



OFFICE OF EXTERNAL CIVIL RIGHTS COMPLIANCE

WASHINGTON, D.C. 20460

April 29, 2025

In Reply Refer to:

EPA Complaint No. 11AD-24-R4

D. Reid Wilson
Secretary of Environment
North Carolina Department of Environmental Quality
217 W Jones St.
Raleigh, NC 27603
DEQSecretary@deq.nc.gov

Re: Rejection and Referral of Administrative Complaint

Dear Secretary Wilson:

This letter is to notify you that the U.S. Environmental Protection Agency's Office of External Civil Rights Compliance (OECRC) is rejecting and referring a complaint filed against the North Carolina Department of Environmental Quality (NCDEQ). The complaint, received by OECRC on June 26, 2024, solely alleged employment discrimination by NCDEQ based on age, race, religion, national origin, and causing medical disability from multiple incidents between April 2023 and June 2024. OECRC has determined that it is rejecting and referring this complaint to the U.S. Equal Employment Opportunity Commission (EEOC) Raleigh Area Office for appropriate action.

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 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.

After careful consideration, OECRC is rejecting the complaint for investigation and referring the complaint to the EEOC. The complaint alleges that certain NCDEQ personnel created a hostile work environment for the Complainant through workplace harassment due to the Complainant's age, race, religion, and national origin, and resulting in medical disability. Although the complaint was in writing and timely filed regarding an EPA recipient of financial assistance, the allegations regarding

employment discrimination as described above do not fall within OECRC's jurisdiction under EPA's nondiscrimination regulation.¹ Based on the circumstances alleged in the complaint, the Complainant's employment with NCDEQ did not result from financial assistance to NCDEQ designated primarily for an employment program. Additionally, this employment discrimination complaint solely alleges discrimination against an individual.

OECRC is closing this complaint as of the date of this letter and referring it to the EEOC Raleigh Area Office for appropriate action in accordance with 40 C.F.R. § 7.120(a).² EEOC's Raleigh Area Office may contact you regarding their evaluation of the allegations in the complaint. Accordingly, please direct further communication regarding this matter to EEOC's Raleigh Area Office Director, Johnnie Barrett, who can be reached by telephone at 1-800-669-4000, or email at Johnnie.Barrett@eeoc.gov. In addition, the EEOC Raleigh Area Office's location is 434 Fayetteville Street, Suite 700, Raleigh, North Carolina 27601. Information may be available by accessing their public portal at <https://publicportal.eeoc.gov/portal/>. We are also enclosing the letter being sent to EEOC notifying that agency of the referral.

OECRC has determined that EEOC's investigation and resolution process is comparable to the resolution process used by OECRC.³ Accordingly, Complainant may refile a complaint within sixty (60) calendar days of the EEOC's decision or informal resolution if that decision/informal resolution does not resolve the civil rights allegations. If the complaint is refiled, OECRC will conduct another preliminary review to determine acceptance, rejection, or referral. OECRC generally anticipates adopting a decision issued by another federal agency regarding the same allegation. OECRC may evaluate whether any additional action(s) by EPA is/are needed, in this case, as a result of EEOC's finding.

EPA's regulation prohibits applicants for, and recipients of federal financial assistance, and other persons from intimidating, threatening, coercing, or engaging in other discriminatory conduct against anyone because they have either acted or participated in an action to secure rights protected by the federal legal 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 feel free to contact Kurt Temple, Senior Advisor, by email at temple.kurt@epa.gov.

Sincerely,

SUSAN PARK Digitally signed by SUSAN PARK
Date: 2025.04.29 07:23:54 -04'00'

Susan Park
Deputy Assistant Administrator
Office of Environmental Justice and External Civil Rights

¹ OECRC has limited jurisdiction over employment discrimination claims concerning recipients of EPA financial assistance. *See* 40 C.F.R. §§ 5.500(a)(1), 7.35(a)(6).

² *See* 28 C.F.R. part 42 subpart H [specifically 28 C.F.R. §§ 42.605(d) and (e)], 29 C.F.R. part 1691 [specifically 29 C.F.R. § 1691.5(e).] *See also* 28 C.F.R. § 37.6(b) and 29 C.F.R. § 1640.6(c).

³ *See* OECRC Case Resolution Manual, Section 1.7(3) at 13, https://www.epa.gov/system/files/documents/2025-01/case-resolution-manual-update_final_jan-2025.pdf.

Enclosure

cc: Angelia Talbert-Duarte
 Associate General Counsel
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