



OFFICE OF EXTERNAL CIVIL RIGHTS COMPLIANCE

WASHINGTON, D.C. 20460

November 5, 2024

In Reply Refer To:

EPA Case No. 05X-24-R3

Dawit Abraham, P.E.
Director
Department of Permitting, Inspection & Enforcement
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RE: Rejection of Administrative Complaint

Dear Director Abraham:

This letter serves to notify you that the U.S. Environmental Protection Agency (EPA), Office of Environmental Justice and External Civil Rights, Office of External Civil Rights Compliance (OECRC) is rejecting the referenced complaint against Prince George's County's Department of Permitting, Inspections, and Enforcement (DPIE), which the EPA received on August 14, 2024. The complaint alleges that DPIE discriminated against the complainant on the basis of race and disability, in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000(d) et seq., Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794 (Section 504), and EPA's nondiscrimination regulation, at 40 C.F.R. Part 7. Specifically, the complaint alleges that DPIE ignored the complainant and failed to enforce noise abatement guidelines according to the state of Maryland, Federal Highway Administration, and the Environmental Protection Agency. For the reasons described below, OECRC is rejecting the complaint and administratively closing this matter as of the date of this letter.

Pursuant to EPA's nondiscrimination regulation, 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 EPA's nondiscrimination regulation (i.e., an alleged discriminatory act based on race, color, national origin, sex, age, or disability). *Id.* Third, it must

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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.

In general, OECRC will accept, reject, or refer a complaint after considering jurisdictional factors discussed above. However, if OECRC obtains information leading OECRC to conclude that an investigation is unjustified for prudential reasons, OECRC may reject the complaint.¹

After careful consideration, OECRC is rejecting the complaint for investigation because it does not satisfy the jurisdictional requirements. The alleged discriminatory actions that DPIE took did not occur within 180 days of filing this complaint. As such, the complaint does not meet the timeliness requirement. Therefore, OECRC is rejecting the complaint for investigation and closing this matter as of the date of this letter.

EPA's regulation prohibits applicants, recipients, and other persons from intimidating, threatening, coercing, or engaging in other discriminatory conduct against anyone because they have either acted 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 harassment or intimidation may file a complaint with OECRC.

If you have any questions, please feel free to contact me by telephone at (202) 564-8796 or by email at hoang.anhthu@epa.gov.

Sincerely,



Anhthu Hoang
Acting Director
Office of External Civil Rights Compliance
Office of Environmental Justice and External Civil Rights

cc: Ariadne Goerke
Deputy Associate General Counsel
U.S. EPA Civil Rights & Finance Law Office

Catherine A. Libertz
Deputy Civil Rights Official
Deputy Regional Administrator
U.S. EPA Region 3

¹ See Case Resolution Manual, Section 1.8, pp. 10-11 at https://www.epa.gov/sites/default/files/2021-01/documents/2021.1.5_final_case_resolution_manual_.pdf.

Director Dawit Abraham, P.E

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