



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D C. 20460

Office of Environmental Justice and External Civil Rights
Office of External Civil Rights Compliance

October 2, 2023

In Reply Refer To:

EPA Complaint No. 09R-23-R4

Eric Greenway
County Administrator
Beaufort County Administration Building - Robert Smalls Complex
100 Ribaut Road
Beaufort, SC 29902
Post Office Drawer 1228
Beaufort, SC 29901
Eric.Greenway@beaufortcountysc.gov

RE: Rejection With Prejudice of Administrative Complaint

Dear County Administrator Greenway:

On May 9, 2023, the U.S. Environmental Protection Agency (EPA), Office of External Civil Rights Compliance (OECRC) received an administrative complaint filed against the County of Beaufort, South Carolina (County). The Complaint alleges that the County discriminated against the Gullah Geechee community of St. Helena on the basis of race 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 claims that the County did not properly enforce the Cultural Protection Overlay (CPO) of County zoning standards because County officials are meeting with a developer who wants to advance a development plan that would violate the CPO.

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 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 an effort to clarify the Complaint and determine jurisdiction, OECRC conducted a Microsoft Teams call with the Complainant on May 18, 2023, to discuss the allegation raised, and examined the follow up information that the Complainant provided.

However, after careful consideration, OECRC is rejecting this complaint for investigation because it does not satisfy the jurisdictional requirements. The Complainant did not identify a discriminatory act that, if true, may violate the EPA's nondiscrimination regulation.

EPA's regulation prohibits applicants, recipients, and other persons from intimidating, threatening, coercing, or engaging in other discriminatory conduct against anyone because they either have taken action or participated in an action to secure rights protected by the civil rights requirements that we enforce. See 40 C.F.R. § 7.100.

If you have any questions, please contact me at (202) 809-3297 or hoang.anhthu@epa.gov.

Sincerely,

Anhthu Hoang
Acting Director
Office of External Civil Rights Compliance
Office of Environmental Justice and External Civil Rights

cc:

Ariadne Goerke
Deputy Associate General Counsel
Civil Rights & Finance Law Office

Jeananne Gettle
Acting Deputy Regional Administrator
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U.S. EPA Region 4

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Regional Counsel
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