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

JUN 20 2013

OFFICE OF
CIVIL RIGHTS

Return Receipt Requested
Certified Mail#: 7009-2820-0002-1759-0790

In Reply Refer to:
EPA File No.: 13R-07-R4

Craig Benedict
Director
Orange County Planning and Inspections Department
131 W. Margaret Lane
P.O. Box 8181
Hillsborough, NC 27278-2547

Re: Acceptance of Administrative Complaint

Dear Director Benedict:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) is accepting the administrative complaint filed against the Orange County Planning and Inspections Department (OCPID) received by EPA on April 18, 2011. The complaint generally alleges that OCPID has violated Title VI of the Civil Rights Act of 1964, as amended (Title VI), 42 U.S.C. §§ 2000d *et seq.*, and EPA's nondiscrimination regulations found at 40 C.F.R Part 7.

Pursuant to EPA's nondiscrimination administrative regulations, OCR conducts a preliminary review of administrative complaints for acceptance, rejection, or referral to another federal agency. 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. 40 C.F.R. §7.120(b)(1). Second, it must allege discriminatory acts that would violate EPA's nondiscrimination regulations, such as an intentionally discriminatory act or a policy with discriminatory effects based on race, color, national origin, sex, age or disability. *Id.* Third, it must be received within 180 calendar days of the alleged discriminatory act. 40 C.F.R. §7.120(b)(2). Finally, it must be filed against an applicant for, or a recipient of, EPA financial assistance that committed the alleged discriminatory act. 40 C.F.R. § 7.15. Acceptance of a complaint indicates that the allegation meets these criteria and does not reflect on the merits or validity of the allegation.

Since its receipt of the claims, EPA has communicated with the complainant to obtain additional information, to focus the scope of its evaluation, and to assess the suitability of the case for alternative dispute resolution. In light of this information and

the jurisdictional requirements described above, OCR accepts the following allegation for investigation:

(1) OCPID intentionally discriminated on the basis of race by denying water and sewer service to the African American residents of the Rogers Road community.

This allegation meets EPA's jurisdictional requirements. OCPID is a recipient of EPA financial assistance through EPA grant # XP - 95456411-0, which is a $1,348,400 grant to provide sanitary sewer service to the Efland and Buckhorn communities awarded December 16, 2010. Complainants allege discriminatory acts. Specifically, the complainants allege that OCPID is complicit in Orange Water and Sewer Authority's (OWASA) discriminatory denial of service and that Orange County's failure to apply for grants to fund sewer extensions to Rogers Road similar to those grants received by Buckhorn and Efland is evidence of intentional discrimination. Complainants made this allegation within 180 days of the award date of the grant.

If you have questions regarding this letter, please contact Jerett Yan of the OCR External Compliance Program at (202) 564-3113, via electronic mail at yan.jerett@epa.gov, or by mail at U.S. EPA, Office of Civil Rights, (Mail Code 1201A), 1200 Pennsylvania Avenue, NW, Washington, DC, 20460-1000.

Sincerely,

Vicki Simons
Acting Director

cc: Stephen Pressman, Associate General Counsel
Civil Rights & Finance Law Office (MC 2399A)

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