



## OFFICE OF EXTERNAL CIVIL RIGHTS COMPLIANCE

WASHINGTON, D.C. 20460

October 30, 2023

**In Reply Refer to:**

EPA Complaint No. 07R-23-R4

Richard E. Dunn  
Director  
Environmental Protection Division  
Georgia Department of Natural Resources  
2 Martin Luther King Jr. Drive, SE  
14th Floor East Tower, Suite 1456  
Atlanta, GA 30334-9000  
richard.dunn@dnr.ga.gov

**Re: Rejection of Administrative Complaint**

Dear Director Dunn:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Environmental Justice and External Civil Rights Compliance, Office of External Civil Rights Compliance (OECRC) is rejecting your complaint, which was filed on April 28, 2023. The Complaint alleges that the Georgia Department of Natural Resources (DNR) discriminated against you on the basis of race in violation of Title VI of the Civil Rights Act of 1964 and EPA's implementing regulation at 40 C.F.R. Part 7. Specifically, the complaint claims that DNR failed to respond to the environmental complaints about alleged violations of the Clean Water Act (CWA) by developers of roadways near the Complainant's home because Complainant is Black.

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.

After careful consideration, OECRC is rejecting the against DNR because the complaint has not met the jurisdictional requirement under 40 C.F.R. Part 7, that complaints must describe a timely act in the complaint. Here, although the allegation that DNR failed to respond to Complainant's complaints because Complainant is Black, if true, may violate Title VI, the complaint does not provide any information about when Complainant made those complaints or when or how DNR failed to respond to any such complaint. On May 4, OECRC staff held a telephone interview with Complainant to clarify the factual allegations in the complaint. However, Complainant was unable to provide any further information in support of the complaint. Accordingly, OECRC is closing this matter as of the date of this letter.

Because the complaint raises potential environmental justice concerns with respect to the activities taking place near Complainant's home, OECRC is referring this matter to EPA Region 4's Strategic Programs Office for appropriate action. The Complainant may contact Brian Holtzclaw of the Region 4 Strategic Programs Office.

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 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. Any individual alleging such harassment or intimidation may file a complaint with OECRC.

If you have any questions, please contact me by telephone at (202) 809-3297 or by email at [hoang.anhthu@epa.gov](mailto: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

Carol Kemker  
Acting Deputy Regional Administrator  
Acting Deputy Civil Rights Official  
US EPA Region 4

Leif Palmer  
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