



OFFICE OF EXTERNAL CIVIL RIGHTS COMPLIANCE

WASHINGTON, D.C. 20460

June 10, 2025

In Reply Refer To:

EPA Complaint No. 05RNO-23-R4

John D. Solomon, Chair
North Carolina Environmental Management Commission
512 North Salisbury Street
Raleigh, NC 27604
jd.solomonemc@deq.nc.gov

RE: Rejection of Administrative Complaint

Dear Chair Solomon:

This letter serves to notify you that the U.S. Environmental Protection Agency (EPA), Office of External Civil Rights Compliance (OECRC) is rejecting the referenced complaint directed to the North Carolina Environmental Management Commission (EMC)¹ and the North Carolina Department of Environmental Quality (DEQ), which the EPA received on April 21, 2023. The complaint alleges that DEQ² discriminated against Robeson, Duplin, and Sampson counties residents by failing to adequately regulate the dry litter poultry industry across North Carolina on the basis of race and national origin in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000(d) *et seq.*, and EPA's nondiscrimination regulation, at 40 C.F.R. Part 7. Specifically, the complaint alleges DEQ failed to implement a comprehensive and effective permitting regime for dry litter poultry facilities resulting in a systemic violation of Title VI. For the reasons described below, OECRC is rejecting the complaint and administratively closing this matter as of the date of this letter.

Pursuant to EPA's nondiscrimination regulation, OECRC conducts a preliminary review of administrative complaints to determine acceptance, rejection, or referral to the appropriate Federal agency. See 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must

¹ EMC is a 15-member commission appointed by the Governor, the Senate Pro Tempore, the Speaker of the House and Commissioner of Agriculture. The Commission is responsible for adopting rules for the protection, preservation, and enhancement of the state's air and water resources. The Commission oversees and adopts rules for several divisions of the Department of Environmental Quality, including the Divisions of Air Quality, Land Resources, Waste Management and Water Resources. See <https://www.deq.nc.gov/about/divisions/water-resources/water-resources-commissions/environmental-management-commission>.

² This complaint refers to both EMC and DEQ collectively as DEQ.

meet the jurisdictional requirements described in EPA's nondiscrimination regulation. First, the complaint must be in writing. *See* 40 C.F.R. § 7.120(b)(1). Second, it must describe an alleged discriminatory act that, if true, may violate EPA's nondiscrimination regulation (*i.e.*, an alleged discriminatory act based on race, color, national origin, sex, age, or disability). *Id.* Third, it must be filed within 180 days of the alleged discriminatory act. *See* 40 C.F.R. § 7.120(b)(2). Finally, the complaint must be filed against an applicant for, or recipient of, EPA financial assistance that allegedly committed the discriminatory act. *See* 40 C.F.R. § 7.15.

In general, OECRC will accept, reject, or refer a complaint after considering the jurisdictional factors discussed above. However, if OECRC obtains information leading OECRC to conclude that an investigation is unjustified for prudential reasons, OECRC may reject the complaint.³

After careful consideration, OECRC is rejecting the complaint for investigation because it does not satisfy the jurisdictional requirements. The alleged discriminatory actions that DEQ took, as described in the complaint and supplemental documentation provided, did not occur within 180 days of filing this complaint and a waiver of the 180-day requirement is not warranted.⁴ As such, the complaint does not meet the timeliness requirement. In light of the foregoing, and in consideration of the efficient use of EPA resources, OECRC has determined that further consideration and investigation of this Complaint is not warranted.⁵ Therefore, OECRC is rejecting the complaint for investigation and closing this matter as of the date of this letter.

EPA's regulation prohibits applicants, recipients, and other persons from intimidating, threatening, coercing, or engaging in other discriminatory conduct against anyone because they have either acted or participated in an action to secure rights protected by the civil rights requirements that we enforce. *See* 40 C.F.R. § 7.100. Any individual alleging such harassment or intimidation may file a complaint with OECRC. If you have any questions, please contact Senior Advisor Kurt Temple by email at temple.kurt@epa.gov.

Sincerely,

Susan Park
Deputy Assistant Administrator
Office of Environmental Justice and External Civil Rights

cc: Jeaneanne Gettle

³ *See* Case Resolution Manual, Section 1.9, pp. 14-15, at https://www.epa.gov/system/files/documents/2025-01/case-resolution-manual-update_final_jan-2025.pdf.

⁴ DEQ readopted the O2T Regulations in 2018. Complaint, 18.

⁵ *See* Case Resolution Manual, Section 1.9, https://www.epa.gov/system/files/documents/2025-01/caseresolution-manual-update_final_jan-2025.pdf ("OECRC may consider, in its discretion, whether accepting the complaint for investigation would be an appropriate use of resources, considering factors including but not limited to the significance of the allegations and strength of evidence presented.").

John D. Solomon, Chair

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