



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D C. 20460

Office of Environmental Justice and External Civil Rights
Office of External Civil Rights Compliance

September 30, 2022

In Reply Refer to:

EPA File No: 03R-22-R4

Richard E. Dunn, Director
Georgia Department of Natural Resources
Environmental Protection Division
2 Martin Luther King, Jr. Drive
Suite 1456, East Tower
Atlanta, Georgia 30334
richard.dunn@dnr.ga.gov

Re: Informal Resolution/Tolling of Preliminary Findings Timeframe

Dear Director Dunn:

This letter concerns the U.S. Environmental Protection Agency (EPA) Complaint No. 03R-22-R4, against the Georgia Department of Natural Resources (“DNR”), Environmental Protection Division (“EPD”) which was accepted for investigation on August 12, 2022. The Office of External Civil Rights Compliance Office (“OECRC”)¹ 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.² On August 29, 2022, OECRC met with EPD to explain the available options for informal resolution, including the Informal Resolution Agreement (“IRA”) process. On September 2, 2022, by email correspondence, EPD informed OECRC of its agreement to engage in negotiations toward the execution of an informal resolution agreement (“IRA”). Accordingly, as of September 2, 2022, OECRC and EPD have commenced IRA discussions. OECRC, therefore, will suspend its 180-day timeframe for issuing Preliminary Findings (40 C.F.R. § 7.115(c)(1)) for the duration of the IRA process. OECRC will ensure that this process occurs without undue delay.

The goal of the IRA negotiation process is to reach an agreement between EPD and OECRC that resolves the issues accepted for investigation. If EPD and OECRC fail to reach an informal resolution agreement, OECRC will notify EPD and the Complainants of that fact and resume the process for issuing preliminary findings.³ To facilitate the informal resolution agreement process, we will continue to engage with you, as well as the Complainants, to gather the necessary facts

¹ On September 24, 2022, EPA announced the establishment of the Office of Environmental Justice and External Civil Rights (OEJEER) into which the External Civil Rights Compliance Office (ECRCO) was reorganized and renamed the Office of External Civil Rights Compliance (OECRC). OECRC continues to enforce and ensure compliance with federal civil rights laws which prohibit discrimination by applicants for and recipients of federal financial assistance from EPA.

² 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.”).

³ See 40 C.F.R. § 7.115(c). In the event OECRC and EPD cannot reach an Informal Resolution Agreement, OECRC will resume the process for issuing preliminary findings within 180 days of the start of the investigation – excluding the period spent in the informal resolution agreement process.

and information so that we may provide you with a draft IRA as soon as possible for your consideration. Engagement during the IRA negotiation process may also include EPA facilitated meetings between EPD and the Complainants.

If you have questions about this letter, please feel free to contact me by email at hoang.anhthu@epa.gov, or Jonathan Stein, Case Manager by email at stein.jonathan@epa.gov.

Sincerely,

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

cc: Ariadne Goerke
Deputy Associate General Counsel
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Acting Deputy Regional Administrator
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