



OFFICE OF EXTERNAL CIVIL RIGHTS COMPLIANCE

WASHINGTON, D.C. 20460

July 12, 2024

In Reply Refer to:

EPA Complaint Nos. 02RNO-24-R3 and 03RNO-24-R3

Brandon M. Scott
Mayor
City of Baltimore
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Khalil Zaied
Director
Baltimore City Department of Public Works
City Hall Room 250
100 North Holliday Street
Baltimore, MD 21202
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RE: Acceptance of Administrative Complaint

Dear Mayor Scott and Director Zaied:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Environmental Justice & External Civil Rights, Office of External Civil Rights Compliance (OECRC), is accepting for investigation the administrative complaint (Complaint) involving the City of Baltimore (City) and the Baltimore City Department of Public Works (DPW), which was received by the EPA on May 29, 2024. The Complaint alleges that the City and DPW discriminated against the Black and Hispanic communities of Cherry Hill, Mt. Winans, Brooklyn, Lakeland, West Port, and Curtis Bay (hereinafter "the communities") on the basis of race and national origin in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000(d) *et seq.*, and EPA's nondiscrimination regulation, at 40

C.F.R. Part 7. Specifically, the Complaint alleges that the City and DPW discriminated against the communities by adopting and subsequently implementing the 2024-2033 10-year Solid Waste Management Plan (SWMP).

Pursuant to EPA's nondiscrimination regulation, EPA's OECRC conducts a preliminary review of administrative complaints to determine acceptance, rejection, or referral to the appropriate Federal agency. See 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in EPA's nondiscrimination regulation. First, the complaint must be in writing. See 40 C.F.R. § 7.120(b)(1). Second, it must describe an alleged discriminatory act that, if true, may violate the EPA's nondiscrimination regulation (*i.e.*, an alleged discriminatory act based on race, color, national origin, sex, age, or disability). *Id.* Third, it must be filed within 180 days of the alleged discriminatory act. See 40 C.F.R. § 7.120(b)(2). Finally, the complaint must be filed against an applicant for, or recipient of, EPA financial assistance that allegedly committed the discriminatory act. See 40 C.F.R. § 7.15.

After careful consideration, OECRC is accepting EPA Complaint No. 02RNO-23-R3 for investigation because the Complaint meets OECRC's four jurisdictional requirements.¹ First, the Complaint is in writing. Second, it alleges a discriminatory act that, if true, may violate Title VI and EPA's nondiscrimination regulation. Third, the Complaint was filed within 180 days of the allegedly discriminatory act.² Finally, the City, including its departments, is a recipient of EPA financial assistance.

Accordingly, OECRC will investigate the following issue:

- (1) Whether the adoption and implementation of the 2024-2033 10-year Solid Waste Management Plan by the City of Baltimore and the Baltimore City Department of Public Works denies benefits to, or subjects to discrimination, residents of the communities of Cherry Hill, Mt. Winans, Brooklyn, Lakeland, West Port, and Curtis Bay, on the basis of race and national origin in violation of Title VI of the Civil Rights Act of 1964, 42 USC § 2000(d) et seq., and EPA's nondiscrimination regulation, 40 C.F.R. Part 7.

¹ As described in Section 1.3 of the Case Resolution Manual (CRM), OECRC may consolidate multiple complaints that raise substantially identical allegations against the same entity. Complainants filed a complaint containing allegations involving the City (02RNO-24-R3) and DPW (03RNO-24-R3), which OECRC acknowledged directly to those offices on June 4, 2024. Through evaluation of the complaint, OECRC has determined that the City is the primary recipient of federal financial assistance and exercises administrative and budgetary control over DPW. Accordingly, OECRC will proceed to investigate the allegations against both the City and DPW under a consolidated case using Complaint No. 02RNO-24-R3 as the file number. OECRC has administratively closed Complaint No. 03RNO-24-R3 as of the date of this letter.

² The allegations are timely because May 27, 2024, which is 180 days from the date the City adopted the SWMP on November 29, 2023, was a holiday.

EPA's nondiscrimination regulation prohibits applicants, recipients, and other persons from intimidating, threatening, coercing, or engaging in other discriminatory conduct against anyone because they have either taken action or participated in an action to secure rights protected by the civil rights requirements that we enforce. *See* 40 C.F.R. § 7.100. Any individual alleging such retaliation or intimidation may file a complaint with OECRC.

If you have any questions, please contact me at (202) 564-3357, or by email at wilson.adam@epa.gov. You may also contact Nell Cormack, Case Manager, at (202) 565-2242, or by email at cormack.nell@epa.gov, or Megan Cunningham, Special Advisor for Implementation, by email at cunningham.megan@epa.gov.

Sincerely,

Adam Wilson
Acting Deputy Director
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Office of Environmental Justice &
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cc: Ariadne Goerke
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