



## OFFICE OF EXTERNAL CIVIL RIGHTS COMPLIANCE

WASHINGTON, D.C. 20460

March 12, 2025

**In Reply Refer to:**

EPA Complaint No: 02R-21-R3

Palak Raval-Nelson, Ph.D., M.P.H.  
Health Commissioner  
Philadelphia Department of Public Health  
1101 Market Street, 13<sup>th</sup> Floor  
Philadelphia, PA 19107  
[palak.raval-nelson@phila.gov](mailto:palak.raval-nelson@phila.gov)

**Re: Resolution of EPA Complaint No. 02R-21-R3**

Dear Dr. Raval-Nelson:

This letter is to notify you that the U.S. Environmental Protection Agency ("EPA"), Office of Environmental Justice & External Civil Rights ("OEJECR"), Office of External Civil Rights Compliance ("OECRC"), has resolved EPA Complaint No. 02R-21-R3 based on the enclosed Informal Resolution Agreement ("Agreement"), which is entered into between EPA and the Philadelphia Department of Public Health ("DPH").

On March 26, 2021, EPA accepted for investigation a complaint filed against DPH alleging discrimination on the basis of race and national origin in violation of Title VI of the Civil Rights Act of 1964 ("Title VI") and EPA's nondiscrimination regulation, at 40 C.F.R. Parts 5 and 7. Specifically, EPA accepted for investigation the following issues:

1. Whether the Philadelphia Air Management Services ("AMS") discriminated against the predominantly African American community in the Nicetown neighborhood of Philadelphia, Pennsylvania on the basis of race and national origin in violation the Civil Rights Act of 1964 (Title VI) and EPA's nondiscrimination regulation found at 40 C.F.R. Part 7, when it issued Air Permit No. IP17-000009 on November 29, 2017.
2. Whether the Philadelphia AMS 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 the Philadelphia AMS' services, programs, and activities, for individuals with limited English proficiency and individuals with disabilities, and whether the Philadelphia AMS has a public participation policy and process that is consistent with Title VI and the other federal civil rights laws, and EPA's

implementing regulation at 40 C.F.R. Parts 5 and 7.<sup>1</sup>

During the course of EPA's investigation, DPH agreed to enter into the IRA process in order to resolve EPA Complaint No. 02R-21-R3. The enclosed Agreement, signed on February 24, 2025, is entered into by EPA pursuant to the authority granted to EPA under the federal nondiscrimination laws, including Title VI and 40 C.F.R. Parts 5 and 7. It is understood that the Agreement does not constitute an admission by DPH of any violation or a finding by EPA of compliance or noncompliance with applicable federal non-discrimination laws and regulation.

The enclosed Agreement does not affect DPH's continuing responsibility under Title VI, 40 C.F.R. Parts 5 and 7, and other federal nondiscrimination laws, nor does it affect OECRC's 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's disposition of the complaint. This letter is not a formal statement of EPA policy and should not be relied upon, cited, or construed as such.

If you have any questions regarding this letter and the Agreement between EPA and DPH, please contact Kurt Temple, Senior Advisor, at (202) 564-7299 or by e-mail at [temple.kurt@epa.gov](mailto:temple.kurt@epa.gov).

Sincerely,

**SUSAN PARK** Digitally signed by SUSAN PARK  
Date: 2025.03.12 10:17:58 -04'00'

Susan Park  
Deputy Assistant Administrator  
Office of Environmental Justice and External  
Civil Rights

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<sup>1</sup> See Title VI, 42 U.S.C. 2000(d) *et seq.*; Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794; *Lau v. Nichols*, 414 U.S. 563, 568-69 (1974) (finding that the government properly required language services to be provided under a recipient's Title VI obligations not to discriminate based on national origin); 40 C.F.R. § 7.35(a). See also U.S. EPA, Guidance to Environmental Protection Agency Financial Assistance Recipients Regarding Title VI Prohibition Against National Origin Discrimination Affecting Limited English Proficient Persons. 69 FR 35602 (June 25, 2004) (available at [https://www.epa.gov/sites/production/files/2020-02/documents/title\\_vi\\_lep\\_guidance\\_for\\_epa\\_recipients\\_2004.06.25.pdf](https://www.epa.gov/sites/production/files/2020-02/documents/title_vi_lep_guidance_for_epa_recipients_2004.06.25.pdf)); U.S. EPA, Title VI Public Involvement Guidance for EPA Assistance Recipients Administering Environmental Permitting Programs, 71 FR 14207 (March 21, 2006) (available at [https://www.epa.gov/sites/production/files/2020-02/documents/title\\_vi\\_public\\_involvement\\_guidance\\_for\\_epa\\_recipients\\_2006.03.21.pdf](https://www.epa.gov/sites/production/files/2020-02/documents/title_vi_public_involvement_guidance_for_epa_recipients_2006.03.21.pdf)); U.S. EPA, Procedural Safeguards Checklist for Recipients, at [https://www.epa.gov/sites/production/files/2020-02/documents/procedural\\_safeguards\\_checklist\\_for\\_recipients\\_2020.01.pdf](https://www.epa.gov/sites/production/files/2020-02/documents/procedural_safeguards_checklist_for_recipients_2020.01.pdf) (rev. Jan. 2020) (which provides a more detailed explanation of nondiscrimination obligations and best practices); U.S. EPA, Disability Nondiscrimination Plan Sample, at <https://www.epa.gov/system/files/documents/2023-04/Disability%20Nondiscrimination%20Sample%20TA%20Policy.pdf> (2022).

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

Catherine Libertz  
Acting Regional Administrator  
U.S. EPA Region 3

Allison F. Gardner  
Regional Counsel  
U.S. EPA Region 3



**OFFICE OF EXTERNAL CIVIL RIGHTS COMPLIANCE**

WASHINGTON, D.C. 20460

**INFORMAL RESOLUTION AGREEMENT**

**between the**

**CITY OF PHILADELPHIA ACTING THROUGH ITS DEPARTMENT OF PUBLIC HEALTH**

**and the**

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**EPA Complaint No. 02R-21-R3**

**I. PURPOSE AND JURISDICTION**

- A. Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d to 2000d-7 (Title VI) and other federal nondiscrimination laws, and the United States Environmental Protection Agency's (EPA) implementing regulations at 40 C.F.R. Parts 5 and 7 prohibit discrimination on the basis of race, color, national origin, disability, sex, age, and intimidation or retaliation in the programs, services and activities of applicants for or recipients of federal financial assistance.<sup>1</sup>
- B. The City of Philadelphia, acting through its Department of Public Health (Philadelphia DPH) receives federal financial assistance from the EPA. As a term of receiving that assistance, Philadelphia DPH agreed to comply with federal nondiscrimination laws, including that it would, "fully comply with all applicable civil rights statutes and EPA regulations."<sup>2</sup> Philadelphia DPH also provided assurance that it would "fully comply with all applicable civil rights statutes and EPA regulations."<sup>3</sup> Therefore, Philadelphia DPH must ensure nondiscrimination in programs and activities pursuant to the provisions of Title VI, the other federal non-discrimination laws, and EPA's implementing regulations.
- C. On February 26, 2021, EPA received Complaint No. 02R-21-R3, which alleged discrimination by the Philadelphia DPH Division of Air Management Services

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<sup>1</sup> Title VI of the Civil Rights Act of 1964, 42 United States Code §§ 2000d to 2000d-7 (Title VI); Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794; Title IX of the Education Act Amendments of 1972, as amended, 20 U.S.C. §§ 1681 et seq.; Age Discrimination Act of 1975, 42 U.S.C. §§ 6101 et seq.; Federal Water Pollution Control Act Amendments of 1972, Pub. L. 92-500 § 13, 86 Stat. 903 (codified as amended at 33 U.S.C. § 1251 (1972)); 40 C.F.R. Parts 5 and 7.

<sup>2</sup> See Term and Condition 27, Civil Rights Obligations at [https://www.epa.gov/sites/default/files/2017-10/documents/updated\\_epa\\_general\\_terms\\_and\\_conditions\\_effective\\_october\\_2\\_2017\\_or\\_later.pdf](https://www.epa.gov/sites/default/files/2017-10/documents/updated_epa_general_terms_and_conditions_effective_october_2_2017_or_later.pdf)

<sup>3</sup> See Preaward Compliance Review Report for All Applicants and Recipients Requesting EPA Financial Assistance, available at [https://www.epa.gov/sites/default/files/2015-05/documents/epa\\_form\\_4700\\_4.pdf](https://www.epa.gov/sites/default/files/2015-05/documents/epa_form_4700_4.pdf).

(Philadelphia AMS) based on race and national origin. The complaint was submitted by Pennsylvanians Organized to Witness, Empower, and Rebuild (POWER).<sup>4</sup> In response to the complaint, on March 26, 2021, EPA accepted for investigation the following issues:

1. Whether Philadelphia AMS discriminated against the predominantly African American community in the Nicetown neighborhood of Philadelphia, Pennsylvania, on the basis of race and national origin in violation the Civil Rights Act of 1964 (Title VI) and EPA's nondiscrimination regulation found at 40 C.F.R. Part 7, when it issued Air Permit No. IP17-000009 on November 29, 2017.
  2. Whether Philadelphia AMS 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 the Philadelphia AMS' services, programs, and activities, for individuals with limited English proficiency and individuals with disabilities, and whether the Philadelphia AMS has a public participation policy and process that is consistent with Title VI and the other federal civil rights laws, and EPA's implementing regulation at 40 C.F.R. Parts 5 and 7. (footnote omitted)
- D. On May 3, 2021, Philadelphia DPH agreed to engage in the voluntary Informal Resolution Agreement (Agreement or IRA) process in order to resolve the complaint. Accordingly, EPA suspended its investigation to engage in the informal resolution agreement process.
- E. This Agreement is entered into by Philadelphia DPH and EPA.
- F. On May 3, 2021, Philadelphia DPH agreed to engage in the voluntary Informal Resolution Agreement (Agreement or IRA) process in order to resolve the complaint. Accordingly, EPA suspended its investigation to engage in the informal resolution agreement process.
- G. This Agreement is entered into pursuant to the authority granted to EPA under the federal non-discrimination laws, including Title VI of the Civil Rights Act of 1964, and

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<sup>4</sup> POWER had previously filed a Title VI complaint on August 1, 2018; however, this complaint was rejected without prejudice, by letter dated August 23, 2018, for lack of ripeness as there was a pending appeal of the air permit at issue before the Licensing and Inspections Review Board of the City of Philadelphia. The Licensing and Inspections Review Board affirmed the issuance of the permit. POWER refiled its complaint once those proceedings were completed.

the EPA's implementing regulation found at 40 C.F.R. Parts 5 and 7, and resolves Complaint No. 02R-21-R3. As such, subject to Philadelphia DPH's good faith implementation of this Agreement, EPA is closing its investigation of this Complaint and will not issue preliminary findings.

- H. This Agreement is entered into voluntarily by Philadelphia DPH and does not constitute an admission by Philadelphia DPH of a violation of, or a finding of compliance or noncompliance by the EPA with, Title VI or 40 C.F.R. Parts 5 and 7.
- I. Philadelphia DPH is committed to continuing to carry out its responsibilities in a nondiscriminatory manner, in accordance with Title VI and other federal non-discrimination laws and the EPA regulations at 40 C.F.R. Parts 5 and 7. The activities detailed in Sections II, III and IV of this Agreement, which Philadelphia DPH voluntarily agreed to undertake and implement, are in furtherance of this ongoing commitment.
- J. Representatives of POWER participated in initial discussions between Philadelphia DPH and EPA and provided community perspective, particularly with respect to community engagement during the permitting process and accessibility of monitoring data.
- K. During the pendency of IRA discussions, Philadelphia DPH named its non-discrimination coordinator and prepared its notice of non-discrimination and grievance procedures. Philadelphia DPH's Title VI Compliance Policy and its Title VI Non-Employee Discrimination Complaint Form have been posted to its website; however, as agreed upon in this IRA under Section III, Philadelphia DPH commits to rename and post these documents prominently on its website in a manner accessible for those with disabilities.<sup>5</sup> In addition, Philadelphia DPH updated its existing Accessibility Policy and Language Accessibility Plan.
- L. During the pendency of IRA discussions, Philadelphia AMS placed an air monitor in the Nicetown area downwind from the SEPTA facility as part of the Philadelphia Air Quality Survey (PAQS) project. The PAQS project is a multiyear monitoring effort to, among other things, complete the first ever citywide, large scale, street level air monitoring project measuring ambient air quality. Through the PAQS project, AMS monitors PM<sub>2.5</sub>, Ozone, NO<sub>2</sub>, and black carbon throughout the City. Monitors are placed for approximately one year in a given location. A report on the initial phase of the PAQS project, which began in 2018, is located here: [https://www.phila.gov/media/20210316150355/PAQS\\_Report\\_Sept4-2020\\_final.pdf](https://www.phila.gov/media/20210316150355/PAQS_Report_Sept4-2020_final.pdf). Additional report on the PAQS project is available annually as part

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<sup>5</sup> See <https://www.phila.gov/documents/title-vi-compliance-policy-and-complaint-form/>

of AMS's Air Monitoring Network Plans: <https://www.phila.gov/documents/air-management-reports-and-documents/>. In 2022, the second phase of the project included 48 monitors and has since wound down to 10 monitors. The Nicetown monitor was located at 4333 Germantown Avenue, approximately ½ mile away from the SEPTA facility and was in operation from December 2022 until January 2024. Philadelphia AMS anticipates publishing a report summarizing the remaining data and findings from this phase of the PAQS in 2025.

- M. During the pendency of IRA discussions, Philadelphia AMS finished calibrating and deployed its mobile monitoring van, which measures criteria pollutants and toxics in real time, including PM2.5, PM10 (including black carbon), CO, NO, NO<sub>2</sub>, SO<sub>2</sub>, ozone, methane, ammonia, CO<sub>2</sub>, benzene, ethyl benzene, formaldehyde, xylene, styrene, toluene, and butadiene. Philadelphia AMS deploys the mobile monitoring van in response to air pollution emergencies, such as fires, and to areas of public or regulatory interest. Sampling typically occurs for approximately three hours between the hours of 10:00am and 5:00pm. In 2024, for example, the mobile van took monthly samples in Nicetown near the SEPTA facility in July, August, September, and October. The mobile van also conducted air monitoring surveys near the old PES Refinery site and in Roxborough, Port Richmond, and Northeast Philadelphia near the NEW monitoring site. Philadelphia AMS also used the mobile monitoring van to respond to fire emergencies and citizen complaints throughout the year. Philadelphia AMS anticipates adding data from the mobile van referenced in this paragraph to its website in 2025, once quality assurance and control has been completed.
- N. The public can view real-time, every hour monitoring data from Philadelphia AMS's regulatory monitoring stations on the Health Department website: <https://www.phila.gov/services/mental-physical-health/environmental-health-hazards/air-quality/#interactive-map-of-air-monitoring-stations>; however, the location of this data on the Philadelphia DPH website may change in the future.
- O. Data specifically about air quality in Nicetown is currently available on the Philadelphia DPH website, <https://www.phila.gov/departments/departments-of-public-health/data/neighborhood-air-quality-data/>; however, the location of this data on the Philadelphia DPH website may change in the future.

## **II. SPECIFIC COMMITMENTS RELATING TO AIR PERMITTING AND COMMUNITY ENGAGEMENT**

- A. The following permitting actions are subject to the requirements of this Section II:
  - 1. Facilities requesting an initial operating permit under Title V of the Clean Air

- Act that trigger AMS's Environmental Justice and Public Participation Policy<sup>6</sup>;
2. Facilities requesting a major modification to a Title V operating permit that trigger AMS's Environmental Justice and Public Participation Policy.
- B. Within ninety (90) days of the Effective Date of this Agreement, Philadelphia AMS will finalize and begin implementing an Environmental Justice and Public Participation Policy in substantially the same form as the Attached Exhibit A.
- C. For three (3) years from the Effective Date of this Agreement, Philadelphia AMS will develop public participation plans for permits subject to the terms of this IRA (i.e., facilities requiring an operation permit under Title V or facilities requesting a major modification to a Title V operating permit that trigger AMS's Environmental Justice and Public Participation Policy) which includes, at a minimum, the following elements:
1. Analysis of the affected community using the Pennsylvania Department of Environmental Protection's PennEnviroScreen, as described in the Attached Exhibit A.
  2. Consideration of community demographics, history, and background;
  3. Consideration of community concerns (including any complaints filed under the federal non-discrimination laws) related to the permitting action, and actions undertaken in response to such concerns;
  4. Consideration of the need for public training on the permitting process and the ways in which the public may engage in that process;
  5. Planned outreach activities that will be taken to address concerns related to the permitting action;
  6. Potential public meeting locations;
  7. Contact information for relevant staff members, and links to documents related to the permitting action;
  8. Consideration of individuals with limited English proficiency within the community; and
  9. Consideration of other relevant accessibility information, such as venue accessibility, American Sign Language interpretation, or other available aids and services.
- D. By December 1, 2025, Philadelphia AMS will submit to EPA a written evaluation of whether it would be appropriate or feasible for Philadelphia AMS to expand the development of public participation plans as described at Paragraph II.C. to facilities

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<sup>6</sup> See Appendix A, AMS Environmental Justice and Public Participation Policy, Section IV., Enhanced Public Participation



seeking a synthetic minor operating permit, as defined in 25 Pa. Code Chapter 127, or a renewal of a synthetic operating minor permit. For the written evaluation, EPA and Philadelphia AMS will follow the review process set forth under Paragraph IV.B., except that the period for resolving concerns may last up to sixty (60) days. At the end of this sixty-day period, if the outcome of the evaluation indicates that it is appropriate and feasible, Philadelphia AMS will begin including synthetic minor permit applications and renewals into its Environmental Justice and Public Participation Policy.

- E. By December 1, 2026, Philadelphia AMS will submit to EPA a written evaluation of whether it would be appropriate or feasible for Philadelphia AMS to expand the development of public participation plans as described at Paragraph II.C. to facilities seeking a natural minor operating permit, or a renewal of a natural minor operating permit. For the written evaluation, EPA and Philadelphia AMS will follow the review process set forth under Paragraph IV.B., except that the period for resolving concerns may last up to sixty (60) days. At the end of this sixty-day period, if the outcome of the evaluation indicates that it is appropriate and feasible, Philadelphia AMS will begin including natural minor permit applications and renewals into its Environmental Justice and Public Participation Policy.
- F. For a period of three (3) years from the Effective Date of this Agreement, Philadelphia AMS will post on its website and provide to EPA quarterly reports that will include the following information regarding the preceding quarter (due on January 15; April 15, June 15, and October 15 during the pendency of the Agreement):
  - (a) A list of the permits subject to the provisions of this Section II;
  - (b) Public participation plans developed pursuant to Philadelphia AMS's Environmental Justice and Public Participation Policy and described in Section II.C. of this Agreement; and
  - (c) A list of public participation milestones for each of the public participation plans developed under subparagraph (b), above.

### **III. SPECIFIC COMMITMENTS TO ADDRESS PROCEDURAL SAFEGUARD REQUIREMENTS**

#### **A. Notice of Non-Discrimination under Federal Non-Discrimination Laws<sup>7</sup>**

1. Within 60 days of the effective date of this Agreement, Philadelphia DPH will post its renamed notice of non-discrimination (Notice) on Philadelphia DPH's website homepage and in all Philadelphia DPH's offices and facilities and may also include or reference such notice in its general publications that are distributed to the public. Philadelphia DPH will continue to ensure that its Notice, including as posted on its website homepage, is accessible to individuals with limited-English proficiency (LEP) and individuals with disabilities, including ensuring that the Notice as posted on its website homepage is accessible to persons who are blind or have low vision.
2. If the identity of the Non-Discrimination Coordinator changes, then Philadelphia DPH will promptly update materials as appropriate.

#### **B. Grievance Procedures to Process Discrimination Complaints filed under the Federal Non-Discrimination Laws<sup>8</sup>**

1. During the pendency of the IRA discussions, Philadelphia DPH promulgated and published online its grievance procedures to process discrimination complaints filed under federal non-discrimination statutes and the EPA's implementing regulations at 40 C.F.R. Parts 5 and 7. Philadelphia DPH will review the grievance procedures on an annual basis, and revise as necessary, to allow for prompt and fair resolution of discrimination complaints. Philadelphia DPH will continue to ensure that its grievance procedure is accessible to individuals with limited-English proficiency (LEP) and individuals with disabilities, including ensuring that the Notice as posted on its website homepage is accessible to persons who are blind or have low vision.
2. Philadelphia DPH will develop training for identifying how complaints filed under the Grievance Procedures will be investigated and processed by the investigatory staff and the decision-maker(s). Philadelphia DPH will submit a copy of the training materials to EPA within 60 days of the effective date of this Agreement. The training materials may be reviewed pursuant to the procedures outlined in Paragraph IV. B below.

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<sup>7</sup> 40 C.F.R. § 7.95.

<sup>8</sup> 40 C.F.R. § 7.90; 40 C.F.R. § 5.135(b).

C. Philadelphia DPH Plan to Ensure Meaningful Access for Persons with Disabilities

1. Philadelphia DPH has an Americans with Disabilities Act Policy.
2. Philadelphia DPH will continue to ensure public meetings are accessible to persons with disabilities by adhering to its Americans with Disabilities Act Policy and updating it as necessary to ensure that it also encompasses the requirements of Section 504 of the Rehabilitation Act of 1973 (Updated Disability Plan).
3. Pursuant to its Updated Disability Plan, Philadelphia DPH will continue to provide, at no cost, appropriate auxiliary aids and services to individuals with disabilities, (including but not limited to, qualified interpreters to individuals who are deaf or hard of hearing, and to other individuals, as necessary), to ensure effective communication or an equal opportunity to participate fully in benefits, activities, programs and services provided by Philadelphia DPH in a timely manner.
4. Within 90 days from the effective days of this Agreement, Philadelphia DPH will submit to EPA its Updated Disability Plan which will be reviewed in accordance with Paragraph IV.C. of this Agreement. Once the Disability Plan has been approved by EPA, Philadelphia DPH will, within 30 days from EPA approval, publish the final Disability Plan, translated in all appropriate languages, on its website and in print.

D. Training

1. Within 60 days of the EPA approval of all other deliverables in this Section III, Philadelphia AMS will ensure all its staff and relevant contractors have training on federal non-discrimination obligations and all plans, policies and procedures created and implemented as part of this Agreement. Philadelphia AMS may request assistance from EPA for any of the training required in this Agreement, including having the training be provided by EPA staff. Philadelphia AMS should consider the inclusion of community representatives as a part of the staff training. Following the training, Philadelphia AMS will provide EPA with a copy of any training materials, a list of staff who received the training, and the dates the training was provided.
2. Within 30 days of the initial training implemented pursuant to Paragraph III.D.1. above, Philadelphia AMS will forward to EPA for review a draft plan for ensuring that such training is also a routine part of the on-boarding process for new

employees and is given regularly as refresher training to all employees and relevant contractors. EPA will review the draft training in accordance with Paragraph IV.C. of this Agreement. Philadelphia AMS will forward a final copy of the training plan to EPA and implement the above plan.

#### **IV. GENERAL CONSIDERATIONS**

- A. The EPA will monitor the implementation of the commitments in Section III of this Agreement for a period of three years, as appropriate, to ensure that they are fully implemented. Once the commitments of this Agreement are satisfied, EPA will issue a letter documenting closure of its monitoring actions in EPA File No. 02R-21-R3 and closure of the Complaint as of the date of that letter.
- B. Unless otherwise specified in this IRA, EPA will review and provide feedback about any documentation submitted by Philadelphia DPH demonstrating completion of each commitment and will provide an assessment, to include verbal and/or written feedback, as to whether the documentation satisfies the commitment within 30 days of receipt of each such submission. Following that, should there be negotiations and/or edits needed to address EPA's comments, the parties will resolve those within 30 days and Philadelphia DPH will finalize and submit the deliverable within this 30-day period. Consistent with Paragraph VI.D. below, this 30-day period for negotiations and edits may be extended if agreed to in writing by both the Director of the Office for External Civil Rights Compliance, Office of Environmental Justice and External Civil Rights, EPA; the Health Commissioner for Philadelphia DPH; or their designees.
- C. EPA will, upon request, provide technical assistance to Philadelphia DPH regarding the commitments required by this Section III. of the Agreement.

#### **V. COMPUTATION OF TIME AND NOTICE**

- A. As used in this Agreement, "day" will mean a calendar day. In computing any period of time under this Agreement, where the last day would fall on a Saturday, Sunday, or federal holiday, the period will run until the close of business of the next working day.
- B. Service of any documents required by this Agreement may be made by electronic service as outlined below. Documents forwarded by email for review are to be sent in native format for draft documents and PDF format for documents intended to be final.
- C. Electronic documents submitted by Philadelphia DPH to the EPA via email will be sent to Kurt Temple at [Temple.kurt@epa.gov](mailto:Temple.kurt@epa.gov), Patrick Foley at

[Foley.Patrick.J@epa.gov](mailto:Foley.Patrick.J@epa.gov), Daniel Isales at [Isales.Daniel@epa.gov](mailto:Isales.Daniel@epa.gov), and  
OECRC\_IRA@epa.gov.

- D. Documents submitted by the EPA to Philadelphia DPH will be sent to India McGhee at [India.McGhee@phila.gov](mailto:India.McGhee@phila.gov), Kassahun Sellassie at [Kassahun.Sellassie@phila.gov](mailto:Kassahun.Sellassie@phila.gov), and Palak Raval-Nelson at [Palak.Raval-Nelson@phila.gov](mailto:Palak.Raval-Nelson@phila.gov).
- E. Either EPA or Philadelphia DPH may change the persons identified above in Paragraphs V.C. and V.D. by providing written notice of such change.

## **VI. EFFECT OF THE AGREEMENT**

- A. This Agreement serves to resolve the issues accepted for investigation in this Complaint. As such, subject to Philadelphia DPH's good faith implementation of this Agreement, EPA is closing its investigation of this Complaint and will not issue preliminary findings.
- B. Philadelphia DPH understands that, if necessary, EPA may visit Philadelphia DPH, interview staff, and request such additional reports or data as are necessary for EPA to determine whether Philadelphia DPH has fulfilled the terms of this Agreement.
- C. Philadelphia DPH understands that the EPA will not close its monitoring of this Agreement until EPA determines that Philadelphia DPH has fully complied with this Agreement and that a failure to satisfy any term in this agreement may result in the EPA re-opening an investigation.
- D. With the exception of the provisions of Paragraphs V.C. and V.D., if either Party desires to modify any portion of this Agreement because of changed conditions making performance impractical or impossible, or due to material change to Philadelphia DPH's program or authorities, or for other good cause, the Party seeking a modification will promptly notify the other in writing, setting forth the facts and circumstances justifying the proposed modification. Any modification(s) to this Agreement will take effect only upon written agreement by the Commissioner of Philadelphia DPH or their designee and the Director of the Office of External Civil Rights Compliance, Office of Environmental Justice and External Civil Rights, EPA, or their designee.
- E. This Agreement constitutes the entire Agreement between Philadelphia DPH and EPA regarding the matters addressed herein, and no other statement, promise, or agreement, made by any other person will be construed to change any commitment or term of this Agreement, except as specifically agreed to by Philadelphia DPH and EPA in accordance with the provisions of Paragraph VI.D. above.

- F. This Agreement does not affect Philadelphia DPH's continuing responsibility to comply with Title VI or other federal nondiscrimination laws and the EPA's regulations at 40 C.F.R. Parts 5 and 7, nor does it affect EPA's investigation of any other Title VI or other federal civil rights complaints or address any other matter not covered by this Agreement.
- G. The effective date of this Agreement is the date by which both Parties have signed the Agreement. This Agreement may be signed in counterparts. The Health Commissioner of Philadelphia DPH has the authority to enter into this Agreement for purposes of carrying out the activities listed within. The Acting Director of OECRC has the authority to enter into this Agreement.

**[REMAINDER OF THIS PAGE LEFT BLANK]**

Informal Resolution Agreement  
Philadelphia Department of Public Health  
EPA Complaint No. 02R-21-R3

On behalf of the City of Philadelphia, acting through its Department of Public Health:

Approved as to Form  
Renee Garcia, City Solicitor

India J.  
McGhee

Digitally signed by India J.  
McGhee  
Date: 2025.02.28  
10:20:32 -05'00'

2/28/25

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India McGhee  
Divisional Deputy City Solicitor  
City of Philadelphia

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Date

Palak Raval-  
Nelson

Digitally signed by Palak  
Raval-Nelson  
Date: 2025.02.28  
13:02:35 -05'00'

2/28/25

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Palak Raval-Nelson, Ph.D., M.P.H.  
Health Commissioner  
Philadelphia Department of Public Health

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Date

Informal Resolution Agreement  
Philadelphia Department of Public Health  
EPA Complaint No. 02R-21-R3

On behalf of the Office of External Civil Rights Compliance, Office of Environmental Justice and  
External Civil Rights, U.S. Environmental Protection Agency:

ANHTHU  
HOANG

Digitally signed by  
ANHTHU HOANG  
Date: 2025.02.24  
17:43:57 -05'00'

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

\_\_\_\_\_  
Date