



OFFICE OF EXTERNAL CIVIL RIGHTS COMPLIANCE
WASHINGTON, D.C. 20460

March 14, 2025

In Reply Refer to:

EPA Complaint No: 04NO-24-R6

Mayor Tim Keller
City of Albuquerque
Office of the Mayor
PO Box 1293
Albuquerque NM 87103
tkeller@cabq.gov

Re: Informal Resolution/Tolling of Preliminary Findings Timeframe

Dear Mayor Keller:

This letter concerns U.S. Environmental Protection Agency (“EPA”) Complaint No. 04NO-24-R6 involving the City of Albuquerque and the Albuquerque Environmental Health Department (hereinafter collectively “the City”). On January 17, 2025, the Office of External Civil Rights Compliance (“OECRC”) accepted the complaint for investigation. OECRC is required by regulation to attempt to resolve complaints informally whenever possible,¹ and OECRC representatives described the available informal resolution processes to the Deputy City Attorney Bryan Rowland and other officials representing the City during a conversation on February 10, 2025. On March 3, 2025, the Deputy City Attorney informed OECRC of the City’s interest in engaging in informal resolution.

Accordingly, as of March 3, 2025, OECRC will suspend its 180-day timeframe for investigation for the duration of any informal resolution process.² OECRC will ensure that this process occurs without undue delay.

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). Within 180 calendar days from the start of the complaint investigation, OECRC will issue preliminary findings. Preliminary findings may include preliminary findings of fact and law, including a finding of insufficient evidence, on one or more issues under investigation.

The goal of the informal resolution process is to reach an agreement that resolves the issues accepted for investigation. If no such agreement can be reached, OECRC will notify the City and the Complainant of that fact and resume the investigation.³ To facilitate the informal resolution process, OECRC may continue to engage with the City, as well as the Complainant, to gather the necessary facts and information to reach an agreement as soon as possible.⁴

OECRC will be in contact with the City to discuss next steps in the informal resolution process. If you have questions about this letter, please feel free to contact Megan Cunningham, Special Advisor for Implementation, at (202) 439-2889 or by email to cunningham.megan@epa.gov.

Sincerely,

Kurt Temple
Senior Advisor
Office of External Civil Rights Compliance
Office of Environmental Justice and External
Civil Rights

cc: Paul Rogers, Director
Environmental Health Department

Angelia Talbert Duarte
Associate General Counsel
Civil Rights & Finance Law Office
U.S. EPA

Stacey Dwyer
Deputy Regional Administrator
Deputy Civil Rights Official
U.S. EPA Region 6

Patricia Welton
Acting Regional Counsel
U.S. EPA Region 6

³ If a resolution agreement cannot be reached, OECRC will resume its 180-day investigation period, excluding the time spent in the informal resolution process.

⁴ This letter relates only to EPA Complaint No. 04NO-24-R6 and does not affect the status of a separate complaint involving the Albuquerque City Council (EPA Complaint No. 06RNO-24-R6).