



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

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

February 18, 2022

In Reply Refer to:

EPA File No: 02R-21-R6

Erin Chancellor
Director, Office of Legal Services
Texas Commission on Environmental Quality
Post Office Box 13087, MC 109
Austin, TX 78711-3087
Erin.chancellor@tceq.texas.gov

Re: Informal Resolution/Tolling of Investigative Timeframe

Dear Ms. Chancellor:

This letter concerns EPA Complaint No. 02R-21-R6, which was accepted for investigation against the Texas Commission on Environmental Quality (TCEQ) on October 15, 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 ECRCO described the process for developing and executing an Informal Resolution Agreement (IRA) to the Director of the Office of Legal Services during a conversation on January 31, 2022. On February 4, 2022, by email, the Director of the Office of Legal Services of TCEQ informed ECRCO that TCEQ has agreed to engage in negotiations toward the execution of an IRA. Accordingly, as of February 4, 2022, ECRCO and TCEQ 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 TCEQ and ECRCO that resolves the issues accepted for investigation. If TCEQ and ECRCO fail to reach an informal resolution agreement, ECRCO will notify TCEQ and the Complainants of that fact and resume the process for issuing preliminary findings.² To facilitate the informal resolution agreement

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

process, we will continue to engage with you, as well as the Complainants, 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 Jack Pantziris, Case Manager at pantziris.jack@epa.gov.

Sincerely,

Anhthu Hoang, Acting Deputy Director
External Civil Rights Compliance Office
Office of General Counsel, U.S. EPA

cc: Ariadne Goerke
Deputy Associate General Counsel
Civil Rights & Finance Law Office

Cecil Rodrigues
Acting Deputy Regional Administrator
Deputy Civil Rights Official
US EPA Region 6

James McGuire
Regional Counsel
US EPA Region 6