



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D C. 20460

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

December 8, 2022

In Reply Refer to:

EPA File No: 02R-22-R4

Oz Nesbitt Sr., Chairman
Board of Commissioners for Rockdale County, Georgia
962 Milstead Avenue
Conyers, GA 30012
oz.nesbitt@rockdalecountyga.gov

Re: Informal Resolution/Tolling of Preliminary Findings Timeframe

Dear Chairman Nesbitt:

This letter concerns the U.S. Environmental Protection Agency (EPA) Complaint No. 02R-22-R4, against Rockdale County (“County”). The Office of External Civil Rights Compliance (“OECRC”)¹ accepted the complaint for investigation on August 12, 2022. OECRC 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 whenever possible.² On September 23, 2022, OECRC met with the County to explain the available options for informal resolution, including the Informal Resolution Agreement (“IRA”) process. On November 28, 2022, by email correspondence from your legal representative, M. Qadar A. Baig, to OECRC Program Analyst Charity Johnson, the County informed OECRC of its agreement to engage in negotiations toward the execution of an informal resolution agreement (“IRA”). Accordingly, as of September 28, 2022, OECRC and the County 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 the County and OECRC that resolves the issues accepted for investigation. If the County and OECRC fail to reach an informal resolution agreement, OECRC will notify the County and the Complainants of that fact and resume the process for issuing preliminary findings.³ Engagement during the IRA negotiation

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 the County 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 may also include EPA facilitated meetings between the County and the Complainants.

If you have questions about this letter, please feel free to contact me by email at hoang.anhthu@epa.gov; or Case Managers Charity Johnson and Jason Bailey by email at johnson.charity@epa.gov and bailey.jason@epa.gov.

Sincerely,

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

cc: Ariadne Goerke
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