



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D C. 20460

Office of Environmental Justice and External Civil Rights

Office of External Civil Rights Compliance

December 21, 2022

In Reply Refer to:

EPA File Nos: 05RNO-22-R6, 06RNO-22-R6

Erin Chancellor
Director, Office of Legal Services
Texas Commission on Environmental Quality
Post Office Box 13087, MC 109
Austin, TX 78711-3087
erin.chancellor@tceq.texas.gov

Re: Informal Resolution/Tolling of Preliminary Findings Timeframe

Dear Ms. Chancellor:

This letter concerns EPA Complaint Nos. 05RNO-22-R6 and 06RNO-22-R6, against the Texas Commission on Environmental Quality (TCEQ), which were accepted for investigation on August 3, 2022. The Office of External Civil Rights Compliance (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 The process of developing and executing an Informal Resolution Agreement (IRA) was described to TCEQ during a conversation on October 28, 2022. On November 18, 2022, TCEQ informed OECRC that TCEQ has agreed to engage in negotiations toward the execution of an IRA. Accordingly, as of November 18, 2022, OECRC and TCEQ have commenced informal resolution agreement 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 TCEQ and OECRC that resolves the issues accepted for investigation. If TCEQ and OECRC fail to reach an informal resolution agreement, OECRC will notify TCEQ and the Complainants of that fact and resume the process for issuing preliminary findings.³ To facilitate the informal resolution agreement

¹ On September 24, 2022, EPA announced the establishment of the Office of Environmental Justice and External Civil Rights (OEJECR) into which 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 TCEQ 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.

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 as soon as possible for your consideration.

If you have questions about this letter, please feel free to contact me by email at hoang.anhthu@epa.gov, or Jack Pantziris, Case Manager, at pantziris.jack@epa.gov.

Sincerely,

Anhthu Hoang, Acting Director
Office of External Civil Rights Compliance

cc: Ariadne Goerke
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