



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

SEP 28 2012

OFFICE OF  
CIVIL RIGHTS

**Return Receipt Requested**

Certified Mail#: 7004-2510-0004-2241-5490

**In Reply Refer to:**

EPA File No.: 23R-10-R4

Mr. Omega Wilson  
President/Project Manager  
West End Revitalization Association  
206 Moore Road  
Mebane, NC 27302-0661

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

Dear Mr. Wilson:

This is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR) has rejected some of your allegations for investigation and will refer the remaining allegations to the U.S. Department of Housing and Urban Development (HUD) and the U.S. Federal Highway Administration (FHWA). EPA received your complaint from the U.S. Department of Justice on November 23, 2010, alleging that the City of Mebane, North Carolina Department of Transportation, Alamance County, and Orange County 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.<sup>1</sup> After careful consideration, OCR has rejected some of your allegations and will refer the remaining allegations to HUD for further processing.

Pursuant to EPA's nondiscrimination regulations, OCR conducts a preliminary review of the complaint 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 proven true, may violate EPA's nondiscrimination regulations (*i.e.*, an alleged discriminatory act based on race, color, national origin, sex or disability). Third, it must be filed within 180 calendar days of the alleged discriminatory act. Finally, it must be filed against a recipient of EPA financial assistance that committed the alleged discriminatory act. After careful consideration, OCR rejects your allegations regarding the City of Mebane, Alamance County, and Orange County for untimeliness. EPA is referring the remaining allegations to HUD and to FHWA for further processing.

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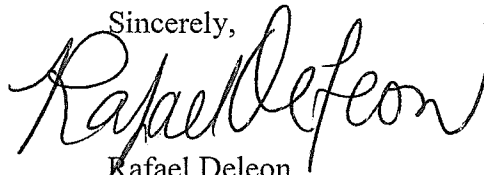
<sup>1</sup> On April 1, 1999, EPA received a Title VI complaint from the West End Revitalization Association (WERA), against the City of Mebane, North Carolina. On August 1, 1999, the complaint was rejected for investigation because it did not meet EPA's jurisdictional criteria.

In your complaint you generally allege that the actions of the City of Mebane, Alamance County, and Orange County are discriminatory and you allege that low-income and African American residents of the West End, White Level, Buckhorn and Perry Hill communities suffer from access to basic amenities, resulting in a number of adverse impacts, including unsafe drinking water, exposure to fecal coliform and E.coli, well water contaminated by arsenic, and inadequate sewer services. OCR sent a letter dated January 20, 2011, requesting that you describe specific discriminatory acts and the dates of these acts. However, in your response, you fail to describe any alleged discriminatory acts that occurred within 180 days of filing your complaint. Therefore, OCR rejects these allegations as untimely.

In addition, you allege that "Buckhorn and Perry Hill communities of Orange County [have been] targeted for elimination by a mega-mall and major business/industrial development, [and] have also been redlined out of the city of Mebane." It appears that this allegation raised in the complaint may be properly addressed by HUD; therefore, EPA is referring this complaint to their office for review and action. A copy of the letter to HUD is enclosed with this correspondence. The contact office at HUD for the referral of this allegation is, Ms. Betsy Ryan, U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity, 451 Seventh Street, S.W., Washington, DC, 20410 at (202)708-1455.

Finally, your complaint alleges that as recently as September 2010 (and continuing into 2011) WERA was excluded from meaningful public participation in planning activities regarding the construction of a North Carolina highway relocation of NC 119 Bypass. This allegation may be properly addressed by FHWA; therefore, EPA is referring this allegation to their office for review and action. A copy of the letter to FHWA is enclosed with this correspondence. The contact office at FHWA for the referral of this allegation is Mr. Darren Brown, Director, Investigation and Adjudication, Federal Highway Administration, U.S. Department of Transportation, Office of Civil Rights, 1200 New Jersey Avenue, SE, 8<sup>th</sup> Floor, E81-330, Washington, DC, 20590 at (202) 366-0693

If you have any questions, please contact Samuel Peterson of the OCR, External Compliance Program, by telephone at (202) 564-5393, via e-mail at [peterson.samuel@epa.gov](mailto:peterson.samuel@epa.gov), or by mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, DC, 20460-1000.

Sincerely,  
  
Rafael Deleon  
Director

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

Naima Halim-Chestnut, Title VI Contact  
Region 4