



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D C. 20460

OFFICE OF ENVIRONMENTAL JUSTICE AND EXTERNAL CIVIL RIGHTS
OFFICE OF EXTERNAL CIVIL RIGHTS COMPLIANCE

September 12, 2023

In Reply Refer to:

EPA File No. 01RNO-23-R9

Eileen Sobeck
Executive Director
California State Water Resources Control Board
1001 I Street
Post Office Box 100
Sacramento, CA 95812-0100
eileen.sobeck@waterboards.ca.gov

Re: Informal Resolution/Tolling of Preliminary Findings Timeframe

Dear Executive Director Sobeck:

This letter concerns U.S. Environmental Protection Agency (“EPA”) Complaint No. 01RNO-23-R9 involving the California State Water Resources Control Board (“Board”). On August 8, 2023, the Office of External Civil Rights Compliance (“OECRC”) accepted the complaint for investigation. OECRC is required by regulation to attempt to resolve complaints informally whenever possible.¹ OECRC representatives described the process of developing and executing a facilitated Informal Resolution Agreement (“IRA”) to Executive Director Eileen Sobeck and the Board’s Counsel Michael A.M. Lauffer on August 28, 2023. On September 7, 2023, Mr. Lauffer informed OECRC that the Board agrees to engage in negotiations toward the execution of an IRA. Consequently, OECRC 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 the Board and OECRC that resolves the issues accepted for investigation. If the Board and OECRC fail to reach an informal resolution agreement, OECRC will notify the Board and the Complainant of that fact and resume the process for issuing preliminary findings.² To facilitate the informal resolution agreement process, we will continue to engage the Board, 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. Engagement during the IRA negotiation process may also include EPA facilitated meetings between the Board and the Complainants, with the consent of the Recipient and Complainants.

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 the Boards 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.

In the interim, if you have any questions, please contact me (Hoang.Anhthu@epa.gov; 202-809-3297), or Case Managers Al Sweeney (Sweeney.Alfred@epa.gov; 202-564-7949) and Rebecca Gillman (Gillman.Rebecca@epa.gov; 202-564-7969).

Sincerely,

Anhthu Hoang
Acting Director
Office of Environmental Justice &
External Civil Rights
Office of External Civil Rights Compliance

cc: Ariadne Goerke
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