

PLEASE PRINT CLEARLY OR TYPE

STATE OF NORTH CAROLINA

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

COUNTY OF (1) WAKE

(2) NORTH CAROLINA ENVIRONMENTAL JUSTICE NETWORK, WATERKEEPER ALLIANCE, INC, and CAPE FEAR RIVER WATCH
PETITIONERS,
v.
(3) NORTH CAROLINA DEPARTMENT OF ENVIRONMENTAL QUALITY
RESPONDENT.
(The State agency or board about which you are complaining)

PETITION FOR A CONTESTED CASE HEARING

We hereby ask for a contested case hearing as provided for by North Carolina General Statute § 150B-23 because the Respondent has: Repeatedly failed to investigate complaints lodged by Waterkeeper Alliance (WKA), Cape Fear River Watch (CFRW), and residents who are members of the North Carolina Environmental Justice Network (NCEJN) regarding Swine Waste Management General Permit violations. DEQ staff has continually and unlawfully failed to conduct initial assessments of complaints filed by Petitioners. One of the recent complaints was filed on October 7, 2016, which like other complaints before it, was made in writing and in person, and supported by photographs and time stamps showing the permit violations. Unchecked permit violations threaten the environment of North Carolina. NCEJN, which represents and has members who are low-income African American residents of North Carolina, is also harmed by DEQ's failure to investigate, because low-income African American residents of this state are disproportionately harmed by impacts of these violations. Members of WKA and CFRW have a right to have their meritorious, good faith complaints assessed to see whether further investigatory action is warranted.

(4) Amount in controversy \$ (if applicable)
(If more space is needed, attach additional pages.)

(5) Because of these facts, the State agency or board has: (check at least one from each column)
deprived me of property;
ordered me to pay a fine or civil penalty; or
X otherwise substantially prejudiced my rights;
AND
exceeded its authority or jurisdiction;
X acted erroneously;
X failed to use proper procedure;
X acted arbitrarily or capriciously; or
X failed to act as required by law or rule.

(6) Date: DECEMBER 6, 2016 (7) Your phone number: (919-445-0176 or 919-445-0178)

(8) Print your full address: UNC CENTER FOR CIVIL RIGHTS, 323 West Barbee Chapel Rd. Chapel Hill, NC 27312

(9) Print your name: Elizabeth Haddix and Brent Ducharme, UNC CCR Attorneys for Petitioners

(10) Your signature: [Handwritten signatures]

You must mail or deliver a COPY of this Petition to the State agency or board named on line (3) of this form. You should contact the agency or board to determine the name of the person to be served.

CERTIFICATE OF SERVICE

I certify that this Petition has been served on the State agency or board named below by depositing a copy of it with the United States Postal Service with sufficient postage affixed OR by delivering it to the named agency or board:

(11) Sam Hayes, General Counsel (name of person served)
(12) NC Department of Environmental Quality (State agency or board listed on line 3)
Raleigh, N.C. 27699-1601
(city) (state) (zip code)

(13) 1601 Mail Service Center, (street address/p.o. box)
(14) This the 6th day of December, 2016.

(15) [Handwritten signature]

(your signature)

When you have completed this form, you **MUST** mail or deliver the **ORIGINAL AND ONE COPY** to the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, NC 27699-6714.

This box for OAH use only.

<p>Amount Paid \$ _____</p> <p>Cash – receipt number _____</p> <p>Money Order Certified Check Attorney Trust Account</p> <p>Check number _____</p>	<p>Indigent (must complete form HOI)</p> <p>Mandated federal cause of action</p> <p>Received by: _____</p>
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