



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

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE  
OFFICE OF GENERAL COUNSEL

May 10, 2022

**In Reply Refer to:**

EPA File No: 01RNO-22-R5; 02RNO-22-R5; 03DRr-22-R5

Liesl Eichler Clark, Director  
The Michigan Department of Environment, Great Lakes, and Energy  
525 West Allegan Street  
Post Office Box 30471  
Lansing, MI 48909-7973  
ClarkL20@michigan.gov

**Re: Informal Resolution/Tolling of Preliminary Findings Timeframe**

Dear Director Clark:

This letter concerns EPA Complaint Nos. 01RNO-22-R5, 02RNO-22-R5, and 03DRr-22-R5, against the Michigan Department of Environment, Great Lakes and Energy (EGLE), which were accepted for investigation on March 11, 2022. The 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.<sup>1</sup> The process of developing and executing an Informal Resolution Agreement (IRA) was described to James Clift, Deputy Director of EGLE, during a conversation on March 24, 2022. On April 8, 2022, Mr. Clift informed ECRCO that EGLE has agreed to engage in negotiations toward the execution of an IRA(s) for these cases. Accordingly, as of April 8, 2022, ECRCO and EGLE have commenced informal resolution agreement discussions. ECRCO, therefore, will suspend its 180-day timeframe for issuing Preliminary Findings in each of these cases (40 C.F.R. § 7.115(c)(1)) for the duration of the IRA process. ECRCO will ensure that this process occurs without undue delay.

The goal of the IRA negotiation process is to reach an agreement between EGLE and ECRCO that resolves the issues accepted for investigation. If EGLE and ECRCO fail to reach an informal resolution agreement for any of these cases, ECRCO will notify EGLE and the Complainant of that fact and resume the process for issuing preliminary findings.<sup>2</sup> To facilitate the informal

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<sup>1</sup> 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.”).

<sup>2</sup> See 40 C.F.R. § 7.115(c). In the event ECRCO and EGLE cannot reach an Informal Resolution Agreement,

resolution agreement process, we will continue to engage with you, as well as the Complainants, to gather the necessary facts and information so that we may provide you with a draft IRA(s) as soon as possible for your consideration. Engagement during the IRA negotiation process may also include EPA facilitated meetings that include EGLE and the Complainants.

If you have questions about this letter, please feel free to contact me by email at [dorka.lilian@epa.gov](mailto:dorka.lilian@epa.gov), or Katelyn Liesner, Case Manager by email at [liesner.katelyn@epa.gov](mailto:liesner.katelyn@epa.gov), or Jack Pantziris, Case Manager at [pantziris.jack@epa.gov](mailto:pantziris.jack@epa.gov).

Sincerely,



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

cc: Ariadne Goerke  
Deputy Associate General Counsel  
Civil Rights & Finance Law Office  
Office of General Counsel, U.S. EPA

Cheryl Newton  
Deputy Regional Administrator  
Deputy Civil Rights Official  
U.S. EPA Region 5

Robert Kaplan  
Regional Counsel  
U.S. EPA Region 5

James Clift  
Deputy Director  
Michigan Department of Environment, Great Lakes and Energy