



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

NOV 21 2007

OFFICE OF
CIVIL RIGHTS

RETURN RECEIPT REQUESTED

Certified Mail# 7004-2510-0004-2241-8347

IN REPLY REFER TO:

EPA File No. 09R-06-R4



RE: REJECTION OF ADMINISTRATIVE COMPLAINT



On July 20, 2007, the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) sought clarification to your administrative complaint regarding an alleged discriminatory siting decision by the Western Wake Partners (WWP). OCR received your response on August 15, 2007. This is to notify you that after careful review, OCR is rejecting your administrative complaint.

In the clarification letter, OCR requested the date WWP made the siting decision about the sewage treatment plant, and a description of how you were discriminated against (e.g., the basis of your discrimination complaint).

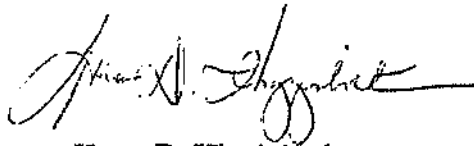
Your August 15, 2007, response to our inquiry about the siting decision date stated that WWP was responding to the North Carolina Division of Water Quality inquiries in October 2006 about the New Hill site, as well as 12 other sites, which "seems to indicate the site selection was still under analysis." OCR agrees. Once a final decision has been made on the location of this sewage treatment plant, any discriminatory-related concerns about its location would then be "ripe" for consideration and could be raised by an appropriate party at that time. Since the sewage treatment plant siting decision-making process is not yet complete, your complaint about the location of the sewage treatment plant is premature.

Additionally, while your response stated that race was the basis for your discrimination complaint, you did not explain how you were personally impacted by the alleged discriminatory action of the WWP. Your complaint only discusses impacts to a nearby African American community. EPA's nondiscrimination regulations require a complaint to be filed by a person who believes he has been discriminated against, or by an authorized representative. Because your complaint does neither, OCR will not accept it. Since your allegation does not meet the

jurisdictional requirements in EPA's nondiscrimination regulations, the complaint will not be accepted for investigation.

If you have any questions, please contact Thomas Walker, of OCR's External Compliance Program, by telephone at (202) 343-9680, via e-mail at walker.tom@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,

A handwritten signature in black ink, appearing to read "Karen D. Higginbotham", with a long horizontal flourish extending to the right.

Karen D. Higginbotham
Director

cc: Nancy Tommelleo, Title VI Coordinator
EPA Region 4

Stephen G. Pressman, Associate General Counsel
Civil Rights & Financial Law Office (MC 2399A)