

Corresponding Contract's Information: C/O Omega R. Wilson
West End Revitalization Association – WERA
PO Box 661 - 206 Moore Road
Mebane, NC 27302
Phone: (919) 321-1296 Email: wera1usa@earthlink.net

April 3, 2012

Official Administrative Complaint(s) and Public Comment(s)

Regarding: DRAFT of North Carolina Oil and Gas Study under Session Law 2011-276
(Prepared by the N.C. Department of Environment and Natural Resources, North Carolina Department of Justice, North Carolina Department of Commerce, and Rural Advancement Foundation International-USA). The 444 page report was prepared for consideration and approval by the North Carolina General Assembly by June 2012. The report has received overwhelming opposition in three public hearings attended by hundreds of citizens and land owners. Access the document on line at:
http://portal.ncdenr.org/c/document_library/get_file?p_l_id=1169848&folderId=4241819&name=DLFE-49466.pdf).

Major Concerns: The preparers of the **DRAFT of North Carolina Oil and Gas Study under Session Law 2011-276** states: **“DENR recognizes that questions remain about health impacts.” “Study Limitations: To our knowledge, no comprehensive studies are currently available on the long--term impacts to health from hydraulic fracturing for natural gas, and DENR is not qualified to conduct such a study. ...These limitations carry over into the assessment of both potential economic and environmental impacts.”** (See pages 1-2).

As related to Environmental Justice intra/interagency incorporation, review, compliance/enforcement of under Title VI of the Civil Rights Act of 1964, the National Environmental Protection Act (NEPA), and related Federal laws, statutes, and treaties, this statement of limitations of knowledge raises urgent and valid questions about the ability of DENR and other preparers of the DRAFT to present a credible Final document to the N.C. General Assembly. State agencies should encourage the efficient **development of adequate capacity and infrastructure** for the management of hydraulic fracturing fluids, including the transportation, recycling, treatment and disposal of source water and hydraulic fracturing wastes under the following EPA and interagency public health statutes that do apply: Clean Air Act; Clean Water Act; Safe Drinking Water Act; Toxic Substance Control Act; Solid Waste and Emergency Response Programs; Resource Conservation and Recovery Act; Emergency Planning and Community Right-to-Know Act; Federal Insecticide, Fungicide, and Rodenticide Act; Federal Food, Drug, and Cosmetic Act; Freedom of Information Act; and Tribal Programs.

The three state agencies (and one non-profit) who were directed by the legislature to prepare this 444-page document are addressed here:

Dee Freeman, Secretary (**Failed to address laws that protect environmental health**)
N.C. Department of Environment and Natural Resources
1601 Mail Service Center
Raleigh, NC 27699-1601

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J. Keith Crisco, Secretary (**Failed to address laws that protect consumer rights**)
North Carolina Department of Commerce
4324 Mail Service Center
Raleigh, NC 27699-4324

Attorney General Roy Cooper (**Failure to address laws that civil/human/minority rights**)
North Carolina Department of Justice
9001 Mail Service Center
Raleigh, NC 27699-9001

Scott Marlow, Executive Director (**Failed to address laws that protect rural/agriculture resources**)
Rural Advancement Foundation International - USA
PO Box 640
Pittsboro, NC 27312

Official Administrative Complaint(s): The Federal and State Agencies addressed here are directly involved in the outcome of the North Carolina General Assembly legal and constitutional obligation to protection the citizens, taxpayers, voters, and their Environmental and public health and sustainable quality of life. The is submitted in order all of these agencies promptly exercise their constitutional obligation to incorporation and inclusion of Environmental Justice, Title VI of the Civil Right Act of 1964, the National Environmental Protection Act (NEPA), and related federal statutes that protection vulnerable populations in the State of North Carolina against immediate and long-term consequences of Oil and Gas Hydraulic Fracturing.

President Barack Obama
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Eric Holder, U.S. Attorney General
U.S. Department of Justice
P.O. Box 7611
Ben Franklin Station
Washington, DC 20044-7611

Governor Beverly Perdue
Office of the Governor
116 West Jones Street
Raleigh, North Carolina 27603

Lisa P. Jackson, Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

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Gwendolyn Keyes Fleming, Regional Administrator
U.S. Environmental Protection Agency – Region 4
61 Forsyth Street, S.W.
Atlanta, GA 30303-8960

Nancy Sutley, Chair
White House Council on Environmental Quality
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Tom Vilsack, Secretary
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, D.C. 20250-9430

Secretary Kenneth L. Salazar
U.S. Department of the Interior
1849 C Street NW
Washington, DC 20240

Secretary John E. Bryson
U.S. Department of Commerce
1401 Constitution Ave., NW
Washington, D.C. 20230

Secretary Hilda L. Solis
U.S. Department of Labor
Frances Perkins Building
200 Constitution Ave NW
Washington DC 20210

Secretary Kathleen Sebelius
U.S. Department of Health & Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Secretary Shaun L.S. Donovan
U.S. Department of Housing and Urban Development
451 7th Street S.W.
Washington, DC 20410

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Secretary Ray LaHood
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Secretary Steven Chu
Department of Energy
1000 Independence Ave. SW
Washington DC 20585

Secretary Arne Duncan
Department of Education
Department of Education Building
400 Maryland Ave, SW
Washington, DC 20202

Regarding Public Comment: DRAFT of North Carolina Oil and Gas Study under Session Law 2011-276 (Prepared by the N.C. Department of Environment and Natural Resources, North Carolina Department of Justice, North Carolina Department of Commerce, and Rural Advancement Foundation International-USA)

These comments and formal request to all of the above federal and state agencies is written and submitted in support of the citizens and taxpayers of North Carolina by: Omega R. Wilson and Elaine Chiosso, Co-Chairs of the North Carolina Research Triangle Environmental Collaborative's Environmental Inequities/Environmental Justice Workgroup (EI/EJWG).

#1. Action(s) Requested: The N.C. Department of Environmental and Natural Resources (DENR), North Carolina Department of Justice, and North Carolina Department of Commerce fully incorporate the National Environmental Protection Action (NEPA), Title VI of the Civil Right Act of 1964, and Federal Environmental Justice Strategies of 18 branches of Federal government into the proposed **DRAFT North Carolina Oil and Gas Study under Session Law 2011-276** prior to its submission to the North Carolina State Legislature for review and voting in June 2012. This would also include Federal and state interagency coordination guidelines and operating procedures with funding appropriations identified, per the necessary collaboration and involvement of federal, state, district/regional, county, and local government level with the responsibilities of protecting and serving the environmental health, public health, and welfare of North Carolina citizens, schools, institutions, faith based organizations, businesses, and tourists/visiting guests. This full incorporation must include the “*DENR 2009-2013 Strategic Plan (July 31, 2009)*”, that was approved under the signature of Governor Beverly Purdue, without Title VI of the Civil Right Act of 1964, and Federal Environmental Justice Strategies of 18 branches of Federal government. DENR senior staff has been involved in workshop, training, and developmental discussions with Federal agencies on environmental justice and Title VI of the Civil Rights Act of 1964 and existing Federal laws, statutes, and treaties. This blatant disregard, lack of concerns for, and/or

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compliance and enforcement of federal laws, statutes, and treaties at the state, district/region, county, and local governments places the rights and welfare of North Carolina residents, property owners, taxpayers, and voters at undue environmental health, public health, and economic risks. (Access the “*DENR 2009-2013 Strategic Plan (July 31, 2009)*” online at: (http://portal.ncdenr.org/c/document_library/get_file?p_l_id=1169848&folderId=68499&name=DLFE-17762.pdf))

Environmental Justice Strategies, under Title VI of the Civil Rights Act of 1964, NEPA, and other constitutional law and statutes, specifically address the fair treatment and meaningful involvement of all people regardless of race, color, national origin, tribal populations, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. (<http://www.epa.gov/environmentaljustice>).

UNDERGROUND INJECTION CONTROL (UIC) PROGRAM

Under the Underground Injection Control (UIC) program, there may be opportunities to protect drinking water for minority, low-income, and indigenous populations through permit conditions, scrutiny of aquifer exemptions, and revisions to rules and guidance.

Under the UIC program, the Administrator must establish requirements for state UIC programs that will prevent the endangerment of drinking water sources by underground injection. EPA has promulgated a series of such requirements beginning in 1980. The SDWA also provides that states and eligible tribes may apply to EPA for primary enforcement responsibility (“primacy”) to administer the UIC program. EPA must establish a UIC program in states that do not seek this responsibility or fail to meet the minimum requirements established by EPA. EPA also generally implements the program in Indian country since only two tribes currently have primacy for the program.

A. Permitting: *Underground injection must be authorized by permit or rule. Where EPA issues a permit, it may include conditions to protect drinking water for minority, low-income, and indigenous populations. The SDWA provides that EPA can deny permits or establish permit limits where such injection may “endanger” public health. “Endangerment” is defined to include any injection that may result in the presence of a contaminant in a drinking water supply that “may . . . adversely affect the health of persons.”¹⁰⁵ As a result, in those states, territories, and federal lands where EPA issues UIC permits, EPA may establish any necessary permit requirements under 40 C.F.R. § 144.52 when EPA finds that injection activity may result in drinking water supply contamination that may adversely affect the health of persons, including minority, lowincome, and indigenous populations. Based on its analysis of the effect of Executive Order 12898, the Environmental Appeals Board (EAB) has considered the scope of EPA’s authority to address environmental justice in the UIC permitting program.¹⁰⁶ Notably, in the Envotech, L.P. decision, the EAB recognized that under the UIC permitting program EPA may expand public participation and exercise its discretion under the SDWA to “impose on a case-by-case basis, permit conditions ‘necessary to prevent the migration of*

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fluids into underground sources of drinking water” in order to protect underground sources of drinking water “upon which the minority or low-income community may rely.”

EPA may impose permit conditions on a case-by-case basis to ensure that proposed injection wells do not threaten the drinking water of minority, low-income, and indigenous populations. EPA’s authority applies in all cases, “regardless of the composition of the community surrounding the proposed injection site.”¹⁰⁸ Nevertheless, in response to an environmental justice concern, the EAB has stated EPA may and “should, as a matter of policy, exercise its discretion under 40 C.F.R. § 144.52(a)(9) to include within its assessment of the proposed well an analysis focusing particularly on the minority or low-income community whose drinking water is alleged to be threatened.” See online EPA Plan EJ 2014: Legal Tools Pages 41-42 at (<http://www.epa.gov/compliance/ej/resources/policy/plan-ej-2014/ej-legal-tools.pdf>)

This includes **Vulnerable Populations** – the uninsured, the poor, the elderly, children, those living with mental or physical disabilities, racial and ethnic minorities, and the terminally ill. The vulnerability that these groups experience usually can be attributed to one or some combination of three factors: economic status or geographic location; health, functional, or developmental status; or ability to communicate. *President’s Advisory Commission on Consumer Protection and Quality in the Health Care Industry Quality First: Better Health Care for All Americans Report (2008)* (<http://www.hcqualitycommission.gov/>).

NOTE: President Barack Obama’s “*Memorandum of Understanding on Environmental Justice and Executive Order 12898 (August 2011)*” (See attachment). The following are quotes from the Federal MOU:

WHEREAS, *Executive Order 12898 requires each covered agency to “make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations,” Reports and other efforts, each Federal agency will identify and address, as appropriate, any disproportionately high and adverse human health or environmental effects of its programs, policies and activities on minority populations and low-income populations, including, but not limited to, as appropriate for its mission, in the following areas: (1) implementation of the National Environmental Policy Act; (2) implementation of Title VI of the Civil Rights Act of 1964, as amended; (3) impacts from climate change; and (4) impacts from commercial transportation and supporting infrastructure (“goods movement”). These efforts will include interagency collaboration. At least every three (3) years, the Interagency Working Group will, based in part on public recommendations identified in Annual Implementation Progress Reports, identify important areas for Federal agencies to consider and address, as appropriate, in environmental justice strategies, annual implementation progress reports and other effort.*

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WHEREAS, Executive Order 12898 applies to the following agencies: the Department of Agriculture, Department of Commerce, Department of Defense, Department of Energy, Department of Health and Human Services (HHS), Department of Housing and Urban Development, Department of the Interior, Department of Justice, Department of Labor, Department of Transportation, and the Environmental Protection Agency. The Order applies to the following offices in the Executive Office of the President: Office of Management and Budget, Office of Science and Technology Policy, Office of the Deputy Assistant to the President for Environmental Policy, Office of the Assistant to the President for Domestic Policy, National Economic Council, and Council of Economic Advisers. The Order also applies to other agencies and offices as the President may designate, Executive Order 12898, sec. 1-102, 6-604 (Feb. 11, 1994). The agencies and offices that are listed in section 1-102 or designated by the President under section 6-604 of the Order are referred to herein as “covered agencies” and “covered offices,” respectively, and...

(NOTE: A complete list of the 18 federal agencies signing this “Memorandum of Understanding on Environmental Justice and Executive Order 12898 (August 2011)” are listed on this attached document. Each Federal agency has its legal counterpart in North Carolina, approved and staffed by the North Carolina State Legislature, and funded with federal and state tax resources. Example of course: U.S. Environmental Protection Agency and counterpart N.C. Department of Environmental and Natural Resources (DENR); U.S. Department of Justice (DOJ) and counterpart North Carolina Department of Justice; U.S. Department of Commerce and counterpart North Carolina Department of Commerce; U.S. Department of Transportation and counterpart N.C. Department of Transportation; U.S. Health and Human Services (HHS) and counterpart North Carolina Department of Health, etc. The DOJ is a lead agency in writing the “Memorandum of Understanding on Environmental Justice and Executive Order 12898 (August 2011)” with interagency coordination, review, and annual reporting. See an online report of the U.S. Department of Justice’s Environmental Justice Strategy (February 2012) (<http://www.epa.gov/fedrgstr/eo/eo12898.pdf>)

#2. Actions Requested: This formal administrative complaint(s) to several Federal agencies to insure that **#1. Action(s) Requested** is carried out according to constitutional laws, statutes, and treaties: The U.S. Department Justice (under federal laws and statutes), U.S. Environmental Protection Agency (under public health statutes), U.S. Department of Transportation (under intra and interstate “goods movement” on local road, highway corridor, and air, marine, and rail ports), U.S. Department of Energy (under federal statutes for environmental and human safety in mining, refining, labeling, transporting, storing, waste disposal, and wholesale/retail/international sale energy/fuels), U.S. Department of Agriculture (under federal laws and statutes that protect North Carolina agricultural resources includes air, water, soil and human capital), U.S. Department of the Interior (under laws and statutes that protects North Carolina’s natural resources and heritage, honors our cultures and tribal communities, and supplies the energy to power our

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future), and U.S. Department of Labor (under statutes that insure up-to-code workplaces, environmental safety, and employee health insurance, and liability for emergency, chronic, and catastrophic injuries and sick to non-employee health), and the U.S. Department of Health and Human Services (under statutes that insure up-to-code medical facilities to treat employees with health insurance, and liability for emergency, chronic, and catastrophic injuries and sickness to under-insured, and non-employees, and Native American populations). See Glossary Terms taken from the U.S. Department of Health and Human Services' Environmental Justice Strategy (February 2012) (<http://www.hhs.gov/environmentaljustice/strategy.pdf>) pages 64-72.

#3. Actions Requested: Request that U.S. Environment Protection Agency Headquarters (Washington, DC) and U.S. Environment Protection Agency Region 4 (Atlanta, GA) not renew the North Carolina Memorandum of Agreement on primacy for the Underground Injection Control (UIC) Program for all classes of injection wells. Renewal would take place only after **#1, #2, and #3 Action(s) Requested** are addressed, reviewed by parties submitting these “administrative complaints”, with legal counsel, written legal clarity for public release, and before actions by the North Carolina General Assembly. The **DRAFT of North Carolina Oil and Gas Study under Session Law 2011-276** document stated that the U.S. Environment Protection Agency has yet to sign, authorize, and released a current North Carolina “**primacy**” or “states’ rights” MOU for Underground Injection Control (UIC) that is necessary for gas and oil hydraulic fracturing in/on land and water ways under the domain of North Carolina state laws. Until the MOU is signed and released to North Carolina, it is understood that UIC necessary for gas and oil hydraulic fracturing remains under the authority and control of the U.S. Environment Protection Agency with interagency review and coordination with 17 other branches of the Federal government. See page 47 of the **DRAFT of North Carolina Oil and Gas Study under Session Law 2011-276: “UIC: The 1984 Memorandum of Agreement between EPA and North Carolina for the UIC Program is attached. The state applied for renewal of its UIC primacy in 2002, but EPA is still reviewing the application. The 2002 Memorandum of Agreement is also attached, but has not been signed by EPA.”**

#4. Actions Requested: U.S. Department of Health and Human Services in coordination with the N.C. Department of Health, under Environmental Justice, Title VI of the Civil Rights Act of 1964, NEPA, and Federal/state interagency coordination/review/reporting address the following areas as they relate to the **DRAFT of North Carolina Oil and Gas Study under Session Law 2011-276** and related to: **Community Health Assessment, Cumulative Impacts, Cumulative Environmental Exposure, Multiple Environmental Exposure, Environmental Hazard, Disproportionately high and adverse environmental effects, Disproportionately high and adverse human health effects, Environmental Assessment, Environmental Impact Statement (EIS/FEIS/ROD), Environmental Stressors, Health Disparities, Health Impact Assessment (HIA), Public Health Assessment, HHS Action Plan to Reduce Racial and Ethnic Health Disparities, HHS Strategic Sustainability Performance Plan (SSPP), National Health Security Strategy (NHSS), National Prevention Strategy, Occupational Safety and**

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Health, and Freedom of Information Act, with Fair Treatment and Meaningful Involvement with impacted and at risk low-income, minority, and tribal populations. See the HHS Glossary of Term at the end of these Public Comment(s)/Administrative Complaint(s). See the online U.S. Department of Health and Human Services' Environmental Justice Strategy (February 2012) in entirety (<http://www.hhs.gov/environmentaljustice/strategy.pdf>).

#5. Actions Requested: That **#1, #2, #3, and #4 Action(s) Requested** incorporation EPA's National Environmental Justice Advisory Council's (NEJAC) Recommendations of Goods Movements adopted July 2010: "*Reducing Air Emissions Associated With Goods Movement: Working Towards Environmental Justice*". In addition to the environmental health hazard, public health risks/exposures, the costly and unbudgeted expenses (for local, county, district/regional, and state government agencies) documented in states with existing gas and oil hydraulic fracturing and underground injection, these industries use heavy "goods movement" equipment that destroys roads, highways, bridges, and impedes safety access to homes, schools, churches, mail delivery, police and ambulance response, and general damages to personal, business, and recreational vehicles. The EPA Goods Movement Recommendations address the environmental standards of vehicles used for intra/interstate movement and shipping of raw and refined gas and oil products on local road, highway corridor, and air, marine, and rail ports as well and intermodal vehicular employment. See EPA Goods Movement Recommendation online at (www.epa.gov/environmentaljustice/resources/publications/nejac/2009-goods-movement.pdf)

#6. Actions Requested: Establish a bi-partisan "transparency and accountability" panel in order to determine current elected officials and those running for local, county, state, and federal positions representing citizens, taxpayers, and voters of North Carolina who have received campaign contributions from gas and oil industry agencies. This is necessary in order to comply with existing Federal and state open/public records, "sunshine", and election laws and statutes.

#7: Actions Requested: The U.S. Department of Justice, U.S. Environmental Protection Agency, and all 18 Federal agencies signing President Barack Obama's "*Memorandum of Understanding on Environmental Justice and Executive Order 12898 (August 2011)*" seek fully incorporate the National Environmental Protection Action (NEPA), Title VI of the Civil Right Act of 1964, and Federal Environmental Justice Strategies into written mission statements and operation guidelines of all North Carolina colleges and university as "*recipients*" of federal fund. Many of these institutions of higher education also regularly participate in federal funded research the impacts low-income, minority, and tribal areas with serious questions regarding protecting residents' confidentiality, corrective actions based upon study results, fair sharing of data with impacted communities, income from publications without shared equity of incomes/proceeds with grassroots community organizations repeated sought out to assist with numerous projects, no parity in managing research projects with impacted community organizations, lack of faculty/staff/student diversity representative of impacted communities, and general

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attitude of data collection in order to access millions of dollars in federal grants to support advancement of individual college/university faculty careers. Colleges and university in North Carolina are currently involved in research studies on policy issues raised in **DRAFT of North Carolina Oil and Gas Study under Session Law 2011-276:**

#8: Actions Requested: North Carolina Research Triangle Environmental Collaborative's Environmental Inequities/Environmental Justice Workgroup (EI/EJWG) organize and facilitate information and training sessions on environmental inequities and environmental justice disparities in North Carolina and related EPA, NEPA, and Title VI of the Civil Rights Act of 1964 laws for preparers of this **DRAFT of North Carolina Oil and Gas Study under Session Law 2011-276** and committee members of the North State Legislature prior to submission, action, and voting. This would include delay of any legislative votes until after the EPA final 2014 study is completed on the impacts on environmental health, public health, and economic and social stressors. EPA expects to release its preliminary finding in late 2012 and complete the study is due in 2014. EPA current budget includes \$14-million to support continued research on the impact to human health and sustainable environmental quality from the chemical and built/industry of gas and oil hydraulic fracturing and underground injections wells. The short and long-impacts have real and not yet determined adverse effects on humans, ecosystems, air, water, soil, watersheds, river basins, and coastal outlets.

Historic Context: The Environmental Justice Movement started in Warren County, North Carolina, and is now an ever-expanding worldwide movement to protect low-income, minority, and indigenous populations and their lands, cultures, and improve their quality of life in the face of rapidly growing industries. Warren County exposure to deadly chemical pollutants was the result of county and state law makers, led by North Carolina Governor Jim Hunt, that intentionally evaded constitutional laws to adversely and disproportionately impact the environmental health and public health low-income and minority citizens, taxpayers, and voters. (See details in weblink: http://en.wikipedia.org/wiki/Warren_County_PCB_Landfill).

Nearly forty years later, those Warren County residents and their descendants and the State of North Carolina are still suffering from this historic legacy of injustice. We urge Governor Beverley Perdue to not repeat this history of Governor Jim Hunt Administration's December 20, 1978, announcement that "*public sentiment would not deter the state from burying the PCBs in Warren County*,"... Only months after Gov. Beverly Perdue vetoed a bill that would have allowed test drilling for natural gas in 12 counties she announced, after returning from a tour hosted by the gas industry in Pennsylvania, that it is her belief drilling, hydraulic fracturing, and underground injection for gas and oil "*can be done safely*" in North Carolina, and without Federal agency protections.

The writers of these public comments and administrative complaint(s) strongly believe that if correct, and proactive legal actions are not promptly implemented at the state and federal levels, North Carolina is doomed to repeat this failure to protect its citizens through

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constitutional avoidance, and blatant discrimination on issues involving hydraulic fracturing and underground injection with the proposed North Carolina Oil and Gas Study/Law under Session Law 2011-276. This will be a clear indication that North Carolina lawmakers are not interested in learning from its history of intentionally failing to protect the rights of its own citizens, voters, and taxpayers without federal interventions. North Carolina has grown in technology and financial advancement, yet environmental inequities and injustice continue.

North Carolina Impacted Areas: North Carolina's population was 9,656,401 on July 1, 2011 and ranked the tenth most populated state in the United States; North Carolina's impact areas including population in twelve counties with a total of 1.6-million people (17% of the state population) and estimated minority population of 504,000 residents of over 3-million African American, Native American, Hispanic/Latino, Asians, and other minority populations and multi-racial persons (38.5% of state population).

Included are at least twelve counties in the study areas with potential of impact from Hydraulic Fracturing (fracking) and Underground Injection. This does not include counties impacted by heavy vehicular traffic. The Deep River is a 150-mile-long rift basin that runs from Granville County southwestward across Durham, Orange, Wake, Chatham, Lee, Moore, Montgomery, Richmond, Anson and Union counties into South Carolina. The basin is subdivided into three sub-basins: Durham, Sanford and Wadesboro. The Ellerbe Basin in Richmond County has been interpreted as an erosional remnant of the larger Deep River Basin. The Dan River Basin is the North Carolina portion of continuous rift basin that extends from Stokes County northwest across Rockingham County and into Virginia. In Virginia, the basin is called the Danville. Cape River basin, Dan and Deep River (North Carolina and South Carolina), Pee Dee Drainage Basin and Santee Drainage Basin. The areas these basins are: Davie – 20.04 square miles, Dan River – 152.02 square miles and Deep River – 1,211.07 square miles. (See page 15 of **DENR DRAFT of North Carolina Oil and Gas Study under Session Law 2011-276**). Along this path the component formations underlie portions of several major surface water drainage areas including the Upper Pee Dee, Lower Pee Dee, Lumber, Deep, Upper Cape Fear, Haw, Upper Neuse and Upper Tar sub---basins. The Sanford and Durham sub---basins lie north of the divide within Chatham, Durham, Granville, Lee, Moore, Orange and Wake counties. South of the divide, the Wadesboro sub---basin lies within Anson, Montgomery, and Richmond counties.

North Carolina's planned gas and oil industry drilling, mining, refining, transporting, solid/chemical waste, and national and international distribution must meet higher standards than have been seen anywhere else this industry is operating in order to protect the environmental, human, and economic capital underpinning its agricultural heritage, diverse rural environments, and expanding urban areas. The qualities of these resources are necessary for planned growth that attracts new residents, business/industry, and tourists. See EPA's Smart Growth and Environmental Justice Strategy, (http://www.epa.gov/smartgrowth/pdf/2012_0208_creating-equitable-healthy-sustainable-communities.pdf).

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U.S. EPA and Other Federal Agencies in Ten Regions Needs:

Actions on Interagency State Level Compliance and Enforcements on Environmental Justice and Title VI of Civil Rights of 1964

Actions on Engaging Impacted Stakeholders Seeking Protection Under the Law

INSIDEEPA.COM Daily News Posted: April 3, 2012

States Question Lack of Clarity on EPA Bid to Improve Civil Rights Efforts

AUSTIN, TX -- *EPA is engaging states in a nascent dialogue on the agency's efforts to improve its Civil Rights Act implementation, but state officials are questioning what they see as a lack of clarity on EPA's effort and the potential resource burdens that states could face under any new agency requirements for complying with the law.*

Rafael DeLeon, director of EPA's Office of Civil Rights (OCR), at a March 19 meeting here of the Environmental Council of the States' (ECOS) and EPA partnership and performance workgroup, detailed EPA's efforts to bolster how it handles civil rights complaints and ensures compliance with Title VI of the Civil Rights Act, which bars recipients of federal funds from discriminating and causing a disparate adverse impact on a poor or minority area. ...

...Region IV Administrator Gwen Keyes Fleming said that as EPA moves into a discussion of Title VI rights issues, the agency does not want to change policies without engaging stakeholders. At the end of the day, she said there may not be many changes, but there might be, and the agency wants to keep lines of communication open.

Responded Easterly, "We certainly appreciate not being surprised."

Civil Rights Efforts

Speaking to Inside EPA on the sidelines of the meeting, Doug Fine of Massachusetts, the state co-chair of the workgroup, said "I think that's what states are asking; 'What is the 'it' here?'" While EPA looks to be saying that it wants to renew and refresh its civil rights efforts to make sure that states are doing what is required, he said states are seeking a little more detail on whether there are places that EPA feels could be improved.

"Because EPA hasn't articulated that for us, maybe they don't know. Maybe they know they want to ensure compliance and it's going to remain to be seen what it means for states, how we're doing right now," Fine said, adding that EPA could be looking to check and see what states are up to then and proceed from there.

Fine also said that it is positive right now that there are no new requirements, and that EPA is reaching out to see how states are doing in meeting the requirements and on potential changes to Form 4700.

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Public Outcry and Concerns of Local Government Officials and Impacted Citizens:
(See attachment for a full text from which each quote was taken)

QUOTE #1: *Chatham County Commissioner Sally Kost said the \$100,000 allocated by the General Assembly for the report was woefully short. "You get what you pay for," she said. "It's an example of a very flawed process that should outrage the citizens of North Carolina. This is a serious issue that requires serious study."* Joe McDonald, president of Save Our Sandhills (SOS), a grassroots organization based in Moore County, said at the news conference that the report outlined a number of "very formidable" obstacles that need to be overcome before fracking could safely be done in the state. See article entitled "Both Sides Make Case at State Hearing on Fracking Report"; The Pilot (www.thepilot.com) By Ted M. Natt Jr., March 21, 2012

QUOTE #2: *A controversial method of extracting the gas known as hydraulic fracturing, or fracking, is not legal in North Carolina, but a state agency's draft report on the issue says the drilling can be conducted safely with proper precautions.*

Fracking opponents worry about the potential harm to people and the environment. Supporters believe it can be done safely and will bring a much-needed economic boost to the region.

Chairwoman Linda A. Shook proposed the resolution. Commissioners agreed after making changes suggested by Commissioners Richard B. Hayes, Charlie Parks and Jim Womack Jr.

Hayes recommended changing "will" to "must" in a section calling for state laws to protect the environment and require the gas industry to pay for any damages.

"I would prefer not to approve anything that might be interpreted as shorthand or a green light from this board of county commissioners to the N.C. General Assembly enabling fracking, as we understand it, but most importantly as we do not understand it at this time," he said.

Hayes also suggested the establishment of an oversight and regulatory authority and preservation of water resources.

"Any and all means should be considered and extreme care taken to preserve our water supply for future generations of Lee County citizens," the added statement says."

"Lee County officials support natural gas exploration, but urge state to protect the environment"; Fayetteville Observer (fayobserver.com) By Steve DeVane, April 3, 2012

QUOTE #3: *State Rep. Jamie Boles and three other House Republicans are in Pennsylvania this week to learn more about fracking, the controversial natural gas extraction method.*

Fracking is illegal in North Carolina — for now. But legislation passed last year by the General Assembly has moved the state closer to shale gas development.

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House Bill 242 calls for completion of a study by three state agencies by May 1, in time for the 2012 legislative session. Among other things, the study must include an assessment of the potential environmental, economic and social impacts.

“I don't know a whole lot about fracking, so I personally want to look at everything,” Boles said Tuesday from Pennsylvania. “We're going all over the place and meeting with people on both sides of the issue. I'd just like to see how fracking operates and what the concerns are across the board.”

The four-day trip, which ends Friday, was planned by the N.C. Department of Environment and Natural Resources (DENR), the lead agency conducting the study. The North Carolina contingent includes DENR staff members, Boles and fellow House Republicans Mitch Gillespie, Mike Stone and Chuck McGrady, a former president of the Sierra Club board of directors.

“We're just piggybacking off the DENR fact-finding trip,” Boles said.

Each representative will receive \$500 to help pay for the trip from an account set aside for lawmaker and staff travel expenses. “We're paying the rest out of our pockets,” Boles said.

“Boles Part of Fracking Group Visiting Pennsylvania”; [The Pilot](http://thepilot.com) (thepilot.com) By Ted Matt, Jr.; Address: P.O. Box 58 - 145 W. Pennsylvania Avenue, Southern Pines, NC 28388

QUOTE #4: RALEIGH - *Republican lawmakers said Wednesday they expect to take a careful, measured approach to drafting state regulations for allowing a new method of natural gas drilling called fracking, but an existing ban on the activity in North Carolina is likely to remain until 2014 or later.*

Rep. Mitch Gillespie, R-McDowell County, and Sen. Bob Rucho, R-Mecklenburg County, said separately they hoped to reach consensus on pursuing legislation this spring that heeds the recommendations of a study released this month by the state Department of Environment and Natural Resources.

The department's draft report said hydraulic fracturing, or fracking, can be conducted safely if lawmakers adopt the right precautions. Gillespie said putting regulations in place and responding to concerns of local governments and other interested parties still could take until 2014 or 2015.

The department also would be asked to draft a regulatory framework to allow for fracking permits by December and offer final regulations in March 2013 for the legislature to consider, Gillespie said. More legislation also would be needed in spring 2014. If everything goes to plan, a ban on fracking could be lifted in July 2014 or July 2015.

*“North Carolina lawmakers promise cautious approach to fracking”; [The Associated Press](http://www.associatedpress.com)
Published: 07:36 AM, Thu Mar 29, 2012 - By Gary D. Robertson*

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QUOTE #5: “Lee County landowners learn what's at stake with hydraulic fracturing”;
Fayetteville Observer (fayobserver.com) Published: Mar 15, 2012 - By Steve DeVane

“Jeffrey Sheer, a gemologist and jeweler in Southern Pines who owns land in Lee County, does not have as much confidence in the state.”



Staff photo by Raul R. Rubiera

Jeffrey Sheer stands on shale rock on the banks of the Deep River in Lee County. He is opposed to use of the 'fracking' technology for extracting natural gas around his property.

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QUOTE #6: *Dustin Chicurel-Bayard, a spokesman for the N.C. Sierra Club, said the chapter's campaign is called "The Fracking Truth." A website at TheDailyFrack.com will be available at 7 a.m. today.*

The site will include resources about fracking, including scientific studies, Chicurel-Bayard said. It also will have maps showing where fracking could take place in North Carolina, he said.

In addition, the website will have news about fracking, as well as give people an opportunity to share their views and ask questions, he said.

“North Carolina chapter of the Sierra Club launching campaign against fracking”;
Fayetteville Observer (fayobserver.com) Jan 25, 2012 - By Steve DeVane - Staff writer

QUOTE #7: *"Unfortunately, fracking seems to have turned into a political football and election-year talking point. We hope that Legislature will not act in haste, and if they do take action that they will allow for local control," she said.*

Gov. Bev Perdue said this week after an unannounced trip to Pennsylvania to meet with energy companies and fracking-friendly local officials that she believes natural gas drilling could be done safely. Perdue has not made up her mind on whether she'll support efforts to make fracking legal in the state, a spokesman said.

Perdue, a Democrat, is not seeking re-election. Campaign staffers for Lt. Gov. Walter Dalton and Bob Etheridge, two of the Democrats running for governor, said they support the job-creating potential of fracking but believe it needs more safety studies. Another Democrat running for governor, N.C. Rep. Bill Faison of Orange County, said he is against the practice because of the risk to drinking water. Republican front-runner Pat McCrory supports fracking.

Ohio regulators last week announced new rules for drillers after deciding a dozen earthquakes that shook the northeastern part of the state near Youngstown were likely caused by injecting gas-drilling wastewater into deep wells. “REPORT: Fracking for shale gas can be safe in N.C., if protections in place”; The Associated Press, Published: 06:33 AM, Sat Mar 17, 2012

The American Association of Retired People (AARP) recently published a case study of Williston, North Dakota’s pros and cons to environment impact from hydraulic fracturing in search of oil and raw fuel supplies. Major observations include the housing displacements of senior and disabled citizens due to rent and home price increasing by over 300-percent. “But all that development comes at a cost, say some public health and environmental researchers, and there is not yet enough research to say exactly what that cost will be.” See AARP Bulletin - The National Health “Boomtown U.S.A.”, March 2012 - Page 30-31; (http://pubs.aarp.org/aarpbulletin/201203_DC?folio=1A#pg1).

American Public Health Association (APHA) in its The NATION’S HEALTH (www.thenationshealth.org) March 2012 also raise national environmental and human health alerts in an article entitled “Health concerns of ‘fracking’ drawing increased attention: EPA

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conducting studies on health effects”

(<http://thenationshealth.aphapublications.org/content/42/2/1.2.full>)

“But as of now, most of the indication that hydraulic fracturing might pose public health threats comes from people who live near the wells, who complain of headaches, nosebleeds, disorientation, fainting and sick animals. They say that family members have developed cancer and other chronic diseases as a result of being exposed either to the gas itself or to contaminated water resulting from its extraction.”

GLOSSARY OF TERMS

Health and Human Services' Environmental Justice Strategy (February 2012)

<http://www.hhs.gov/environmentaljustice/strategy.pdf>

Affordable Care Act – Health reform legislation that was signed into law in March 2010, putting in place comprehensive health insurance reforms to expand access to health insurance and health care, lower health care costs, and enhance the quality of health care for all Americans. *Patient Protection and Affordable Care Act of 2010, Pub. L. No. 111-148, 124 Stat. 119 (2010).*

Built Environment – Human-made (versus natural) resources and infrastructure designed to support human activity, such as buildings, roads, parks, and other amenities. *County Health Rankings - Robert Wood Johnson Foundation, University of Wisconsin Population Health Institute.* <http://www.countyhealthrankings.org/health-factors/built-environment>

Climate Change Adaptation – Refers to actions being taken to lessen the impact on health and the environment due to changes that cannot be prevented through mitigation. *A Human Health Perspective on Climate Change*
http://www.niehs.nih.gov/health/assets/docs_a_e/climatereport2010.pdf

Climate Change Mitigation – Refers to actions being taken to reduce greenhouse gas emissions and to enhance the sinks that trap or remove carbon from the atmosphere to reduce the extent of global climate change. *A Human Health Perspective on Climate Change*
http://www.niehs.nih.gov/health/assets/docs_a_e/climatereport2010.pdf

Community-Based Participatory Research – An applied collaborative approach that enables community residents to more actively participate in the full spectrum of research (from conception – design – conduct – analysis – interpretation – conclusions – communication of results) with a goal of influencing change in community health, systems, programs or policies.
http://obssr.od.nih.gov/scientific_areas/methodology/community_based_participatory_research/index.aspx

Community Engagement – The process of working collaboratively with and through groups of people affiliated by geographic proximity, special interest, or similar situations to address issues affecting the well-being of those people. It is a powerful vehicle for bringing about environmental and behavioral changes that will improve the health of the community and its members. It often involves partnerships and coalitions that help mobilize resources and influence systems, change relationships among partners, and serve as catalysts for changing policies, programs, and practices.

Principles of Community Engagement, Second Edition

http://www.atsdr.cdc.gov/communityengagement/pdf/PCE_Report_508_FINAL.pdf 65.

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Community Health Assessment – Community health assessment is a call for regularly and systematically collecting, analyzing, and making available information on the health of a community, including statistics on health status, community health needs, epidemiologic and other studies of health problems. Often this can take the form of community needs assessments, which are intended to assist the community in adapting and responding to important health problems and risks. Increasingly, moving beyond problems and deficits toward an analysis of community strengths and resources is becoming recognized as a critical part of understanding a community's health.

Public Health Accreditation Board Acronyms and Glossary of Terms 2011

<http://www.phaboard.org/wp-content/uploads/PHAB-Acronyms-and-Glossary-of-Terms-Version-1.0.pdf>

Cumulative Impacts – The impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time. *CEQ Regulations for Implementing NEPA Part 1508*

<http://ceq.hss.doe.gov/nepa/regs/ceq/1508.htm#1508.7>

Cumulative Environmental Exposure – Exposure to one or more chemical, biological, physical, or radiological agents across environmental media (e.g., air, water, soil) from single or multiple sources, over time in one or more locations, that have the potential for deleterious effects to the environment and/or human health. *Council on Environmental Quality, Executive Office of the President. Environmental Justice: Guidance Under the National Environmental Policy Act. Washington, DC: Executive Office of the President; 10 Dec 1997, pages 25-30.*

http://www.epa.gov/compliance/ej/resources/policy/ej_guidance_nepa_ceq1297.pdf

Disproportionately high and adverse environmental effects – When determining whether environmental effects are disproportionately high and adverse, agencies are to consider the following three factors to the extent practicable:

- a. Whether there is or will be an impact on the natural or physical environment that significantly (as employed by NEPA) and adversely affects a minority population, low-income population, or Indian tribe. Such effects may include ecological, cultural, human health, economic, or social impacts on minority communities, low-income communities, or Indian Tribes when those impacts are interrelated to impacts on the natural or physical environment; and
- b. Whether environmental effects are significant (as employed by NEPA) and are or may be having an adverse impact on minority populations, low-income populations, or Indian Tribes that appreciably exceeds or is likely to appreciably exceed those on the general population or other appropriate comparison group; and
- c. Whether the environmental effects occur or would occur in a minority population, low-income population, or Indian tribe affected by cumulative or multiple adverse exposures from environmental hazards. *Council on Environmental Quality, Executive Office of the President. Environmental Justice: Guidance Under the National Environmental Policy Act. Washington, DC: Executive Office of the President; 10 Dec 1997, pages 25-30.*

http://www.epa.gov/compliance/ej/resources/policy/ej_guidance_nepa_ceq1297.pdf

Disproportionately high and adverse human health effects – When determining whether human health effects are disproportionately high and adverse, agencies are to consider the following three factors to the extent practicable:

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(a) Whether the health effects, which may be measured in risks and rates, are significant (as employed by NEPA), or above generally accepted norms. Adverse health effects may include bodily impairment, infirmity, illness, or death; and

(b) Whether the risk or rate of hazard exposure by a minority population, low-income population, or Indian tribe to an environmental hazard is significant (as employed by NEPA) and appreciably exceeds or is likely to appreciably exceed the risk or rate to the general population or other appropriate comparison group; and

(c) Whether health effects occur in a minority population, low-income population, or Indian tribe affected by cumulative or multiple adverse exposures from environmental hazards.

Council on Environmental Quality, Executive Office of the President. Environmental Justice: Guidance Under the National Environmental Policy Act. Washington, DC: Executive Office of the President; 10 Dec 1997, pages 25-30.

http://www.epa.gov/compliance/ej/resources/policy/ej_guidance_nepa_ceq1297.pdf

Environmental Assessment – (a) A concise public document for which a Federal agency is responsible that serves to (1) briefly provide sufficient evidence and analysis for determining whether to prepare an environmental impact statement (EIS) or a finding of no significant impact (FONSI), (2) aid an agency's compliance with the National Environmental Policy Act when no EIS is necessary and (3) facilitate preparation of an EIS when one is necessary. (b) Includes brief discussions of the need for the proposal, of alternatives as required by section 102(2)(3), of the environmental impacts of the proposed action and alternatives, and a listing of agencies and persons consulted. *CEQ Regulations for Implementing NEPA Part 1508*

<http://ceq.hss.doe.gov/Nepa/regs/ceq/1508.htm#1508.9>

Environmental Exposure – Contact with a substance by swallowing, breathing, or touching the skin or eyes. Exposure may be short-term [acute exposure], of intermediate duration, or long-term [chronic exposure]. *Agency for Toxic Substances and Disease Registry Glossary of Terms*

<http://www.atsdr.cdc.gov/glossary.html> 67

Environmental Hazard – Situations or materials that pose a threat to human health and safety in the built or natural environment, as well as to the health and safety of other animals and plants, and to the proper functioning of an ecosystem, habitat, or other natural resource. *Based on the definition of "Environmental Public Health Hazard" in Public Health Accreditation Board Acronyms and Glossary of Terms Version 1.0, Approved September 2011.*

<http://www.phaboard.org/wp-content/uploads/PHAB-Acronyms-and-Glossary-of-Terms-Version-1.0.pdf>

Environmental Health – Environmental health addresses all the physical, chemical, and biological factors external to a person, and all the related factors impacting behaviors. It encompasses the assessment and control of those environmental factors that can potentially affect health. It is targeted towards preventing disease and creating health-supportive environments. This definition excludes behavior not related to environment, as well as behavior related to the social and cultural environment, and genetics. *World Health Organization – Environmental Health*

http://www.who.int/topics/environmental_health/en/

Environmental Impact Statement (EIS) – An EIS is a detailed analysis that serves to insure that the policies and goals defined in the National Environmental Policy Act (NEPA) are infused into the ongoing programs and actions of the federal agency. EISs are generally prepared for projects that the proposing agency views as having significant prospective environmental impacts. The EIS should provide a discussion of significant environmental impacts and reasonable alternatives (including a No Action alternative) which would avoid or minimize adverse impacts or enhance the quality of the human environment. The formal decision document resulting from a completed

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EIS is termed a "Record of Decision" (ROD). <http://www.epa.gov/reg3esd1/nepa/eis.htm#ea>

Environmental Justice – The fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.

<http://www.epa.gov/environmentaljustice/>

Environmental Stressor – Physical, chemical, or biological entities that can induce adverse effects on ecosystems or human health. *U.S. Environmental Protection Agency Terms of Environment: Glossary, Abbreviations and Acronyms.*

<http://www.epa.gov/OCEPAterms/sterms.html>

Executive Order 12898 – Executive Order entitled *Federal Actions to Address Environmental Justice in Minority and Low-Income Populations* (1994), requiring each Federal agency to make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations in the United States 68 and its territories and possessions, the District of Columbia, the Commonwealth of Puerto Rico, and the Commonwealth of the Mariana Islands.

<http://www.archives.gov/federal-register/executive-orders/pdf/12898.pdf>

Executive Order 13514 – Executive Order entitled *Federal Leadership in Environmental, Energy, and Economic Performance* (2009), establishing an integrated strategy towards sustainability in the Federal government and making reduction of greenhouse gas emissions a priority for Federal agencies. The Executive Order requires all Federal agencies to minimize the environmental impacts of their activities and to strengthen the vitality and livability of the communities in which Federal facilities are located.

http://www.whitehouse.gov/assets/documents/2009fedleader_eo_rel.pdf

Fair Treatment – No group of people, including racial, ethnic, or socioeconomic group should bear a disproportionate share of the negative environmental consequences resulting from industrial, municipal, and commercial operations or the execution of federal, state, local and tribal programs or policies. *Meaningful Involvement and Fair Treatment by Tribal Environmental Regulatory Programs: A Report of the National Environmental Justice Advisory Council* (2004)

<http://www.epa.gov/environmentaljustice/resources/publications/nejac/ips-final-report.pdf>

Health Disparities – A particular type of health difference that is closely linked with social, economic, and/or environmental disadvantage. Health disparities adversely affect groups of people who have systematically experienced greater obstacles to health based on their racial or ethnic group; religion; socioeconomic status; gender; age; mental health; cognitive, sensory, or physical disability; sexual orientation or gender identity; geographic location; or other characteristics historically linked to discrimination or exclusion.

Healthy People <http://www.healthypeople.gov/2020/about/DisparitiesAbout.aspx>

Health Equity – Attainment of the highest level of health for all people. Achieving health equity requires valuing everyone equally with focused and ongoing societal efforts to address avoidable inequalities, historical and contemporary injustices, and the elimination of health and health care disparities. *Healthy People* <http://www.healthypeople.gov/2020/about/DisparitiesAbout.aspx>

Health Impact Assessment (HIA) – HIA is a systematic process that uses an array of data sources and analytic methods and considers input from stakeholders to determine the potential

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effects of a proposed policy, plan, program, or project on the health of a population and the distribution of those effects within the population. HIA provides recommendations on monitoring and managing those effects. *Institute of Medicine, Improving Health in the United States: The Role of Health Impact Assessment (2011).*

http://www.nap.edu/catalog.php?record_id=13229 69.

Healthy People – Initiative that provides science-based, 10-year national objectives for improving the health of all Americans. www.healthypeople.gov

HHS Action Plan to Reduce Racial and Ethnic Health Disparities – The HHS Action Plan to Reduce Racial and Ethnic Health Disparities provides a coordinated roadmap for a nation free of disparities in health and healthcare. It identifies and promotes integrated approaches, evidence-based programs, and best practices to reduce health disparities.

<http://www.minorityhealth.hhs.gov/>

HHS Strategic Sustainability Performance Plan (SSPP) – The HHS Strategic Sustainability Performance Plan, established under Executive Order 13514, affirms that sustainability is integral to the HHS mission, to protect the health of all Americans and provide essential human services, especially for those who are least able to help themselves. Sustainability has been defined as “the enduring prosperity of all living things” and by this measure, is directly linked to the health of humans, the health of the environment, and the health of economic systems that support and promote our well-being. This linkage of human health, environmental health and economic health is referred to as the triple health bottom line and is integral to HHS’s mission and the sustainability mandates of Executive Order (EO) 13514. The HHS SSPP establishes an integrated strategy to move HHS towards sustainability.

http://www.hhs.gov/about/sustainability/2011plan_summary.html

Meaningful Involvement – (1) Potentially affected community residents have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health; (2) the public contribution can influence the regulatory agency’s decision; (3) the concerns of all participants involved will be considered in the decision making process; and (4) the decision makers seek out and facilitate the involvement of those potentially affected.

Meaningful Involvement and Fair Treatment by Tribal Environmental Regulatory Programs: A Report of the National Environmental Justice Advisory Council (2004)

<http://www.epa.gov/environmentaljustice/resources/publications/nejac/ips-final-report.pdf>

Memorandum of Understanding on Environmental Justice and Executive Order 12898 – Memorandum of Understanding signed by 17 Federal agencies and offices in 2011 with the following purposes: (a) to declare the continued importance of identifying and addressing environmental justice considerations in agency programs, policies, and activities as provided in Executive Order 12898, including as to agencies not already covered by the Order, (b) to renew the process under Executive Order 12898 for agencies to provide environmental justice strategies and implementation progress reports, (c) to establish structures and procedures that ensure that the Interagency Working Group operates effectively and efficiently and (d) to identify particular areas of focus to be included in agency environmental justice efforts.

<http://www.epa.gov/compliance/ej/resources/publications/interagency/ej-mou-2011-08.pdf> 70

Multiple Environmental Exposure – Exposure to any combination of two or more chemical, biological, physical or radiological agents (or two or more agents from two or more of these categories) from single or multiple sources that have the potential for deleterious effects to the environment and/or human health. *Council on Environmental Quality, Executive Office of the President. Environmental Justice: Guidance Under the National Environmental Policy Act.*

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Washington, DC: Executive Office of the President; 10 Dec 1997, pages 25-30.
http://www.epa.gov/compliance/ej/resources/policy/ej_guidance_nepa_ceq1297.pdf

National Environmental Policy Act (NEPA) – An environmental law enacted in 1970 that requires Federal agencies to integrate environmental values into their decision making processes by considering the environmental impacts of their proposed actions and reasonable alternatives to those actions. *U.S. Environmental Protection Agency National Environmental Policy Act* <http://www.epa.gov/compliance/nepa/index.html>. NEPA was one of the first laws ever written that establishes the broad national framework for protecting our environment. NEPA requirements are invoked when airports, buildings, military complexes, highways, parkland purchases, and other federal activities are proposed. *U.S. Environmental Protection Agency Laws and Regulations - Summary of the National Environmental Policy Act.* <http://www.epa.gov/lawsregs/laws/nepa.html>

National Health Security Strategy (NHSS) – The NHSS is the first comprehensive strategy focusing specifically on the Nation's goals of protecting people's health in the case of an emergency. The purpose of the NHSS is to guide the Nation's efforts to minimize the risks associated with a wide range of potential large-scale incidents that put the health and well-being of the Nation's people at risk, whether at home, in the workplace, or in any other setting. National health security is a state in which the Nation and its people are prepared for, protected from, and resilient in the face of health threats or incidents with potentially negative health consequences. <http://www.phe.gov/preparedness/planning/authority/nhss/strategy/documents/nhss-final.pdf>

National Prevention Strategy – The National Prevention Strategy, called for in the Affordable Care Act, is a comprehensive plan to increase the number of Americans who are healthy at every stage of life. It aims to guide our nation in the most effective and achievable means for improving health and well-being. The Strategy prioritizes prevention by integrating recommendations and actions across multiple settings to improve health and save lives. <http://www.healthcare.gov/center/councils/nphpphc/strategy/report.pdf>

Natural Environment – Components of the environment that includes plants, atmosphere, weather, and topography. 71 *The Secretary's Advisory Committee on National Health Promotion and Disease Prevention Objectives for 2020 Phase I Report Recommendations for the Framework and Format of Healthy People 2020 (2008).* <http://healthypeople.gov/2020/about/advisory/PhaseI.pdf>

Occupational Safety and Health – All aspects of workers' health, including primary prevention of occupational hazards, protection and promotion of health at work, employment conditions, and a better response from health systems to workers' health. *World Health Organization Worker's Health: Global Plan of Action (Sixtieth World Health Assembly)* http://www.who.int/occupational_health/WHO_health_assembly_en_web.pdf

Physical Environment – Includes the natural environment (i.e., plants, atmosphere, weather, and topography) and the built environment (i.e., buildings, spaces, transportation systems, and products that are created or modified by people). Physical environments can consist of particular individual or institutional settings, such as homes, worksites, schools, health care settings, or recreational settings. Surrounding neighborhoods and related community areas where individuals live, work, travel, play, and conduct their other daily activities are elements of the physical environment.

The Secretary's Advisory Committee on National Health Promotion and Disease Prevention Objectives for 2020 Phase I Report Recommendations for the Framework and Format of Healthy People 2020 (2008). <http://healthypeople.gov/2020/about/advisory/PhaseI.pdf>

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Public Health Assessment -- The evaluation of data and information on the release of hazardous substances into the environment in order to assess any [past], current, or future impact on public health, develop health advisories or other recommendations, and identify studies or actions needed to evaluate and mitigate or prevent human health effects". *42 Code of Federal Regulations, Part 90, published in 55 Federal Register 5136, February 13, 1990.*

Racial/Ethnic Minority – 1) The term racial and ethnic minority group means American Indians (including Alaskan Natives, Eskimos, and Aleuts); Asian Americans; Native Hawaiians and other Pacific Islanders; Blacks; and Hispanics. 2) The term Hispanic means individuals whose origin is Mexican, Puerto Rican, Cuban, Central or South American, or any other Spanish-speaking country.

Section 1707(g) of the Public Health Service Act (42 USC § 300u-6)

Social Determinants of Health – The conditions in which people are born, grow, live, work and age, including the health system. These circumstances are shaped by the distribution of money, power and resources at global, national and local levels, which are themselves influenced by policy choices. *72 World Health Organization – Social Determinants of Health*
http://www.who.int/social_determinants/en/

Social Environment – Includes interactions with family, friends, coworkers, and others in the community, as well as societal attitudes, norms, and expectations. It encompasses social relationships and policies within settings such as schools, neighborhoods, workplaces, businesses, places of worship, health care settings, recreation facilities, and other public places. It includes the social aspects of health-related behaviors (e.g., tobacco use, substance use, physical activity) in the community. It also encompasses social institutions, such as law enforcement and governmental as well as non-governmental organizations. Economic policy is one important component of the social environment. *The Secretary's Advisory Committee on National Health Promotion and Disease Prevention Objectives for 2020 Phase I Report Recommendations for the Framework and Format of Healthy People 2020 (2008).*
<http://healthypeople.gov/2020/about/advisory/PhaseI.pdf>

Sustainability – The enduring prosperity of all living things. *American Institute of Architects*
<http://info.aia.org/toolkit2030/advocacy/aia.html>

Title VI of the Civil Rights Act of 1964 – Federal law that states that no person in the United States shall on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving Federal financial assistance. *42 U.S.C §§ 2000d, et seq.*

Vulnerable Populations – Vulnerable populations include the uninsured, the poor, the elderly, children, those living with mental or physical disabilities, racial and ethnic minorities, and the terminally ill. The vulnerability that these groups experience usually can be attributed to one or some combination of three factors: economic status or geographic location; health, functional, or developmental status; or ability to communicate. *President's Advisory Commission on Consumer Protection and Quality in the Health Care Industry Quality First: Better Health Care for All Americans Report (2008)* <http://www.hcqualitycommission.gov/>.

CLARITY OF THESE ADMINISTRATIVE COMPLAINTS TO FEDERAL AGENCIES:

SPECIFIC SCOPE: This document encompasses a list of requests on compliance and interagency incorporation of National Environmental Protection Action (NEPA), Title VI of the Civil Right Act of 1964, and Federal Environmental Justice Strategies regards to action, N.C.

Corresponding Contract's Information: C/O Omega R. Wilson

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General Assembly voting, funding, and future subsequent actions/implementations of any and all parts of the **DENR DRAFT of North Carolina Oil and Gas Study under Session Law 2011-276**.

BROADER SCOPE: The purpose of this document is not limited to just Action Requests listed herein recognized as administrative complaints(s). The broader scope under laws, statutes, treaties per the U.S. Constitutional seek prevention, compliance, enforcement actions under National Environmental Protection Action (NEPA), Title VI of the Civil Right Act of 1964, and Federal Environmental Justice Strategies for all North Carolina agencies and entities currently receiving federal funding, future federal funding, permitting actions and oversight of any and all local/county/district/regional/state government agencies, and related paid consultants.

Elaine Chiosso and Omega Wilson would be pleased to meet with you and members of your staff to discuss this opportunity to keep moving North Carolina forward on how-to improve environmental health and public health, and implement prevention models for quality of life by ensuring inclusion of environmental justice and equity principals in the study of potential impacts of hydraulic fracturing.

Very Appreciative,

Omega R. Wilson

Omega R. Wilson,

- President/Project Manager of West End Revitalization Association , Mebane, NC
- Co-Chair of the North Carolina Research Triangle Environmental Collaborative's Environmental Inequities/Environmental Justice Workgroup (EI/EJWG)
- Steering Committee Member of Environmental Health Collaborative Project
- Retired Member of the National Environmental Justice Advisory Council for the U.S. Environmental Protection Agency

Elaine Chiosso

Elaine Chiosso,

- Haw Riverkeeper and Executive Director of Haw River Assembly, Bynum, N.C.
- Co-Chair of the North Carolina Research Triangle Environmental Collaborative's Environmental Inequities/Environmental Justice Workgroup (EI/EJWG)
- Steering Committee Member of Environmental Health Collaborative Project

The attached information will provide details and help clarify the EI/EJWG's mission:

1. President Barack Obama's "Memorandum of Agreement for the Environmental Justice Executive Order 12898", (August 2011).
2. Series of Newspaper Articles: **Public Outcry and Concerns of Local Government Officials and Impacted Citizens.**
3. "Lack of Basic Amenities: Indicators of Health Disparities in Low-Income Communities and Tribal Areas", Commentary by Omega Wilson: North Carolina

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Medical Journal (NCMJ). N C Med J. 2011; May 20, 2011 - 72(2):145-148. c2011 by the North Carolina Institute of Medicine and The Duke Endowment.

4. “Reducing North Carolina’s Health Care Costs Through Environmental Disease Prevention” by Jacqueline MacDonald Gibson, Leah Devlin, David Brown, Martin Armes, North Carolina Medical Journal (NCMJ). N C Med J. 2011; may 20, 2011 - 72(2):119-124. c2011 by the North Carolina Institute of Medicine and The Duke Endowment.
5. 2010 Environmental Health Summit: Recommendations from the Research Triangle Environmental Health Collaborative.

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