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Title VI of the Civil Rights Act/Maryland Power Plant: U.S. Environmental Protection Agency/Department of Transportation Acceptance for Investigation of Administrative Complaint

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The United States Department of Transportation and United States Environmental Protection Agency (collectively "DOT") sent a June 14th letter to Earthjustice in response to a complaint filed by the organization alleging violations of Title VI of the Civil Rights Act of 1964 ("Title VI") by the Maryland Public Service Commission, Maryland Department of the Environment, and Maryland Department of Natural Resources ("collectively MD&R").

Earthjustice had alleged Title VI violations in a May 11th letter to the federal agencies in regards to MDR's issuance of a Certificate of Public Convenience and Necessity ("CPCN") to Mattawoman Energy, LLC for the construction of a nominally-rated 990 megawatt natural gas-fired power plant in Brandywine, Maryland.

Earthjustice alleged the construction of the power plant will be in a predominantly black community and constitute an unjustified disproportionate adverse impact on the basis of race in violation of Title VI.

Title VI prohibits entities receiving federal financial assistance from engaging in activities that subject individual discrimination on the basis of race, color, or national origin. Earthjustice further stated that MD&R received financial assistance from DOT and are therefore subject to Title VI's prohibition against discrimination. Providing a CPCN for the power plant was alleged to overburden the population from a pollution standpoint.

DOT notes that the Department of Transportation and Environmental Protection Agency's Offices of Civil Rights conduct preliminary reviews of administrative complaints received for acceptance, rejection, or referral to the appropriate agency. The agencies determined that the complaint meets the jurisdictional requirements of both agencies and will be jointly investigated.

DOT states that the investigation will focus on:

1. Whether the process and decision to issue a Certificate of Public Convenience and Necessity ("CPCN") to Mattawoman Energy, LLC for the construction of a natural gas-fired power plant in

Brandywine, Maryland discriminated on the basis of race, color, or national origin in violation of Title VI; and

2. Whether the public engagement process prior to the decision to issue a CPCN discriminated on the basis of race, color, or national origin, in violation of Title VI.

The federal agencies note that the decision to investigate the above-referenced issues does not constitute a decision on the merits of the complaint.

[A copy of the June 14th letter can be downloaded here.](#)