



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

May 18, 2021

Emailed to:

In Reply Refer to: EPA Complaint No. 02R-21-R3

Kassahun Sellassie, Ph.D., P.E.
Director
Air Management Services
321 University Avenue
Second Floor
Philadelphia, PA 19104
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Dennis Yuen, Senior Attorney
City of Philadelphia Law Dept.
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Philadelphia, PA 19102
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Re: Informal Resolution/Tolling of Investigative Timeframe for EPA Complaint No. 02R-21-R3

Dear Director Sellassie:

This letter concerns EPA Complaint No. 02R-21-R3, which was accepted for investigation on March 26, 2021. The U.S. Environmental Protection Agency's (EPA) External Civil Rights Compliance Office (ECRCO) 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 your Senior Attorney Denis Yuen from Philadelphia AMS, during a virtual meeting on April 14, 2021. ECRCO received correspondence from Denis Yuen on May 3, 2021, informing our office that the Philadelphia AMS has agreed to engage in negotiations toward the execution of an IRA.

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.").

Accordingly, as of May 3, 2021, ECRCO and the Philadelphia AMS have commenced informal resolution agreement discussions. ECRCO, therefore, will suspend its investigation and toll the 180-day investigation timeframe in 40 C.F.R. § 7.115(c)(1) for the duration of the informal resolution agreement process. ECRCO will ensure that this process occurs without undue delay.

If the informal resolution process fails to result in an IRA between ECRCO and Philadelphia AMS, ECRCO will notify the Philadelphia AMS that ECRCO has resumed its investigation and will issue preliminary findings within 180 days of the start of the investigation – excluding any days spent in the informal resolution agreement process.² To facilitate the informal resolution agreement process, we will soon be providing you with a draft IRA for review and consideration.

If you have any questions about this letter, please feel free to contact me or Waleska Nieves-Muñoz, Case Manager in EPA's External Civil Rights Compliance Office, who can be reached at (202) 564-7103 or by email at nieves-munoz.waleska@epa.gov.

Sincerely,



Lilian S. Dorka, Director
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Office of General Counsel
U.S. Environmental Protection Agency

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² See 40 C.F.R. § 7.115(c).