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

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

November 1, 2017

**Return Receipt Requested**
Certified Mail #: (b) (6) - Privacy

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

Julie S. Janson
Executive Vice President
Chief Legal Officer and Corporate Secretary

David B. Fountain
State President – North Carolina
Duke Energy Corporation
101 Claude Freeman Dr. 225N
Charlotte, North Carolina, 28262

**Re: Rejection and Referral of Administrative Complaint**

Dear Ms. Janson and Mr. Fountain:

On February 4, 2016, the U.S. Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECRCO) received a complaint alleging that an individual and her daughter had been harmed by contaminated well water at their home in North Carolina. Because the complaint was submitted to ECRCO it was evaluated to determine whether the complainant had alleged a violation of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act, 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 allege that the allegedly discriminatory act giving rise to the complaint was based on race, color, 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 the complainant about the problems she is having with her well water. We have provided the complainant with the name of an individual working in our Atlanta office who might be able to suggest possible strategies for resolving the situation. The writer was told that she might contact Robert Olive to discuss the safety of her well water at:

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

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