



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

SEP 11 2006

OFFICE OF
CIVIL RIGHTS

RETURN RECEIPT REQUESTED

Certified Mail #7003 2260 0005 1961 1971

In Reply Refer to:

EPA File No. 01R-06-R4

Omega R. Wilson, President
West End Revitalization Association
P.O. Box 661-206 Moore Street
Mebane, NC 27302-0661

Re: REJECTION OF ADMINISTRATIVE COMPLAINT

Dear Mr. Wilson:

This letter is in response to your administrative complaint filed with the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR). Your complaint received by EPA on April 17, 2006, alleges that the North Carolina Department of Transportation (NCDOT) violated Title VI of the Civil Rights Act of 1964, as amended (Title VI), 42 U.S.C. § 2000d *et seq.*, and EPA's regulations implementing Title VI found at 40 C.F.R. Part 7. Specifically, your complaint alleges that NCDOT has not actively pursued construction in the grading, widening, and paving of Allen Baynes Road in Mebane, North Carolina, and that NCDOT continuously delayed the Draft Environmental Impact Statement (DEIS) for NC 119 highway bypass project (TIP Project U-3109). OCR has reviewed your complaint and must reject it since it does not meet EPA's jurisdictional requirements for acceptance.

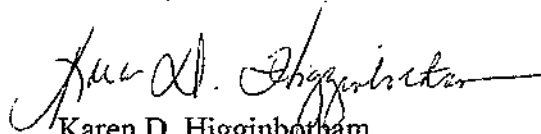
Pursuant to EPA's nondiscrimination regulations, OCR conducts a preliminary review of discrimination complaints for acceptance, rejection, or referral. 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in EPA's Part 7 regulations. First, it must be in writing. Second, it must describe an alleged discriminatory act that, if true, would violate EPA's nondiscrimination regulations (*i.e.*, an alleged discriminatory act based on race, color, or national origin). Third, it must be filed within 180 days of the alleged discriminatory act. 40 C.F.R. § 7.120(b). Finally, the complaint must be filed against an applicant for, or recipient of, EPA 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.)

As stated above, a complaint must be filed against an applicant for, or a recipient of, EPA assistance that allegedly committed the discriminatory act. According to the information submitted with your complaint, the alleged discriminatory acts were committed by NCDOT. NCDOT is not an applicant for, or a recipient of, EPA financial assistance, therefore, OCR cannot accept your complaint for investigation.

Your complaint referenced a U.S. Department of Transportation (USDOT) complaint number (USDOT #99-021). USDOT may provide assistance to NCDOT, and may be able to address your complaint.

If you have any questions regarding this letter, please contact Yasmin Yorker, Assistant Director of the OCR External Compliance Program, at (202) 343-9682, via electronic mail at Yorker.Yasmin@epa.gov, or by mail at: U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460-1000.

Sincerely,



Karen D. Higginbotham
Director

Enclosure

cc: Lyndo Tippet, Secretary of Transportation (w/o enclosure)
North Carolina Department of Transportation
1501 Mail Service Center
Raleigh, NC 27699-1501

Nancy Tommello, Title VI Coordinator (w/o enclosure)
EPA Region 4

Stephen G. Pressman, Associate General Counsel (w/o enclosure)
Civil Rights Law Office (MC 2399A)