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

SEP. -7 2011

OFFICE OF CIVIL RIGHTS

Return Receipt Requested
Certified Mail# 7004-2510-0004-2241-5117

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

Mr. Peter H. Gilbert
Community Inclusion Attorney-Fellow
UNC Center for Civil Rights
101 E. Weaver Street
CB# 3382
Chapel Hill, NC 27599-3382

Re: Rejection of Allegations against Carrboro and Chapel Hill

Dear Mr. Gilbert:

This letter is in response to your request to amend Complaint No. 13R-07-R4. On July 3, 2007, Reverend Robert L. Campbell filed a Complaint with the U.S. Department of Justice (DOJ) related to water and sewer services in the Rogers Road/Eubanks Road Community. DOJ referred the Complaint to the U.S Environmental Protection Agency (EPA) Office of Civil Rights (OCR) and other relevant federal agencies. The complaint was received by EPA's OCR on October 4, 2007.

On April 18, 2011, OCR received your request to amend Reverend Campbell's complaint filed against Orange County, North Carolina, the Town of Carrboro and Town of Chapel Hill ("entities"). With respect to the Towns of Carrboro and Chapel Hill ("entities"), you allege that they have 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 implementing Title VI, found at 40 C.F.R. Part 7, by continuing to deny water and sewer services to the Roger Road/Eubanks Road Community. You also asserted that the entities excluded your clients as beneficiaries of the EPA grants under § 319 of the Clean Water Act (CWA). Section 319 addresses the need for greater federal leadership to help focus state and local nonpoint source efforts. Under Section 319, states, territories and tribes receive grant money that supports a wide variety of activities including technical assistance, financial assistance, education, training, technology transfer, demonstration projects and monitoring to assess the success of specific nonpoint source implementation projects.

Pursuant to EPA's nondiscrimination regulations, OCR conducts a preliminary review of discrimination complaints to determine acceptance, rejection, or referral. 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. Second, it must describe an alleged discriminatory act that, if true, may violate EPA's nondiscrimination regulations (*i.e.*, an alleged discriminatory act based on race, color, national origin, sex, age, or disability). Third, it must be filed within 180 calendar days of the alleged discriminatory act. Finally, the complaint must be filed against an applicant for, or a recipient of, EPA financial assistance that allegedly committed the discriminatory act. 40 C.F.R. § 7.15. (A copy of EPA's nondiscrimination regulations is enclosed for your convenience).

This letter is to inform you that after careful consideration OCR cannot amend the complaint to include the additional allegations regarding the Towns of Carrboro and Chapel Hill for investigation because they do not meet all of the jurisdictional requirements described in EPA's nondiscrimination regulations. Although, the Towns of Carrboro and Chapel Hill receive EPA financial assistance, the amended complaint did not describe any new discriminatory acts that occurred within 180 days of filing. OCR is still reviewing the information you submitted in your amended complaint related to Orange County.

If you have any questions about this dismissal, please contact Anthony Napoli of the OCR External Civil Rights Program via Federal Relay Service 866-377-8642, and provide the relay operator his telephone number 202-564-0728. He may also be reached via electronic mail at napoli.anthony@epa.gov, or by mail at: U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Ave., N.W., Washington, D.C., 20460-1000.

Sincerely,

Rafael DeLeon

Rafael DeLeon
Director

Enclosure

cc: Stephen G. Pressman, Associate General Counsel
Civil Rights and Finance Law Office (2399A)

Naima Halim-Chestnut, EEO Officer
Region 4

Mark Chilton, Mayor
Town of Carrboro
Town Hall
301 W. Main St.
Carrboro, NC 27510-2029

Mark Kleinschmidt, Mayor
Town of Chapel Hill
Chapel Hill Town Hall
405 Martin Luther King, Jr. Blvd.
Chapel Hill, NC 27514-5705