



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

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

August 25, 2021

In Reply Refer To:

EPA Complaint No. 04R-21-R3

John Budesky
County Administrator
Hanover County
7516 County Complex Road
Hanover, VA 23069
ctyadm@hanovercounty.gov

Re: Rejection of Administrative Complaint

Dear Administrator Budesky:

This letter is to notify you that the Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECRCO), has completed its review of a complaint filed against the Hanover County, VA, and received by ECRCO on July 21, 2021. The complaint alleges that through the site review and approval process for the Wegmans Virginia Distribution Center, the Hanover County, Virginia discriminated against the Brown Grove community based on race in violation of Title VI of the Civil Rights Act of 1964 and EPA's nondiscrimination regulation, 40 C.F.R. Part 7. After careful consideration, ECRCO is rejecting this complaint and closing the complaint as of the date of this letter, as ECRCO does not have jurisdiction to investigate.

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

ECRCO has concluded that it cannot accept this complaint for investigation because it does not meet the jurisdictional requirements described in EPA's nondiscrimination regulation. ECRCO reviewed publicly available information and determined that Hanover County, VA, while previously a recipient of EPA financial assistance, was not a recipient of EPA financial assistance at the time of the acts alleged in the complaint and is not currently an applicant for, or recipient of EPA financial assistance. ECRCO therefore lacks jurisdiction to accept this complaint for investigation.

In light of the above, ECRCO is rejecting this complaint and closing this case as of the date of this letter. If you have questions about this letter, please contact Jeryl Covington, Case Manager, at (202) 564-7713, or by email at Covington.jeryl@epa.gov.

Sincerely,



Lilian S. Dorca, Director
External Civil Rights Compliance Office
Office of General Counsel

cc: Ariadne Goerke
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