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

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

September 11, 2019

Return Receipt Requested
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In Reply Refer to:
EPA Complaint No.: 13R-07-R4

Mr. John Roberts
Orange County Attorney
Post Office Box 8181
200 South Cameron Street
Hillsborough, NC 27278

Re: Resolution and Closure, EPA Complaint No. 13R-07-R4

Dear Mr. Roberts:

This letter is to inform you that the U.S. Environmental Protection Agency's (EPA) External Civil Rights Compliance Office (ECRCO) is closing, as of the date of this letter, Complaint No. 13R-07-R4 as it relates to Orange County, NC (hereinafter, "the County"). The complaint against the County was added to a similar complaint which had been filed against the Orange Water and Sewer Authority (OWASA).[1] ECRCO will address the issues relating to OWASA by separate letter.

ECRCO is responsible for enforcing Title VI of the Civil Rights Act of 1964, (Title VI), the other federal civil rights laws, and EPA's implementing regulation found at 40 C.F.R. Parts 5 and 7, which prohibit discrimination on the basis of race, color, national origin (including limited English proficiency) disability, sex and age in any program or activity receiving financial assistance from the EPA. Orange County receives financial assistance from EPA and, therefore, must ensure nondiscrimination in programs and activities pursuant to the provisions of Title VI, the other civil rights laws, and EPA's implementing regulation.

[1]The complaint filed against OWASA was accepted for investigation on November 23, 2009, and alleged discrimination on the basis of disability, age and race.

This complaint was filed by the Rogers Eubanks Neighborhood Association[2]. On June 20, 2013, EPA's Office of Civil Rights[3] accepted for investigation the following issue:

> Whether the Orange County Planning and Inspections Department (OCPID) intentionally discriminated on the basis of race by denying water and sewer service to the African American residents of the Rogers Road community.

ECRCO is administratively closing the subject complaint because the allegation originally raised in the complaint and accepted for investigation is now moot and there are no systemic issues for investigation. The complainants alleged that the lack of public water and sewer services to the predominantly African American community of Rogers Road was discriminatory. ECRCO has confirmed that by use of multiple interlocal agreements, to which Orange County is a party, an extension project to provide water and sewer services to the Rogers Road community has been completed and put into service as of June 27, 2019.[4] ECRCO has further confirmed that per the interlocal agreements, OWASA is bound to provide service to Rogers Road community residents who connect their homes to the extension.[5] Accordingly, as the allegation originally raised in this complaint is now moot, complaint No. 13R-07-R4 is closed as of the date of this letter.

As is ECRCO's current practice during an investigation, ECRCO also reviewed publicly available information and documents supplied by the County to determine whether the County's non-discrimination program contained the required policies, plans and procedures to allow it to comply with applicable civil rights statutes and EPA implementing regulation. ECRCO then provided the County with technical assistance as to the policies, plans and procedures that required additional development. ECRCO acknowledges and appreciates the County's diligence in developing a nondiscrimination program, including a grievance process, identification of a nondiscrimination coordinator, a complaint form and a public participation plan. ECRCO recognizes that the County already makes available some services for persons with limited English proficiency and persons with disabilities, and that the County is committed to developing plans for effective and meaningful access for persons with limited English proficiency and persons with disabilities. ECRCO looks forward to continuing to work collaboratively with the County to further develop its nondiscrimination program.

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[2] The complaint was initially filed with the U.S. Department of Justice and subsequently referred to multiple federal agencies, including EPA.

[3] At the time of the complaint filing, responsibility for enforcement of the civil rights obligations of EPA funding recipients was assigned to the Office of Civil Rights (OCR). In December 2016 this responsibility was assigned to the External Civil Rights Compliance Office in the Office of General Counsel.

[4] Orange County confirmed this date in an email to ECRCO, sent July 25, 2019. *See* email from Allison Spinelli, OWASA, to John Roberts, July 25, 2019, "[EXTERNAL MAIL!] RE: RR sewer" – "…we put the sewer in service on 6/27/19 when we received notice back from the state that they had accepted our certification of the plans and construction documents as built."

[5] *See* Letter from Robert Epting to the Board of Directors of OWASA, dated May 19, 2017, forwarding the revised Interlocal Agreement. "The intent of this Third Phase of the Interlocal Agreement is to describe the terms and conditions upon which OWASA will accept, transfer, and treat wastewater being generated from the Project Area, to accept the owners and tenants of those properties served as OWASA customers, to charge and collect from those customers OWASA's regular rates as applicable to all other customers." *See also* Interlocal Agreement.

We appreciate your and Annette Moore's cooperation in this matter. If you have any questions, please feel free to contact Dale Rhines, ECRCO's Deputy Director at 202-564-4174, by email at rhines.dale@epa.gov or by U.S. mail at U.S. EPA, Office of General Counsel (Mail Code 2310A), 1200 Pennsylvania Avenue, N.W., Washington, D.C., 20460.

Sincerely,

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

cc: Angelia Talbert-Duarte
Deputy Associate General Counsel
Civil Rights & Finance Law Office

Beverly Banister
Acting Deputy Regional Administrator
Deputy Civil Rights Official
U.S. EPA Region 4

Leif Palmer
Regional Counsel
U.S. EPA Region 4

Penny Rich
Chair
Orange County Board of County Commissioners