UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 23 2013

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested
Certified Mail#: 7001-2510-0003-0941-0856

In Reply Refer To:
EPA File No: 07R-12-R4

Omega Wilson
President/Project Manager
West End Revitalization Association
206 Moore Road
Mebane, NC 27302-0661

Re: Rejection of Administrative Complaint

Dear Mr. Wilson:

This is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), has rejected your complaint received on April 3, 2012. Your complaint generally alleged that the North Carolina Department of Environmental and Natural Resources (DENR) violated Title VI of the Civil Rights Act of 1964, as amended (Title VI), 42 U.S.C. §§ 2000 *et seq.,* and EPA's nondiscrimination regulations found at (40 CFR part 7).

Pursuant to EPA's nondiscrimination regulations, OCR conducts a preliminary review of complaints to determine acceptance, rejection, or referral. (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 regulations. First, it must be in writing. Second, it must describe an alleged discriminatory act that, if true, would violate EPA's nondiscrimination regulations (*i.e.*, an alleged discriminatory act based on race, color, national origin, age, sex, or disability). Third, it must be filed within 180 days of the alleged discriminatory act. Finally, the complaint must be filed against an applicant for, or recipient of, EPA assistance that allegedly committed the discriminatory act. (40 C.F.R. Part 7.15).

Your complaint, addressed to EPA and 10 additional federal agencies, notes that your "major concerns" are that the DRAFT of North Carolina Oil and Gas Study under Session Law 2011-276 states that, "DENR recognizes that questions remain about health impacts" and that the authors of the study acknowledge that "to [their] knowledge, no comprehensive studies are currently available on the long-term impacts to health from hydraulic fracturing for natural gas, and DENR is not qualified to conduct such a study…These limitations carry over into the assessment of both potential economic and environmental impacts." [1] In addition, you request that: (1) DENR fully incorporates Title VI into the proposed DRAFT North Carolina Oil and

[1] Title VI Complaint, EPA File No. 07R-10-R4, (April 3, 2012).

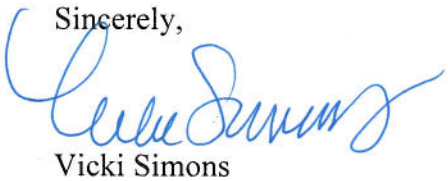
Gas Study and (2) that Region 4 not renew the North Carolina Memorandum of Agreement (MOA) on primacy for the Underground Injection Control (UIC) Program for all classes of injection wells. According to the complaint, because the MOA has yet to be signed by the EPA, "the UIC necessary for gas and oil hydraulic fracturing remains under the authority and control of the EPA with interagency review and coordination with 17 other branches of the Federal government."[2]

On September 20, 2012, October 5, 2012, and February 19, 2013, OCR sought clarification requesting that you describe specific discriminatory acts and the dates of these acts. However, your responses failed to describe an alleged discriminatory act that occurred within 180 days of filing your complaint.

After careful review, OCR is rejecting your complaint for investigation because it does not meet the jurisdictional requirements described in EPA's nondiscrimination regulations. As stated in the jurisdictional requirements, the complaint must describe an alleged discriminatory act that, if true, may violate EPA's nondiscrimination regulations (*i.e.*, an alleged discriminatory act based on race, color, national origin, sex, age, or disability). Your complaint does not allege a discriminatory act that is based on race, color, national origin, sex, age or disability that occurred within 180 days of filing your complaint. Therefore, OCR must reject the allegations in your complaint.

If you have any questions regarding the rejection of this complaint, please contact me at (202) 564-0792, via e-mail at wooden-aguilar.helena@epa.gov, or via mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460.

Sincerely,



Vicki Simons
Acting Director

cc: Steve G. Pressman, Associate General Counsel
Civil Rights and Finance Law Office (2399A)

John. E. Skvarla, III
Secretary
North Carolina Department of the Environment and Natural Resources
1601 Mail Service Center
Raleigh, NC 27699-1628

Joe Rich
Lawyers' Committee for Civil Rights Under Law

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[2] *Id.* at 8.

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