



UNITED STATES ENVIRONMENTAL PROTECTION  
AGENCY

WASHINGTON, D C. 20460

OFFICE OF ENVIRONMENTAL JUSTICE AND EXTERNAL CIVIL RIGHTS  
OFFICE OF EXTERNAL CIVIL RIGHTS COMPLIANCE

October 3, 2022

**In Reply Refer to:**

EPA Complaint No. 01R-21-R9

Sharon L. Landers  
Interim Executive Officer  
Interim Air Pollution Control Officer  
Bay Area Air Quality Management District  
375 Beale Street  
Suite 600  
San Francisco, CA 94105  
slanders@baaqmd.gov

**Re: Voluntary Compliance Agreement to Resolve Preliminary Findings of Non-Compliance**

Dear Ms. Landers:

The U.S. Environmental Protection Agency (EPA), Office of External Civil Rights Compliance (OECRC) and the Bay Area Air Quality Management District (BAAQMD) have entered into the enclosed Voluntary Compliance Agreement (VCA), which resolves the compliance concerns identified in the Preliminary Findings of Noncompliance issued on June 21, 2021, for EPA Complaint No. 01R-21-R9.

On December 22, 2020, EPA accepted for investigation a complaint that was filed on November 30, 2020, by Californians for Renewable Energy, Inc., against BAAQMD alleging discrimination on the basis of race in violation of Title VI of the Civil Rights Act of 1964 (Title VI) and EPA's nondiscrimination regulations, at 40 C.F.R. Part 7. Specifically, EPA accepted for investigation:

1. Whether BAAQMD discriminated against the residents of the historically Black neighborhood of Hunters Point<sup>1</sup> on the basis of race in violation of Title VI of the Civil Rights Act of 1964 and EPA's nondiscrimination regulation found at 40 C.F.R. Part 7, in its response to an air quality complaint and Title VI complaint involving an alleged release of naturally occurring asbestos during excavation work at Hunters Point Naval Shipyard Parcel A.<sup>2</sup>
2. Whether BAAQMD has and is implementing the procedural safeguards required under 40 C.F.R. Parts 5 and 7 that all recipients of federal assistance must have in place to comply with their general nondiscrimination obligations, including specific policies and procedures

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<sup>1</sup> OECRC analyzed the Bayview and Hunters Point neighborhoods.

<sup>2</sup> Parcel A was part of the Navy's former shipyard. EPA has removed Parcel A from being part of the Hunters Point Naval Shipyard Superfund site on the National Priorities List of contaminated sites (or Superfund list).

Ms. Sharon L. Landers

to ensure meaningful access to BAAQMD's services, programs, and activities, for individuals with limited English proficiency and individuals with disabilities, and whether BAAQMD has a public participation policy and process that is consistent with Title VI and the other federal civil rights laws, and EPA's implementing regulation at 40 C.F.R. Parts 5 and 7.

On June 21, 2021, OECRC issued Preliminary Findings. As to Issue 1, OECRC found insufficient evidence to support a finding of discrimination on the basis of race in violation of Title VI. As to Issue 2, OECRC issued Preliminary Findings of Noncompliance. On August 24, 2022, BAAQMD agreed to enter into a Voluntary Compliance Agreement<sup>3</sup> (VCA) with OECRC to address the deficiencies identified in the Preliminary Letter of Findings and meet its civil rights obligations under 40 C.F.R. Parts 5 and 7.

The enclosed VCA, entered into pursuant to the authority granted to EPA under the federal nondiscrimination laws, including 40 C.F.R. Parts 5 and 7, resolves the second issue as identified above and deficiencies identified in OECRC's June 21 Preliminary Findings Letter. The VCA does not affect BAAQMD's continuing responsibility under Title VI, 40 C.F.R. Parts 5 and 7, and other federal nondiscrimination laws, nor does it affect EPA's investigation of any Title VI or other federal civil rights complaints. The VCA does not address matters not covered by this VCA. This letter and the VCA do not constitute a formal statement of EPA policy and should not be relied upon, cited, or construed as such. EPA is committed to working with BAAQMD as it implements the provisions of the VCA. If you have any questions regarding this letter and enclosed VCA, please contact me at (212) 637-5033 or by e-mail at [hoang.anhthu@epa.gov](mailto:hoang.anhthu@epa.gov).

Sincerely,

Anhthu Hoang, Acting Director  
Office of External Civil Rights Compliance  
Office of Environmental Justice and  
External Civil Rights

Enclosure: VCA as stated

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<sup>3</sup> EPA, *Case Resolution Manual*, p.30, available at: [www.epa.gov/sites/default/files/2021-01/documents/2021.1.5\\_final\\_case\\_resolution\\_manual\\_.pdf](http://www.epa.gov/sites/default/files/2021-01/documents/2021.1.5_final_case_resolution_manual_.pdf).

Ms. Sharon L. Landers

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