



OFFICE OF ENVIRONMENTAL JUSTICE AND EXTERNAL CIVIL RIGHTS

WASHINGTON, D.C. 20460

June 17, 2024

Scott DiBiase, Director
Pima County Department of Environmental Quality
33 N. Stone Avenue
Tucson, AZ 85701

Re: Resolution of Administrative Complaint No. 01RNO-22-R9

Dear Director DiBiase:

This letter is to inform you that the U.S. Environmental Protection Agency (EPA), Office of External Civil Rights Compliance (OECRC) is resolving this complaint based on the enclosed Informal Resolution Agreement (Agreement) entered into between EPA and the Pima County Department of Environmental Quality (PDEQ). On August 16, 2022, OECRC accepted for investigation an administrative complaint brought under Title VI of the Civil Rights Act of 1964 and EPA's implementing regulations at 40 C.F.R. Part 7, which alleged discrimination on the basis of race and national origin. Specifically, the issues accepted for investigation were:

1. Whether PDEQ's criteria and method of administering its air quality permitting process for the proposed Becton, Dickinson and Company (Becton) Product Sterilization Facility, specifically, with respect to the method used by PDEQ for its environmental justice analysis, subjected persons of color, including Latinx persons, who live "near" the Becton Facility to discrimination on the basis of race and national origin in violation of Title VI of the Civil Rights Act of 1964 and EPA's implementing regulation at 40 C.F.R. Part 7;¹
2. Whether PDEQ discriminated on the basis of race and national origin, in violation of Title VI of the Civil Rights Act of 1964 and EPA's implementing regulation at 40 C.F.R. Part 7, by failing to provide meaningful public participation in the air permit process for the proposed Becton Facility; and
3. Whether PDEQ has and is implementing the procedural safeguards required under 40 C.F.R. Parts 5 and 7 that all recipients of federal assistance must have in place to comply with their general nondiscrimination obligations, including specific policies and procedures to ensure meaningful access to PDEQ services, programs, and activities, for individuals with limited

¹ On May 23, 2023, EPA administratively closed out issue #1, as set forth above, because the subject permit was terminated by PDEQ at the facility's request. See letter from Anhthu Hoang, Acting Director of the Office of External Civil Rights Compliance to Ursula Nelson, Director, Pima County Department of Environmental Quality, dated May 23, 2023.

English proficiency (LEP) and individuals with disabilities, and whether PDEQ has a public participation policy and process that is consistent with Title VI of the Civil Rights Act of 1964 including other federal civil rights laws, and EPA's implementing regulations at 40 C.F.R. Parts 5 and 7.

During EPA's investigation, PDEQ agreed to enter into the Agreement in order to resolve the complaint. The enclosed Agreement is entered into by EPA pursuant to its authority under the federal nondiscrimination laws, including Title VI and EPA's nondiscrimination regulations at 40 C.F.R. Parts 5 and 7. The Agreement resolves EPA Complaint No. 01RNO-22-R9. The Agreement does not constitute an admission by PDEQ of any violation or a finding by EPA of compliance or noncompliance with applicable federal civil rights laws, including Title VI and 40 C.F.R. Parts 5 and 7.

The enclosed Agreement does not affect PDEQ's continuing responsibilities under Title VI or 40 C.F.R. Parts 5 and 7, and other federal non-discrimination laws and regulation, nor does it affect EPA's investigation of any Title VI or other federal civil rights complaints or address any other matter not covered by the Agreement. This letter sets forth EPA's disposition of EPA Complaint No. 01RNO-22-R9. This letter is not a formal statement of EPA policy and should not be relied upon, cited, or construed as such.

EPA appreciates the cooperation of your staff, especially Abigail Okrent, in resolving this matter. EPA is committed to working with PDEQ as it implements the provisions of the Agreement. If you have any questions regarding the Agreement between EPA and PDEQ, then please contact me at (202) 564-3357 or wilson.adam@epa.gov.

Sincerely,



Adam Wilson, Acting Deputy Director
Office of External Civil Rights Compliance
U.S. Environmental Protection Agency

Enclosures

cc: James Rappaport,
Supervisory Attorney – Land Use and Environment
Pima County Attorney's Office

Cheree Peterson
Deputy Regional Administrator
Deputy Civil Rights Official
U.S. EPA Region 9

Suzanne Andrews
Acting Regional Counsel
U.S. EPA Region 9