

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



EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

June 15, 2020

Emailed to:

In Reply Refer to:

EPA Case No. 02NO-20-R3

Bill J. Crouch
Cabinet Secretary
West Virginia Department of Health and Human Resources
Office of the Secretary
One Davis Square, Suite 100 East
Charleston, West Virginia 25301

Re: Informal Resolution/Tolling of Investigative Timeframe

Dear Secretary Crouch:

This letter concerns EPA Complaint No. 02NO-20-R3, which was accepted for investigation on April 10, 2020. 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 Steven Compton, who represents the West Virginia Department of Health and Human Resources (WVDHHR), during a telephone conversation on June 2, 2020. ECRCO received correspondence from Mr. Compton on June 10, 2020, informing our office that the WVDHHR has agreed to engage in negotiations toward the execution of an IRA. Accordingly, as of June 10, 2020, ECRCO and the WVDHHR 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 the WVDHHR, ECRCO will notify the WVDHHR 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.

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).

If you have questions about this letter, please feel free to contact me at (202)564-9649, or by email at dorka.lilian@epa.gov, or Aaron L. Bell, ECRCO Case Manager, at (202)564-1044 by email at bell.aaron@epa.gov.

Sincerely,



Lilian S. Dorka
Director
External Civil Rights Compliance Office
Office of General Counsel

cc: Angelia Talbert-Duarte
Associate General Counsel
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