UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

May 1, 2019

Return Receipt Requested
Certified Mail #: (b) (6) Privacy

In Reply Refer To:
EPA Complaint No. 01Rr-19-R6

Belinda McCallister
Director
Dallas District
U.S. Equal Employment Opportunity Commission
Dallas, Texas 75202

Re: Referral of Administrative Complaint of Employment Discrimination

Dear Ms. McCallister:

On April 8, 2019, the U.S. Environmental Protection Agency (EPA) External Civil Rights Compliance Office (ECRCO) received a complaint from an employee of the Texas Commission on Environmental Quality (TCEQ) that alleged discrimination against her on the basis of race (Black) and gender (female), and retaliation against her by demoting her and denying her rights and privileges associated with her professional position because she complained to the TCEQ about the failure to notify minority landowners of groundwater contamination, as well as for her participation during a previous EEOC investigation involvement another TCEQ employee.

Pursuant to EPA's nondiscrimination regulation, ECRCO has limited jurisdiction over employment discrimination claims concerning recipients of EPA financial assistance. *See* 40 C.F.R. §§ 5.500(a)(1), 7.35(a)(6). The allegations regarding employment discrimination as described above do not fall within ECRCO's jurisdiction. Accordingly, ECRCO is referring these employment allegations based on race and gender as well as the retaliation discrimination allegations to your EEOC Dallas/Fort Worth office for review. Copies of the complaint and additional supporting documentation regarding the complaint are also enclosed.
If you have questions about this matter, please contact ECRCO Team Lead Debra McGhee, by phone at (202) 564-4646, by email at mcghee.debra@epa.gov or by mail at 1200 Pennsylvania Avenue, NW, Mail Code 2310A, Room 2524, Washington, DC, 20460-1000.

Sincerely,

for

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

Enclosure: Complaint

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

David Gray
Deputy Regional Administrator
Deputy Civil Rights Official
US EPA Region 6

James Payne
Deputy Civil Rights Official
US EPA Region 6

(b) (6) Privacy, (b) (7)(C) Enforcement Privacy
[redacted] Austin TX 78729

Via electronic mail and, fax, post mail Delivery

Date April 5, 2019

Mike Hardison, Chief Auditor TCEQ
Texas Commission on Environmental Quality
P.O. Box 13087, Austin, TX 78711-3087

David Gray, Cheryl Seager, US EPA Compliance Assurance and Enforcement Division
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202

U.S. EPA Office of General Counsel External Civil Rights Compliance Office,
Mail Code (2310A)
1200 Pennsylvania Ave., NW Washington, D.C. 20460

U.S. Environmental Protection Agency, Office of Inspector General Hotline
1200 Pennsylvania Avenue, NW Mail code 2431T
Washington, DC 20460

Re: Whistleblower Disclosure

Dear EPA, General Consul and Commission 'Members

This is a hard letter for me to write because I have been a dedicated TCEQ employee for over twenty years and love our mission and need my job. I make this report because I respectfully believe that the law is being violated. I am not a lawyer, of course, but I respectfully believe, in good faith, that the following statute and laws are being violated: 40 CFR §130.4(b) Clean Water Act (CWA) §106(e); 2 CFR § 1500.11; 40 CFR §300.430(e)(2); as I explain below.

I believe that the geo-spatial data agreement for EPA water quality assurance was violated. If the persons or offices at EPA are not the proper part of the agency to make this report to, please immediately forward this to the appropriate part of the agency governing EPA -TCEQ Water Pollution Controls and Monitoring agreement to EPA inspector general and TCEQ commissioner members. I am copying TCEQ on this report because I do care about this agency and water quality in Texas.

I began working for TCEQ in 1988, on continuous basis at Office of Water Division's program, I have worked for 20 years for the Groundwater Planning & Assessment Unit and I served in a capacity of System Analyst ("0257'), acting as Spatial Data Manager(senior Data Analyst to TCEQ Management under Clean Water Section 106, 33 US Code 1256). Before TCEQ, I worked several years in the government sectors, computer architecture systems, engineering firms and water data research for watershed protection. I am proud of joining TCEQ and from day one, I proudly work at TCEQ assisting the State's Sole Source Aquifer Program, Water Supply Systems and Texas Groundwater Protection

projects presented to TGPC. EPA funded the Arsenic project, but my supervisor denied my participation. I have been complained against TGPC historically discrimination against minority in TCEQ groundwater geo-spatial data for chemicals contamination, especially blacks and minority situated in our region 6, as result having reported TGPC discrimination. On March 6, 2019, I was also retaliated against involving my participation on TGPC Public Outreach Education for Arsenic contamination monitoring effort, a federally funded education activities to State of Texas.

- I have requested, to participate in other EPA 305(b) related efforts in National Monitoring. Training Education/EPA Conference outside Texas. On March 25- March 29, 2019, my supervisor travel was approved to EPA 305(b) training conference in Colorado and I was disapproved to travel, but it was not clear, what, if any portion of 305(b) pesticide ambient monitoring was properly entered at EPA Water Quality Exchange (WQX) Database System.

- Management has intentionally 'singled 'me at my team, and excluded for better job classification salary classification in order to retaliate against my salary promotion. Under the TCEQ Groundwater Assessment, section 106 grant funds management to EPA activities, I have been treated differently than other of the other employees in my team.

- On or about April 1, 2019 my supervisor, returned from EPA National Monitoring Meeting in Colorado, he quickly gave me verbal warning on earlier in the morning, that I should not instruct anyone or guide others on groundwater contamination of TGPC issues. I was not selected to present the 305-report data upcoming TCEQ public presentation and was excluded from disclosing my work and data to EPA 305b report. On April 1, 2019, I complained to TCEQ Chief Auditor about Supervisor's actions on data quality . Once again, I was told that he would refer the matter to (b) (6) Privacy Despite TCEQ's Auditor frequent assertions that he would refer the matter to Office of Water Consul and (b) (6) Privacy never contacted me because of these referrals. Accordingly, I believe that Office of Water ignored my complaints on groundwater contamination for the public health.

- I believe that this important pollution data is not being properly reported and that because I have spoken up about these issues, I have been subjected to retaliation treatment for reporting violation under federal laws and regulations as well TCEQ Section 106 of the Clean Water Act funds to Groundwater Assessment.

Sincerely,

(b) (6) Privacy, (b) (7)(C) Enforcement Privacy

Cc: David Timberger, Legal Counsel TCEQ,
Ombudsman, Office of Inspector General, EPA