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



EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE OFFICE OF GENERAL COUNSEL

October 1, 2021

In Reply Refer to:

EPA File No: 03R-21-R3

David K. Paylor Director Virginia Department of Environmental Quality P.O. Box 1105 Richmond, VA 23218 david.paylor@deq.virginia.gov

Re: Informal Resolution/Tolling of Preliminary Findings Investigative Timeframe

Dear Director Paylor:

This letter concerns EPA Complaint No. 03R-21-R3, which was accepted for investigation on August 25, 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. The process of developing and executing an Informal Resolution Agreement (IRA) was described to you during the September 16, 2021 telephone conversation. On September 23, 2021, ECRCO received your electronic communications informing our office that the Virginia Department of Environmental Quality (VADEQ) has agreed to engage in negotiations toward the execution of an IRA. Accordingly, as of September 23, 2021, ECRCO and VADEQ have commenced informal resolution agreement discussions. ECRCO, therefore, will suspend its formal investigation and toll the 180-day preliminary findings 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 VADEQ, ECRCO will notify the VADEQ 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. To facilitate the informal resolution agreement process, we will soon be providing you with a draft IRA for review and consideration.

If you have questions about this letter, please feel free to contact me at (202)564-9649, or by

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).

email at dorka.lilian@epa.gov, or Jeryl Covington, Case Manager by email at covington.jeryl@epa.gov or Jack Pantziris, Case Manager by email at pantziris.jack@epa.gov.

Sincerely,

Lilian S. Dorka, Director

External Civil Rights Compliance Office

Office of General Counsel

cc: Ariadne Goerke

Deputy Associate General Counsel Civil Rights & Finance Law Office

Paul Leonard Senior Advisor Alternate Deputy Civil Rights Official US EPA Region 3

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