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

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

November 1, 2017

In Reply Refer to:
EPA No: 11U-16-R4

Personal Matters / Ex. 6

Re: Rejection and Referral of Administrative Complaint

Dear Personal Matters / Ex. 6

On February 4, 2016, the U.S. Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECRCO) received a complaint alleging that you and your daughter had been harmed by contaminated well water at your home in North Carolina. Because your complaint was submitted to ECRCO it was evaluated to determine whether you had alleged a violation of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, or one of the other civil rights statutes ECRCO enforces as implemented by the EPA's nondiscrimination regulation (*see* 40 C.F.R. Part 7, Subpart C). ECRCO has determined that it cannot accept this administrative complaint for investigation because it does not meet the jurisdictional requirements described in EPA's nondiscrimination regulation.

Pursuant to EPA's nondiscrimination regulation, ECRCO 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 the 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, the ECRCO has determined that it must reject this complaint for investigation because Duke Power company, against which the complaint would have been filed, is not a recipient of, or an applicant for, EPA funding. In addition, the complaint does not state that the allegedly discriminatory act giving rise to the complaint was based on race, color,

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national origin, sex, age or disability. Accordingly, the ECRCO is closing this case as of the date of this letter.

The EPA would, however, like to speak to you about the problems you are having with your well water. Below you will find the name of an individual working in our Atlanta office who may be able to suggest possible strategies for resolving your situation. If you wish to discuss the safety of your well water with an EPA official, please call:

Robert Olive
Grants and Drinking Water Protection Branch
U.S. EPA, Region 4
61 Forsyth Street, SW
Atlanta, GA 30303
Phone: 404-562-9423.
Email: Olive.Robert@epa.gov

We are sorry that we are unable to assist you. If you have any questions about this letter, please contact Debra McGhee, Team Lead, at (202) 564-4646, by e-mail at mcghee.debra@epa.gov or by mail at U.S. EPA, Office of General Counsel, External Civil Rights Compliance Office, Mail Code 2310A, 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460.

Sincerely,

Dale Rhines
Deputy Director
External Civil Rights Compliance Office
Office of General Counsel

cc: Kenneth Redden
Acting Associate General Counsel
Civil Rights & Finance Law Office

Kenneth LaPierre
Assistant Regional Administrator
Deputy Civil Rights Official
US EPA Region IV