



## OFFICE OF EXTERNAL CIVIL RIGHTS COMPLIANCE

WASHINGTON, D.C. 20460

September 9, 2024

### **In Reply Refer to:**

EPA Complaint No: 02RNO-22-R5

Phillip D. Roos, Director  
Michigan Department of Environment, Great Lakes, and Energy  
525 West Allegan Street  
Post Office Box 30471  
Lansing, MI 48909-7973  
RoosP@michigan.gov

### **Re: Resolution of EPA Complaint No. 02RNO-22-R5**

Dear Director Roos:

This letter is to notify you that the U.S. Environmental Protection Agency (EPA), Office of Environmental Justice & External Civil Rights (OEJECR), Office of External Civil Rights Compliance (OECRC), has resolved EPA Complaint No. 02RNO-22-R5 based on the enclosed Informal Resolution Agreement (Agreement), which is entered into between EPA and the Michigan Department of Environment, Great Lakes, and Energy (EGLE).

On March 11, 2022, EPA accepted for investigation a complaint against EGLE alleging discrimination on the basis of race, color and national origin, in violation of Title VI of the Civil Rights Act of 1964 ("Title VI"), and EPA's nondiscrimination regulation, at 40 C.F.R. Part 7. Specifically, EPA accepted the following issues for investigation<sup>1</sup>:

Whether EGLE's criteria and methods of administering its air permit program, including its exercise of authority under Rule 228, has the intent and/or effect of subjecting persons to discrimination the basis of race, color, and national origin in violation of Title VI and EPA's implementing regulation at 40 C.F.R. Part 7.

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<sup>1</sup> On October 6, 2022, EPA issued a letter amending the issues accepted for investigation for EPA Complaint No. 02RNO-22-R5. In its acceptance letter dated on March 11, 2022, EPA had accepted the following two issues for investigation: (1) Whether EGLE discriminated on the basis of race, color and national origin in violation of Title VI and EPA's implementing regulation at 40 C.F.R. Part 7, when it approved Permit to Install (PTI) No. 33-20 for the Stellantis Complex; and (2) Whether EGLE's criteria and methods of administering its air permit program, including its exercise of authority under Rule 228, has the intent and/or effect of subjecting persons to discrimination the basis of race, color, and national origin in violation of Title VI and EPA's implementing regulation at 40 C.F.R. Part 7. OECRC received confirmation from EGLE that PTI No. 33-20 was voided by EGLE on August 2, 2022. In light of the voidance of PTI No. 33-20 and based on available information, OECRC determined that Issue (1), above, was moot. OECRC continued to investigate Issue (2) as originally accepted.

As part of the investigation of this issue, OECRC stated that it would focus in part on the Stellantis Complex as an example of whether EGLE's air permitting program discriminates in violation of Title VI and 40 C.F.R. Part 7.

During the course of EPA's investigation, EGLE agreed to enter into the Informal Resolution Agreement (IRA) process in order to resolve EPA Complaint No. 02RNO-22-R5. The enclosed Agreement is entered into by EPA pursuant to the authority granted to EPA under the federal nondiscrimination laws, including Title VI and 40 C.F.R. Part 7. It is understood that the Agreement does not constitute an admission by EGLE of any violation or a finding by EPA of compliance or noncompliance with applicable federal non-discrimination laws and regulation.

EPA recognizes EGLE's commitment to taking steps to identify and address the cumulative environmental and health impacts experienced by communities with environmental justice concerns. As part of the informal resolution of a complaint filed with EGLE through EGLE's grievance procedure, EGLE is currently working with EPA Region 5, the Michigan Department of Health and Human Services (MDHHS), and community leaders on a pilot project in North Detroit/Hamtramck to build the capacity to identify and address cumulative environmental and health impacts. EGLE reviewed tools available to carry out such an approach, in consultation with community representatives, and selected the Protocol for Assessing Community Excellence in Environmental Health (PACE EH) framework. EPA is supporting this project through contractual funding and direct participation.

We understand that EGLE plans to continue to pursue opportunities to assess and address cumulative environmental and health impacts experienced by communities with environmental justice concerns, in consultation with community leaders and EPA Region 5 and informed by experience from planned and ongoing projects. The timing, scope, design of such an approach to include the communities surrounding the Stellantis Complex will be determined through this consultation and review process, and it is subject to available funding and agency program capacity.

Further, EPA Region 5's and EGLE's environmental justice offices have issued a letter to the Stellantis Complex on September 9, 2024, to follow up on the company's Additional Projects Plan as referenced in the company's permit from EGLE. In that plan, the company committed to plant a robust green buffer of trees around the Stellantis Complex perimeter and additional trees on Beniteau and Lillibridge streets. This effort is in response to concerns that were expressed by the community members during the complaint investigation regarding a lack of tree barrier between the Stellantis Complex and adjacent and nearby homes.

The enclosed Agreement does not affect EGLE's continuing responsibility under Title VI, 40 C.F.R. Parts 5 and 7, and other federal nondiscrimination laws, nor does it affect OECRC's investigation of any Title VI or other federal civil rights complaints or address any other matter not covered by this Agreement. This letter sets forth EPA's disposition of the complaint. This letter is not a formal statement of EPA policy and should not be relied upon, cited, or construed as such.

During the monitoring of the implementation of the agreement, EPA is committed to engaging with community partners, as appropriate. EPA is also committed to working with EGLE as it implements the provisions of the Agreement. If you have any questions regarding this letter and the Agreement between EPA and EGLE, please contact me at (202) 564-3357 or by e-mail at [wilson.adam@epa.gov](mailto:wilson.adam@epa.gov), or Hayley Cormack, case manager, at (202) 250-8851 or by e-mail at [cormack.hayley@epa.gov](mailto:cormack.hayley@epa.gov).

Sincerely,

Adam Wilson, Acting Deputy Director  
Office of External Civil Rights Compliance  
Office of Environmental Justice and External  
Civil Rights

cc: Ariadne Goerke  
Deputy Associate General Counsel  
Civil Rights & Finance Law Office

Cheryl Newton  
Deputy Regional Administrator  
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