



U.S. Department
of Transportation

**Pipeline and Hazardous
Materials Safety
Administration**



OFFICE OF EXTERNAL CIVIL RIGHTS COMPLIANCE

WASHINGTON, D.C. 20460

January 12, 2024

In Reply Refer To:

EPA Compliance Review No. 01CR-20-R1
DOT Complaint Number: 2020-0264

Rebecca Tepper
Secretary, Massachusetts Executive Office of Energy and
Environmental Affairs
Chairman, Energy Facilities Siting Board
rebecca.l.tepper@mass.gov

James M. Van Nostrand
Chair, Massachusetts Department of Public Utilities
james.vannostrand@mass.gov

Re: Informal Resolution Agreement to Resolve EPA Compliance Review and DOT Complaint

Dear Secretary and Chairman Tepper and Chair Van Nostrand:

The enclosed Informal Resolution Agreement (Agreement) is entered into by the U.S. Environmental Protection Agency (EPA), Office of External Civil Rights Compliance Office (OECRC) and the Massachusetts Executive Office of Energy and Environmental Affairs (EEA) to resolve EPA Compliance Review No. 01CR-20-R1 (initiated on August 10, 2020) and the U.S. Department of Transportation (DOT), Pipeline and Hazardous Materials Safety Administration (PHMSA), the Massachusetts Department of Public Utilities (DPU), and the Energy Facilities Siting Board (EFSB), to resolve DOT Complaint No. 2020-0264, respectively. EEA, DPU, and EFSB are herein referenced as the MA Agencies. The Agreement addresses EEA's implementation of its nondiscrimination program in accordance with the EPA Nondiscrimination Regulation at 40 C.F.R. Parts 5 and 7 and DPU and EFSB's implementation of DOT Regulation 49 C.F.R. Part 21.

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The issues reviewed in EPA Compliance Review No. 01CR-20-R1 were:

1. Whether EEA has and is taking reasonable steps, including implementing specific policies and procedures, to ensure meaningful access for individuals with limited English proficiency (LEP) to EEA programs and activities in compliance with the requirements of Title VI of the Civil Rights Act of 1964 and 40 C.F.R. Part 7; and
2. Whether EEA has and is implementing the procedural safeguards recipients of federal financial assistance must have in place to comply with their general nondiscrimination obligations as set forth in 40 C.F.R. Parts 5 and 7. Those safeguards include but are not limited to those with respect to public participation and specific policies and procedures to ensure meaningful access to EEA programs and activities for individuals with disabilities under Section 504 of the Rehabilitation Act of 1973.

The issues accepted for the DOT Complaint No. 2020-0264 were:

1. Whether LEP individuals were denied access to the “East Eagle Reliability Project” public participation process;
2. Which entities/officials were responsible for ensuring nondiscrimination in that process; and
3. The nature of the relationships between DPU, EFSB, and the EEA.

During the course of EPA and DOT’s investigation, EEA, DPU, and EFSB agreed to pursue an Informal Resolution Agreement in order to resolve EPA Compliance Review No. 01CR-20-R1 and DOT Complaint No. 2020-0264. The enclosed Agreement is entered into by EPA and DOT pursuant to the authority granted to EPA and DOT under the federal nondiscrimination laws, including Title VI, Section 504 and 40 C.F.R. Part 7 and 49 C.F.R. Part 21, respectively. The Agreement resolves the issues accepted for investigation in EPA Compliance Review No. 01CR-20-R1 and DOT Complaint # 2020-0264. It is understood that the Agreement does not constitute an admission by the MA Agencies of any violation or a finding by EPA or DOT in the respective investigations or of compliance or noncompliance with applicable federal non-discrimination laws and the regulations administered by EPA or DOT, respectively.

The enclosed Agreement does not affect the MA Agencies’ continuing responsibility under Title VI, Section 504, 40 C.F.R. Parts 5 and 7, and 49 C.F.R. Part 21, respectively, and other federal nondiscrimination laws. Nor does the Agreement affect EPA/OECRC’s or DOT/PHMSA’s

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investigation of any Title VI or other federal civil rights complaints or address any other matter not covered by this Agreement. This letter sets forth EPA/OECRC's disposition of the compliance review and DOT/PHMSA's disposition of the DOT Complaint. This letter is not a formal statement of EPA/OECRC's or DOT/PHMSA's policy and should not be relied upon, cited, or construed as such.

EPA and DOT are committed to working with the MA Agencies to implement the provisions of the Agreement. If you have any questions regarding the Agreement between EPA and the EEA, please contact Anhthu Hoang at (202) 809-3297, by e-mail at hoang.anhthu@epa.gov, or regarding the Agreement between DOT/PHMSA and the DPU and EFSB, please contact Rosanne Goodwill (202) 366-6580 or by e-mail at rosanne.goodwill@dot.gov.

Sincerely,

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

Rosanne Goodwill
Civil Rights Director
Pipeline and Hazardous Materials Safety
Administration

Enclosure: Informal Resolution Agreement

Cc: Yvette Rivera
Associate Director, Equity and Access Division
Departmental Office of Civil Rights
U.S. Department of Transportation

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Chair James Van Nostrand

Ariadne Goerke
Deputy Associate General Counsel
EPA Civil Rights and Finance Law Office
U.S. EPA Office of General Counsel

Karen McGuire
Deputy Regional Administrator
Deputy Civil Rights Official
U.S. EPA Region 1

Carl Dierker
Regional Counsel
U.S. EPA Region 1