UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

October 21, 2019

Return Receipt Requested
Certified Mail#: 7015 3010 0001 1267 1746

In Reply Refer to:
EPA Compliance Review No. 01CR-19-R4

Mr. Robert Epting
Epting and Hackney
410 Martin Luther King Jr. Blvd.
Chapel Hill, North Carolina 27514

Re: Informal Resolution, EPA Compliance Review No. 01CR-19-R4

Dear Mr. Epting:

This letter concerns EPA Compliance Review No. 01CR-19-R4, which was initiated with regard to the Orange Water and Sewer Authority (OWASA) on September 27, 2019. The U.S. Environmental Protection Agency's (EPA) External Civil Rights Compliance Office (ECRCO) is required by regulation to seek cooperation with recipients in securing compliance with 40 C.F.R. Parts 5 and 7 through informal and voluntary means.[1] During a telephone conversation on October 10, 2019, you informed ECRCO that OWASA has agreed to engage in negotiations toward the execution of an Informal Resolution Agreement (IRA).

Accordingly, as of October 10, 2019, ECRCO and OWASA have commenced informal resolution agreement discussions. ECRCO, therefore, will suspend its compliance review investigation and toll the 180-day investigation timeframe in 40 C.F.R. § 7.115(c)(1) for the duration of the informal resolution agreement process. ECRCO will ensure that this process occurs promptly and without undue delay.

If the informal resolution process fails to result in an Informal Resolution Agreement between ECRCO and OWASA, ECRCO will notify OWASA that ECRCO has resumed its compliance review investigation and will issue preliminary findings within 180 days of the start of the compliance review – excluding any days spent in the informal resolution agreement process.[2]

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[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); § 7.130(a) (EPA may terminate federal assistance "if compliance with this part cannot be assured by informal means"); § 7.130(b) (EPA shall make a finding of noncompliance if it determines the recipient is in noncompliance and "if compliance cannot be achieved voluntarily").
[2] *See* 40 C.F.R. § 7.115(c).

To facilitate the informal resolution agreement process, we will soon be providing you with a draft Informal Resolution Agreement for review and consideration. If you have any questions about this letter, please contact Dale Rhines, ECRCO Deputy Director, at (202) 564-4174, by e-mail at Rhines.Dale@epa.gov or by mail at U.S. EPA External Civil Rights Compliance Office, (Mail Code 2310A), 1200 Pennsylvania Avenue, NW, Washington, D.C. 20460.

Sincerely,

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

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

Beverly Banister
Acting Deputy Regional Administrator
Deputy Civil Rights Official
U.S. EPA Region 4

Leif Palmer
Regional Counsel
U.S. EPA Region 4