UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

EXTERNAL CIVIL RIGHT COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

July 10, 2017

Return Receipt Requested

Certified Mail# 7015 3010 0001 1267 6024

Ms. Marianne Engelman Lado
Visiting Clinical Professor of Law
Environmental Justice Clinic
Yale Law School
127 Wall Street
New Haven, Connecticut 06511

Dear Ms. Engelman Lado:

Thank you for your June 9, 2017, letter addressed to me and Director Grether, Michigan Department of Environmental Quality (MDEQ). In your letter, you request that Complainants participate in discussions regarding resolution of Complaint No. 17-RD-16-R5 and relief relevant to findings in Complaint No. 01R-94-R5.

As you correctly note in your letter, it is the External Civil Rights Compliance Office's (ECRCO) policy and practice to promote appropriate involvement by complainants and recipients in the external complaint process.[1] We are committed to a fair and transparent process and will continue to update you and the Complainant in case number 17RD-16-R5, involving the Flint water issue, as we engage further with MDEQ in informal resolution of this case. You may recall that we previously briefed you as well as the Complainants on ECRCO's efforts to reach an Informal Resolution Agreement with MDEQ that would serve to resolve both the currently open Flint water case and the now closed Genesee Power Plant case (01R-94-R5). We also subsequently briefed you on the status of the two cases and, specifically, about the Resolution/Closure Letter related to Case No. 01R-94-R5, prior to its issuance.

ECRCO is currently in the process of updating a proposed Informal Resolution Agreement in light of the Resolution/Closure Letter issued on January 19, 2017, in Case No. 01R-94-R5 and MDEQ's most recent submission of information to ECRCO dated March 6, 2017. We plan to share the updated draft Informal Resolution Agreement with MDEQ in the near future in efforts

[1]See ECRCO Case Resolution Manual at https://www.epa.gov/ocr/case-resolution-manual and Role of Complainants and Recipients in the Title VI Complaints and Resolution Process, at https://www.epa.gov/sites/production/files/2017-02/documents/roles-of-complainants-and-recipients-issue_final.pdf .

Ms. Marianne Engelman Lado

to resolve the pending complaint involving Flint water, Case No. 17RD-16-R5. Once we have finalized our work on that draft Informal Resolution Agreement, we will contact you to schedule a conversation with you and the Complainant in order to update you on the progress of this matter, share information with you about our draft proposed Informal Resolution Agreement, and as has been our practice, receive any information or comments that you might have.

Again, thank you for your letter. We look forward to speaking with you in the near future. Please let me know if you have any questions.

Sincerely,

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

Cc:

C. Heide Grether, Director
Michigan Department of Environmental Quality

Kenneth Redden
Acting Associate General Counsel
Civil Rights and Finance Law Office

Cheryl Newton
Acting Deputy Regional Administrator
Acting Deputy Civil Rights Official
EPA Region 5