



OFFICE OF CIVIL RIGHTS

WASHINGTON, D.C. 20460

September 29, 2025

Kelly Keel
Executive Director
Texas Commission on Environmental Quality
Post Office Box 13087, MC 109 Austin, TX 78711-3087
via email: execdir@tceq.texas.gov

Rejection of EPA Complaint No. 02X-25-R6

Dear Director Keel:

As you are aware, the U.S. Environmental Protection Agency (EPA), Office of Civil Rights and Adjudication (OCRA), External Civil Rights Division (ECRD) received the above-referenced complaint against the Texas Commission on Environmental Quality (TCEQ). This letter is to notify you that ECRD has now rejected the complaint.

The complaint alleged that TCEQ discriminated against low-income, rural residents in Dorchester, Texas in violation of federal civil rights law. Specifically, the complaint asserted TCEQ discriminated in approving air permits for BM Dorchester LLC's operation of a cement plant despite the plant's proximity to children and vulnerable residents and ignored community concerns over air quality, odors, and health.

Pursuant to EPA's nondiscrimination regulation, ECRD conducts a preliminary review of an administrative complaint to determine acceptance, rejection, or referral to an 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, a complainant must submit a complaint in writing. *See* 40 C.F.R. § 7.120(b)(1). Second, a complainant must describe a discriminatory act that, if true, may violate EPA's nondiscrimination regulation. An alleged discriminatory act is one based on race, color, national origin, sex, age, or disability. *Id.*

Third, the complainant must file the complaint within 180 days of the alleged discriminatory act. *See* 40 C.F.R. § 7.120(b)(2). Fourth, the entity that the complainant identifies as allegedly

engaging in discrimination must be an applicant for, or recipient of, EPA financial assistance. *See* 40 C.F.R. § 7.15.

After careful consideration, ECRD cannot accept the instant complaint for investigation because the complaint does not allege discrimination against a protected class under the federal civil rights laws over which EPA has jurisdiction. Rather, the complaint alleges TCEQ discriminated against low-income, rural residents, neither of which constitutes a protected basis under EPA's covered laws or implementing authority. Accordingly, ECRD must reject the instant complaint for investigation.

EPA's regulation prohibits applicants, recipients, and other persons from intimidating, threatening, coercing, or engaging in other discriminatory conduct against an individual because they have acted or participated in an action to secure rights protected by the civil rights requirements that EPA enforces. *See* 40 C.F.R. § 7.100. Any individual that opines a recipient has engaged in such misconduct can file a complaint with ECRD.

If you have any questions, please contact Program Analyst Isabel Geisler at geisler.isabel@epa.gov.

Sincerely,

A handwritten signature in dark ink, appearing to read "JuanCarlos M. Hunt". The signature is fluid and cursive, with the first name "JuanCarlos" and last name "Hunt" clearly distinguishable.

JuanCarlos M. Hunt
Director
Office of Civil Rights and Adjudication

cc: Stacey Dwyer
Deputy Regional Administrator/Deputy Civil Rights Official
U.S. EPA Region 6

James Murdock
Acting Regional Counsel
U.S. EPA Region 6