

October 20, 2025

Via Electronic

Bianca Garcia, Director

External Civil Rights and Adjudication Office (OCRA)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW (Mail Code 2310A)
Washington, DC 20460

Re: Supplement to Administrative Record – EPA OCR Docket No. 03RA-25-R3
(Maryland Department of the Environment)

Dear Ms. Garcia:

Pursuant to **40 C.F.R. § 7.115** and EPA's Title VI implementing regulations, the (b) (7)(C) Enforcement Privacy, (b) (6) Privacy respectfully submits these **Supplemental Documents** for inclusion in the **Administrative Record** for **EPA OCR Docket No. 03RA-25-R3 (Maryland Department of the Environment)**. This submission substantiates the record with evidence of a **continuing and systemic pattern of disparate impact, procedural exclusion, and discriminatory enforcement** by the **Maryland Department of the Environment (MDE)**, in coordination with the **Maryland-National Capital Park and Planning Commission (M-NCPPC)** and the **Prince George's County Government**.

A. PURPOSE OF THIS SUPPLEMENT

This filing ensures that the administrative record reflects current, ongoing violations within the (b) (6) Privacy, (b) (7)(C) Enforcement Privacy corridor of Prince George's County. It supplements the 2019 Informal Resolution Agreement record by documenting new evidence of selective permitting, weak enforcement, and exclusion of affected residents from environmental decision-making. Exhibits #1–23 is incorporated by reference Cover Letter (Doc 1) and Enforcement Complaint (Doc 2), and Appendix Supplemental (Doc 3).

B. SUMMARY OF NEW EVIDENCE SUBMITTED

New Evidence Demonstrating Continuing Disparate Impact

- 1. Aggregate Industries Violations and Continuing Runoff Impacts**
 - MDE's inspection and enforcement data confirm recurring discharge violations at Aggregate Industries' Brandywine facility, contributing to heavy-metal-laden sediment and degraded downstream stormwater quality.
 - Despite multiple notices of violation, permits have been renewed without remedial action.
- 2. Coal-Ash and Groundwater Contamination**
 - New findings published by *The BayNet* (August 2025) and corroborated by the Environmental Integrity Project (EIP, April 2025) reveal **coal-combustion-residual (CCR)** contaminants in the Mattawoman Creek watershed, affecting both residential wells and ecological health.
 - MDE failed to issue timely public notice or require cumulative-impact testing in predominantly Black census tracts.

(b) (6) Privacy, (b) (7)(C) Enforcement Privacy

3. **Concrete Batch-Plant Siting and MNCPPC Approvals**

- M-NCPPC has approved multiple industrial concrete and asphalt facilities adjacent to residential communities without environmental-justice screening or health-impact analysis.
- These approvals were granted while community objections were pending and public testimony was restricted under newly imposed virtual-only rules (effective Oct 1 2025).

4. **Subdivision Waivers and APFO Manipulation (CR-80-2025 / CB-29-2025)**

- Prince George’s County Council selectively waived police, transportation, and stormwater adequacy standards for large-scale residential projects in the same corridor—further concentrating environmental and infrastructure burdens in historically over-impacted communities.

5. **Procedural Exclusion in MNCPPC Reconsideration Proceedings**

- In July–August 2025, (b) (6) Privacy and other community representatives were denied meaningful participation in the Saddle Ridge (PPS 4-24013) and Dobson Farms (PPS 4-24014) reconsideration hearings, even as developers were permitted late filings.
- This evidences a systemic practice of **disparate procedural access** and denial of equal participation rights.

C. **LEGAL BASIS AND REQUEST FOR EXPANDED JURISDICTION**

These coordinated state and county practices together perpetuate a cumulative and racially disparate environmental burden, satisfying the “continuing violation” test under § 7.115 (c).

Under **40 C.F.R. § 7.115(c)**, EPA may supplement or reopen the record where a continuing violation exists or where new evidence indicates a broader pattern of discriminatory effect. The newly documented actions demonstrate ongoing, inter-agency practices that together perpetuate **environmental injustice** in the Brandywine region.

Accordingly, (b) (6) Privacy, (b) (7)(C) Enforcement respectfully requests that **EPA OCRA expand the scope of Docket 03RA-25-R3** to include the **Maryland-National Capital Park and Planning Commission (M-NCPPC)** and **Prince George’s County Government** as **co-respondents**, based on their joint role with MDE in permitting, planning, and enforcement decisions involving federally assisted programs.

D. **REQUESTED FEDERAL ACTIONS**

1. Initiate a **comprehensive Title VI investigation** into MDE, M-NCPPC, and Prince George’s County regarding discriminatory impacts of permitting, siting, and adequacy-waiver practices in the Brandywine–Clinton corridor.
2. Require **cumulative-impact assessment** and **public-participation compliance review** across all current and proposed industrial and residential developments.
3. Implement **interim protective measures** to prevent further site approvals or permit renewals pending OCR review.
4. Ensure **transparency and reporting** to affected residents throughout the investigative process.
5. Prohibit the use of developer-affiliated lobbyists as “public-engagement” intermediaries and require independent, community-based outreach administered through 2Bridge CDX as Community Ombudsman.

E. **CLOSING**

(b) (6) Privacy, (b) (7)(C) Enforcement stands ready to cooperate fully with EPA’s investigation and to assist in implementing community-based corrective-action measures through (b) (6) Privacy, (b) (7)(C) Enf. Privacy Environmental Monitoring and Mitigation Plan (EMMP).

(b) (6) Privacy, (b) (7)(C) Enf. Privacy

The attached exhibits establish a direct causal link between state and county decision-making and the continuing environmental burdens borne by predominantly Black and low-income communities in East Prince George's County. These are not isolated events—they are the visible consequence of a regulatory system that has normalized environmental inequity through selective enforcement and procedural exclusion.

Consistent with EPA–USDOT–HUD's 2011 Title VI MOU, (b) (6) Privacy, (b) (7)(C) Enf. Privacy also requests joint review by USDOT OCR for transportation-funded infrastructure actions within the corridor.

Federal intervention under Title VI is therefore both warranted and necessary.

Thank you for your continued attention and commitment to ensuring fair, lawful, and equitable governance under EPA's civil-rights authority. Please confirm receipt of this filing and its incorporation into the official docket.

(b) (6) Privacy, (b) (7)(C) Enf. Privacy

(b) (6) Privacy, (b) (7)(C) Enf. Privacy

(b) (6) Privacy, (b) (7)(C) Enf. Privacy

October 20, 2025

Via Electronic

Nell Cormack, Program Analyst
Bianca Garcia, Director Bianca Garcia, Case Manager
External Civil Rights Division (ECD) – OCRA
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW (2310A) • Washington, DC 20460
Cormack.Nell@epa.gov • Garcia.Bianca@epa.gov

RE: TITLE VI COMPLAINT REQUEST FOR ENFORCEMENT

Pursuant to Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.) and 40 C.F.R. Part 7 EPA Docket No. 03RA-25-R3 (FY26) – Maryland Department of the Environment (MDE)

Dear Ms. Cormack and Ms. Garcia:

In the Matter of:

Administrative Complainant Under Title VI of the Civil Rights Act of 1964
(b) (6) Privacy, (b) (7)(C) Enf. Privacy

Complainant: (b)(6) Privacy, (b)(7)(C) Enf. Privacy

Against:

The Maryland Department of the Environment (MDE);
Co-Respondent: The Maryland-National Capital Park and Planning Commission (M-NCPPC); and
Co-Respondent: Prince George's County Government

Primary Respondent:

Maryland Department of the Environment (MDE) – recipient of federal financial assistance.

Co-Respondent:

Maryland–National Capital Park & Planning Commission (M-NCPPC); and

Prince George's County Government (including Council actions affecting permitting, siting, and adequacy waivers).

(b) (6) Privacy, (b) (7)(C) Enf. Privacy

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(b) (6) Privacy, (b) (7)(C) Enf. Privacy

1. Jurisdiction and Posture

This filing supplements and seeks enforcement within **EPA OCR Docket No. 03RA-25-R3** (opened **Sept. 30, 2025**, “Active: Under Jurisdictional Review,” Title VI and Age Discrimination Act). It proceeds under **Title VI** and EPA’s nondiscrimination regulations (**40 C.F.R. Part 7**), including **§ 7.115 (continuing violations)** and **§ 7.130 (remedies and conditions on assistance)**. All named entities receive federal financial assistance, triggering Title VI coverage. This Complaint incorporates by reference the October 20, 2025, Documents 1, 2, and 3 filed concurrently on October 20, 2025.

2. Frontline Issue: Maryland’s Breach of the 2019 Informal Agreement

EPA’s prior **Informal Resolution Agreement (2019)** obliged Maryland to improve **community participation, EJ screening, cumulative-impact review, and public notice** for power plant/industrial permitting in the Brandywine corridor. In **2024–2025**, Maryland enacted **SB 937 / HB 1035** (“Next Generation Energy”), which **fast-tracks Certificates of Public Convenience and Necessity (CPCNs)** and—critically—**exempts applicants from COMAR 20.79.01.04 and 20.79.01.05** if the proposed dispatchable project is sited where a higher-emission plant previously existed (SB 937, p. 23, lines 20–25).

Those two COMAR (Public Engagement & Risk Assessment; Local Gov’t Consultation) sections **are the codified EJ and public-participation guardrails** (community engagement, EJSscreen scoring, risk assessment, and county/municipal consultation). By carving out exemptions at legacy sites (e.g., **Panda Brandywine**), the State **nullified the very protections** EPA required in 2019. This is a **continuing Title VI violation and repudiation of corrective-action obligations** under the prior agreement.

3. Continuing Violations and Pattern of Disproportionate Impact

The rollback intersects with ongoing agency practices that disproportionately burden **predominantly Black census tracts** in the Brandywine–Clinton corridor:

- a. **Aggregate Industries – Recurring Violations & Runoff**
Repeated discharge and sediment/runoff noncompliance with downstream impacts; permits renewed with inadequate corrective action.
- b. **Coal Ash / CCR and Groundwater**
Findings (EIP, Apr. 30, 2025; *The BayNet*, Aug. 2025) documenting **coal-combustion residual contaminants** affecting the Mattawoman Creek watershed and private wells; **no cumulative-impact protocol** required by MDE in EJ communities.
- c. **Concrete/Asphalt Siting via M-NCPPC Approvals**
Industrial plants permitted near residential areas **without EJ screening or HIA**, despite repeated health and proximity objections during land-use review.
- d. **APFO Waivers & Procedural Maneuvers (CR-80-2025 / CB-29-2025)**
County selectively waives police/transport/stormwater standards in the same corridor, compounding cumulative burdens in majority-Black districts.
- e. **Procedural Exclusion in 2025 Reconsiderations**
Saddle Ridge (PPS 4-24013) and **Dobson Farms (PPS 4-24014)** reconsideration processes restricted meaningful public participation (virtual-only rules, asymmetric filing opportunities), while developers advanced late submissions.
- f. **CR-80-2025 and CB-29-2025** collectively suspend and repeal critical adequacy tests governing police safety response and facility capacity in the same census tracts already burdened by cumulative environmental and infrastructure deficiencies. These legislative actions, adopted after

(b) (7)(C) Enf. Privacy, (b) (6) Privacy

the 2019 EPA settlement, operate as neutral mechanisms producing racially disproportionate outcomes in enforcement, access, and safety — satisfying Title VI's continuing-violation standard under 40 C.F.R. § 7.115.

- g. **Unsafe and Unstable Land Approvals — Saddle Ridge and Dobson Farms**
The preliminary and specific design plans for the **Saddle Ridge (PPS 4-24013 / SDP-2501)** and **Dobson Farms (PPS 4-24014 / SDP-2503)** subdivisions were approved on land that is geotechnically unstable — including former aggregate-mining tracts, filled ravines, and areas altered by man-made stormwater trenches.
- h. M-NCPPC's own staff noted differential compaction and hydrologic failure risks, yet the Commission and County Council advanced approvals without any geotechnical stabilization plan or cumulative-impact review.

This contrasts sharply with standards enforced in wealthier, majority-white jurisdictions such as Montgomery County, where the same conditions would trigger environmental-suitability studies and full public hearings. Allowing residential construction atop reclaimed industrial land in Brandywine constitutes **disproportionate environmental and safety treatment** under **Title VI** and **40 C.F.R. § 7.35(b)**.

Net effect: Agencies deploy facially neutral rules (fast-track CPCNs, exemptions from COMAR EJ provisions, adequacy waivers, procedural constraints) that **predictably concentrate environmental harms and suppress participation** in a corridor that is **overwhelmingly Black**—matching Title VI **disproportionate -impact** and **continuing-violation** frameworks.

4. Clarifying the Respondents and Scope

This filing is expressly directed against the **Maryland Department of the Environment (MDE)** as the primary recipient of federal funds, and jointly against the **Maryland-National Capital Park and Planning Commission (M-NCPPC)** and **Prince George's County Government** for their intertwined permitting and land-use actions.

The complaint specifically encompasses:

- **Holcim Southeast Aggregates / Aggregate Industries operations** in the Brandywine industrial corridor SE-22007;
- The **Saddle Ridge (PPS 4-24013 / ADQ-2024-019)** and **Dobson Farms (PPS 4-24014 / ADQ-2024-020)** subdivisions and related **Specific Design Plans SDP-2501 and SDP-2503**; and
- Associated **coal-ash contamination (CCR)**, stormwater and runoff violations, and permitting irregularities that MDE has failed to remediate.
- **SB 937 / HB 1035's COMAR 20.79.01.04 and .05 exemptions violate** the 2019 Informal Resolution Agreement (IRA)

These developments and enforcement failures collectively represent **continuing Title VI violations** and a **breach of the 2019 EPA Informal Resolution Agreement**. Maryland's enactment of **SB 937 / HB 1035 (Chs. 625–626)** further dismantled the agreed-upon environmental-justice safeguards by eliminating community-participation and cumulative-impact requirements for legacy sites—exactly the protections that the 2019 agreement required.

5. Retaliation and Interference with Protected Participation

Following (b) (6) Privacy, (b) (7)(C) Enf. Privacy testimony and filings in opposition to Saddle Ridge (PPS 4-24013) and Dobson Farms (PPS 4-24014), M-NCPPC implemented abrupt procedural changes eliminating in-person

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testimony and limiting access to case files, while allowing developers late submissions. (b) (6) Privacy, (b) (7)(C) Enf. Privacy members were required to file MPIA requests for standard documents and were directed to communicate through developer-affiliated lobbyists acting as “community outreach.

These actions constitute retaliation and interference in violation of **40 C.F.R. § 7.130(b)**, which prohibits intimidation, coercion, or discrimination against any person who has filed or assisted in a Title VI complaint.

Delegating public-participation duties to private lobbyists financially tied to regulated applicants creates a structural conflict of interest and a chilling effect on community participation, violating both the spirit and letter of the 2019 Informal Resolution Agreement.

6. Title VI Legal Theory (How This Meets the Standard)

- **Covered Recipients:** MDE (EPA grants), M-NCPPC (federal planning/transportation funds), and Prince George’s County (EPA/US DOT/HUD programs).
- **Facially Neutral Policies:** SB 937/HB 1035 COMAR exemptions, APFO waivers, virtual-only hearing rules.
- **Adverse Racial Impact:** Added industrial exposure, runoff, traffic and stationary source emissions, plus loss of notice/voice—**concentrated** in majority-Black tracts.
- **Knowledge / Less-Discriminatory Alternatives:** Agencies had actual notice via the 2016–2019 EPA process and the 2019 agreement; they could maintain EJ screening and cumulative-impact review for **all** sites (no carve-out), and restore in-person, accessible participation. They chose not to.
- **Continuing Violation (40 C.F.R. § 7.115):** Each new CPCN fast-track, permit renewal, or waiver **extends** the discriminatory effect; enforcement jurisdiction remains open.

7. Requested Findings and Enforcement

The Complainant respectfully requests that EPA ECRD/OCRA:

- a. **Determine Breach of the 2019 Informal Agreement.**
Find that **SB 937 / HB 1035’s COMAR 20.79 exemptions** and fast-track CPCN timelines **violate** Maryland’s commitments to EJ screening, public participation, and cumulative-impact review in the Brandywine corridor.
- b. **Expand Respondent List.**
Add **M-NCPPC and Prince George’s County Government** as co-respondents for joint responsibility in land-use approvals, adequacy waivers, and permitting coordination that perpetuate disproportionate impacts.
- c. **Interim Protective Measures.**
Direct Respondents to **pause approvals/renewals** for new or expanded dispatchable energy generation and industrial facilities within the corridor **pending** EPA’s Title VI review and re-imposition of EJ guardrails.
- d. **Reinstatement of EJ Guardrails (No Exemptions).**
Require **full application of COMAR 20.79.01.04 and .05** (or functionally equivalent standards) for **all** CPCN sites—including legacy/repowered sites—plus **cumulative-impact analysis** and **HIA**.
- e. **Designation of Community Ombudsman & EMMP Adoption.**
Recognize (b) (6) Privacy, (b) (7)(C) Enf. Privacy as the independent **Community Ombudsman and Data Steward** for the Brandywine corridor. Require Respondents to implement a **federally recognized Environmental Monitoring & Mitigation Plan (EMMP)** managed with (b) (6) Privacy, (b) (7)(C) Enf. Privacy that:

(b) (6) Privacy, (b) (7)(C) Enf. Privacy

- integrates EPA Justice40 and Title VI metrics;
 - establishes community-accessible dashboards for air/water/traffic/noise/odors;
 - sets **mitigation triggers** (e.g., stormwater exceedances, PM spikes); and
 - publishes quarterly compliance reports to EPA and the public.
- f. **EPA shall prohibit the use of developer-affiliated lobbyists as public-engagement intermediaries** and require that outreach and community consultation be administered through independent, community-based entities such as (b) (6) Privacy, (b) (7)(C) Enf. Privacy
- g. **Funding Conditions and Corrective Action Plan (40 C.F.R. § 7.130).**
Condition continued federal assistance on a **Corrective Action Plan** that restores EJ screening, cumulative-impact review, and participation rights; non-compliance to trigger **suspension or referral**.
- h. The (b) (6) Privacy, (b) (7)(C) Enf. Privacy and (b) (6) Privacy, (b) (7)(C) Enf. Privacy submit this enforcement request to restore the **robust public-participation, meaningful-access, and disproportionate -impact-tracking mechanisms** that EPA itself identified in 2019 as essential corrective actions.
- i. **Geotechnical and Stormwater Stability Review.**
Require MDE and M-NCPPC to conduct a full **geotechnical stability and stormwater audit** of Saddle Ridge and Dobson Farms, including subsurface testing, groundwater modeling, and structural-integrity assessment of all drainage conveyances and detention facilities.

No occupancy or further subdivision approvals should proceed until EPA verifies compliance with applicable safety and EJ standards.

We seek:

- Reinstatement of the **EJ screening, risk-assessment, and local-consultation standards** of COMAR 20.79.01.04–.05 for *all* facilities, including legacy or repowered sites;
- Immediate Title VI review of the **Holcim SE / Aggregate Industries** operations and the **Saddle Ridge and Dobson Farms** approvals; and
- Adoption of the (b) (6) Privacy, (b) (7)(C) Enf. Privacy **Environmental Monitoring and Mitigation Plan (EMMP)** as the formal community-led compliance framework to track emissions, runoff, and health outcomes in real time.
- (b) (6) Privacy, (b) (7)(C) Enf. Privacy seeks immediate suspension of discriminatory approvals, reinstatement of COMAR EJ protections, and imposition of corrective funding conditions

8. Conclusion

These projects and enforcement failures are the visible evidence of a structural civil-rights breach: state and county agencies have normalized industrial siting, coal-ash exposure, and inadequate drainage in majority-Black communities while dismantling the very participation rules meant to prevent that outcome.

Federal oversight must now re-establish Maryland's obligations under the 2019 Informal Resolution Agreement and ensure that the promised mechanisms for public participation, meaningful access, and measurable outcome tracking are fully restored and enforceable.

The approval of large-scale housing on **unstable, flood-prone, and reclaimed mining land** is more than an engineering lapse — it is a civil-rights failure. It demonstrates how lax enforcement and procedural exclusion converge to endanger communities already burdened by cumulative pollution. Federal oversight

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must ensure that no family in Brandywine is asked to live on sinking ground or beneath failing stormwater systems while state and county officials claim progress.

9. Meeting and Next Steps

We welcome Ms. Cormack's proposed meeting window. See: Attachments (Supplemental Exhibits).

Restore real justice—not branding exercises—for the people of Brandywine and for all communities whose survival depends on **community-led organizations with lived experience and legal standing, not intermediaries hijacking our struggles for their own gain.**

(b) (6) Privacy, (b) (7)(C) Enf. Privacy requests that EPA OCRA consolidate this **Title Vi Complaint Request for Enforcement** and prior submissions into a single administrative record for Docket 03RA-25-R3 and transmit the same to USDOT OCR for concurrent enforcement review.

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(b) (6) Privacy, (b) (7)(C) Enf. Privacy

(b) (6) Privacy, (b) (7)(C) Enf. Privacy

Exhibits Narrative Summary of Evidences

EPA OCR Docket No. 03RA-25-R3

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Overview

This submission provides documentary evidence of an ongoing, systemic pattern of environmental discrimination in Prince George's County, Maryland — a continuing violation under **40 C.F.R. § 7.115**. The record demonstrates that the Maryland Department of the Environment (MDE), the Maryland-National Capital Park and Planning Commission (M-NCPPC), and the Prince George's County Council have each taken actions that directly contravene the State's binding obligations under the **2019 EPA Informal Resolution Agreement** (b) (6) Privacy, (b) (7)(C) Enf. Privacy

Following that Agreement, Maryland committed to implement environmental-justice screening, cumulative-impact review, and public-participation safeguards in all permitting and land-use processes. Instead, from 2021 through 2025, the State and County systematically dismantled those protections through legislation (**HB 1035 / SB 937 – Ch. 625 of 2025**) and local ordinances (**CR-80-2025 / CB-29-2025**). These actions nullified core EJ provisions of **COMAR 20.79.01.04 and .05**, eliminated required public-engagement steps, and authorized new industrial and residential projects in overburdened, majority-Black census tracts already suffering cumulative pollution burdens.

1. Continuing Violation and Federal Interest

The attached exhibits establish a clear and continuing Title VI violation defined by:

- **Selective Enforcement:** MDE's failure to remedy documented Aggregate Industries violations while granting new permits within the same impaired corridor.
- **Data Manipulation:** Downgrading of Brandywine's EJ Screen score from "High Concern" to "Moderate," contrary to environmental indicators and community health data.
- **Procedural Exclusion:** M-NCPPC's conversion to virtual-only participation, acceptance of developer filings after statutory deadlines, and disregard of pending judicial reviews.
- **Disproportionate Policy Impact:** County legislation suspending APFO adequacy standards for police, transportation, and stormwater infrastructure, disproportionately harming Black and low-income communities.

Together, these actions constitute a **continuing pattern of discrimination** through both state and local instruments of policy, satisfying the regulatory threshold for ongoing noncompliance under **40 C.F.R. § 7.115(a)(1)–(3)**. Federal oversight, reinstatement of prior corrective measures, and potential funding

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conditions are now necessary to restore lawful governance, environmental transparency, and equal protection under Title VI of the Civil Rights Act of 1964.

2. Exhibit Index and Summary of Evidence

EPA OCR Docket No. 03RA-25-R3

(b) (6) Privacy, (b) (7)(C) Enf. Privacy

3. Foundational and Historical Record

Exhibit 1 – 2019 EPA Title VI Informal Resolution Agreement

File: (b)(6) Privacy, (b)(7)(C) Enf. Privacy

Establishes Maryland's Title VI obligations for environmental-justice screening, cumulative-impact analysis, and public participation. Forms the baseline now breached through later legislative and procedural rollbacks.

Exhibit 2 – Neale Drive / Hawkins Management Correspondence

File: (b) (6) Privacy, (b) (7)(C) Enf. Privacy

Documents early complaints over unmanaged runoff and MDE's failure to enforce. Demonstrates systemic neglect and procedural exclusion of residents.

Exhibit 3 – Brandywine Road Club ("CR-33-2011 FAQ Alert")

File: (b) (6) Privacy, (b) (7)(C) Enf. Privacy

Summary & Relevance

This document, originally circulated through the **Public Safety and Fiscal Management Committee** (June 15, 2011), explains how **Prince George's County created a special-exemption funding mechanism for developers—known as the Brandywine Road Club (CR-33-2011)—that allows projects along the US-301 corridor to bypass normal transportation-adequacy requirements.**

The Road Club's formula-based "fee in lieu" system was established in the early 1990s to let developers pay into a pooled fund instead of actually upgrading failing intersections. The FAQ notes:

- No significant road improvements were financed for nearly 20 years after inception—**the first and only commitment of funds occurred in 2009.**
- Developers using the Club were "**deemed adequate**" by paper, even when traffic studies showed failing intersections.
- The mechanism effectively **nullified the Adequate Public Facilities Ordinance** in the Brandywine area, producing decades of congestion, unsafe conditions, and inequitable growth.
- County staff themselves acknowledged that the Club had **not delivered any measurable transportation benefit** while still enabling continued subdivision approvals.

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Relevance to Title VI:

This exhibit provides historical proof of **structural policy discrimination** and **selective deregulation** in majority-Black communities of southern Prince George's County. It documents how local government created and maintained a two-tier standard of infrastructure adequacy—exempting Brandywine from countywide rules—thereby embedding environmental and transportation inequities that persist today.

4. Continuing Environmental and Enforcement Failures

Exhibit 4 – MDE Investigation Letter (May 7, 2025)

File: (b) (6) Privacy, (b) (7)(C) Enf. Privacy

Confirms Aggregate Industries' continuing violations without remedial action—evidence of selective enforcement and a continuing Title VI violation under 40 C.F.R. § 7.115.

Exhibits 5 & 6 – September 8 2025 Letters to MDE (b) (6) Privacy, (b) (7)(C) Enf. Privacy Follow-Up)

Files: (b) (6) Privacy, (b) (7)(C) Enf. Privacy

Document deliberate manipulation of Brandywine's EJ Screen score and demand correction; show erosion of transparency within state EJ reporting.

Exhibit 7 – EJ Screen Letter (August 25 2025)

File: (b) (6) Privacy, (b) (7)(C) Enf. Privacy

Confirms downgrade of Brandywine's EJ score from "High Concern" to "Moderate," contradicting objective indicators—evidence of data suppression.

Exhibit 8 – (b) (6) Privacy, (b) (7)(C) Enf. Privacy Testimony (b) (6) Privacy, (b) (7)(C) Enf. Privacy

File: (b) (6) Privacy, (b) (7)(C) Enf. Privacy

Provides statewide context opposing SB 937/HB 1035 for stripping COMAR 20.79 protections; corroborates complainant's argument that rollback was intentional.

5. Legislative and Regulatory Rollbacks

Exhibit 9 – HB 1035 (2025)

File: (b) (6) Privacy, (b) (7)(C) Enf. Privacy

"Next Generation Energy Act"—fast-tracks CPCN approvals, exempts legacy sites, and nullifies COMAR 20.79.01.04/.05 requirements, violating EPA settlement benchmarks.

Exhibit 10 – SB 937 (Chapter 625, 2025)

File: (b) (6) Privacy, (b) (7)(C) Enf. Privacy

Senate companion enacting same exemptions; codified state rollback.

Exhibits 11 & 12 – COMAR 20.79.01.04 and .05

Files: (b) (6) Privacy, (b) (7)(C) Enf. Privacy

Regulations formerly requiring EJ screening and municipal consultation—now expressly superseded by HB 1035/SB 937.

(b) (6) Privacy, (b) (7)(C) Enf. Privacy

6. Local Land-Use and Procedural Exclusion

Exhibit 13 – (b) (6) Privacy, (b) (7)(C) Enf. Privacy Reconsideration Request (Aug 19, 2025)

File: (b) (6) Privacy, (b) (7)(C) Enf. Privacy

Shows formal attempt to challenge discriminatory MNCPPC processes; reveals curtailment of public participation and selective docket management.

Exhibits 14a – 14c – Saddle Ridge (PPS 4-24013) and Related Reports

Files: (b) (6) Privacy, (b) (7)(C) Enf. Privacy

Demonstrate reliance on invalid adequacy certificates, incomplete data, and staff's post-deadline developer submissions accepted by MNCPPC—procedural irregularity and bias.

Exhibit 15 – Dobson Farms (PPS 4-24014) Staff Report

File: (b) (6) Privacy, (b) (7)(C) Enf. Privacy

Mirrors the Saddle Ridge deficiencies, confirming pattern of exclusionary and arbitrary approval practices.

Exhibit 19 – SDP 2501/2503 Hearing Files (Oct 2025)

File: (b) (6) Privacy, (b) (7)(C) Enf. Privacy

Evidence that MNCPPC continued derivative approvals while PPS cases remain under judicial review—further violation of due-process and environmental-justice safeguards.

7. Environmental Harm and Public-Health Impact

Exhibit 16 – “Ticking Time Bombs” (The BayNet, Aug 21, 2025)

File: (b) (6) Privacy, (b) (7)(C) Enf. Privacy

Independent reporting confirming nearly 100 coal-ash sites across the Chesapeake watershed; Brandywine flagged as a high-risk exposure zone.

8. County-Level Policy Rollbacks and Disproportionate Impact

Exhibit 17 – County Council Resolution CR-80-2025

File: (b) (6) Privacy, (b) (7)(C) Enf. Privacy

Suspends police-response adequacy requirements under APFO, enabling approvals in under-served, majority-Black areas.

Exhibit 18 – County Bill CB-29-2025

File: (b) (6) Privacy, (b) (7)(C) Enf. Privacy

Repeals police-facility adequacy mandates; demonstrates targeted weakening of public-safety infrastructure standards.

(b) (6) Privacy, (b) (7)(C) Enf. Privacy

Exhibit 20–22 – Supplemental Records and Resolutions

Files: (b)(6) Privacy, (b)(7)(C) Enf. Privacy

Show ongoing policy amendments and resolutions continuing the same discriminatory pattern through fall 2025.

9. Integrated Evidentiary Summary

Collectively, Exhibits 1–22 establish:

1. A **breach of Maryland’s 2019 EPA Informal Resolution Agreement** via state statutes (HB 1035/SB 937) and county ordinances (CR-80/CB-29).
2. **Continuing violations** through EJ score manipulation, selective enforcement, and procedural barriers in MDE and MNCPPC practices.
3. **Compounded local impact** where development is advanced without adequate infrastructure or public input in majority-Black tracts.
4. A **continuing Title VI violation under 40 C.F.R. § 7.115**, warranting federal oversight, funding conditions review, and restoration of EJ guardrails.

10. Exhibit 23 – MDE Email Correspondence: Neale Drive / Hawkins Management Site (Aug 21, 2025)

File: (b)(6) Privacy, (b)(7)(C) Enf. Privacy

Summary & Relevance:

Email thread between (b)(6) Privacy, (b)(7)(C) Enf. Privacy and Maryland Department of the Environment officials (b)(6) Privacy (b)(7)(C) Enf. Privacy confirming MDE’s on-site inspection of the **Neale Drive / Hawkins Management LLC property** and acknowledging ongoing industrial activity without a valid air or solid-waste permit. The correspondence reveals that:

- MDE inspectors observed active material stockpiles, truck traffic, and a functioning water truck at the site—**indicating operational use despite no registered permit or crusher authorization**.
- MDE admitted the location is “**not a regulated air source**” and lacks a registered permit under any of its divisions, yet no enforcement or stop-work action was taken.
- (b)(6) Privacy, (b)(7)(C) Enf. Privacy follow-up email (Aug 16 2025) documents the Department’s **nine-month delay in releasing inspection results** and the community’s continued exclusion from the decision process.
- Photos attached by MDE show unmitigated dust and runoff conditions along an unpaved access road serving a residential area.

Relevance to Title VI:

This exhibit demonstrates **selective non-enforcement** and **procedural exclusion** within a majority-Black community already burdened by cumulative industrial impacts. Despite documented unpermitted activity, MDE failed to provide timely notice, corrective action, or community engagement—mirroring the systemic pattern of disparate enforcement detailed across Exhibits 1–22. It serves as contemporaneous proof of the **continuing violation** standard under **40 C.F.R. § 7.115**, illustrating how agency inaction perpetuates unequal environmental oversight in the Brandywine–Clinton corridor.

(b) (6) Privacy, (b) (7)(C) Enf. Privacy

Exhibit Index and Summary of Evidences

EPA OCR Docket No. 03RA-25-R3

(b) (6) Privacy, (b) (7)(C) Enf. Privacy

I. Foundational and Historical Record

Exhibit	Title / File Name	Summary & Relevance
1	(b)(6) Privacy, (b)(7)(C) Enf. Privacy	2019 EPA Informal Resolution Agreement (b)(6) Privacy, (b)(7)(C) Enf. Privacy. Establishes Maryland's EJ screening, cumulative-impact, and public-participation obligations—the baseline now breached through subsequent state and local rollback actions.
2	(b)(6) Privacy, (b)(7)(C) Enf. Privacy	Neale Drive / Hawkins Management correspondence. Early citizen complaint showing MDE's deficient enforcement and lack of transparent follow-up — initial evidence of procedural exclusion.
3	(b)(6) Privacy, (b)(7)(C) Enf. Privacy	Community archive documenting long-term industrial harm and advocacy history; demonstrates a consistent pattern of systemic neglect and exclusion.

II. Continuing Environmental and Enforcement Failures

Exhibit	Title / File Name	Summary & Relevance
4	(b)(6) Privacy, (b)(7)(C) Enf. Privacy	MDE investigation letter confirming repeated Aggregate Industries runoff violations without remediation — proof of selective enforcement and a continuing Title VI violation under 40 C.F.R. § 7.115.
5 & 6	(b)(6) Privacy, (b)(7)(C) Enf. Privacy	Formal letters to MDE (b)(6) Privacy, (b)(7)(C) Enf. Privacy documenting manipulation of Brandywine's EJ Screen score and suppression of public data; request for correction and accountability.
7	(b)(6) Privacy, (b)(7)(C) Enf. Privacy	Official EJ Screen Letter (Aug 25, 2025) confirming downgrade from "High Concern" to "Moderate" despite worsening metrics — shows intentional data suppression.
8	(b) (6) Privacy, (b) (7)(C) Enf. Privacy	Testimony by (b) (6) Privacy, (b) (7)(C) Enf. Privacy opposing SB 937 / HB 1035; provides statewide context that Maryland knowingly dismantled EJ safeguards.

(b) (6) Privacy, (b) (7)(C) Enf. Privacy

III. Legislative and Regulatory Rollbacks

Exhibit	Title / File Name	Summary & Relevance
9	(b)(6) Privacy, (b)(7)(C) Enf. Privacy	HB 1035 (2025) — “Next Generation Energy Act.” Fast-tracks CPCNs and exempts legacy sites from COMAR 20.79 EJ screening and public-participation requirements. Direct breach of EPA’s 2019 settlement.
10	(b)(6) Privacy, (b)(7)(C) Enf. Privacy	SB 937 (Ch. 625) — Senate companion bill with identical rollbacks; codified the elimination of COMAR 20.79.01.04 & .05 safeguards.
11 & 12	(b)(6) Privacy, (b)(7)(C) Enf. Privacy	Text of the rescinded COMAR provisions requiring EJ risk assessment and local government consultation — now void under SB 937 / HB 1035.

IV. Local Land-Use and Procedural Exclusion

Exhibit	Title / File Name	Summary & Relevance
13	(b)(6) Privacy, (b)(7)(C) Enf. Privacy	(b) (6) Privacy, (b) (7)(C) Enf. Privacy formal reconsideration filing to M-NCPPC challenging disproportionate treatment and restricted access — rejected without hearing.
14a–14c	(b)(6) Privacy, (b)(7)(C) Enf. Privacy	Saddle Ridge (PPS 4-24013) and supplemental files show use of invalid adequacy certificates, acceptance of late developer submissions, and elimination of in-person testimony.
15	(b)(6) Privacy, (b)(7)(C) Enf. Privacy	Dobson Farms (PPS 4-24014) — mirrors Saddle Ridge pattern; further evidence of disproportionate process and selective rule enforcement.
19	(b)(7)(C) Enf. Privacy	Record of MNCPPC approving Specific Design Plans (SDP-2501/2503) while Preliminary Plans remain under judicial review — demonstrates ongoing procedural abuse.

(b) (6) Privacy, (b) (7)(C) Enf. Privacy

V. Environmental Harm and Public-Health Impact

Exhibit	Title / File Name	Summary & Relevance
16	(b)(6) Privacy, (b)(7)(C) Enf. Privacy	Investigative article “Ticking Time Bombs” documents nearly 100 coal-ash sites in the Chesapeake watershed; Brandywine identified as a high-risk exposure zone.

VI. County-Level Policy Rollbacks and Disproportionate Impacts

Exhibit	Title / File Name	Summary & Relevance
17	(b)(6) Privacy, (b)(7)(C) Enf. Privacy	Prince George’s County Resolution CR-80-2025 — suspends police-response adequacy standards under the APFO, disproportionately impacting majority-Black districts already underserved.
18	(b)(6) Privacy, (b)(7)(C) Enf. Privacy	County Bill CB-29-2025 — repeals police-facility adequacy requirements from subdivision regs; further weakens safety and equity standards.
20–22	(b)(6) Privacy, (b)(7)(C) Enf. Privacy	Successive County Resolutions continuing the same pattern of selective waivers and APFO erosion through Fall 2025.

VII. Chronology of Policy Continuity at the Hawkins Management Site

Year / Policy	Instrument or Event	Core Action or Exemption	Impact on Brandywine & Majority-Black Communities	Title VI Relevance / Continuity
2025 (Aug 21)	MDE Email – Neale Drive / Hawkins Management Site Inspection(<i>Exh. 23</i>)	Internal MDE email confirms industrial operations at the Neale Drive site without a valid permit or air registration; MDE observed active stockpiles and truck traffic but took no enforcement action or public notification.	Reinforces pattern of non-enforcement in majority-Black corridors already burdened by industrial uses; demonstrates delayed communication and community exclusion from decision-making.	Ongoing selective enforcement and procedural exclusion under 40 C.F.R. § 7.115, proving that Title VI violations persist despite prior EPA settlement obligations.

(b) (6) Privacy, (b) (7)(C) Enf. Privacy

VIII. Integrated Evidentiary Summary

Collectively, Exhibits 1 through 23 show:

1. **Breach of Federal Commitments:** Maryland and Prince George’s County have nullified core terms of EPA’s 2019 Informal Resolution Agreement through statutory and policy rollbacks.
2. **Continuing Violation:** Manipulation of EJ data, selective enforcement, and procedural barriers create an ongoing pattern of discrimination under 40 C.F.R. § 7.115.
3. **Compounded Disproportionate Impact:** Land-use and infrastructure waivers target majority-Black census tracts in East Prince George’s County, deepening historic environmental inequity.
4. **Federal Intervention Needed:** EPA OCRA must reinstate oversight and enforce corrective measures to restore lawful Title VI compliance and protect public health.

IX. EXHIBIT 3A – Context Brief: Brandywine Road Club and the Structural Origins of Disproportionate Infrastructure Policy

Source: (b)(6) Privacy, (b)(7)(C) Enf. Privacy

(b)(6) Privacy, (b)(7)(C) Enf. Privacy

Overview

The **Brandywine Road Club** (“**Road Club**”) was a county-authorized mechanism created in the early 1990s to allow developers along the U.S. 301 corridor to bypass normal **Adequate Public Facilities Ordinance (APFO)** requirements. By paying a formula-based “fee in lieu” into a pooled fund, developers could be “*deemed adequate*” for transportation purposes even if no actual road improvements occurred.

The attached 2011 FAQ (Exhibit 3) shows that for nearly two decades this fund produced virtually **no infrastructure upgrades**. The first and only documented allocation occurred in 2009—long after dozens of large-scale subdivisions had already been approved. County planning staff repeatedly acknowledged on record that the Road Club did **not meet transportation adequacy** and had never financed the improvements required by the Subdivision Code.

Pattern of Systemic Discrimination

The Road Club exemplifies a **structural exemption policy** applied almost exclusively in majority-Black southern Prince George’s County. While other regions were required to meet APFO standards before subdivision approval, Brandywine developers were granted administrative waivers. The result was predictable: chronic congestion, unsafe corridors, and an accumulation of unmitigated environmental and public-health burdens.

This policy institutionalized a two-tier standard of governance—one where economic convenience for developers outweighed infrastructure adequacy for residents. The precedent set by CR-33-2011 continues today through new legislative rollbacks such as **CR-80-2025** and **CB-29-2025**, which once again suspend

(b) (6) Privacy, (b) (7)(C) Enf. Privacy

or repeal APFO protections for policing, transportation, and stormwater systems. Together they form a continuous thread of **disproportionate impact and procedural exclusion** extending from 1991 to 2025.

Title VI Relevance

The Brandywine Road Club is not an isolated policy failure; it is the **origin point** of the same governance pattern that EPA OCR is now asked to review. By creating a regulatory carve-out for one geographic—and demographically distinct—area, Prince George’s County effectively codified environmental racism in its land-use system. Under **40 C.F.R. § 7.115**, this constitutes a *continuing violation*, as the downstream consequences (traffic, air quality degradation, stormwater failures, and inequitable public-safety infrastructure) persist and have been reaffirmed through later ordinances.

Federal oversight is therefore necessary not only to restore compliance but to unwind this lineage of policy exceptions that have repeatedly denied the Brandywine community equal protection and meaningful access to environmental decision-making.

(b) (6) Privacy, (b) (7)(C) Enf. Privacy

October 20, 2025

Via Electronic

Bianca Garcia, Director

External Civil Rights and Adjudication Office (OCRA)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW (Mail Code 2310A)
Washington, DC 20460

ADDENDIX: TITLE VI COMPLAINT SUPPLEMENT

Pursuant to Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.) and 40 C.F.R. Part 7

Supplement to September 11, 2025, Complaint (See Exhibits #1–23)

In the Matter of:

Administrative Complainant Under Title VI of the Civil Rights Act of 1964

(b) (6) Privacy, (b) (7)(C) Enf. Privacy

AGAINST:

The Maryland Department of the Environment (MDE);

Co-Respondent: The Maryland-National Capital Park and Planning Commission (M-NCPPC); and

Co-Respondent: Prince George's County Government

EPA Case No. 03RA-25-R3

Transmittal Note

This Appendix is incorporated by reference into (b) (6) Privacy, (b) (7)(C) Enf. Privacy October 17, 2025, Title VI Complaint to EPA OCRA and USDOT OCR, expanding the evidentiary record cited in Docket 03RA-25-R3.

Pursuant to EPA Case No. 03RA-25-R3, the (b) (6) Privacy, (b) (7)(C) Enf. Privacy

respectfully submits this Supplement and Addendum to the Administrative Record to incorporate new evidence concerning stormwater, aggregate mining, data manipulation, and procedural irregularities associated with state and local permitting and land-use approvals in Prince George's County, Maryland. This submission ensures that EPA's Office of Civil Rights and Adjudication (OCRA) has a complete and accurate record for review under Title VI of the Civil Rights Act of 1964.

This complaint is filed under Title VI of the Civil Rights Act of 1964 and EPA's nondiscrimination regulations at 40 C.F.R. Part 7. It alleges that the Maryland Department of the Environment (MDE), the Maryland-National Capital Park and Planning Commission (M-NCPPC), and Prince George's County have engaged in policies and practices that have a disparate adverse impact on Black residents in 72% Minority Community in the Brandywine–Corridor through permitting, enforcement, and planning decisions funded in part by EPA and USDOT programs.

(b) (6) Privacy, (b) (7)(C) Enf. Privacy

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(b) (6) Privacy, (b) (7)(C) Enf. Privacy

I. Prefatory Statement (Interagency Scope)

Pursuant to EPA Case No. 03RA-25-R3, the (b) (6) Privacy, (b) (7)(C) Enf. Privacy

respectfully submits this Supplement and Addendum to the Administrative Record to incorporate new evidence concerning stormwater, aggregate mining, data manipulation, transportation infrastructure, and procedural irregularities associated with state and local permitting and land-use approvals in Prince George's County, Maryland.

This submission ensures that EPA's **Office of Civil Rights and Adjudication (OCRA)** has a complete and accurate record for review under **Title VI of the Civil Rights Act of 1964** and **40 C.F.R. Part 7**, and requests **interagency coordination with the U.S. Department of Transportation (USDOT)** pursuant to the agencies' shared civil-rights enforcement responsibilities and **Memorandum of Understanding on Title VI Implementation and Environmental Justice Coordination** (EPA-USDOT-HUD, 2011).

Specifically, the (b) (6) Privacy, (b) (7)(C) Enf. Privacy seeks joint evaluation by EPA OCRA and USDOT's **Office of Civil Rights** of whether federally funded transportation and stormwater infrastructure decisions—including those tied to **Brandywine Road Club projects, Highway Trust Fund allocations, and local Adequate Public Facilities Ordinance (APFO) waivers under CR-80-2025**—have resulted in **disparate impact, procedural exclusion, or misuse of federal transportation funds** in violation of Title VI, 23 U.S.C. § 324, and the **Justice40 Initiative's equity mandates**.

Brandywine's longstanding exclusion from equitable infrastructure investment, combined with its overburden from industrial truck traffic and under-maintained road systems, illustrates how **environmental, transportation, and civil-rights violations intersect**. EPA and USDOT share concurrent oversight authority to ensure that federal transportation funds are not used to **perpetuate discrimination through infrastructure neglect or disproportionate burden**.

II. Purpose of Supplement

We submit this supplement to document **Maryland's ongoing violation of the 2019 Informal Resolution Agreement** between EPA OCR and the Maryland Department of the Environment ("MDE") arising from EPA Case No. (b) (6) Privacy, (b) (7)(C) Enf. Privacy. That agreement required the State to strengthen community-participation, environmental-justice, and cumulative-impact review procedures for power-plant and industrial permitting in Prince George's County.

At the state level, April 2025 the Governor Moore signed the **Next Generation Energy Act (HB 1035 / SB 937, Chs. 625–626 of 2025)** which weakened environmental-justice protections by expediting new gas and nuclear plants and exempting such projects from **COMAR 20.79.01.04 and .05**, (Public Engagement & Risk Assessment; Local Gov't Consultation) the very regulations requiring EJ-screening and public consultation. When combined with local actions like **CR-80-2025 and CB-29-2025**, these changes have effectively stripped Black and working-class communities in southern Prince George's County of procedural and substantive environmental protections.

(b) (6) Privacy, (b) (7)(C) Enf. Privacy

In 2024–2025, the State enacted **SB 937 / HB 1035 (Chs. 625–626)**—a law that directly **nullifies those community-engagement commitments**. On page 23, lines 20–25, the statute exempts applicants for “dispatchable energy generation projects” from **COMAR 20.79.01.04 and .05**, the very regulations that codified the public-notice, EJ-screen, and local-consultation requirements born out of that 2019 EPA settlement. In effect, Maryland has legislatively undone the safeguards that EPA mandated to correct Brandywine’s discrimination finding, re-opening the door for unchecked fossil-fuel and nuclear development at sites such as **Panda Brandywine** without community review.

By allowing MDE to fast-track certification of new gas and nuclear facilities within six months—and to waive the EJ screening, risk-assessment, and local-consultation provisions that COMAR 20.79.01.04 and .05 require—the State has **repudiated its binding corrective-action obligations** under Title VI. This legislative rollback constitutes a continuing violation under **40 C.F.R. § 7.115**, warranting immediate EPA intervention and expansion of the present investigation.

The (b) (6) Privacy, (b) (7)(C) Enf. Privacy therefore requests that EPA OCRA formally determine that SB 937 / HB 1035 breaches the 2019 Informal Agreement and that the scope of Docket 03RA-25-R3 be expanded to include not only MDE but also the Maryland-National Capital Park and Planning Commission (M-NCPPC) and Prince George’s County Government, whose joint permitting actions continue to perpetuate discriminatory impacts through the same corridor.

Further, the **M-NCPPC — a state-chartered body** legally of the required to maintain bipartisan representation — currently has no Republican member on its Prince George’s County Planning Board, in violation of its charter and of **Maryland Code, Land Use § 15-102**. This absence of balance has produced a Commission that functions as a single-party apparatus, rubber-stamping developer interests and excluding dissenting or community voices from what should be an impartial quasi-judicial process.

This supplement expands EPA Complaint No. 03RA-25-R3 to capture these interlinked legislative, administrative, and institutional actions from July–August 2025 that demonstrate systemic discrimination and political capture of public planning processes.

Between July 8 and August 19 2025, Prince George’s County and **the Maryland-National Capital Park & Planning Commission (M-NCPPC)** advanced multiple developer-favored actions — **CR-80-2025, Holcim-Mar SE-22007, Saddle Ridge** (PPS 4-24013 / SDP-2501), and **Dobson Farms** (PPS 4-24014 / SDP-2503) — while the Maryland Department of the Environment (MDE) simultaneously downgraded Brandywine’s Environmental Justice score and ignored formal civil-rights correspondence from community representatives.

Together, these acts represent a coordinated pattern of racially disparate impact and a continuing violation of Title VI of the Civil Rights Act of 1964.

(b) (6) Privacy, (b) (7)(C) Enf. Privacy

Respondents and Basis of Accountability

This supplement is submitted **against the following state and local entities**, each of which exercises federally funded authority affecting environmental quality, civil rights, and land use in Prince George's County, Maryland.

I. The Maryland Department of the Environment (MDE)

MDE is the state's designated recipient of **EPA financial assistance** under multiple environmental statutes, including the Clean Water Act, Clean Air Act, and Safe Drinking Water Act. As a condition of those federal funds, MDE is bound by **Title VI of the Civil Rights Act of 1964** and **EPA's implementing regulations at 40 C.F.R. Part 7**, which prohibit discrimination in any program or activity receiving federal support.

MDE's actions—and in many cases, its **failures to act**—constitute direct and continuing violations of those requirements. Specifically:

- Issuing and renewing permits for aggregate mining, concrete batching, and coal-ash management in majority-Black neighborhoods **without cumulative-impact analysis or community consultation**;
- Failing to enforce NPDES stormwater, reclamation, and CCR obligations despite repeated violations by Holcim/Aggregate Industries and GenOn;
- Downgrading Brandywine's Environmental Justice score in mid-2025 while expanding pollutant sources; and
- Refusing to respond to formal civil-rights correspondence or convene public meetings as required under the **2016 Title VI Informal Resolution Agreement (IRA)** with EPA Region 3.
- These omissions and disparities constitute **disparate impact and deliberate indifference**, violating Title VI and EPA's nondiscrimination conditions on federal grant funds.

II. The Maryland–National Capital Park and Planning Commission (M-NCPPC)

M-NCPPC exercises state-delegated, federally influenced authority over subdivision, zoning, and land-use decisions in the Maryland-Washington Regional District. It is a **recipient of federal transportation and planning funds** through the Metropolitan Planning Organization process and is therefore also bound by **Title VI and 40 C.F.R. Part 7**.

The Commission's **procedural conduct and governance structure** have resulted in systemic exclusion of affected Black communities from meaningful participation. Its staff and Board have repeatedly:

- Misrepresented public participation (“no community comments received”) in staff reports;
- Conducted hearings and approvals (Saddle Ridge and Dobson Farms) **during active Judicial Review**, nullifying due-process rights;

(b) (6) Privacy, (b) (7)(C) Enf. Privacy

- Denied reconsideration motions that met their own Rule 8 standards; and
- Operated with **no bipartisan representation** and only **three sitting commissioners for Prince George’s County**, compared to **five in Montgomery County**, destroying parity and violating the Regional District Act’s intent for balanced representation.
- M-NCPPC’s composition and actions reflect a **pattern of one-party control** and **institutional bias** that systematically favors developers over residents of color, reinforcing structural discrimination within a state-funded decision-making framework.

III. Transitional Narrative: From the Brandywine Road Club to CR-80-2025 and CB-29-2025

The inequities first embedded through the **Brandywine Road Club** (CR-33-2011) did not end with the dissolution of that fund—they evolved. Where the Road Club allowed developers to bypass transportation adequacy in exchange for nominal payments, **CR-80-2025** and **CB-29-2025** extend that same model of exemption into modern infrastructure policy. Instead of limiting the waiver to one corridor, these measures now **suspend or repeal adequacy standards countywide**, particularly for police facilities and emergency-response capacity. In effect, the County has replaced the old “fee-in-lieu” loophole with a legislative one, again privileging developer convenience over community safety.

This progression confirms a **continuing and cumulative violation** of Title VI: a policy lineage that repeatedly externalizes cost and risk onto the same majority-Black, environmentally overburdened region. From the 1990s traffic waivers of the Road Club to the 2025 public-safety waivers of CR-80 and CB-29, the through-line is unmistakable—**institutionalized deregulation at the expense of equitable infrastructure and public health**. EPA oversight must now examine these acts as part of a single, uninterrupted pattern of discriminatory impact under **40 C.F.R. § 7.115**.

Pattern of Fiscal Manipulation and “Pay-for-Play” Governance (CR-100-2025 – CR-101-2025 – CR-102-2025)

Overview

Between **September 16 and October 7, 2025**, the Prince George’s County Council adopted a trio of mid-cycle fiscal amendments—**CR-100-2025, CR-101-2025, and CR-102-2025**—collectively redirecting more than **\$21 million** and establishing new discretionary programs **outside the formal FY 2026 M-NCPPC budget cycle**. Each measure bypassed statutory public-interest safeguards, equity screening, and Commission oversight under **Title 18 of the Land Use Article**, channeling public funds toward politically aligned or high-visibility projects while deprioritizing long-standing equity and environmental-justice initiatives.

The pattern of fiscal manipulation under CR-100-102-2025 mirrors historic practices of political patronage rooted in the former Jack B. Johnson administration. Many current officials — including the former County Executive Angela Alsobrooks and State’s Attorney Aisha Braveboy, now County Executive — emerged from or maintain strategic alliances with that network. This continuity of political influence has

(b) (6) Privacy, (b) (7)(C) Enf. Privacy

resulted in selective allocation of public resources to favored districts and entities, while majority-Black southern and eastern communities remain chronically under-invested. The County’s budgeting process has thus evolved into an informal ‘pay-for-play’ system operating through **discretionary resolutions** rather than equitable statutory programs.

1. CR-100-2025 — Selective Pilot Targeting “Inside the Beltway”

Adopted at Council Member Oriadha’s request, this resolution directed the Office of Central Services to procure “smart trash receptacles” for **thirty bus stops inside the Beltway**

R2025100

- The resolution **excludes outer-county transit corridors**, including Brandywine, Accokeek, and the Route 301 corridor—communities that are predominantly Black, low-income, and already underserved by transit amenities.
- By concentrating environmental and sanitation upgrades in central districts while omitting the southern tier, the County engaged in **disparate benefit allocation by geography**, a recognized Title VI violation where “*similarly situated communities do not receive comparable program access or improvements.*”

2. CR-101-2025 — \$20 Million Transfer for the Temple Hills / Partnership

On **October 7, 2025**, the Council approved **CR-101-2025**, transferring **\$20 million from the M-NCPPC Park Fund’s undesignated balance** into the Capital Projects Fund for the **Temple Hills Community Center (Project 4.99.0331)**

R2025101

- Days later, the County announced a public-private partnership with the **Foundation** (founded by actor) to transform the facility into a “Healing Arts Wellness Hub.”
- The allocation occurred **outside the standard CIP process**, without a competitive proposal, public-needs ranking, or Title VI equity impact review.
- The decision reflects a **pattern of insider access**, in which celebrity-affiliated or politically favored organizations receive large mid-cycle appropriations, while equally distressed communities (Brandywine, Cheltenham, and the East County EJ corridor) remain unfunded. This constitutes **procedural discrimination**—a facially neutral process manipulated to produce unequal opportunity and benefit.

3. CR-102-2025 — Diversion of \$1 Million from Planning to Political Control

CR-102-2025 removed **\$1 million from the M-NCPPC Planning Department** and reassigned it to the **Deputy Chief Administrative Officer for Economic Development**

R2025102

CR-102-2025 M-NCPPC Comments

(b) (6) Privacy, (b) (7)(C) Enf. Privacy

- The Planning Director’s formal memo to Council (Oct 6, 2025) warned that the transfer lacked justification and would “**negatively impact the quality of approved work programs,**” including the Health Atlas, Missing Middle Housing Study, and Data Center Task Force.
- Redirecting technical-planning funds to an Executive-branch economic-development account stripped the Commission of independent oversight and **moved discretionary spending into a politically controlled office.**
- This action undermines the lawful separation intended to prevent *quid-pro-quo* project approvals and is strong evidence of institutional **bias and fiscal retaliation** against the Planning Department’s regulatory independence.

4. Aggregate Impact — Systemic Pattern of Discriminatory Fiscal Administration

Taken together, these three resolutions reveal a coordinated pattern:

Fiscal Action	Amount / Effect	Common Denominator
CR-100-2025	Undisclosed pilot funding; restricted “inside the Beltway”	Geographic exclusion
CR-101-2025	\$20 million reallocation to Temple Hills / BLHF project	Politically aligned beneficiaries
CR-102-2025	\$1 million diversion from Planning Dept to Executive office	Weakens oversight / centralizes control

These actions collectively **erode procedural safeguards, reinforce racialized funding disparities, and weaponize mid-cycle budget amendments** to reward insiders while depriving historically overburdened communities of equitable investment. Each measure qualifies as a **Title VI violation** under 40 C.F.R. § 7.35 (b)–(d) for both **disparate treatment** and **disparate impact** in a federally assisted program.

5. Political Continuity and Systemic Bias in County Governance

The fiscal actions documented in **CR-100-2025, CR-101-2025, and CR-102-2025** did not occur in isolation. They represent the continuation of a **long-standing political network** in Prince George’s County that originated under the administration of former County Executive **Jack B. Johnson** and persists through his protégés and aligned officials who now occupy the County’s highest offices.

6. Continuity of Political Influence

Following the Johnson era’s corruption scandals, the same structural alliances—anchored in land-use law firms, developer interests, and campaign financing—reconstituted themselves under new leadership. **County Executive Angela Alsobrooks, State’s Attorney Aisha Braveboy, and Council Chair Edward Burroughs III** each emerged from, or maintain ties with, that lineage. Their political rise has been accompanied by the re-emergence of discretionary fiscal mechanisms—budget amendments, “pilot” programs, and pay-go transfers—that concentrate decision-making in the hands of insiders while marginalizing independent oversight by the Maryland-National Capital Park and Planning Commission (M-NCPPC) and the public.

(b) (6) Privacy, (b) (7)(C) Enf. Privacy

7. Pattern of Patronage and Selective Benefit

This governance structure repeatedly channels funding and program authority toward politically aligned nonprofits, developers, and signature projects, such as:

- The **\$20 million CR-101-2025 allocation** supporting a high-visibility partnership with the (b)(6) Privacy, (b)(7)(C) Foundation;
- The **CR-102-2025 diversion of \$1 million** from the Planning Department to the County Executive's economic-development arm; and
- Geographically restricted “innovation” initiatives like **CR-100-2025**, confined to districts inside the Beltway.

Collectively, these actions sustain a **patronage system** that privileges favored constituencies and suppresses independent community planning or environmental-justice interventions—particularly those arising from the majority-Black, overburdened communities of East and Southern Prince George's County.

8. Title VI Implications

Under **40 C.F.R. § 7.35(b)–(d)**, a recipient of federal assistance engages in prohibited discrimination when its decision-making structure or funding practices produce disparate treatment or impact on the basis of race, color, or national origin. The entrenched political alignment described above has created a self-reinforcing cycle:

1. Fiscal control is centralized among officials with shared political lineage;
2. Budget reallocations bypass statutory equity review; and
3. Communities historically subjected to environmental and infrastructure neglect continue to be excluded from meaningful access to County programs and benefits.

This continuity of governance culture amounts to **institutionalized disparate treatment**—a structural barrier to fair participation in federally assisted programs administered by Prince George's County.

IV. Requested Oversight Federal Review and Corrective Action

Complainants request that EPA OCR and inter-agency Title VI partners (DOJ Civil Rights, HUD OIG, USDOT OCR) and partner federal agencies expand their Title VI investigation to include:

1. The **political and fiscal continuity** between the Johnson administration and current County leadership;
2. The **use of mid-cycle resolutions and discretionary transfers** as instruments of selective benefit; and
3. The establishment of **federal monitoring conditions** requiring public, equity-based review of any future reallocations involving M-NCPPC or County Executive funds.

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4. **Investigate CR-100-102-2025** as examples of discriminatory fiscal governance and improper diversion of M-NCPPC funds;
5. **Audit all FY 2025–2026 mid-cycle budget amendments** for racial and geographic equity compliance; and
6. **Mandate adoption of a Title VI Equity Impact Statement requirement** for all future budget transfers or CIP amendments affecting federally supported programs, consistent with Executive Order 13985 (Advancing Racial Equity).

V. Prince George's County Government

The County functions as a **co-recipient of federal environmental, transportation, and infrastructure funds** administered through MDE and M-NCPPC. It is responsible for maintaining stormwater systems, enforcing Adequate Public Facilities Ordinance (APFO) standards, and ensuring nondiscrimination in public infrastructure delivery.

Yet the County has repeatedly:

- Failed to maintain or correct stormwater systems causing flooding and property damage (*Gray v. Prince George's County*);
- Adopted **CR-80-2025** and **CB-29-2025**, which **retroactively waived public-safety adequacy standards** only in majority-Black District VII;
- Facilitated land-use approvals inconsistent with environmental adequacy or fair participation; and
- Ignored formal community petitions and MPIA requests, perpetuating procedural exclusion.

Through these actions, the County has used its delegated authority to implement **policies with clear racialized outcomes**, depriving Black residents of equal protection in land-use, infrastructure, and environmental enforcement decisions.

VI. District Council Discrimination and Structural Overreach

The **Prince George's County District Council**, composed of the **same elected officials who serve as the County Council**, functions simultaneously as the legislative, executive, and quasi-judicial arm of the County's land-use authority. Acting under the umbrella of the **Maryland–National Capital Park and Planning Commission (M-NCPPC)**, the District Council holds power to **approve, modify, or overturn** Planning Board decisions on zoning, subdivision, and site-plan applications.

In theory, this arrangement was designed to provide limited appellate oversight. In practice, however, it has evolved into a **partisan and racially discriminatory mechanism** that disproportionately harms Black communities in southern and eastern Prince George's County, while shielding predominantly White areas from equivalent environmental and infrastructure burdens.

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VII. Structural Governance Disparities And Procedural Exclusion In Community Engagement

A. Unequal Representation within M-NCPPC

The Maryland-National Capital Park and Planning Commission (“M-NCPPC”) remains structured with **five commissioners from Montgomery County and only three from Prince George’s County**, despite near-equal population and far higher cumulative environmental burden in Prince George’s. This **3-to-5 split**, unchanged since the 1927 Regional District Act, institutionalizes inequity: Prince George’s—whose population is majority Black—has reduced voting power on all regional planning, budgeting, and enforcement actions funded through federal transportation and environmental-planning programs.

This structural under-representation denies impacted residents meaningful participation in decisions governing land use, siting, and enforcement within the Brandywine–Clinton corridor. It also enables routine **override of staff and community objections** without equivalent representation at the decision-making level.

Such dilution of representation constitutes a **structural disparate-impact violation** under **Title VI and 40 C.F.R. § 7.35(a)**, which prohibits both intentional and effect-based exclusion from federally assisted programs. EPA’s External Civil Rights Manual § 5.2 recognizes under-representation and procedural gatekeeping as forms of “*programmatic discrimination*.”

B. The Prince George’s County District Council’s Dual and Conflicted Role

The Prince George’s County Council acts simultaneously as both the **legislative body** and the **District Council**—a quasi-judicial appellate authority over M-NCPPC decisions.

This dual role has repeatedly been used to **override Planning Board denials** of development projects in the majority-Black southern and eastern sectors, including **Saddle Ridge (PPS 4-24013)** and **Dobson Farms (PPS 4-24014)**.

The *Zimmer v. Prince George’s County*, 253 Md. App. 553 (2022) decision already recognized the constitutional limits of such quasi-judicial overreach. Nevertheless, the County continues to employ “Resolution” mechanisms (CR-80-2025, CB-29-2025) to nullify adequacy and public-safety standards.

Because both the District Council and M-NCPPC are recipients of **federal planning and transportation assistance**, this pattern of **selective overrides in majority-Black districts** constitutes an actionable disparate-impact practice under **Title VI**. It also violates the County’s obligation under **EPA 40 C.F.R. § 7.115(c)** to avoid continuing discriminatory effects in administration of federally funded programs.

C. Outsourced “Community Engagement” Through Paid Lobbyists

Compounding these governance inequities, the County and developers have relied on (b) (6) Privacy, (b) (7)(C) Enf. Privacy a private lobbying and public-relations firm, to act as the *de facto* “community outreach” arm for projects subject to federal oversight and Title VI review.

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Rather than ensuring neutral, accessible participation through government channels, agencies outsourced public engagement to a paid intermediary with financial ties to the development industry.

This practice:

1. **Creates a gatekeeping barrier** between affected residents and official decision-makers;
2. **Distorts the record** of public input, as lobbyist-led “engagement” selectively includes voices favorable to project approval; and
3. **Constitutes retaliation** and procedural exclusion under **EPA OCRA Manual § 5.2.2**, which prohibits “outsourcing or intermediating community access through agents with conflicts of interest.

The substitution of a lobbyist for authentic community engagement violates the **2019 EPA Informal Resolution Agreement** (b) (6) Privacy, (b) (7)(C) Enf. Privacy, which required Maryland and its local partners to improve transparency, participation, and equitable access in environmental-decision processes.

D. Public Participation Implications

Together, these structural and procedural practices—under-representation on the Commission, District Council override authority, and privatized “engagement” through lobbyists—form a single continuum of exclusion.

They have the foreseeable effect of **suppressing public participation** by predominantly Black communities and insulating industrial and residential developers from accountability, in direct contravention of **Title VI, the Age Discrimination Act, and EPA’s Public-Involvement Policy (65 Fed. Reg. 82335 (Dec. 28, 2000))**.

Accordingly, EPA OCRA should:

1. **Investigate M-NCPPC’s governance structure** and representation disparities as part of the ongoing Title VI review;
2. **Assess the legality of the District Council’s dual function** under federal nondiscrimination standards; and
3. **Require all public-involvement processes** to be government-led, transparent, and free from lobbyist or contractor control.

These corrective actions are essential to restore lawful participation and rebuild public confidence in the fairness and integrity of Maryland’s environmental-decision systems.

VIII. One-Party Control and Political Capture

The District Council operates under **complete one-party control**, with all members drawn from the same political faction. This homogeneity removes any internal checks or balance, converting what should be a quasi-judicial forum into a political instrument for advancing developer interests. The result is a **closed**,

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self-reinforcing system where zoning appeals, policy enactments, and funding allocations serve identical constituencies—leaving affected residents without meaningful recourse.

IX. Racially Disparate Outcomes

Over the past decade, the District Council has consistently **approved or expanded high-intensity development** in majority-Black communities—Brandywine, Accokeek, Clinton, and Fort Washington—while preserving lower-density zoning and open-space protections in majority-White northern and western regions of the county. The cumulative effect is a **dual land-use system**:

- Environmental and public-safety burdens concentrated in historically Black census tracts;
- Infrastructure upgrades, transit investments, and park amenities directed elsewhere.

This pattern reinforces the **legacy of Jim Crow-era spatial segregation** through contemporary administrative means—zoning, permitting, and selective enforcement—violating **Title VI** and **EPA’s nondiscrimination regulations (40 C.F.R. Part 7)** by perpetuating disparate impact along racial lines.

X. M-NCPPC’s Improper Approval of Development on Unsuitable Mining Lands

The **Maryland–National Capital Park and Planning Commission (M-NCPPC)** has repeatedly approved major subdivision and site-development plans on parcels that were previously mined or remain under active mining permits—despite the absence of full reclamation, soil stabilization, or groundwater certification required under **COMAR 26.21.01.04** and **Environment Article § 15-823**.

XI. Failure to Verify Reclamation or Suitability

Under Maryland law, mined lands must be reclaimed, re-graded, and re-vegetated before any change of land use may occur. Yet the Planning Board approved **Saddle Ridge (PPS 4-24013 / SDP-2501)** and **Dobson Farms (PPS 4-24014 / SDP-2503)** on tracts directly adjoining or overlapping **Aggregate Industries / Holcim-operated mining pits** that still contain open voids, unstable slopes, and high-sediment retention ponds. No record demonstrates that **MDE issued a reclamation release**, nor that M-NCPPC required geotechnical or hydrologic verification prior to approval.

XII. Public-Safety and Environmental-Justice Risks

Approving residential or institutional construction on or adjacent to unreclaimed mines exposes future occupants to **subsidence, groundwater contamination, and stormwater failure**. The fine silts, unconsolidated overburden, and legacy blasting zones create a high-risk substrate that cannot safely support housing or stormwater infrastructure. These risks are **well documented by EPA’s Office of Surface Mining and Reclamation Enforcement** as environmental-justice concerns where reclaimed or abandoned mines are converted to residential use in minority communities.

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XIII. Pattern of Disproportionate Impacts

This practice occurs **exclusively in majority-Black southern Prince George’s County**, while similar sites in majority-White jurisdictions—such as Carroll and Frederick Counties—are subject to full reclamation, soil certification, and groundwater monitoring before any redevelopment. The selective tolerance of unsafe redevelopment constitutes **disparate treatment in land-use enforcement**, violating **Title VI** and **40 C.F.R. § 7.35(b)**, which prohibit policies that have the effect of discriminating by race or geography.

XIV. Institutional Coordination Failure

M-NCPPC’s actions also implicate **MDE**, which must coordinate under **Environment Article § 15-823(c)** to certify land suitability before zoning or plat approval. By advancing subdivision plans without written reclamation confirmation, the Planning Board effectively **circumvents MDE’s environmental-safety role** and exposes EPA-funded programs to liability under **Title VI**.

XV. Legal and Federal Implications

Approving development on unreclaimed or partially reclaimed mine lands represents:

Violation of Maryland’s Reclamation Law and COMAR 26.21 standards;

Use of federally funded land-use authority in a manner that creates racialized risk; and

Breach of the EPA–USDOT–HUD Environmental-Justice MOU (2011) requiring agencies and their sub-recipients to avoid siting decisions that compound historical inequities.

In sum, M-NCPPC’s decision to approve subdivision and site plans on **unsuitable former mining lands** constitutes both a **planning failure and a civil-rights violation**. It converts known industrial hazards into residential exposure zones in communities already burdened by cumulative pollution, directly contravening **Title VI**, **40 C.F.R. Part 7**, and **EPA environmental-justice policy**.

XVI. Override and Retaliatory Practices

The District Council’s discriminatory function is most visible in its **frequent reversal of Planning Board denials**, particularly in cases where the Board or staff have acknowledged procedural or adequacy defects.

- In **CR-80-2025**, the Council retroactively **waived Adequate Public Facilities (APFO) standards** for police response times solely in District VII.
- In **Holcim-Mar SE-22007**, **Saddle Ridge (PPS 4-24013 / SDP-2501)**, and **Dobson Farms (PPS 4-24014 / SDP-2503)**, the Council proceeded to approve developments despite ongoing judicial-review litigation, documented flooding, and clear community opposition.

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These actions are not isolated; they represent a **governance pattern of arbitrary and capricious conduct** identified in **Zimmer v. Prince George’s County, 253 Md. App. 553 (2022)**, where the Court of Special Appeals found that the Council’s overrides violated both due process and the limits of its statutory authority.

XVII. Federal Implications under Title VI

As a co-recipient of **federal planning, transportation, and environmental funds** through M-NCPPC, the District Council’s discriminatory conduct falls within EPA’s jurisdiction under **Title VI of the Civil Rights Act of 1964**. By using zoning powers to **concentrate industrial land uses, waive adequacy standards, and suppress community participation** in majority-Black regions, the Council’s actions produce **disparate adverse effects**—the core standard for federal civil-rights violation under **40 C.F.R. § 7.35(b)**.

The District Council’s integration of political, financial, and adjudicatory roles creates a **structural conflict of interest** that ensures predictable outcomes in favor of development, not justice. This systemic bias within the M-NCPPC framework perpetuates inequity, erodes due process, and entrenches the very forms of **environmental redlining** that Title VI exists to dismantle.

XVIII. Why These Respondents Are Liable Under Title VI

Each of the above entities is a **direct or sub-recipient of EPA or federally derived funding**, making them subject to **Title VI and EPA’s nondiscrimination regulations (40 C.F.R. §§ 7.30–7.35)**.

Their **interrelated** actions—permitting, planning, and local enforcement—form a **single continuum of administrative discrimination** in which:

- a. MDE enables pollution through non-enforcement;
- b. M-NCPPC legalizes it through pro-developer zoning and procedural exclusion; and
- c. Prince George’s County institutionalizes it through infrastructure neglect and policy waivers.

This tri-partite pattern produces **disparate impact by race and geography**, depriving Brandywine residents of equal environmental protection, public services, and decision-making power—precisely the harms Title VI was enacted to prevent.

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Impact Summary – Brandywine Road Club & Industrial Corridor

Supplement to EPA Complaint No. 03RA-25-R3 (Title VI)

Overview

This memorandum summarizes cumulative environmental, health, and procedural harms in Brandywine MD District VII & I, **Prince George’s County**, CR-80-2025 with no public engagement. It documents how state-funded permitting and planning practices—administered by the **Maryland Department of the Environment (MDE)** and the **Maryland-National Capital Park & Planning Commission (M-NCPPC)**—produce an ongoing **Title VI disparate-impact violations** through cumulative exposure, exclusion from decision-making, and discriminatory infrastructure neglect. It incorporates the MNCPPC reconsideration record, mining and concrete operations, stormwater failures, EJ-screen data, and coal-ash contamination.

This memorandum summarizes cumulative environmental, health, and procedural harms in **Brandywine (District VII, Prince George’s County, MD)**.

It documents how state-funded permitting and planning practices—administered by Prince George’s County, Maryland Department of the Environment (MDE) and the Maryland-National Capital Park & Planning Commission (M-NCPPC)—produce an ongoing Title VI disparate-impact violation through cumulative exposure, exclusion from decision-making, and discriminatory infrastructure neglect without public engagement rather allowing a lobbyist to assert outreach by these applicants.

It incorporates the MNCPPC reconsideration record, mining and concrete operations evidence, stormwater failures, EJ-score manipulation, and coal-ash contamination.

XIX. Chronology of Policy Continuity

From the Brandywine Road Club (1991) to CR-80-2025 / CB-29-2025
(Demonstrating a Continuing Violation under 40 C.F.R. § 7.115)

Year / Policy	Instrument or Event	Core Action or Exemption	Impact on Brandywine & Majority-Black Communities	Title VI Relevance / Continuity
1991	Creation of the Brandywine Road Club	Established a “fee-in-lieu” fund allowing developers along U.S. 301 to bypass transportation adequacy tests.	Institutionalized two-tier development rules; allowed rapid build-out without infrastructure.	Origin of disparate enforcement—beginning of the continuing-violation chain.

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Year / Policy	Instrument or Event	Core Action or Exemption	Impact on Brandywine & Majority-Black Communities	Title VI Relevance / Continuity
1991–2009	Active Use Without Enforcement	Developers continued approvals under the exemption; no road projects built.	Traffic congestion, safety hazards, and pollution burdens concentrated in Brandywine.	Persistent disparate impact; County failed to correct or review policy.
2009	First Recorded Fund Commitment	After 18 years, one token project funded.	Too late to offset decades of harm; fund effectively dormant thereafter.	Proof that “corrective intent” was pretextual—not an isolated error.
2011	CR-33-2011 (Road Club Reauthorization FAQ)	County confirmed the fund still substituted for APFO compliance.	Reinforced inequitable growth and congestion; community protests ignored.	Formal County acknowledgment of ongoing disparate policy.
2014–2019	Subdivision Boom + EPA 2019 Informal Resolution Agreement	EPA settlement required EJ screening, cumulative-impact review, and meaningful participation.	Maryland accepted Title VI corrective duties covering Brandywine corridor.	Establishes federal baseline now breached.
2020–2023	State & County Rollbacks Begin	MDE, MNCPPC, and Council relax enforcement; virtual-only hearings and selective waivers resume.	Procedural exclusion and environmental fatigue across impacted tracts.	Re-emergence of structural exclusion practices.
2025 (State)	HB 1035 / SB 937 (Ch. 625 – Next Generation Energy Act)	Repeals COMAR 20.79.01.04 & .05 — eliminating EJ screening & public-engagement mandates for energy siting.	Restores “exemption culture” at state level; nullifies EPA 2019 commitments.	Direct state breach of Title VI settlement.
2025 (County)	CR-80-2025 & CB-29-2025	Suspend police-response and public-facility adequacy standards under APFO.	Extends the Road Club logic county-wide; safety and infrastructure gaps persist in majority-Black districts.	Demonstrates the living continuation of the 1991 policy—qualifying as a continuing violation under 40 C.F.R. § 7.115.

Summary Insight

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- **Pattern:** Developer waivers → Regulatory rollbacks → Procedural exclusion → Disparate impact.
- **Continuity:** 1991 (Brandywine Road Club) → 2011 (CR-33) → 2019 (EPA Resolution) → 2025 (CR-80 / CB-29).

Result: A 30-year arc of deregulation disproportionately burdening one community, meeting every criterion for a *continuing violation of Title VI*.

1. Industrial Concentration & Historic Disparities

Since the 1980s, Brandywine has hosted a dense cluster of aggregate mines, wash plants, concrete batching, asphalt, and heavy-truck depots along the **Brandywine Road Club** corridor—within and adjacent to majority-Black neighborhoods (> 90 %).

- EPA EJSCREEN indicators place these tracts in the 90th–95th percentile nationally for diesel PM, traffic proximity, and PM 2.5 exposure.
- Despite these warnings, MDE continues issuing or renewing permits **without cumulative-impact review** or **meaningful participation** by affected residents.
- Since the 1980s, Brandywine has hosted a dense cluster of **aggregate mines, wash plants, concrete batching, asphalt plants, and truck depots** along the **Brandywine Road Club corridor**, within and adjacent to majority-Black neighborhoods (> 90%).
- EPA EJSCREEN data place these tracts in the **90th–95th percentile** for diesel PM, traffic proximity, and PM 2.5 exposure.
- Despite these flags, **MDE continues renewing permits** without cumulative-impact review or meaningful public participation.
- Since the 1980s, Brandywine has hosted a dense cluster of aggregate mines, wash plants, concrete batching, asphalt, and heavy-truck depots along the **Brandywine Road Club** corridor—within and adjacent to majority-Black neighborhoods (> 90 %).
- EPA EJSCREEN indicators rank these tracts in the **90th–95th percentile** for diesel PM, traffic proximity, and PM 2.5 exposure.
- Despite this, **MDE continues issuing and renewing permits without cumulative-impact review** or genuine community engagement.

2. Governance and Structural Bias – Absence of Bipartisan and Proportional Representation on the M-NCPPC

At this time, the **Maryland–National Capital Park and Planning Commission (M-NCPPC)**—the bi-county agency responsible for regional planning, zoning, and land-use decisions in **Prince George’s and Montgomery Counties**—operates with **no Republican or independent representation** and with a **numerical imbalance between the two counties**.

While **Montgomery County** maintains **five (5) appointed commissioners**, **Prince George’s County** **currently has only three (3)**, leaving the latter under-represented on a commission that exercises joint authority over both jurisdictions.

This unequal structure violates the **spirit and design of the Regional District Act**, which was established to ensure **equitable, bipartisan, and geographically balanced representation** across the region. The Act

(b) (6) Privacy, (b) (7)(C) Enf. Privacy

contemplated a parity of commissioners between the two counties, recognizing that land-use decisions in one jurisdiction often have direct regional consequences. Yet in practice, Prince George's County—home to the state's largest Black population and most overburdened EJ communities—has been left with **diminished representation and no opposing-party oversight**.

The absence of political and proportional balance has transformed the Commission into a **one-party policymaking body**, operating without internal dissent or counter-voting voices. This has created an **echo chamber of pro-developer consensus**, where projects such as **CR-80-2025, Holcim-Mar SE-22007, Saddle Ridge (PPS 4-24013 / SDP-2501), and Dobson Farms (PPS 4-24014 / SDP-2503)** are advanced with minimal deliberation, despite credible evidence of procedural irregularities, pending judicial reviews, and substantial community opposition.

This imbalance undermines **public confidence** in the fairness of M-NCPPC's quasi-judicial process and **institutionalizes bias** within its governance structure. The absence of bipartisan and proportional representation erodes accountability, silences community advocates, and leaves Black and working-class residents of southern Prince George's County without equitable participation in land-use decisions that directly affect their health, safety, and environment.

In effect, the Commission's current composition is not merely a procedural deficiency—it is a **structural manifestation of discriminatory governance**. The underrepresentation of Prince George's County, combined with the total lack of minority-party oversight, perpetuates the **systemic exclusion and disparate impact** documented throughout this complaint and substantiates the **continuing Title VI violation** arising from state-funded planning and permitting practices.

3. Coal-Ash & Groundwater Contamination (Legacy & Ongoing)

- Comprehensive remediation and long-term monitoring remain **inadequate**, yet residential growth proceeds atop and adjacent to contaminated hydrogeology.
- **Coal-combustion residuals (CCR)** at the Brandywine landfill and nearby sites have produced **severe groundwater contamination** (cobalt, lithium, and other metals) and above safe limits — surface-water exceedances in local tributaries.
- Long-term corrective action and comprehensive monitoring remain **inadequate**, yet new housing continues atop and adjacent to contaminated aquifers.
- The 2025 EIP letter to MDE documented cobalt $\approx 233 \times$ and lithium $\approx 99 \times$ the standard, with > 80 % of wells showing **no improvement or worsening trends**.

4. Stormwater Failures & Flooding (Villages of Savannah / Saddle Ridge)

- The **Villages of Savannah** stormwater system diverted runoff onto private property, causing structural damage now in **active litigation** (*Gray v. Prince George's County*).
- The proposed **Saddle Ridge** and **Dobson Farms** subdivisions discharge into the **same failing system**, compounding flood risk.
- MDE approved stormwater permits **without independent engineering review** or environmental-justice screening; chronic flooding and erosion persist across legacy neighborhoods.

(b) (6) Privacy, (b) (7)(C) Enf. Privacy

- The **Villages of Savannah** stormwater network **diverted runoff onto private property**, causing structural damage—now in litigation ((b)(6) Privacy, (b)(7)(C) Enf. Privacy)
- **Saddle Ridge** and **Dobson Farms** developments discharge into that same defective system.
- **MDE approved permits** without independent engineering review or environmental-justice screening. Chronic flooding, roadway washouts, and erosion persist.

5. Brandywine Road Club = Infrastructure Redlining

- The Road Club’s pooled-fee mechanism acted as a loophole: decades of collections, minimal residential road improvements, and **no transparent audits**, while freight corridors were upgraded for industry.
- Result: **modern truck routes for commerce, crumbling flood-prone roads for residents**—a textbook two-tier infrastructure pattern divided by race and income.
- The Road Club’s pooled-fee mechanism became a **loophole**: decades of collections, minimal local fixes, no transparent audit, while freight access improved.
- Result: **modernized truck corridors** for industry versus **unsafe, flood-prone roads** for residents—a two-tier infrastructure pattern tracking race and income.

6. Procedural Exclusion & “Paper Participation”

- MNCPPC staff reports **falsely stated** “no community comments were received,” though extensive written testimony and affidavits were filed.
- Hearings were conducted while related cases were pending in Circuit Court, undermining due process.
- Public-records and language-access requests were ignored, violating **40 C.F.R. Part 7** requirements for equitable notice and participation.
- MNCPPC staff reports **falsely stated** “**no community comments received**” despite timely filings, affidavits, and testimony.
- Hearings proceeded while related matters were **pending in court**, nullifying due-process rights.
- Public-records and language-access requests went **unanswered**, violating **40 C.F.R. Part 7** requirements for meaningful participation.

7. Procedural Retaliation and Suppression of Public Participation

(October 2025 Rule Change)

Starting on **October 1, 2025**, immediately following the ((b) (6) Privacy, (b) (7)(C) Enf. Privacy) testimony opposing the **Saddle Ridge (PPS 4-24013 / SDP-2501)** and **Dobson Farms (PPS 4-24014 / SDP-2503)** developments, the **Maryland-National Capital Park and Planning Commission (M-NCPPC) Planning Board** abruptly altered its procedures to prohibit **in-person public testimony**, limiting community input to written or virtual submissions only.

- This abrupt policy shift occurred **less than two weeks after** ((b) (6) Privacy, (b) (7)(C) Enf. Privacy) **on-record testimony** highlighting the Board’s misrepresentations (“no community comments received”) and demanding accountability for Title VI and environmental-justice violations.
- The change was made **without public notice, rulemaking, or justification** under Section 8 of the Board’s Rules of Procedure, and was applied **retroactively to all subsequent** hearings.

(b) (6) Privacy, (b) (7)(C) Enf. Privacy

8. Retaliatory Context

The procedural ban followed extensive public criticism from Black residents of the (b) (6) Privacy, (b) (7)(C) Enf. Priv. including formal reconsideration filings, EPA and MDE complaints, and media coverage exposing systemic exclusion. The temporal proximity between the (b) (6) Privacy, (b) (7)(C) Enf. Priv. testimony and the policy change constitutes a **prima facie case of retaliatory action** under **40 C.F.R. § 7.100** and EPA’s **External Civil Rights Case Resolution Manual § 5.2**, which define retaliation as any act that would discourage protected participation.

9. Disparate Impact

While framed as a “procedural update,” the effect of this rule change falls almost entirely on **communities of color in Prince George’s County**, who rely on in-person participation due to inconsistent broadband access, digital illiteracy among seniors, and lack of technical resources. In contrast, wealthier and whiter jurisdictions (including Montgomery County) retained hybrid or in-person participation models. This selective limitation further entrenches the **digital divide** as a barrier to environmental justice, violating **Title VI** and **40 C.F.R. § 7.35(b)** (discriminatory effect standard).

10. Procedural Illegality

The October 1 change contradicts the **Commission’s own rules**, which require that any alteration to public-participation procedures be approved by majority vote and published in advance. No public agenda item, vote, or official order exists in the Planning Board record. This covert modification of participation rights during ongoing litigation (Judicial Review of Saddle Ridge and Dobson Farms) constitutes a **procedural irregularity and abuse of discretion**, rendering all subsequent hearings defective under Maryland Rule 7-202 and 40 C.F.R. § 7.120(d)(1)(ii).

11. Federal Implications

EPA’s Title VI regulations and the **EPA–USDOT–HUD 2011 MOU** require federally funded agencies to ensure “**meaningful public involvement in all environmental and land-use decisions.**” By eliminating in-person testimony at the moment a predominantly Black community exercised its rights, M-NCPPC effectively **retaliated against protected activity** and denied fair access to decision-making forums. Such conduct is grounds for **federal investigation and corrective action**, including reinstatement of equitable participation procedures and sanctions for non-compliance.

12. Discriminatory Policy Mechanisms (CR-80 / CB-29 / APFO)

CR-80-2025 and **CB-29-2025** retroactively **suspended Adequate Public Facilities (APFO)** standards—but only in **District VII**—most the most aggrieved with development allowed to move forward allowing development without police or EMS adequacy.

This dual standard creates **disparate racial impact**, contravening **Title VI (42 U.S.C. § 2000d)** and **DOJ 28 C.F.R. § 42.104(b)(2)**.

(b) (6) Privacy, (b) (7)(C) Enf. Privacy

CR-80-2025 and CB-29-2025 selectively **suspended Adequate Public Facilities (APFO)** standards only in District VII, allowing unsafe growth where police and EMS are already inadequate. This **dual-standard regime** constitutes disparate impact under **Title VI (42 U.S.C. § 2000d)** and **DOJ 28 C.F.R. § 42.104(b)(2)**.

13. MDE's Persistent Non-Engagement

- Since 2016, MDE has failed to convene a single comprehensive public meeting in Brandywine to address overlapping air, water, and permitting issues.
- Major permit renewals for Holcim/Aggregate and other operators proceeded **without public notice, translation, or cumulative-impact assessment**, violating EPA Case Resolution Manual § 3.2.
- Permit renewals for **Holcim (Aggregate Industries)** and others advanced **without notice, translation, or cumulative-impact review**, in violation of EPA's *Case Resolution Manual* § 3.2.

14. Cumulative Civil-Rights Impact (Continuing Violation)

- Interlocking harms—mining dust, truck emissions, flooding, and toxic legacy contamination—**converge in the same Black neighborhoods**.
- Agencies had **actual notice** (the 2016 EPA complaint and subsequent filings) yet continued their practices, showing **deliberate indifference** consistent with federal Title VI precedent.
- Agencies had **actual notice** (2016 Title VI complaint; multiple filings) yet persisted, showing *deliberate indifference* consistent with *Zeno v. Pine Plains CSD* (2d Cir. 2012).

15. Aggregate Industries / Holcim Violations & MDE Non-Enforcement

- Documented 2019–2025 violations include:
 - a. **Unpermitted discharges** and sediment plumes entering tributaries;
 - b. **NPDES exceedances** (TSS/turbidity) and BMP failures;
 - c. **Silica dust clouds**, noise, and blasting complaints with little enforcement;
 - d. **Failure to reclaim** mined lands per COMAR 26.21, leaving open pits and mud ponds.
 - e. Enforcement remained lenient—token consent decrees, delayed corrective actions—while comparable sites in white jurisdictions received immediate penalties.
- This differential enforcement produces racially disparate outcomes—a Title VI violation irrespective of intent.
- **NPDES exceedances** for TSS and turbidity; **visible silica dust clouds** along (b) (6) Privacy, (b) (7)(C) Enf. Privacy; **noise/blast complaints** ignored.
- Failure to reclaim mined lands under **COMAR 26.21**, leaving open pits and mud ponds.
- **MDE enforcement** was token—minor consent decrees, deferred penalties—while similar violations in whiter counties triggered shutdowns.
- This differential enforcement produces a racially disparate regulatory regime, violating Title VI regardless of intent.

16. Coal-Ash Leachate & Drinking-Water Threat (EIP / EPA Findings)

- Independent and EPA-validated data confirm **severe CCR contamination**:
 - a. **Cobalt 233×** and **lithium 99×** above standards; > 80 % of monitoring wells show worsening trends.

(b) (6) Privacy, (b) (7)(C) Enf. Privacy

- b. **Mataponi Creek** surface waters exceed toxicity thresholds for cadmium and lithium.
- c. CCR remains **in direct contact with groundwater**, ensuring indefinite leaching.
- d. MDE applied the CCR Rule to only ~13 % of the site for nearly a decade, leaving most of the landfill unregulated.
- **MDE has not required full cleanup** or safe-water replacement while nearby massive development expands.
- For Title VI, this represents **textbook disproportionate** impacts: known contamination + inaction + ongoing siting = systemic discrimination.

For Title VI purposes, this is **textbook disparate impact**: known contamination + state inaction + continued siting = systemic discrimination.

17. Title VI of the Civil Rights Act of 1964 (Your Strongest Avenue)

Your analysis is precisely correct. This is the classic framework for a "disparate impact" discrimination case under Title VI.

- **What it Prohibits:** "No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."
- **Disparate Impact vs. Discriminatory Intent:** This is the key.
 - a. You do not need to find a "smoking gun" memo where officials explicitly state a racist intent.
 - b. You only need to prove that a facially neutral policy (e.g., a zoning decision, a permitting process) has a disproportionately adverse effect on a protected group, and that the policy is not justified by a "substantial legitimate need" or that a less discriminatory alternative exists.

Your elements align perfectly with a Title VI disparate impact claim:

- **"Known contamination + inaction":** This demonstrates the government's failure to act, which is a "policy or practice" under Title VI. The inaction itself becomes the discriminatory policy.
- **"Ongoing siting":** This is the current, specific action that triggers the disparate impact analysis. It's not just historical; it's an ongoing injury.
- **"Systemic discrimination":** This is the result—the cumulative, disproportionate burden on a community of color.

The Legal Mechanism: Additional facts within our administrative complaint with the federal agencies that provides funding to the state or local agency in question (e.g., with the U.S. EPA or the U.S. Department of Transportation). Investigate federal if the discrimination is not remedied.

- § 7.130(b) for non-compliant programs.

(b) (6) Privacy, (b) (7)(C) Enf. Privacy

XX. Legislative Codification of the Title VI Breach – Next Generation Energy Act (SB 937 / CH 625 & HB 1035 / CH 626)

In April 2025, Governor Moore signed into law the **Next Generation Energy Act**, cross-filed as **Senate Bill 937 (Chapter 625)** and **House Bill 1035 (Chapter 626)**.

The Acts, sponsored by Senate President Bill Ferguson and Speaker Adrienne Jones, were heard jointly before the **Education, Energy, and the Environment Committee** and the **Economic Matters Committee** on **February 28, 2025**.

These companion chapters, presented publicly as an “*energy-affordability and reliability*” package, quietly inserted a **broad exemption** that dismantles core civil-rights protections established through the 2016 EPA–MDE **Informal Resolution Agreement**.

Specifically, at **page 23, lines 20-25** of SB 937 / CH 625, the statute provides that:

“If a proposed site for a dispatchable energy generation project was previously or is currently used for electricity generation ... the applicant is exempt from the requirements of COMAR 20.79.01.04 and 20.79.01.05.”

Those COMAR sections—community-notice, EJ-screen scoring, and local-consultation requirements—were adopted **because of the Brandywine Title VI complaint** and are the functional heart of Maryland’s compliance framework.

By legislatively exempting future gas and nuclear projects from those rules, the State has **codified a regression** from its federal civil-rights commitments.

A. Substantive Effects

1. Elimination of Civil-Rights Safeguards

New or expanded fossil-fuel facilities (including **Panda Brandywine, Chalk Point, and Holcim-Mar**) can now proceed **without EJ screening or community engagement**, re-creating the very harms that prompted EPA intervention in 2016.

2. Contradiction of Federal Grant Assurances

COMAR 20.79.01.04 and .05 were conditions for continued federal funding under the IRA. Their legislative repeal or circumvention places Maryland out of compliance with **40 C.F.R. § 7.115** (assurance of compliance) and **§ 7.130(b)** (termination of assistance).

3. Continuation of Disparate Impact

The exemptions concentrate new emission sources in the same 97-percentile EJ census tracts documented in this complaint—overwhelmingly Black, low-income, and linguistically isolated—perpetuating discrimination in both impact and opportunity.

B. Legal and Administrative Implications

(b) (6) Privacy, (b) (7)(C) Enf. Privacy

The enactment of Chapters 625 and 626 represents a **state-level nullification of a federal civil-rights settlement**. Because these laws directly undermine an EPA-approved corrective measure, EPA OCRA must treat them as a **breach of the Informal Resolution Agreement** and an **active Title VI violation**.

C. Requested Federal Action

1. **Formally declare** Maryland in non-compliance with its 2016 Informal Resolution Agreement.
2. **Suspend or condition federal funding** under the Clean Air Act, Clean Water Act, and EJ grant programs administered to MDE until the State repeals or amends Chapters 625 and 626.
3. **Require immediate reinstatement** of COMAR 20.79.01.04 and .05 protections.
4. **Initiate a joint EPA–DOJ civil-rights review** of the legislative process leading to enactment of the Acts to determine whether racial or political considerations motivated the exemption.

(See Exhibit #8) – Correspondence from (b)(6) Privacy, (b)(7)(C) Enf. Privacy and allied organizations regarding SB 937 / HB 1035 (Next Generation Energy Act), March 18, 2025.]

D. Cumulative Burden and Continuing Violation

Industrial discharges, failing drainage, and rapid residential expansion intersect in Brandywine — a majority-Black community in the 97th percentile for pollution burden. Each permit adds to a single, continuous harm constituting an ongoing Title VI violation.

E. MDE Non-Response and EJ Score Manipulation

On Aug 25, 2025, (b)(6) Privacy, (b)(7)(C) Enf. Privacy alerted MDE to Brandywine’s EJ-score drop from 97th percentile (EPA EJSCREEN) to 63 (MDEnviroScreen). MDE never replied. This data change coincided with CR-80, Holcim-Mar, and subdivision finalities—actions benefiting developers while masking racial impact. The removal of race, language, and age variables is a civil-rights rollback violating Maryland’s 2016 EPA settlement.

F. APFO, Jim Crow Infrastructure, and Civil-Rights Violations

The County’s Adequate Public Facilities Ordinance (APFO) has become a mechanism of segregated growth: moratoria in White areas, waivers in Black areas. **CR-80-2025** codified a two-tier public-safety standard by suspending police-adequacy rules solely for District VII. Neither the County nor MDE performed Title VI or EJ reviews. These acts constitute disparate-impact discrimination using federal funds in violation of 40 C.F.R. § 7.35(b).

XXI. Legal Implications

The pattern satisfies all elements of a continuing violation and parallels the *Zimmer v. Prince George’s County* (2022) precedent against retroactive legislative interference in quasi-judicial decisions. CR-80 and MDE’s data changes together amount to institutional fraud and civil-rights deprivation.

(b) (6) Privacy, (b) (7)(C) Enf. Privacy

XXII. Community Ombudsman and Implementation Framework

Pursuant to EPA Guidance on Public Participation and Environmental Justice in Permitting (2022), the (b) (6) Privacy, (b) (7)(C) Enf. Privacy formally designates (b) (6) Privacy, (b) (7)(C) Enf. Privacy as the independent **Community Ombudsman and Data Steward** for ongoing monitoring and enforcement of civil-rights conditions within the Brandywine corridor. (b) (6) Privacy, (b) (7)(C) Enf. Privacy is established to coordinate federal, state, and local responses through a transparent **Environmental Monitoring and Mitigation Plan (EMMP)** that integrates EPA's Justice40 metrics, Title VI corrective actions, and community-based data collection.

The EMMP serves as the accountability framework for tracking compliance with the Informal Resolution Agreement and for measuring whether future permitting and infrastructure investments produce equitable outcomes. (b) (6) Privacy requests that EPA and USDOT recognize (b) (6) Privacy, (b) (7)(C) Enf. Privacy as the official ombudsman entity and require state agencies to coordinate through this platform for all EJ-related reporting and corrective actions.

How the EMMP Fits Legally

- **Authority:** EPA and USDOT can condition continued funding on a compliance-monitoring mechanism (40 C.F.R. § 7.130(b)). The EMMP becomes that mechanism.
- **Function:** Provides a federal-state-community dashboard for tracking mitigation measures, cumulative pollution indices, and Title VI metrics.
- **Enforcement:** If MDE or M-NCPPC fail to cooperate, EPA can invoke § 7.130(b)(1) to suspend assistance until they enter an EMMP agreement with (b) (6) Privacy, (b) (7)(C) Enf. Privacy.

XXIII. Requested Federal Remedies and Enforcement Actions

Immediate Actions

- a. Suspend all federal funding to MDE, M-NCPPC, and Prince George's County for discriminatory programs.
- b. Impose a moratorium on CR-80, Holcim-Mar, Saddle Ridge, and Dobson Farms pending EPA review.

Structural Measures

- a. Withdraw federal concurrence and require new EJ and Title VI analyses.
- b. Reallocate federal funds to remedy infrastructure inequities and storm-water damage documented in (b) (6) Privacy, (b) (7)(C) Enf. Privacy
- c. Order MDE to restore race, language, and age variables in MDEnviroScreen and reinstate 2016 IRA participation requirements.

Systemic Review and Accountability

- a. Audit all EPA-funded programs since 2016.
- b. Establish EPA–DOJ oversight for future adequacy and permitting decisions.
- c. If non-compliance continues, terminate or condition federal funding under 40 C.F.R. § 7.130(b).

Requested Federal Actions

(b) (6) Privacy, (b) (7)(C) Enf. Privacy

- a. Determine that Maryland’s enactment of SB 937/HB 1035 violates the 2019 Informal Resolution Agreement and Title VI.
- b. Re-open the 2016–2019 docket findings for enforcement.
- c. Incorporate this supplement into **EPA Case No. 03RA-25-R3**.
- d. Initiate a **jurisdictional investigation** into MDE’s aggregate-permit enforcement, CCR compliance, and MNCPPC procedures.
- e. Direct MDE, M-NCPPC, and Prince George’s County to reinstate EJ screening, cumulative-impact analysis, and public-participation requirements for all projects in the Brandywine corridor.
- f. Order a **cumulative-impact audit** (air, water, stormwater, traffic) and require reclamation/BMP retrofits.
- g. Coordinate with **DOT and HUD** to remedy **infrastructure discrimination** linked to APFO waivers and Brandywine Road Club funding.
- h. Pending investigation, apply **funding conditions or suspensions** under 40 C.F.R. § 7.130(b).
- i. Designate (b) (6) Privacy, (b) (7)(C) Enf. Privacy as the community ombudsman and EMMP coordinator for ongoing monitoring.

XXIV. Institutional Corruption and Regulatory Capture as Continuing Civil-Rights Violations

A. Pattern of Pay-to-Play and Influence-Driven Governance

Prince George’s County’s land-use system functions under a *de facto* “pay-to-play” regime: developers and politically connected firms exert control through campaign contributions, lobbyist intermediaries, and county-approved “community benefits” agreements that bypass public process. When combined with the District Council’s quasi-judicial override powers, this structure allows **political favoritism to replace equitable enforcement**, a textbook example of *regulatory capture*.

B. Civil-Rights Implications

Under **Title VI**, corruption is actionable when:

- Access to a federally-funded program is conditioned on political or financial influence;
- Enforcement actions or waivers are selectively applied; or
- Procedural barriers (e.g., lobbying intermediaries, selective notice) predictably disadvantage protected populations.

EPA’s **Case Resolution Manual § 5.2** and **§ 7.115(b)** authorize review of such “*institutional practices with discriminatory effects*.” When bribery, favoritism, or collusion cause agencies to ignore violations in Black communities while enforcing rigorously elsewhere, that’s not just bad governance—it’s a *continuing Title VI violation*.

C. Supporting Evidence in the Record

- Use your exhibits showing **Aggregate Industries** and **coal-ash contamination** being ignored while permits renewed;
- Include documentation of **lobbyist-controlled outreach** (b) (6) Privacy, (b) (7)(C) Enf. Privacy in place of neutral government engagement;

(b) (6) Privacy, (b) (7)(C) Enf. Privacy

- Reference County legislative records (CR-80-2025 / CB-29-2025) showing **selective waivers** pushed through politically connected developers.

D. Requested Federal Action

1. That EPA ECRD formally refer findings suggesting corruption or undue influence to the **EPA Office of Inspector General (OIG)** and the **U.S. DOJ Civil Rights Division** for parallel review;
2. That EPA condition continued federal funding on transparent anti-corruption safeguards: public disclosure of developer lobbying, independent ombudsman oversight (b) (6) Privacy, (b) (7)(C) Enf. Privacy and mandatory conflict-of-interest reporting for M-NCPPC and County staff.

In short, we don't say "corruption" as accusation—we **demonstrate it** as *a mechanism of discrimination* that:

- Channels benefits to well-connected, non-Black developers;
- Shields violators from enforcement;
- Silences affected residents; and
- Undermines civil-rights compliance in a federally assisted program.

XXV. Summary and Requested Remedies

1. Summary of Violations

Taken together, **CR-100-2025**, **CR-101-2025**, and **CR-102-2025** expose a deliberate and continuing pattern of fiscal and procedural discrimination within Prince George's County's administration of federally assisted programs.

Each resolution illustrates a distinct mode of manipulation:

Resolution	Mechanism	Discriminatory Effect
CR-100-2025	Restricts "smart trash receptacle" pilot exclusively to bus stops <i>inside the Beltway</i>	Excludes majority-Black southern and eastern districts from environmental and transit-related improvements
CR-101-2025	Diverts \$20 million from M-NCPPC Park Fund to a single celebrity-affiliated nonprofit project	Allocates disproportionate capital to politically connected entities without equity review or competition
CR-102-2025	Removes \$1 million from the Planning Department to a political executive account	Undermines statutory planning independence and reallocates equity-program resources to insider control

Layered atop the **political continuity** of the former Jack B. Johnson network, these actions constitute a *systemic pattern of disparate treatment* in violation of **Title VI of the Civil Rights Act of 1964** and **40 C.F.R. § 7.35(b)–(d)**.

They demonstrate how the County's budget process has become a discretionary tool for rewarding alignment and silencing independent or dissenting communities—particularly those in Brandywine, Accokeek, and the East Prince George's corridor.

(b) (6) Privacy, (b) (7)(C) Enf. Privacy

2. Legal and Administrative Basis for Federal Review

Under federal law, recipients of EPA or HUD assistance must ensure that all planning, budgeting, and capital-improvement actions are administered in a nondiscriminatory manner, including the **allocation of benefits, opportunities, and procedural access**.

The mid-cycle budget transfers at issue violate these requirements by:

- Eliminating meaningful public participation and equity screening;
- Producing measurable geographic and racial disparities in capital spending; and
- Consolidating fiscal authority among politically homogeneous actors with a documented history of exclusionary decision-making.

Because the affected funds, departments, and programs receive federal assistance (EPA § 104(b)(3), HUD Community Development Block Grant, and FTA Section 5307 transit), these actions fall squarely within EPA OCR's enforcement jurisdiction.

3. Requested Remedies

Complainants respectfully request that **EPA OCR**, in coordination with the **U.S. Department of Justice (CRS & OCR)**, **HUD OIG**, and **USDOT OCR**, take the following actions:

1. **Initiate a Title VI compliance review** of Prince George's County, the Office of the County Executive, and M-NCPPC concerning fiscal decision-making, budget amendments, and equity compliance.
2. **Freeze or condition federal reimbursements** related to the FY 2026 M-NCPPC Park Fund and Administration Fund pending completion of that review.
3. **Require a retroactive Equity Impact Statement** and public hearing process for CR-100-102-2025 and any similar mid-cycle amendments adopted since 2022.
4. **Mandate federal monitoring for three fiscal years**, ensuring transparent allocation of funds and inclusive community participation in future planning and CIP amendments.
5. **Direct corrective training and policy reform**, compelling the County to adopt written Title VI procedures governing all budget transfers, grants, and partnership agreements.

XXVI. Conclusion

The actions described herein are not isolated errors; they are the predictable result of a governance system that rewards political loyalty over public accountability. The cumulative effect is the **systemic exclusion of minority communities from equitable participation in federally funded planning, environmental, and infrastructure decisions**.

Federal intervention is therefore not optional—it is necessary to restore lawful governance, protect civil rights, and ensure that public resources in Prince George's County serve *the people, not the network*.

Brandywine is no longer a case of isolated environmental neglect — it is a blueprint of *programmatic discrimination* operating through state-funded systems.

From MDE's selective non-enforcement to M-NCPPC's procedural retaliation and the District Council's pay-to-play overrides, the evidence shows a continuous chain of discriminatory governance. These are not policy errors; they are the administrative instruments of modern segregation — exclusion, waiver, and silence — sustained by state action and federal inaction.

(b) (6) Privacy, (b) (7)(C) Enf. Privacy

The 3-to-5 imbalance on the M-NCPPC, the use of lobbyists as “community engagement,” and the removal of in-person testimony together prove structural denial of access in violation of **Title VI, 40 C.F.R. §§ 7.35 and 7.115**, and EPA’s **External Civil Rights Manual § 5.2**.

The introduction of (b) (6) Privacy, (b) (7)(C) Enf. Privacy as the *Community Ombudsman and EMMP coordinator* establishes a lawful, transparent mechanism for ongoing compliance and monitoring — precisely the corrective framework envisioned by federal equity mandates and the Justice40 Initiative.

Accordingly, the (b) (6) Privacy, (b) (7)(C) Enf. Privacy requests that EPA OCRA and USDOT jointly:

- Formally determine continuing Title VI violations by MDE, M-NCPPC, and Prince George’s County;
- Suspend or condition federal assistance under **40 C.F.R. § 7.130(b)** pending corrective action; and
- Recognize (b) (6) Privacy, (b) (7)(C) Enf. Privacy as the designated community ombudsman authorized to administer the Environmental Monitoring and Mitigation Plan (EMMP).

Brandywine’s people have carried the burden of proof long enough. Federal enforcement must now carry the burden of correction.

Restore real justice—not branding exercises—for the people of Brandywine and for all communities whose survival depends on **community-led organizations with lived experience and legal standing, not intermediaries hijacking our struggles for their own gain**.

(b) (6) Privacy, (b) (7)(C) Enf. Privacy requests that EPA OCRA consolidate this Appendix and prior submissions into a single administrative record for Docket 03RA-25-R3 and transmit the same to USDOT OCR for concurrent enforcement review. (b) (6) Privacy, (b) (7)(C) Enf. Privacy requests that EPA OCRA consolidate this Appendix and all prior submissions into a single administrative record for Docket 03RA-25-R3 and transmit the complete record to USDOT OCR for concurrent enforcement review under the 2011 EPA–DOT–HUD Title VI MOU.

Respectfully submitted¹.

(b) (6) Privacy, (b) (7)(C) Enf. Privacy

¹ These three submissions are true and correct to the best of my knowledge and belief. I certify that all attached exhibits are authentic copies of records submitted or publicly available.

(b) (6) Privacy, (b) (7)(C) Enf. Privacy

I. Chronology of Linked Events

Date	Action	Agency	Effect
June 27 2025	Denial of Saddle Ridge & Dobson Farms (APFO failure)	Planning Board	Proper enforcement of adequacy standards.
July 8 2025	Adoption of CR-80-2025	County Council	Retroactively waived police-response standards in majority-Black District VII.
July 10 2025	Adoption of Saddle Ridge/Dobson Farms	Planning Board	
July 18 2025	Approval of Holcim-Mar SE-22007	M-NCPPC / MDE	Expanded industrial operations in a non-attainment zone without notice.
Aug 19 2025	Final approvals of Saddle Ridge & Dobson Farms	Planning Board	Implemented CR-80 waiver; ignored pending storm-water violations.
Aug 25 2025	EJ Score Manipulation Letter to MDE	(b) (6) Privacy (b) (7)(C) Enf. Privacy	Invoked Title VI rights; no response received.
Oct 14 2025	EPA Acknowledgment of Complaint 03RA-25-R3	EPA OCRA	Federal jurisdiction accepted.

II. Aggregate Mining and Holcim Permit Violations

Facility	Permit No.	Violation	Status
Holcim Brandywine Plant	MDR000389	NPDES exceedances (TSS/turbidity)	Ongoing 2022-2024
Aggregate Wash Plant	05-DP-3131 / 14-HT-0230	Unpermitted discharge & wetland bypass	Unresolved
Holcim-Mar SE-22007	MDR000389	Dust/runoff exceedances	No enforcement action

MDE's repeated inaction confirms systemic regulatory failure within EPA's jurisdiction