



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

OFFICE OF  
CIVIL RIGHTS

AUG 20 2015

**Return Receipt Requested**

Certified Mail#: (b)(6) Privacy, (b)(7)(C) Enf. Privacy

**In Reply Refer to:**

EPA File No. 13U-15-R4

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

Pamlico Correctional Institution

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

Bayboro, North Carolina 28515

**Re: Rejection and Referral of Administrative Complaint**

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

This letter is to notify you that the U.S. Environmental Protection Agency (EPA) Office of Civil Rights (OCR) is rejecting the administrative complaint that you filed against Pamlico Correctional Institution (Pamlico CI), received by the EPA on June 24, 2015. OCR is referring the complaint to the U.S. Department of Justice (DOJ). It generally alleges that Pamlico CI, which is operated by the North Carolina Department of Public Safety (NC DPS), violated indoor clean air statutes because dangerous air particles circulating the Pamlico CI are harming the inmates. This is not a discriminatory act.

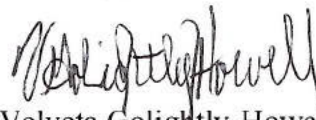
Pursuant to the EPA's nondiscrimination regulations, the OCR conducts a preliminary review of administrative complaints for acceptance, rejection, or referral. *See* 40 C.F.R. § 7.120(d)(1). To be accepted for investigation, a complaint must meet the jurisdictional requirements described in the EPA's nondiscrimination regulations. First, it 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 regulations (i.e., an alleged discriminatory act or policy with a discriminatory effect based on race, color, national origin, sex, age, or disability).. *Id.* Third, it must be received within 180 calendar days of the alleged discriminatory act. 40 C.F.R. § 7.120(b)(2). Finally, it must be filed against an applicant for, or a recipient of, EPA assistance that committed the alleged discriminatory act. 40 C.F.R. § 7.15.

Your allegation does not meet the EPA's jurisdictional requirements because neither Pamlico CI, nor the NC DPS are applicants for, or recipients of, EPA assistance. Additionally, the complaint does not allege a discriminatory act or policy based on race, color, national origin, sex, age or disability. As a result, the OCR is unable to accept your complaint.

However, because the U.S. Department of Justice (DOJ), Office of Civil Rights, Office of Justice Programs may have jurisdiction over the allegations in this complaint, this complaint is being referred to the DOJ to review and investigate as it deems appropriate. A copy of the letter to DOJ is enclosed with this correspondence. The contact at DOJ for the referral of this allegation is Michael Alston. Mr. Alston's contact information is U.S. Department of Justice, 810 Seventh Street N.W., Washington D.C., 20531, (202) 354-4380, askOCR@ojp.usdoj.gov.

If you have questions regarding this letter, please contact Jonathan Stein of the OCR External Compliance Program at (202) 564-2088, via electronic mail at [stein.jonathan@epa.gov](mailto:stein.jonathan@epa.gov), or by mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460.

Sincerely,



Velveta Golightly-Howell  
Director  
Office of Civil Rights

Enclosure

cc: Elise Packard  
Associate General Counsel, Civil Rights & Finance Law Office  
(MC 2399A)

Kenneth Lapierre  
Assistant Regional Administrator, U.S. EPA Region 4  
(MC 9T25)



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Certified Mail#: 7009 2820 0002 1759 1070

**In Reply Refer to:**

EPA File No. 13U-15-R4

Mr. Michael Alston  
Director, Office of Civil Rights  
Office of Justice Programs  
U.S. Department of Justice  
810 Seventh Street N.W.  
Washington, D.C. 20531-3718

**Re: Referral of Administrative Complaint**

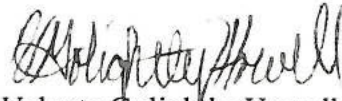
Dear Mr. Alston:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Civil Rights (OCR), is referring a complaint received June 24, 2015 from an inmate (Complainant) incarcerated at the Pamlico Correctional Institution (Pamlico CI), which is operated by the North Carolina Department of Public Safety (NC DPS). Complainant alleges various violations of environmental laws by Pamlico CI. However, since neither Pamlico CI nor NC DPS are applicants for, or recipients of, EPA financial assistance and Complainant does not allege a discriminatory act that may violate the EPA's nondiscrimination regulations, his complaint does not fall within the OCR's jurisdiction, and the EPA must reject it for investigation.

As the U.S. Department of Justice (DOJ) may have jurisdiction over the allegations presented in the subject complaint, the OCR is referring for appropriate action. We have notified Complainant that his complaint has been forwarded to the DOJ and provided your contact information. The complainant's letters are also enclosed.

If you have questions regarding this letter, please contact Jonathan Stein of the OCR External Compliance Program at (202) 564-2088, via electronic mail at [stein.jonathan@epa.gov](mailto:stein.jonathan@epa.gov), or by mail at U.S. EPA, Office of Civil Rights (Mail Code 1201A), 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460.

Sincerely,



Velveta Golightly-Howell  
Director, Office of Civil Rights

Enclosures (2)

cc: Elise Packard  
Associate General Counsel, Civil Rights & Finance Law Office  
(MC 2399A)

Kenneth Lapierre  
Assistant Regional Administrator, U.S. EPA Region 4  
(MC 9T25)

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