

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



EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

August 26, 2020

Emailed to:

In Reply Refer to:

EPA Case No. 01CR-20-R1

Kathleen A. Theoharides
Secretary
Massachusetts Executive Office of Energy & Environmental Affairs (EEA)
100 Cambridge Street
Suite 900
Boston, MA 02114
kathleen.theoharides@state.ma.us

Re: Informal Resolution/Tolling of Compliance Review Investigation

Dear Secretary Theoharides:

On August 10, 2020, the U.S. Environmental Protection Agency's (EPA) External Civil Rights Compliance Office (ECRCO) initiated Compliance Review 01CR-20-R1 of the Massachusetts Executive Office of Energy & Environmental Affairs (EEA) in accordance with the EPA's nondiscrimination regulation at 40 C.F.R. Parts 5 and 7. EPA 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 EEA, during a telephone conversation on August 19, 2020. During that conversation, EEA informed ECRCO that it agrees to engage in negotiations toward the execution of an IRA. Accordingly, as of August 19, 2020, ECRCO and EEA have commenced informal resolution agreement discussions. ECRCO, therefore, will suspend its compliance review investigation and toll the 180-day compliance review timeframe in 40 C.F.R. § 7.115(c)(1) for the duration of the informal resolution agreement process. ECRCO will ensure that this informal resolution process occurs without undue delay.

If the informal resolution process fails to result in an IRA between ECRCO and EEA, ECRCO will notify EEA that ECRCO has resumed its compliance review investigation and will issue preliminary findings within 180 days of the start of the compliance review – 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.

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 Brittany Robinson, ECRCO Case Manager, at (202)564-0727, by email at robinson.brittany@epa.gov, or Zahra Khan, ECRCO Case Manager, at (202) 564-0461, by email at khan.zahra@epa.gov.

Sincerely,



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

cc: Angelia Talbert-Duarte
Associate General Counsel
Civil Rights & Finance Law Office

Deb Szaro
Deputy Regional Administrator
Deputy Civil Rights Official
U.S. EPA Region 1

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