

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

Via Email & Certified Mail

Date: November 5, 2025

To:

U.S. Department of Justice
Civil Rights Division – Federal Coordination and Compliance Section
950 Pennsylvania Ave NW, Bldg 1425
Washington, DC 20530
Email: FCS.TitleVI@usdoj.gov

And

U.S. Department of Transportation
Federal Highway Administration – Office of Civil Rights
Environmental Justice Coordination Division
1200 New Jersey Ave SE
Washington, DC 20590
Email: FHWA.TitleVI@dot.gov | CC: FHWA.EJ@dot.gov

Re: Federal Coordination Request — EPA Complaint No. 03RA-25-R3
Title VI Civil Rights & Discriminatory Land-Use / Infrastructure Enforcement

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Dear Section Chief and Coordinator,

Pursuant to **Title VI of the Civil Rights Act of 1964** (42 U.S.C. § 2000d), **28 C.F.R. § 42.107(b)**, and **49 C.F.R. § 21.11**, we request **formal federal coordination** between DOJ (FCS) and USDOT (FHWA OCR) regarding the above-referenced complaint currently under **EPA Region III jurisdictional review**.

We are requesting interagency coordination because the **civil rights violations at issue are not incidental — they are systemic and ongoing**.

They arise from **coordinated policy decisions** across land use, permitting, public safety, and infrastructure siting that **systematically disadvantage majority-Black communities** in Southern Prince George's County.

These harms are **not historical**. They are **present, active, and escalating**, which triggers **continuing violation jurisdiction** under **40 C.F.R. § 7.35(b)** and requires federal intervention.

We further request that the review be **expanded** to include the **Maryland Public Service Commission's PC74 fast-track siting process**, which bypasses the public engagement and cumulative-impact safeguards required under the **2016 EPA Title VI Informal Resolution Agreement (IRA)**.

I. Coordinated Pattern of Discriminatory Decision-Making

A. Prince George's County / District Council

- Adopted **CR-80-2025** and **CB-29-2025** waiving APFO police-response standards.
 - **CB-92-2025**, Public Hearing Date 11/18/2025; Introduction **CB-105-2025**, and **CB-106-2025**, permitting project approvals before environmental, transportation, or geotechnical review.
- **Result:** Accelerated growth + declining public safety concentrated in **majority-Black census tracts**.

B. M-NCPPC Planning Board

- Eliminated **walk-in** public testimony (Oct. 1, 2025).
- Replaced public engagement with developer-controlled “outreach,” coordinated through lobbyists. This leans towards producing manufactured consensus in hearings such as Saddle Ridge (PPS 4-24013) and Dobson Farms (PPS 4-24014).
- **Maryland-National Capital Park & Planning Commission (M-NCPPC)** – procedural exclusion of community meaningful participation. Approvals for **Saddle Ridge (PPS 4-24013)** and **Dobson Farms (PPS 4-24014)**; initially denied received preferential approvals based on CR-8-2025 discriminatory override of AFPO.
→ **Result: Gatekeeping + procedural exclusion, violating Title VI and FHWA EJ Order 6640.23A.**

C. Maryland Department of the Environment (MDE)

- Withheld environmental monitoring data; inconsistently enforced permits; and **downgraded EJ-risk scores** during increased industrial load. In violation of our 2019 IRA.
- **Failed to conduct cumulative-impact review** required under the **2016 EPA IRA**.
- **Maryland Department of the Environment (MDE)** – systemic failure to enforce environmental permits, manipulation of EJ-Screen data, and suppression of public notice on coal-ash contamination in the **Mattawoman Creek** watershed; new heavy industrial waste facility no community input.
→ **Result: Increased cumulative exposure + reduced transparency, a continuing violation** under **40 C.F.R. § 7.35(b).**

D. Maryland Public Service Commission (PSC)

- **PC74 fast-track siting** advances high-capacity generation infrastructure **prior to public input**, without cumulative-impact analysis. This conflicts with the 2016 EPA Title VI IRA, and the COMAR protections adopted to implement it. The Next Generation Energy Act (SB 937 / HB 1035) signed into law on May 20, 2025, created the solicitation process enabling expedited CPCN approvals without meaningful public participation. (PSC Notice: PC-PC74 Convening).
(https://www.psc.state.md.us/wp-content/uploads/Notice_DispenSol_ConveningPC-PC74.pdf)
→ **Result: Stacked environmental and infrastructure burden in the same majority-Black communities, in direct conflict with IRA protections.**

II. Continuing Civil Rights Violation and IRA Violation

- 1.) **Maryland Public Service Commission (PSC) — IRA / COMAR**
- 2.) **Maryland Department of the Environment (MDE) — IRA / COMAR**

Following the **2016 EPA Title VI Informal Resolution Agreement**, Maryland codified nondiscrimination and meaningful public participation requirements in environmental decision-making through **COMAR 26.01.01.01–.04** and required **cumulative public-health and environmental impact review** through the coordinated **PPRP / CPCN process** under **COMAR 26.03.03** and **COMAR 20.79.01–.04**.

The **Maryland Public Service Commission’s PC74 expedited CPCN process**, authorized under the **Next Generation Energy Act (SB 937 / HB 1035)**, bypasses these IRA-linked **COMAR** protections by:

- Allowing **pre-selection** of energy infrastructure projects before public notice,
- **Reducing or eliminating** comment and objection periods,
- Advancing CPCN eligibility **before cumulative-impact review**, and
- Structurally **preventing affected communities from influencing siting decisions.**

This creates a **direct and ongoing conflict** with Maryland’s **COMAR-mandated IRA obligations**, resulting in a **continuing Title VI violation** under **40 C.F.R. § 7.35(b)** because the **same majority-Black communities** are being subjected to **increased industrial and infrastructure burden without lawful mitigation or public participation.**

Because the **disparities and associated permitting actions are ongoing**, this matter is a **continuing violation**, not a past one. Therefore, **EPA jurisdiction remains active and cannot be closed.**

III. Requested Federal Action

A. Joint Title VI Compliance Review

EPA Region III + DOJ FCS + USDOT FHWA OCR.

B. Immediate Interim Protections

- Restore **walk-in and hybrid public testimony** at all Planning Board hearings.
- Reinstate **APFO police adequacy standards** pending review.

C. Federally-Reviewed Mitigation & Equity Implementation Plan

- Police-service restoration benchmarks
- Cumulative exposure and public-health risk assessment
- Community-coauthored monitoring and quarterly reporting

D. Five-Year Federal Oversight

With quarterly public transparency reports.

IV. Closing

The relief sought is **corrective, not adversarial**.

It seeks to restore **lawful governance, public accountability, and equal participation** where these rights have been systematically withdrawn.

The affected communities are **majority-Black, majority long-term residents**, represented by **public servants elected by the people**, and therefore **entitled to direct meaningful participation and involvement in decisions affecting their health, safety, land use, and daily living conditions**.

Federal civil rights law does **not** permit these decisions to be **delegated to private developers, lobbyists, or intermediaries** who are not accountable to the public.

We request **acknowledgment of receipt** and identification of the **lead coordination agency**.

We remain available for briefing at any time.

Respectfully submitted,

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cc:

Bianca Garcia & Nell Cormack, EPA ECRD