



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D C. 20460

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

November 30, 2022

In Reply Refer to:

EPA File No: 01RNO-22-R9

Barbara Escobar, Director
Pima County Department of Environmental Quality
33 North Stone Avenue
Suite 700
Tucson, AZ 85701
barbara.escobar@pima.gov

Re: Informal Resolution/Tolling of Preliminary Findings Timeframe

Dear Director Escobar:

This letter concerns EPA Complaint No. 01RNO-22-R9, which was accepted for investigation against Pima County Department of Environmental Quality (PDEQ) on August 16, 2022. As we discussed with you on September 13, 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.¹ The process of developing and executing an Informal Resolution Agreement (IRA) was described to you during that conversation. On November 3, 2022, Counsel for PDEQ informed OECRC that PDEQ has agreed to engage in negotiations toward the execution of an IRA. Accordingly, as of November 3, 2022, OECRC and PDEQ 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 PDEQ and OECRC that resolves the issues accepted for investigation. If PDEQ and OECRC fail to reach an informal resolution agreement, OECRC will notify PDEQ of that fact and resume the process for issuing preliminary findings.² During the IRA process our offices will continue to engage with PDEQ, as well as with the Complainant, to gather the necessary facts and information, including, among other things, requesting assistance in accessing pertinent records and arranging interviews of witnesses. Engagement during the IRA negotiation process may also include EPA facilitated

¹ 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.”).

² See 40 C.F.R. § 7.115(c). In the event OECRC and PDEQ 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.

meetings between PDEQ and the Complainant. Information thus obtained will be used in drafting a responsive IRA.

If you have questions about this letter, please feel free to contact me by email at hoang.anhthu@epa.gov, or Desean Garnett, Case Manager by email at garnett.desean@epa.gov.

Sincerely,

Anhthu Hoang, Acting Director
Office of External Civil Rights Compliance
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