



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

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

December 23, 2019

Return Receipt Requested

Certified Mail#: 7015 3010 0001 1267 2040

In Reply Refer to:

EPA Case No. 02NO-20-R6

Jon Niermann, Chairman
Texas Commission on Environmental Quality
Mail Code 100
Post Office Box 13087
Austin, TX 78711-3087

Re: Informal Resolution/Tolling of Investigative Timeframe

Dear Chairman Niemann:

This letter concerns EPA Complaint No. 02NO-20-R6, which was accepted December 4, 2019. The U.S. Environmental Protection Agency's (EPA) External Civil Rights Compliance Office (ECRCO) is required by regulation to seek cooperation with recipients in securing compliance with 40 C.F.R. Parts 5 and 7 through informal and voluntary means.¹ The process of developing and executing an Informal Resolution Agreement (IRA) was described to Amy Browning and other TCEQ representatives during a telephone conversation on December 16, 2019. On December 19, 2019, Ms. Browning informed ECRCO that TCEQ has agreed to engage in negotiations toward the execution of an IRA. Accordingly, as of December 19, 2019, ECRCO and TCEQ have commenced informal resolution agreement discussions. ECRCO, therefore, will suspend its investigation and toll the 180-day investigation timeframe in 40 C.F.R. § 7.115(c)(1) for the duration of the informal resolution agreement process. ECRCO will ensure that this process occurs without undue delay.

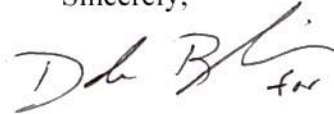
If the informal resolution process fails to result in an IRA between ECRCO and TCEQ, ECRCO will notify TCEQ that ECRCO has resumed its investigation and will issue preliminary findings within 180 days of the start of the investigation – excluding any days spent in the informal resolution agreement process.² To facilitate the informal resolution agreement process, we will soon be providing you with a draft IRA for review and consideration.

¹ See 40 C.F.R. § 7.105 (EPA "shall seek the cooperation of applicants and recipients in securing compliance with" 40 C.F.R. Part 7); and 7.120(d)(2) (EPA "shall attempt to resolve complaints informally whenever possible.").

² See 40 C.F.R. § 7.115(c).

If you have questions about this letter, please feel free to contact me at (202)564-9649, or by email at dorka.lilian@epa.gov, or Debra McGhee, ECRCO Team Lead, at (202)564-4646, by email at mcghee.debra@epa.gov. Either of us may be reached by mail at U.S. EPA External Civil Rights Compliance Office (Mail Code 2310A), 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460.

Sincerely,

A handwritten signature in black ink, appearing to read "Lilian S. Dorka". The signature is fluid and cursive, with the first name "Lilian" being the most prominent.

Lilian S. Dorka
Director
External Civil Rights Compliance Office
Office of General Counsel

cc: Angelia Talbert-Duarte
Deputy Associate General Counsel
Civil Rights & Finance Law Office

David Gray
Deputy Regional Administrator
Deputy Civil Rights Official
US EPA Region 6

Patricia Welton
Regional Counsel
US EPA Region 6