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

February 20, 2015

OFFICE OF CIVIL RIGHTS

Return Receipt Requested
Certified Mail#: 7006-3450-0003-3868-5417

In Reply Refer to:
EPA File No. 11R-14-R4

Marianne Engleman Lado
and Jocelyn D'Ambrosio
Earthjustice
48 Wall Street, 19th Floor
New York, New York 10005

Re: Notification of Acceptance of Administrative Complaint

Dear Ms. Lado and Ms. D'Ambrosio:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), is accepting your September 3, 2014, administrative complaint, 11R-14-R4, filed against the North Carolina Department of Environment and Natural Resources (DENR). The complaint generally alleges that DENR violated Title VI of the Civil Rights Act of 1964, as amended, 42 United States Code 2000d *et seq.*, and the EPA's nondiscrimination regulations found at 40 Code of Federal Regulations (C.F.R.) Part 7.

Pursuant to the EPA's nondiscrimination regulations, OCR conducts a preliminary review of administrative complaints for acceptance, rejection, or referral to the appropriate agency. *See* 40 C.F.R. §7.120(d)(1). OCR accepts for investigation complaints that meet the four jurisdictional requirements described in the EPA's nondiscrimination regulations. First, the complaint must be in writing. *See* 40 C.F.R. §7.120(b)(1). Second, the complaint must describe an alleged discriminatory act that, if true, may violate the EPA's nondiscrimination regulations (*e.g.*, an alleged discriminatory act based on race, color, national origin, sex, age, or disability). *Id.* Third, the complaint must be filed within 180 calendar days of the alleged act. *See* 40 C.F.R. §7.120(b)(2). Finally, the complaint must be against an applicant for, or a recipient of, EPA financial assistance that allegedly committed the discriminatory act. *See* 40 C.F.R. §7.15.

After careful consideration, the EPA is accepting the following allegation for investigation:

- North Carolina DENR's regulation of swine feeding operations discriminates against African Americans, Latinos, and Native Americans on the basis of race and national origin in neighboring counties and violates Title VI and EPA's implementing regulations.

This allegation is accepted for investigation because it meets the EPA's four jurisdictional requirements. First, the complaint is in writing. Second, the complaint describes an alleged discriminatory act that may violate the EPA's nondiscrimination regulations. Third, the alleged discriminatory act occurred within 180 days of the filing of the complaint. And finally, the complaint was filed against North Carolina DENR, an applicant for, or recipient of, EPA financial assistance. This acceptance in no way amounts to a decision on the merits. EPA will begin its process to gather the relevant information, discuss the matter further with the recipients and determine next steps utilizing its internal procedures.

Your complaint also raises an allegation related to North Carolina DENR's failure to enforce its regulatory and/or statutory requirements for swine farms; however, the complaint does not provide enough information to complete the review needed to determine whether OCR can investigate the allegation. Therefore, please provide OCR with the date on which the alleged discriminatory act(s) occurred and describe an alleged discriminatory act that, if true, may violate the EPA's nondiscrimination regulations. A date must be provided to determine whether the allegation meets EPA's requirement for timeliness. Please provide the requested information within twenty (20) days of your receipt of this letter. If this information is not provided within the referenced period, OCR will not accept the allegation for investigation.

If you have any questions about the information that OCR is requesting, please feel free to contact Helena Wooden-Aguilar, Assistant Director, External Civil Rights Program at (202) 564-0792, by e-mail at wooden-aguilar.helena@epa.gov, or U.S. mail at U.S. EPA, Office of Civil Rights, (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460-1000.

The EPA's nondiscrimination regulations provide that OCR will attempt to resolve complaints informally whenever possible. 40 C.F.R. §7.120(d)(2). Accordingly, OCR is willing to discuss, at any point during the process, offers to informally resolve the complaint, and may, to the extent appropriate, facilitate an informal resolution process with the involvement of affected stakeholders, including alternative dispute resolution (ADR) as described at http://www.epa.gov\civilrights\faq-adrt6.htm. We will be contacting both you and representatives of North Carolina DENR in the near future to discuss your potential interest in pursuing ADR.

If you have any other questions, please do not hesitate to contact us.

Sincerely,

Velveta Golightly-Howell
Director