



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

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

February 11, 2022

In Reply Refer to:

EPA File No: 04Rr-21-R5

Liesl Eichler Clark, Director
The Michigan Department of Environment,
Great Lakes and Energy
525 West Allegan Street
Post Office Box 30471
Lansing, MI 48909-7973
ClarkL20@michigan.gov

Re: Informal Resolution/Tolling of Preliminary Findings Timeframe

Dear Director Clark:

This letter concerns EPA Complaint No. 04Rr-21-R5, which was accepted for investigation against the Michigan Department of Environment, Great Lakes and Energy (EGLE) on November 24, 2021. 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 the Deputy Director of EGLE during a conversation on December 7, 2021. On January 28, 2022, the Deputy Director of EGLE informed ECRCO that EGLE has agreed to engage in negotiations toward the execution of an IRA. Accordingly, as of January 28, 2022, ECRCO and EGLE have commenced informal resolution agreement discussions. ECRCO, 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. ECRCO will ensure that this process occurs without undue delay.

The goal of the IRA negotiation process is to reach an agreement between the EGLE and ECRCO that resolves the issues accepted for investigation. If the EGLE and ECRCO fail to reach an informal resolution agreement, ECRCO will notify EGLE and the Complainant of that fact and resume the process for issuing preliminary findings.² To facilitate the informal

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 ECRCO and EGLE cannot reach an Informal Resolution Agreement, ECRCO will resume the process for issuing preliminary findings within 180 days of the start of the investigation –

resolution agreement process, we will continue to engage with you, as well as the Complainant, 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 dorka.lilian@epa.gov, or Katelyn Liesner, Case Manager by email at liesner.katelyn@epa.gov, or Jack Pantziris, Case Manager at pantziris.jack@epa.gov.

Sincerely,



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

cc: Ariadne Goerke
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