE and the U.S. Environmental Protection Agency (EPA) External Civil Rights Compliance Office (ECRCO) in response to Complaint No. 29R-16-R3. Accordingly, Complaint No. 29R-16-R3 is closed as of the date of this letter.

On June 14, 2016, ECRCO accepted the following issues for investigation;

1. Whether the process and decision to issue a Certificate of Public Convenience and Necessity (CPCN) to Mattawoman Energy, LLC for the construction of a natural gas-fired power plant in Brandywine, Maryland discriminated on the basis of race, color, or national origin, in violation of Title VI; and
2. Whether the public engagement process prior to the decision to issue a CPCN discriminated on the basis of race, color, or national origin, in violation of Title VI.

On January 30, 2019, MDE entered into an Informal Resolution Agreement (IRA) with ECRCO to resolve the issues accepted for investigation as well as additional concerns identified by ECRCO regarding MDE's nondiscrimination program. Since the signing of the IRA, ECRCO provided significant technical assistance to MDE and worked collaboratively with MDE to support its development and implementation of the necessary policies, plans and procedures.

To address the primary issue accepted for investigation, the IRA required MDE to make air quality information publicly available as part of its review of a new CPCN application for any Qualifying Generating Station, identify a community resource officer to participate at each

CPCN Applicant community educational and outreach meeting associated with the receipt of a new CPCN application for a Qualifying Generating Station, and MDE's community resource officer is required to work with Affected Communities to evaluate any "citizen science" monitoring undertaken or proposed to be undertaken by communities or by others on the communities' behalf.

The IRA also required MDE to accept the provision of organization-wide training and technical assistance that was provided by ECRCO on May 29, 2020. This training focused on compliance with Title VI and other non-discrimination authorities, including meaningful public engagement during the CPCN process. Lastly, MDE was required to develop and publish a nondiscrimination program that contains the procedural safeguards required by EPA's regulation at 40 C.F.R. Parts 5 and 7. These include, for example, items "prominently" posted and accessible to the public (including to persons with limited English proficiency (LEP) and persons with disabilities), such as a notice of nondiscrimination; a nondiscrimination coordinator; nondiscrimination grievance procedures; and to review and maintain its LEP and disability policies and processes. Additionally, MDE has committed to posting its LEP and disability plans and translated versions on its website within 30 days of the date of this letter.

Based on a careful review of the most current documentation submitted by MDE and the information publicly available on MDE's website, ECRCO has determined that MDE has complied with the terms of the IRA entered into on January 30, 2019. MDE made its submissions to ECRCO on April 22, 2019, September 6, 2019, December 16, 2019, July 6, 2020, August 5, 2020, September 23, 2020, October 28, 2020, November 5, 2020, December 2, 2020, and December 4, 2020. Accordingly, ECRCO is terminating the monitoring of the IRA and closing EPA Complaint No. 29R-16-R3 as of the date of this letter.

Neither the conclusion of ECRCO's monitoring of this IRA or the closing of this complaint affect MDE's continuing responsibility to comply with Title VI or the other federal non-discrimination laws and EPA's regulation at 40 C.F.R. Parts 5 and 7, nor does it affect EPA's investigation of any other Title VI or other federal civil rights complaints or address any other matter not covered by this Agreement.

If you have any questions, please feel free to contact me at 202-564-9649, by e-mail at dorka.lilian@epa.gov, or Dale Rhines, ECRCO's Deputy Director at 202-564-4174, by email at rhines.dale@epa.gov or U.S. mail at U.S. EPA, Office of General Counsel (Mail Code 2310A), 1200 Pennsylvania Avenue, N.W., Washington, D.C., 20460.

Sincerely,



Lilian S. Dorka
Director
External Civil Rights Compliance Office
Office of General Counsel

cc: Angelia Talbert Duarte
Associate General Counsel
Civil Rights & Finance Law Office

Dianne Esher
Deputy Regional Administrator
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