UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

April 3, 2017

RETURN RECEIPT REQUESTED
Certificate No.: 7015 0640 0006 0305 7138
Nichole McWhorter
Coordination & Compliance Program Manager
Federal Highway Administration
U.S. Department of Transportation
1200 New Jersey Avenue, S.E.
Eighth Floor E81-105
Washington, D.C. 20590

In Reply Refer To:
EPA File No: 14R-14-R4

Re: Referral of Administrative Correspondence

Dear Ms. McWhorter:

On September 18, 2014, the U.S. Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECRCO), formerly known as the Office of Civil Rights (OCR), received a complaint from Mr. Omega Wilson, on behalf of West End Revitalization Association (WERA). The complaint, which also was addressed to the U.S. Department of Transportation, alleges that the North Carolina Department of Transportation (NCDOT) has not taken preventive measures regarding the spread of "arsenic and lead contaminants throughout an 85% low-income African American community," and that this violates Title VI of the Civil Rights Act of 1964 (as amended, 42 U.S.C. 2000d et seq., and the EPA's nondiscrimination regulation found at 40 C.F.R. Part 7.) As NCDOT is not a recipient of, or applicant for, EPA financial assistance, ECRCO lacks jurisdiction over this matter and has closed this complaint as of the date of this letter.

Based on telephone conversations between Samuel Peterson, ECRCO Case Manager, and Kevin Ressler, National Title VI Coordinator for the U.S. Department of Transportation Federal Highway Administration (FHWA), it is ECRCO's understanding that FHWA may have jurisdiction over the matters alleged in the complaint. Accordingly, we are referring this matter to your office for appropriate action. A copy of ECRCO's Closure Letter to Mr. Wilson and a copy of his original complaint are enclosed. We have notified Mr. Wilson that his complaint has been forwarded to FHWA for appropriate action and have provided him your contact information.

If you have any questions regarding this letter, please contact Samuel Peterson at (202) 564-5393, peterson.samuel@EPA.gov, or by mail at the U.S. EPA External Civil Rights Compliance Office (MC 2310A), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460-1000.

Sincerely,

Lilian S. Dorka, Director
External Civil Rights Compliance Office
EPA Office of General Counsel

Enclosures

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

Vickie Tellis
Acting Assistant Regional Administrator
Acting Deputy Civil Rights Official
EPA Region 4