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

NOV 21 2011

OFFICE OF
CIVIL RIGHTS

Mr. Chris Reardon
Chief Deputy Director
California Department of Pesticide Regulation
1001 I Street
Sacramento, CA 95814

Dear Mr. Reardon:

Thank you very much for your November 2, 2011, letter concerning the monitoring required by Paragraph 15 of the Agreement entered into by the California Department of Pesticide Regulation (CDPR) and the U.S. Environmental Protection Agency's Office of Civil Rights (OCR) with respect to Complaint No. 16R-99-R9. In addition, we thank Ms. Polly Frenkel for her electronic mail to us also on November 2, 2011. OCR and CDPR are in agreement with respect to the following items:

1. The continued monitoring for methyl bromide by the California Air Resources Board (at CDPR's request) at locations in Oxnard and Santa Maria. This monitoring will continue through December 31, 2013. The monitoring within Oxnard will relocate in November 2011 to Rio Mesa High School, 545 Central Avenue, Oxnard.

2. The placement of an additional monitoring site within Watsonville at Ohlone Elementary School, 21 Bay Farms Road, Watsonville. The monitoring for methyl bromide at this location will begin on the first week of January 2012, and will continue through December 31, 2013. The sampling frequency at this location will initially consist of a single 24-hour sample collected each week; sampling, however, will occur on different days of the week and will include sampling on weekends.

OCR would like to preserve the ability to resume discussions concerning the potential for increasing the frequency of weekly sampling by one during the peak application season at the Watsonville location. As indicated above, CDPR and OCR are in agreement with respect to sampling frequency at the initiation of the monitoring. However, OCR would like to continue discussions regarding sampling twice per week. We are encouraged by the information contained in Ms. Frenkel's November 2, 2011, electronic mail concerning CDPR's efforts in attempting to arrange with the California Air Resources Board for twice a week sampling during the peak application period next fall. We are also mindful that these arrangements could not be

finalized prior to November 22, 2011, as required by Paragraph 15 of the Agreement. Accordingly, we would like to provide an opportunity for CDPR and OCR to renew our discussions on this issue and would request that we have further discussions on this issue no later than May 31, 2012.

If you agree to the terms contained in this letter, please sign below and return a copy to OCR. If you have any questions, please contact Ms. Helena Wooden-Aguilar at 202-564-0792 or Wooden-Aguilar.Helena@epa.gov.

Sincerely,

Rafael DeLeon

Rafael DeLeon, Director
Office of Civil Rights

cc: Ms. Polly Frenkel, CDPR Chief Counsel

The terms and conditions of the monitoring for methyl bromide required by Paragraph 15 of the Agreement entered in Complaint No. 16R-99-R9 as set forth in this letter is approved by:

Chris Reardon
Chief Deputy Director
California Department of Pesticide Resources

11/22/11
Date