UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

February 13, 2019

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In Reply Refer to:
EPA Complaint No: 01R-00-R6

Mr. Toby Baker
Executive Director
Texas Commission on Environmental Quality
MC109, P.O. Box 13087
Austin, Texas 78711-3087

Dear Executive Director Baker:

This letter is to notify you that the Texas Commission on Environmental Quality (TCEQ) has fully complied with the Informal Resolution Agreement (Agreement), dated May 23, 2017, between TCEQ and the U.S. Environmental Protection Agency (EPA) External Civil Rights Compliance Office (ECRCO). Accordingly, ECRCO is closing the monitoring of EPA Complaint No. 01R-00-R6 as of the date of this letter.

ECRCO has reviewed documentation submitted by TCEQ[1] and accessed TCEQ's publicly available air monitoring website.[2] Some examples of how TCEQ has met the terms of the Agreement include:

1. Consistent with Section II, Paragraph G of the Agreement, TCEQ added an ambient air quality monitoring station in the Charlton-Pollard Neighborhood of Beaumont, Texas, and the relevant data is available to the public.
2. Consistent with Section III, Paragraph A of the Agreement, TCEQ has conducted two community meetings directed at residents of the Charlton-Pollard Neighborhood of Beaumont, Texas.[3]
3. Consistent with Section III, Paragraph A of the Agreement, TCEQ disseminated information about the community meetings by means of a flyer sent to every residence in the Charlton-Pollard neighborhood of Beaumont.

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[1] Letter to ECRCO from TCEQ's Interim Executive Director, Stephanie Bergeron Perdue, "Resolution of Administrative Complaint: EPA File No: 01R-00-R6", May 23,2018.

[2] https://www.tceq.texas.gov/cgi-bin/compliance/monops/daily_summary.pl?cams=1050.

[3] The first meeting was conducted on February 15, 2018. The second meeting was conducted on April 26, 2018.

4. Consistent with Section III, Paragraph A, Subsection 2 of the Agreement, the community meetings included the discussions established in the agreement.[4]
5. Consistent with Section III, Paragraph A, Subsection 1 of the Agreement, TCEQ ensured that the locations of the community meetings were accessible to persons with mobility impairments, accommodated persons with disabilities, and considered the need for language assistance.

Consistent with the Agreement, ECRCO will continue to work with TCEQ, through a separate process, on TCEQ's foundational nondiscrimination program. TCEQ's efforts will ensure that it has in place specific procedural safeguards as well as policies and procedures to provide meaningful access to all of your programs, services and activities, including for persons with limited English proficiency and persons with disabilities, as set forth in 40 C.F.R. Parts 5 and 7 and EPA policy. ECRCO met with TCEQ via conference call on September 19, 2018, regarding TCEQ's nondiscrimination program and provided additional technical assistance to TCEQ in subsequent correspondence in late September and October 2018. ECRCO will contact TCEQ to schedule a follow-up conversation as soon as possible. We look forward to continuing to work with you. If you have any questions regarding this letter, please contact Kurt Temple at 202-564-7299 (temple.kurt@epa.gov) or me at 202-564-9649 (dorka.lilian@epa.gov).

Sincerely,

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

cc: Angelia Talbert-Duarte
Acting Associate General Counsel
Civil Rights and Finance Law Office
U.S. EPA Office of General Counsel

David Gray
Deputy Regional Administrator
Deputy Civil Rights Official
U.S. EPA, Region 6

[4] Section III, Paragraph A, Subsection 2 of the Agreement lists the following discussion topics: recent air quality data; TCEQ's permitting process and opportunities for public involvement; how to access and interpret air quality monitoring data; TCEQ's environmental complaints process; how members of the public can submit useful information to TCEQ; and how evidence collected by members of the public is used in TCEQ's enforcement process. ECRCO reviewed agendas and presentations that took place at each meeting.