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Sent: Thursday, March 17, 2022 10:57 PM
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Subject: 3.17.22 Re: Complaint under Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, regarding the North Carolina Department of Environmental Quality's Issuance of Permit Number. 10693R00

(b)(6) Privacy

March 17, 2022

By Email and Certified Mail

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Re: Complaint under Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, regarding the North Carolina Department of Environmental Quality's Issuance of Permit Number. 10693R00

NC Division of Air Quality (DAQ)'s procedure has a discriminatory effect on the majority Black, disabled, elderly, and low-income citizens who will be negatively impacted by the Burlington North facility.

The EJ community, (b)(6) Privacy, (b)(7)(C) Enf. Privacy was only given two minutes to speak at their public hearing on September 20, 2021. The non-EJ community, Prospect Hill, was given three minutes to speak at their public hearing on September 21, 2021.

This discriminatory action and procedure, giving the EJ community less time than the non-EJ community, suppressed the EJ community's voice regarding the negative cumulative impacts that the project would have on their health and safety, and had a discriminatory effect on the EJ community. Title VI says in part, "This prohibition applies to intentional discrimination as well as to procedures, criteria or methods of administration that appear neutral but have a discriminatory effect on individuals..."

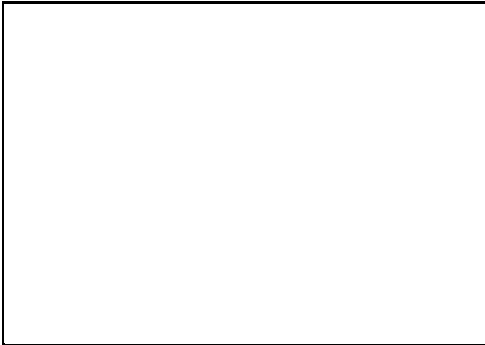
As a matter of fact, one of the citizens (b)(6) Privacy made the following comment during the September 21, 2021 Prospect Hill hearing, "And I want to add tonight, I want to point out that DAQ treated these two public hearings differently for oral comments. Last night's Burlington North facility hearing was restricted to two minutes. Tonight you're allowed three minutes. The Burlington North facility will significantly impact an environmental justice community. Thus, I must question the DAQ compliance with Title VI Civil Rights. DAQ must do better. Thank you."

Attached are the transcripts of the audio files of the September 20, 2021 (b)(6) Privacy the proposed Burlington North) Public Hearing and the September 21, 2021 Prospect Hill Public Hearing that we are submitting as evidence of the facts.

In conclusion, for the reasons written above, Complainants request that EPA accept this complaint for investigation, and upon a finding of disparate impact, bring DEQ into compliance with Title VI of the Civil Rights Act of 1964 and EPA's implementing regulations.

Thank you for your consideration of this matter. Should you have any questions or wish to discuss this matter further, please contact me at (b)(6) Privacy, (b)(7)(C) Enf. Privacy God Bless and Thank You.

(b)(6) Privacy, (b)(7)(C) Enf. Privacy



(b)(6) Privacy, (b)(7)(C) Enf. Privacy

Title VI prohibits discrimination on the basis of race, color, or national origin in any program or activity that receives Federal funds or other Federal financial assistance. Programs that receive Federal funds cannot distinguish among individuals on the basis of race, color or national origin, either directly or indirectly, in the types, quantity, quality or timeliness of program services, aids or benefits that they provide or the manner in which they provide them. This prohibition applies to intentional discrimination as well as to procedures, criteria or methods of administration that appear neutral but have a discriminatory effect on individuals because of their race, color, or national origin. Policies and practices that have such an effect must be eliminated unless a recipient can show that they were necessary to achieve a legitimate nondiscriminatory objective. Even if there is such a reason the practice cannot continue if there are alternatives that would achieve the same objectives but that would exclude fewer minorities. Persons with limited English proficiency must be afforded a meaningful opportunity to participate in programs that receive Federal funds. Policies and practices may not deny or have the effect of denying persons with limited English proficiency equal access to Federally-funded programs for which such persons qualify.

(b)(6) Privacy, (b)(7)(C) Enf. Privacy

