



## OFFICE OF EXTERNAL CIVIL RIGHTS COMPLIANCE

WASHINGTON, D.C. 20460

June 9, 2025

**In Reply Refer To:**

EPA Complaint No. 06RNO-23-R4

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

**RE: Rejection of Administrative Complaint**

Dear Secretary Wilson:

This letter serves to notify you that the U.S. Environmental Protection Agency (EPA), Office of External Civil Rights Compliance (OECRC) is rejecting the referenced complaint against the North Carolina Department of Environmental Quality (DEQ), which the EPA received on April 21, 2023 (Complaint). The Complaint alleges that DEQ discriminated against residents of Robeson, Duplin, and Sampson counties on the basis of race and national origin 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, by failing to adequately regulate the dry litter poultry industry across North Carolina. Specifically, the Complaint alleges DEQ failed to implement a comprehensive and effective permitting regime for dry litter poultry facilities resulting in a systemic violation of Title VI. For the reasons described below, OECRC is rejecting the complaint and administratively closing this matter as of the date of this letter.

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.

D. Reid Wilson, Secretary

In general, OECRC will accept, reject, or refer a complaint after considering the jurisdictional factors discussed above. However, if OECRC obtains information leading OECRC to conclude that an investigation is unjustified for prudential reasons, OECRC may reject the complaint.<sup>1</sup>

After careful consideration, OECRC is rejecting the complaint for investigation because it does not satisfy the jurisdictional requirements. The alleged discriminatory actions that DEQ took, as described in the complaint and supplemental documentation provided, did not occur within 180 days of filing this complaint and a waiver of the 180-day requirement is not warranted.<sup>2</sup> As such, the complaint does not meet the timeliness requirement. In light of the foregoing, and in consideration of the efficient use of EPA resources, OECRC has determined that further consideration and investigation of this Complaint is not warranted.<sup>3</sup> Therefore, OECRC is rejecting the complaint for investigation and closing this matter as of the date of this letter.

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 acted 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 Senior Advisor Kurt Temple by email at [temple.kurt@epa.gov](mailto:temple.kurt@epa.gov).

Sincerely,

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

cc: Jeaneanne Gettle  
Deputy Civil Rights Official  
Deputy Regional Administrator  
U.S. EPA Region 4

Suzanne Rubini  
Acting Regional Counsel  
U.S. EPA Region 4

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<sup>1</sup> See Case Resolution Manual, Section 1.9, pp. 14-15, at [https://www.epa.gov/system/files/documents/2025-01/case-resolution-manual-update\\_final\\_jan-2025.pdf](https://www.epa.gov/system/files/documents/2025-01/case-resolution-manual-update_final_jan-2025.pdf)

<sup>2</sup> DEQ readopted the 02T Regulations in 2018. Complaint, 18.

<sup>3</sup> See Case Resolution Manual, Section 1.9, [https://www.epa.gov/system/files/documents/2025-01/caseresolution-manual-update\\_final\\_jan-2025.pdf](https://www.epa.gov/system/files/documents/2025-01/caseresolution-manual-update_final_jan-2025.pdf) ("OECRC may consider, in its discretion, whether accepting the complaint for investigation would be an appropriate use of resources, considering factors including but not limited to the significance of the allegations and strength of evidence presented.").