



OFFICE OF CIVIL RIGHTS AND ADJUDICATION

WASHINGTON, D.C. 20460

December 29, 2025

Walter Rabon, Commissioner
Jeff Cown, Director
Georgia Department of Natural Resources
2 Martin Luther King, Jr. Drive, SE
Suite 1252, East Tower
Atlanta, GA 30334
Via email:
Walter.rabon@dnr.ga.gov
Jeff.cown@dnr.ga.gov

Re: Dismissal of EPA Complaint No. 03R-22-R4

Dear Commissioner Rabon and Director Cown:

This letter is to advise you that the U.S. Environmental Protection Agency (EPA), Office of Civil Rights and Adjudication (OCRA), External Civil Rights Division (ECRD) is dismissing EPA Complaint No. 03R-22-R4 involving the Georgia Department of Natural Resources (GDNR), Environmental Protection Division (EPD). The amended Complaint alleged that EPD discriminated against Black residents of Nob Hill in Conyers, Georgia in violation of Title VI of the Civil Rights Act of 1964, 42 U.S.C §§ 2000d to 2000d-7 (Title VI) and EPA's nondiscrimination regulation at 40 Code of Federal Regulations (C.F.R.) Part 7.

ECRD investigated three claims.

The first claim related to a failure by EPD to provide appropriate oversight over Rockdale County (Rockdale; the provider of wastewater services, including sewer services to residents of Conyers). As a result, Complainants alleged a failure to address alleged frequent sanitary sewer overflow (SSO) events and local development actions that affected the quality of nearby surface and drinking water resources of Black residents. The second claim related to alleged retaliation and intimidation against one of the Complainants in violation of 40 C.F.R. § 7.100.

ECRD finds insufficient evidence to establish either claim.

The third claim related to procedural safeguards. ECRD provided technical assistance regarding procedural safeguards and has concluded that the procedural safeguards comport with legal requirements.

I. Complaint Background and Summary of Conclusions

On October 8, 2021, ECRD received correspondence from Complainants that alleged discrimination by the City of Conyers and Rockdale County. Specifically, Complainants alleged discrimination in taking certain actions with the annexation and rezoning of county property near the Nob Hill community and failing to appropriately address frequent SSO events and local development actions that exacerbated the quality of nearby surface and drinking water resources of Black residents.

On January 24, 2022, Complainants amended their complaint to add claims, including retaliation, against GDNR. ECRD assigned the complaint against the City of Conyers EPA Complaint No. 01R-22-R4; the complaint against Rockdale County EPA Complaint No. 02R-22-R4; and the complaint against GDNR EPA Complaint No. 03R-22-R4.

On July 6, 2022, ECRD rejected and referred EPA Complaint No. 01R-22-R4. On February 13, 2025, EPA and Rockdale entered into an informal resolution agreement (IRA). Therefore, this findings letter relates to the remaining complaint, EPA Complaint No. 03R-22-R4.

On August 12, 2022, ECRD accepted the instant complaint for investigation pursuant to Title VI and EPA's implementing regulation at 40 C.F.R. Parts 5 and 7. ECRD investigated three claims:

1. Whether EPD discriminated against Nob Hill community residents on the basis of race (Black) in violation of Title VI of Civil Rights Act of 1964 and EPA's implementing regulation at 40 C.F.R. Part 7 when conducting its Clean Water Act and Safe Drinking Water Act programs and activities;
2. Whether EPD retaliated against and/or intimidated a Complainant for filing the complaint in violation of 40 C.F.R. § 7.100; and
3. Whether EPD's procedural safeguards comply with 40 C.F.R. Parts 5 and 7.¹

On August 16, 2022, EPD informed ECRD that GDNR had forwarded ECRD's acceptance letter to EPD due to EPD's independent authority to administer the Clean Water Act, the Safe Drinking Water Act, and parallel state statutes. All subsequent ECRD communication involving GDNR as related to this complaint will be addressed as EPD.

¹ ECRD has revised the statement of claims in this letter to clarify the scope of its investigation consistent with applicable Federal civil rights statutes, regulations, and Executive Orders.

On September 2, 2022, EPD agreed to engage in the IRA process. On September 30, 2022, ECRD informed EPD that, pursuant to 40 C.F.R. § 7.115(c)(1), it was tolling the 180-day timeframe for issuing preliminary findings during the IRA process as of September 2, 2022.

Over the ensuing months, and to inform the terms of an IRA, ECRD gathered facts. On April 25, 2023, ECRD sent EPD and GDNR a Request for Information (RFI), which EPD responded to on June 23, 2023. From August 14-17, 2023, ECRD conducted a site visit to Conyers, Georgia. ECRD also reviewed EPD's regulations, relevant Georgia laws, and EPD's publicly available documents regarding its enforcement of wastewater management system violations. Furthermore, ECRD consulted with EPA wastewater and stormwater experts.

ECRD's factfinding revealed, as stated above, that there was insufficient evidence of discrimination with respect to Claims 1 and 2. Regarding Claim 3, ECRD redirected its processing of the complaint and provided technical assistance to EPD as a more appropriate alternative to a resolution through the IRA process. ECRD now provides its rationale for its decisions.

II. Legal Standard

Federal civil rights laws and EPA's Title VI implementing regulation prohibit recipients from intentionally discriminating in their programs and activities based on race, color, or national origin, disability, sex, or age. Pursuant to 40 C.F.R. §7.35 (a), "a recipient shall not on the basis of race, color, or national origin provide a person any service, aid, or other benefit that is different, or is provided differently from that provided to others under the program or activity."

A claim of intentional discrimination under Title VI alleges that a recipient intentionally treated individuals differently or otherwise knowingly caused them harm because of their race, color, or national origin. Intentional discrimination requires a showing that a "challenged action was motivated by an intent to discriminate."² Evidence of bad faith, ill will, or any evil motive on the part of the [recipient] is not necessary.³

Evidence in a disparate treatment case must generally show that the recipient was not only aware of the complainant's protected status, but that the recipient acted, at least in part, because of the complainant's protected status.⁴ EPA must evaluate the "totality of the relevant facts" to determine whether intentional discrimination has occurred.⁵ EPA considers direct, circumstantial, and statistical evidence in making this determination.⁶

² *Elston v. Talladega Cty. Bd. of Educ.*, 997 F.2d 1394, 1406 (11th Cir. 1993).

³ *Williams v. City of Dothan*, 745 F.2d 1406, 14 14 (11th Cir. 1984).

⁴ *Doe ex rel. Doe v. Lower Merion Sch. Dist.*, 665 F.3d 524, 548 (3d Cir. 2011).

⁵ See *Washington v. Davis*, 426 U.S. 229, 242 (1976).

⁶ *Brenner v. Textron Aerostructures*, 874 S.W.2d 579 (Tenn. Ct. App. 1993).

III. Legal Analysis

A. The Evidence is Insufficient to Establish Race-Based Discrimination.

To reiterate, Complainants alleged race discrimination regarding EPD's responses to SSO events in Nob Hill between January 2015 and June 2023. ECRD obtained a list of all Rockdale County SSO events that occurred between that time.

ECRD then analyzed the relationship between the frequency of SSO events in each census block group and the racial demographics of that census block group. Third, ECRD reviewed the action EPD took in response to each SSO event.

The investigation uncovered no SSO events in the Nob Hill community. Therefore, ECRD must conclude that EPD could not have intentionally discriminated against the Nob Hill community regarding SSO events. Furthermore, there is no evidence that EPD failed to address any other local development actions that affected the quality of nearby surface and drinking water resources. Thus, ECRD must dismiss Claim 1.

B. The Evidence is Insufficient to Establish Retaliation.

EPA's nondiscrimination regulation at 40 C.F.R. § 7.100 provides in pertinent part the following “[n]o recipient [] shall intimidate, threaten, coerce, or discriminate against any individual [b]ecause the individual has filed a complaint under this part [] or has opposed any practice made unlawful by this regulation.”

Under Title VI, if EPA receives a claim of retaliation, ECRD must consider whether the evidence establishes the court-developed elements of the claim. The evidence must show that (1) an individual engaged in protected activity, such as filing a discrimination complaint or participating in a related proceeding under EPA's nondiscrimination regulations, of which the recipient was aware; (2) the recipient took a significantly adverse action against the individual that could deter a reasonable person from engaging in a protected activity; and (3) a causal connection exists between the individual's protected activity and the recipient's adverse action, showing that the adverse treatment was motivated, at least in part, by retaliatory intent.

Here, Complainants engaged in protected activity by filing a complaint. Next, one of the Complainants alleged that after filing the complaint, an individual suspected to be affiliated with EPD loitered in front of Complainants' home; photographed Complainant and the front entrance of Complainant's subdivision; and communicated with an environmental official to inquire about the Complainant.

For purposes of this findings letter, ECRD will presume that such conduct could significantly deter a reasonable person from engaging in a protected activity. However, ECRD was unable to determine that any EPD employee engaged in the specific activities alleged by the Complainant.

For example, the evidence does not establish that an EPD employee loitered in front of Complainant's home, photographed Complainant, or inquired about the Complainant to an environmental official. Accordingly, there is insufficient evidence that EPD retaliated or intimidated Complainant in violation of 40 C.F.R § 7.100. ECRD must dismiss Claim 2.

C. EPD's Procedural Safeguards Comport with the Law.

Title VI and 40 C.F.R. Part 7, Subpart D set forth the foundational elements of a recipient's nondiscrimination program. The regulation provides that recipients must have a notice of nondiscrimination in accordance with 40 C.F.R. § 7.95(a); grievance procedures that assure the prompt and fair resolution of discrimination complaints alleged under 40 C.F.R. § 7.90 (a); and a designated nondiscrimination coordinator to coordinate its efforts to comply with recipient civil rights obligations in accordance with 40 C.F.R. § 7.85(g) and 40 C.F.R. § 7.95(a).

ECRD reviewed EPD's procedural safeguards to ensure compliance with federal regulations. Additionally, ECRD reviewed EPD's programs, policies, and guidance regarding services to individuals with limited English proficiency and persons with disabilities, consistent with applicable Federal civil rights statutes, regulations, and Executive Orders.⁷ ECRD also reviewed EPD's public participation policy and process, which are critical to ensuring that environmental permitting programs comply with Title VI and its implementing regulations.

On July 10, 2025, ECRD noted some deficiencies in EPD's nondiscrimination program and provided technical assistance. ECRD now determines that, as of August 5, 2025, EPD's procedural safeguards are in compliance with Title VI and EPA's implementing regulations.

1. Notice of Nondiscrimination (Notice):

EPA's nondiscrimination regulation requires initial and continuing notice that the recipient does not discriminate on the basis of race, color, national origin, age, or disability in a program or activity receiving EPA assistance or, in programs covered by Section 13 of the Education Amendments, on the basis of sex. *See 40 C.F.R. § 7.95.* Notice must be posted in a prominent place in the recipient's offices or facilities and may also include its internal publications. *Id.*

EPD displays prominently its notice at all EPD reception desks.

Today, the most "prominent" location for posting a notice with the greatest public access is the recipient's website home page. EPD has a notice titled "Title VI Compliance" on its website.⁸

⁷ See Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000(d) (prohibiting discrimination on the basis of national origin); 40 C.F.R. §§ 7.45 – 7.75; Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794(a), (prohibiting disability discrimination in any programs or activities receiving federal financial assistance).

⁸ See Georgia Environmental Protection Division, *Title VI Compliance*, GA: <https://epd.georgia.gov/outreach/community-involvement/title-vi-compliance>. EPD may want to consider providing a link to its Title VI Compliance Notice on its homepage, so it is more easily accessible to the public.

2. Grievance Procedures:

EPA's nondiscrimination regulation requires each recipient with fifteen (15) or more full-time employees to adopt grievance procedures that assure prompt and fair resolution of complaints that allege violations of the federal regulation. *See 40 C.F.R. § 7.90(a).* ECRD reviewed EPD's applicable grievance procedures and found that they allow the public to file a grievance alleging discrimination on the bases of race, color, national origin, sex, age and disability.

Further, EPD posts its grievance procedures on its "Title VI Compliance" webpage, and it specifies that the nondiscrimination coordinator will meet with complainants within 15 calendar days of the filing of a grievance and respond in writing within 15 days of the meeting. ECRD has determined that the grievance procedures, on their face, fulfill the regulatory requirement of assuring a prompt and fair resolution of complaints that allege a violation of the regulation.⁹

3. Nondiscrimination Coordinator:

EPD is currently meeting the regulatory requirement to have a designated nondiscrimination coordinator. *See 40 C.F.R. § 7.85(g).* In addition, EPD identifies the coordinator as required by the regulation. *See 40 C.F.R. § 7.95.*

4. Limited English Proficiency (LEP):

EPD asserted it provides the following to assist persons who are LEP: an LEP Policy Statement; an English and Spanish-translated one-pager of its Language Access Plan (LAP) on EPD's website; an LEP Complaint Form; bilingual and multilingual staff members prepared to offer translation/ interpretations services; and language identification flashcards or iSpeak identification cards that are prominently displayed at each EPD reception desk.¹⁰

Additionally, EPD should consider renaming the webpage from "Title VI Compliance" to address its nondiscrimination compliance more broadly, such as "Nondiscrimination Compliance." ECRD also notes that EPD does not include retaliation and intimidation as one of the bases for filing a complaint. ECRD suggests that EPD consider revising to include, in accordance with 40 C.F.R. § 7.100, the following language: Environmental Protection Division (EPD) does not intimidate, threaten, coerce or retaliate against any individual or group because they have exercised their rights to participate in or oppose actions protected/prohibited by 40 C.F.R. Parts 5 and 7, or for the purpose of interfering with such rights.

⁹ ECRD does note the same matters it raised regarding the Notice of Discrimination and suggests considering amending accordingly. In addition, EPD's "Title VI Compliance" webpage does not provide a timeline for complaint resolutions. ECRD suggests that EPD implement specific requirements, such as timelines, to further demonstrate prompt and fair resolution of complaints. Finally, EPD should rename its grievance procedures because they apply to all nondiscrimination statutes covered by under 40 C.F.R. Parts 5 and 7, not just Title VI. For example, the grievance procedures apply to disability discrimination claims, which is not covered under Title VI. *See Georgia Environmental Protection Division, Title VI Compliance, GA: <https://epd.georgia.gov/outreach/community-involvement/title-vi-compliance>.* Both are required under federal regulation. *See 40 C.F.R. § 7.90(a).*

¹⁰ *See Georgia Environmental Protection Division, Limited English Proficiency, GA: <https://epd.georgia.gov/outreach/community-involvement/limited-english-proficiency>.*

EPD also stated that it provided staff training on the LAP and guidance on properly handling situations where interpretation or translation services are needed. EPD identified the process as follows: an EPD staff member receives a request for interpretation or translation services; staff member reports request to supervisor; and supervisor informs Branch Chief or Director of District Operations, who ensures that EPD provides assistance.

Further, EPD shared that in coordination with the Director of Legal Services and Deputy Director, the Director of Communications and Community Engagement uses a four-factor analysis, and procedures outlined in the LAP to assess language access needs. Finally, EPD provided ECRD a copy of its LAP, which included the four-factor analysis, that outlined EPD's assessment of language access needs, among other things.

EPD's LAP identified the languages most frequently spoken by LEP populations in Georgia, which included: 1. Spanish; 2. Chinese (including Mandarin); 3. Hindi and other Indian languages; 4. Arabic; and 5. Korean.

ECRD has reviewed all the language access and LEP-related information that EPD provided. In addition to what EPD provided, ECRD provided technical assistance to EPD on July 10, 2025, regarding language access.

Based on the aforementioned, ECRD concludes that EPD is generally in compliance. However, ECRD reminds EPD that the LEP population in Georgia is 5.5 percent, with 3.4 percent speaking Spanish. Therefore, EPD should at least consider translating its LAP, Notice, and Grievance Procedures into Spanish since it is the primary language spoken by its largest LEP population.¹¹

5. Individuals with Disabilities:

EPD does not have a Disability Access Plan (DAP), but GDNR does have a DAP and provides notice of its DAP on its website.¹² GDNR also provides, upon request, appropriate aids and services as well as reasonable modifications for individuals with a disability free of charge.¹³

¹¹ See U.S Census Bureau, *American Community Survey: Selected Social Characteristics in the United States-Georgia*, GA: 2022, <https://data.census.gov/table/ACSDP5Y2022.DP02?g=040XX00US13> U.S Census Bureau. See DP02: Selected Social Characteristics in the United States - Georgia. Also, ECRD notes GDNR does not have a LAP. EPD may want to share its LAP with GDNR to adopt and post on its website.

¹² See Georgia Department of Natural Resources, *Notice Under the Americans with Disabilities Act*, GA: <https://gadnr.org/ada>. GDNR's "Notice Under the Americans with Disabilities Act" webpage can be found through its homepage on a link labeled "Accessibility Info" at the bottom of the webpage. On the webpage, GDNR states that it will not discriminate against qualified individuals with disabilities on the bases of disability in its services, programs and activities in accordance with the requirements of Title II of the Americans with Disabilities Act of 1990 (ADA).

¹³ GDNR also offers a link to its "Wheelchairs and Other Power-Drive Mobility Devices (OPDMD) Policy Under the Americans with Disabilities Act"; a link to GDNR's "Special Use Permit"; a link to its "Effective Communication Policy"; a link to its "Effective Communication Request Form"; a link to its "Service Animal Policy"; and the contact information for its ADA Coordinator in its Grievance Procedures. See Georgia Department of Natural Resources,

ECRD suggests EPD adopt GDNR's DAP and follow its example, to further demonstrate compliance with 40 C.F.R. Part 7.

6. Public Participation:

ECRD has reviewed the Georgia Compiled Rules & Regulations, Rule 391-3-6-.26 to determine the State of Georgia's requirements for public participation as it pertains to public hearings, public access to information, and public comment periods for permit applications. ECRD reminds EPD of its obligation to ensure it does not discriminate in complying with said regulation.¹⁴

IV. Conclusion

Based on the foregoing, ECRD dismisses the complaint pursuant to 40 C.F.R. § 7.120(g). ECRD finds there is insufficient evidence that EPD discriminated against Complainants based on their race. ECRD also finds there is insufficient evidence that EPD retaliated against and/or intimidated Complainants in violation of 40 C.F.R. § 7.100 for filing a civil rights complaint.

With respect to the procedural safeguards required under 40 C.F.R. Parts 5 and 7, ECRD has determined that the claims raised in the complaint and uncovered during ECRD's fact finding have been resolved sufficiently to find EPD fulfills the minimum regulatory requirements. That said, ECRD has provided some suggestions to strengthen its procedural safeguards.

For the aforementioned reasons, ECRD does not find an Informal Resolution Agreement to be necessary at this time. This letter is limited in scope and applies solely to EPD and the specific program, activity, or part of EPD's operations from which the alleged discrimination applied.

Finally, EPD remains under a continuing obligation to comply fully with all applicable federal civil rights statutes and regulations. If you have any questions regarding this decision, please contact ECRD Case Manager Charity Johnson at (202) 564-4325 or at johnson.charity@epa.gov.

Wheelchairs and Other Power-Driven Mobility Devices Policy Under the Americans with Disabilities Act, GA: July 2016, https://gadnr.org/sites/default/files/dnr/pdf/OPDMD_Policy.pdf; Georgia Department of Natural Resources, Special Use Permit, GA: October 2016, https://gadnr.org/sites/default/files/dnr/pdf/Special_Use_Permit_10_2016.pdf; Georgia Department of Natural Resources, Effective Communication Policy Under the Americans with Disabilities Act, GA: December 2016, https://gadnr.org/sites/default/files/dnr/pdf/Effective_Communication_Policy_112916.pdf; Georgia Department of Natural Resources, Effective Communication Request Form, GA: January 2017, https://gadnr.org/sites/default/files/dnr/pdf/Effective_Communication_Request_Form_010417.pdf; Georgia Department of Natural Resources, Service Animal Policy Under the Americans with Disabilities Act, GA: July 2016, https://gadnr.org/sites/default/files/dnr/pdf/Service_Animal_Policy.pdf; Georgia Department of Natural Resources, Grievance Procedure-Americans with Disabilities Act, GA, <https://gadnr.org/adaGrievance>.

¹⁴ See U.S. Environmental Protection Agency, *Public Participation Guide: Tools to Inform the Public* (Washington, DC: GPO, 2025) <https://www.epa.gov/international-cooperation/public-participation-guide-tools-inform-public>.

Sincerely,

A handwritten signature in black ink that reads "Juan Carlos Hunt". The signature is fluid and cursive, with "Juan" and "Carlos" connected by a single stroke, and "Hunt" following in a similar style.

JuanCarlos M. Hunt, Director
Office of Civil Rights and Adjudication
U.S. Environmental Protection Agency

cc: Jeaneanne Gettle, Deputy Regional Administrator/Deputy Civil Rights Official
Suzanne Rubini, Acting Regional Counsel
U.S. EPA Region 4