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

EXTERNAL CIVIL RIGHTS COMPLIANCE OFFICE
OFFICE OF GENERAL COUNSEL

November 4, 2020

**Via Email** **EPA Complaint No. 02NO-20-R6**

Mekela Panditharatne
Seth Johnson
Earthjustice
1001 G Street NW Ste. 1000
Washington, DC 20001
mpanditharatne@earthjustice.org
sjohnson@earthjustice.org

**Re: Resolution of EPA Complaint No. 02NO-20-R6**

Dear Ms. Panditharatne and Mr. Johnson:

This letter is to inform you that the U.S. Environmental Protection Agency (EPA), External Civil Rights Compliance Office (ECRCO) is resolving this complaint based on the enclosed Informal Resolution Agreement ("Agreement") entered into between EPA and the Texas Commission on Environmental Qualtiy (TCEQ). On December 4, 2019, EPA accepted for investigation a complaint against TCEQ alleging discrimination on the basis of national origin against individuals with limited English proficiency (LEP) in the administration of TCEQ's permitting and public engagement programs, in violation of Title VI of the Civil Rights Act of 1964 and EPA's nondiscrimination regulation, at 40 C.F.R. Part 7. The complaint was assigned EPA Complaint No. 02NO-20-R6. Specifically, EPA accepted the following issue for investigation:

> Whether TCEQ discriminates against residents in the state of Texas on the basis of national origin, limited-English proficiency, including against Latino Spanish-speaking LEP residents, by failing to consistently provide effective public notice and meaningful access to TCEQ's programs and activities, including those relating to environmental permitting, such as translation of vital documents into Spanish and additional languages other than English, as appropriate, and providing language interpretation services at public meetings, in violation of Title VI of the Civil Rights Act of 1964 and EPA's implementing regulation at 40 C.F.R. Part 7.

During the course of EPA's investigation, TCEQ agreed to enter into the Agreement in order to resolve EPA Complaint No. 02NO-20-R6. The enclosed Agreement is entered into by EPA pursuant to the authority granted to EPA under the federal nondiscrimination laws, including Title VI and 40 C.F.R. Part 7. It is understood that the Agreement does not constitute an admission by TCEQ of any violation or a finding by EPA of compliance or noncompliance with applicable federal non-discrimination laws and regulation.

The enclosed Agreement does not affect TCEQ's continuing responsibility under Title VI, 40 C.F.R. Parts 5 and 7, and other federal nondiscrimination laws, nor does it affect EPA's investigation of any Title VI or other federal civil rights complaints or address any other matter not covered by this Agreement. This letter sets forth EPA's disposition of the complaint. This letter is not a formal statement of EPA policy and should not be relied upon, cited, or construed as such.

EPA is committed to working with TCEQ as it implements the provisions of the Agreement. If you have any questions regarding this letter and the Agreement between EPA and TCEQ, please contact me at (202)564-9649 or by e-mail at dorka.lilian@epa.gov.

Sincerely,

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

Enclosure

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

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

James McGuire
Acting Regional Counsel
US EPA Region 6

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**WASHINGTON, D.C. 20460**

# INFORMAL RESOLUTION AGREEMENT
**between the**

**TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

**AND THE**

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**
**EPA COMPLAINT NO. 02NO-20-R6**

## I. PURPOSE AND JURISDICTION

A. Title VI of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000d to 2000d-7 ("Title VI"), and other federal nondiscrimination laws, and United States Environmental Protection Agency's ("EPA") implementing regulations at 40 C.F.R. Parts 5 and 7 prohibit discrimination on the basis of race, color, national origin, disability, sex, age, and intimidation and retaliation in the programs, services and activities of applicants for or recipients of federal financial assistance.[1] Texas Commission on Environmental Quality (TCEQ) receives financial assistance from EPA and, therefore, must ensure nondiscrimination in its programs and activities pursuant to federal nondiscrimination laws and EPA's implementing regulation.

B. On December 4, 2019, the EPA External Civil Rights Compliance Office within the Office of General Counsel (ECRCO) accepted for investigation a complaint against TCEQ, pursuant to Title VI and EPA's implementing regulations at 40 C.F.R. Parts 5 and 7. EPA accepted for investigation the following issue:

> Whether TCEQ discriminates against residents in the state of Texas on the basis of national origin, limited-English proficiency, including against Latino Spanish-speaking LEP residents, by failing to consistently provide effective public notice and meaningful access to TCEQ's programs and activities, including those relating to environmental permitting, such as translation of vital documents into Spanish and additional languages other than English, as appropriate, and providing language interpretation services at public meetings, in violation of Title VI of the Civil Rights Act of 1964 and EPA's implementing regulation at 40 C.F.R. Part 7.

[1] Title VI of the Civil Rights Act of 1964, 42 United U.S.C. §§ 2000d to 2000d-7 (Title VI); Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794; Title IX of the Education Amendments of 1972, as amended, 20 U.S.C. § 1681 *et seq.*; Federal Water Pollution Control Act Amendments of 1972, Pub. L. 92-500 § 13, 86 Stat. 903 (codified as amended at 33 U.S.C. § 1251 (1972)); Age Discrimination Act of 1975, 42 U.S.C. § 6101 *et seq.*; 40 C.F.R. Parts 5 and 7.

C. During the course of ECRCO's investigation, TCEQ agreed to enter into this Informal Resolution Agreement (Agreement). This Agreement serves to resolve the issue accepted for investigation in the complaint. This Agreement is entered into pursuant to the authority granted EPA under the federal non-discrimination laws, including Title VI of the Civil Rights Act of 1964, and the EPA regulations found at 40 C.F.R. Parts 5 and 7, and resolves EPA Complaint No. 02NO-20-R6 and additional concerns identified by EPA.

D. This Agreement is entered into voluntarily by TCEQ and does not constitute an admission by TCEQ of a violation of, or a finding of compliance or noncompliance by EPA with Title VI or the other federal non-discrimination laws enforced by EPA pursuant to the regulations at 40 C.F.R. Parts 5 and 7.

E. TCEQ is committed to carrying out its responsibilities in a nondiscriminatory manner, in accordance with the requirements of Title VI and the other federal non-discrimination laws enforced by EPA regulations at 40 C.F.R. Parts 5 and 7. The activities detailed in Sections III and IV of this Agreement are in furtherance of TCEQ's ongoing commitment.

## II. BACKGROUND

A. On May 23, 2017, ECRCO resolved EPA Complaint No. 01R-00-R6 involving TCEQ based on an Informal Resolution Agreement between EPA and TCEQ. As part of the complaint resolution, ECRCO reviewed TCEQ's policies and procedures regarding its foundational nondiscrimination program, including the procedural safeguards required by EPA's nondiscrimination regulation, public participation policies and procedures, as well as required policies and procedures to ensure meaningful access to TCEQ programs and activities for persons with disabilities and limited-English proficiency (LEP). ECRCO determined to work with TCEQ on its nondiscrimination program under a separate process.

B. Under the separate process, beginning in May 2018, ECRCO provided technical assistance to TCEQ regarding its nondiscrimination program obligations and best practices, including notice of nondiscrimination, grievance procedures, nondiscrimination coordinator, providing meaningful access for individuals with LEP (including the best practice of developing an LEP plan as described in EPA's LEP Guidance, 69 FR 35602 (2004), https://www.federalregister.gov/documents/2004/06/25/04-14464/guidance-to-environmental-protection-agency-financial-assistance-recipients-regarding-title-vi) and disabilities, and public participation.

C. In response to the separate process, TCEQ undertook the following actions in 2018 and 2019 with respect to its nondiscrimination program:

1. Published a notice of nondiscrimination entitled "Environmental Equity: Nondiscrimination in TCEQ Processes" on its website, accessible via a

link to the notice on the TCEQ website homepage (https://www.tceq.texas.gov/), and updated the signs placed at desks/check-in areas that provide notice that TCEQ does not discriminate;

2. Updated its grievance procedures for resolution of discrimination complaints (https://www.tceq.texas.gov/assets/public/comm_exec/pm-ph/env-eq/Grievance%20Procedures-2019-4-2.pdf), which are accessible from TCEQ's website at https://www.tceq.texas.gov/agency/decisions/hearings/envequ.html#report

3. Identified a nondiscrimination coordinator, Jim Fernandez, whose contact information is available on TCEQ's website at https://www.tceq.texas.gov/agency/decisions/hearings/envequ.html#report

4. Translated its nondiscrimination webpage, which includes the above nondiscrimination information in C.1. through 3. above, into Spanish (https://www.tceq.texas.gov/agency/decisions/hearings/equidad-ambiental-la-no-discriminacion-en-los-procesos-de-la-tceq);

5. Modified the search functions on TCEQ's website related to nondiscrimination so that website searches are more responsive; and

6. Updated its employee training to ensure that federal nondiscrimination laws, policies and procedures are a part of the training program.

D. TCEQ has implemented other measures to meet its obligations under federal non-discrimination statutes to provide reasonable accommodations and meaningful access for persons with disabilities to TCEQ's programs and activities:

1. TCEQ notifies the public of available resources by including language on public documents that contain instructions for seeking reasonable accommodations to individuals with disabilities. This includes, but is not limited to, notices of public meetings, notices of public hearings, notices of rulemaking, and notices of the commission's public agenda meetings. [2]

2. TCEQ's public commission agenda meetings are broadcast on the internet (*see* https://www.tceq.texas.gov/agency/decisions/agendas/agenda.html), and the broadcasts are closed-captioned. TCEQ provides information on its website for accessing the broadcasts. The notice for the meeting

[2] *See, e.g.*, https://www.tceq.texas.gov/assets/public/comm_exec/agendas/comm/current/2020/201021.pdf.; https://www.tceq.texas.gov/assets/public/comm_exec/pm-ph/notices/2020/2020-10-21-lauren-concrete-inc-162359-162395-ph.pdf; https://www.tceq.texas.gov/assets/public/comm_exec/pm-ph/notices/2020/2020-11-16-jupiter-brownsville-llc-147681-PSDTX1522-GHGPSDTX172-cch.pdf; https://www.tceq.texas.gov/assets/public/legal/rules/hearings/20041328_phn.pdf.

agenda contains information for contacting TCEQ's Office of the Chief Clerk if any accommodation is necessary for a member of the public to make an oral presentation at the agenda meeting. *See* https://www.tceq.texas.gov/agency/decisions/agendas/comm/comm_agendas.html (links to upcoming and archived agenda meetings). At the close of the agenda, TCEQ provides information regarding the availability of language assistance and disability assistance for its public commission agenda meetings. *See, e.g.,* https://www.tceq.texas.gov/assets/public/comm_exec/agendas/comm/current/2020/200729.pdf.

3. TCEQ makes the documents it files, publishes, or otherwise authors accessible to individuals with disabilities before finalizing and publishing the documents for posting or distribution. *See, e.g.*, TCEQ Accessibility of Information and Communication Technology Plan (Rev. Sept. 18, 2019).

4. Pursuant to TCEQ's Website Accessibility Policy, https://www.tceq.texas.gov/help/policies/accessibility_policy.html, TCEQ is committed to making its website and webpages accessible to all users, and to continually review and update them for accessibility.

## III. SPECIFIC TCEQ COMMITMENTS

### A. Community Meetings

1. TCEQ committed to hold at least three (3) virtual stakeholder meetings on TCEQ's pending rulemaking project on "Amending Alternative Language Public Notice Requirements and Public Participation" no sooner than October 19, 2020, to accommodate effective community outreach during the COVID-19 Pandemic, and to provide simultaneous professional language interpretation during the meetings in Spanish and any other appropriate languages. TCEQ held these meetings on October 19, 2020 at 2:00, October 20, 2020 at 6:00, and October 22, 2020 at 10:00.

2. In addition to the three virtual stakeholder meetings on the pending rulemaking (Section III.A.1. above), within 180 days after the effective date of this Agreement, TCEQ will hold a virtual stakeholder meeting through an appropriate and accessible platform that will be recorded and linked on TCEQ's Website as a community resource. TCEQ will provide simultaneous professional language interpretation during the meeting in Spanish and any other appropriate languages. This additional virtual stakeholder meeting will include the following topics:

a. TCEQ's permitting process and opportunities for public involvement;
b. How to access and interpret air quality data;
c. TCEQ's environmental complaints process for members of the public, including how to contact TCEQ, what information must be provided, how the agency responds to complaints, and how to follow the status of a complaint after it is made;
d. How to access TCEQ information relating to public emergencies;
e. How members of the public may submit information to TCEQ; and
f. How evidence collected by members of the public is used by TCEQ in enforcement.

3. Within one year after the date of the virtual meeting in Section III.A.2. above, TCEQ will hold two in-person community meetings, one in the Manchester community of East Houston and another in Pasadena, Texas. These meetings will include the same information offered in the virtual meeting in Section III.A.2 above. TCEQ may need to adjust the timing of these meetings based on the public health and safety concerns related to the COVID-19 Pandemic and based on the Centers for Disease Control guidance related to public gatherings.

4. TCEQ will publish timely notice of the meetings (at least 30 days prior to the meeting date) described in Section III.A.2 through 3 above, in English, Spanish and any other appropriate languages. Notice of the upcoming meetings will be announced in at least the following ways:

a. In one or more English language newspaper(s) of general circulation, serving the communities of East Houston and Pasadena;
b. In Spanish in one or more publications serving Spanish Speaking communities of East Houston and Pasadena Texas;
c. On the TCEQ website;
d. Through agency social-media accounts, including Facebook and Twitter;
e. By mail to known stakeholders and stakeholders' representatives; and
f. By mail through a general, area-wide mailout, using the United States postal service.

B. <u>Public Participation Plan</u>:

1. TCEQ understands that meaningful public involvement consists of informing, consulting, and working with potentially affected communities at various stages of the environmental decision-making process to address their needs. Therefore, TCEQ will develop a public participation plan that:

   a. Is available to all persons regardless of race, color, national origin (including limited-English proficiency), disability, sex and age; and is translated into appropriate languages pursuant to the analysis conducted pursuant to Section III.C.2. below;

   b. Ensures that the factors used to determine the time, place, location, duration, and security at public meetings are developed and applied in a non-discriminatory manner;

   c. Ensures that TCEQ's public participation procedures are implemented consistent with the federal non-discrimination laws and EPA's Public Participation Guidance found at 71 F.R. 14207, 14210 (March 21, 2006),[3] and include implementation of steps for effective public participation that are accessible to all persons without regard to race, color, national origin (including limited English proficiency), disability, sex, and age each time TCEQ engages in a public participation or public involvement process.

   d. Considers as part of TCEQ's development of the public participation plan, the following elements to ensure that the plan is available and accessible to all persons regardless of race, color, national origin, disability, sex, and age:

      i. relevant community (including demographics, history, and background);
      ii. relevant TCEQ staff members, including phone numbers and email addresses, to allow the public to communicate via phone or internet;
      iii. past and present community concerns (including any complaints filed under the federal non-discrimination laws);
      iv. detailed plan of action (outreach activities) that TCEQ will take to address concerns;
      v. contingency plan for unexpected events;
      vi. location where public meetings will be held (considering the availability and schedules of public transportation);

[3] https://www.govinfo.gov/content/pkg/FR-2006-03-21/pdf/06-2691.pdf

vii. contact names for obtaining language assistance services for limited-English proficient persons, including translation of documents and/or interpreters for public meetings;

viii. appropriate local media contacts (based on the culture and linguistic needs of the community); and

ix. the information repository location.

2. TCEQ will ensure that information about its public participation plan and opportunities for public participation will be provided in an accessible and user-friendly format and posted on TCEQ's website in appropriate languages other than English, pursuant to Section III.C.2 below, to ensure that the public will be better informed about the opportunities to participate in TCEQ's programs and activities.

3. Within 120 days after the effective date of this Agreement, TCEQ will forward to ECRCO for review a final draft of its public participation plan, as well as information about the proposed location and accessibility of the plan, such as a link to TCEQ's Website. ECRCO will review the draft public participation plan and provide any comments within 30 days of receipt. TCEQ will submit a final public participation plan within 30 days of receipt of ECRCO's comments.

C. Plan to Ensure Meaningful Access for Individuals with Limited English Proficiency (LEP):

1. TCEQ will provide meaningful access to individuals with limited English proficiency (LEP), and will develop, publicize, and implement written procedures to ensure meaningful access to all TCEQ programs and activities by all persons, including access by individuals with limited English proficiency, at no cost to those individuals.

2. TCEQ will conduct the appropriate analysis in light of EPA's LEP Guidance found at 69 F.R. 35602 (June 25, 2004)[4] and http://www.lep.gov to determine what language services or mix of language services it may need to provide to ensure that individuals with limited English proficiency can meaningfully participate in TCEQ's programs and activities.

3. TCEQ will:

a. Develop a language access plan consistent with EPA's LEP Guidance that is translated into Spanish, and other appropriate

[4] https://www.govinfo.gov/content/pkg/FR-2004-06-25/pdf/04-14464.pdf.

languages, pursuant to the analysis conducted pursuant to this Section III.C.2. which includes, as part of the development of the plan, an identification and consolidation of the processes and procedures TCEQ currently has in place to ensure that individuals with LEP are provided meaningful access to TCEQ's programs and activities;

b. Develop, publicize, and implement written procedures to ensure meaningful access to all TCEQ programs and activities for all persons, including access for individuals with limited English proficiency. This process will include an identification and consolidation of all procedures currently used by TCEQ to provide opportunities for all individuals to participate in TCEQ's programs and activities, as well as any further procedures TCEQ may develop for these purposes. These procedures will be published on TCEQ's website, including on the Spanish-language page and in other appropriate languages pursuant to the analysis conducted pursuant to this Section III.C.2, so that the procedures are easily accessible for all individuals. Instructions for obtaining copies of the webpage for individuals that may have limited internet access or other problems accessing the page will be made available, and will be made available for those who may call in to TCEQ's helpline or otherwise reach out to the agency for non-internet assistance;

c. Translate vital documents of general interest into prominent languages for LEP individuals who are served or likely to be encountered by TCEQ's programs and activities;

d. Translate vital documents of individual interest to a particular LEP individual or group of LEP individuals;

e. Provide for simultaneous oral interpretation of live proceedings (*e.g.*, town hall meetings and public hearings) in prominent languages when appropriate and necessary, through the procedures specified in the written LEP plan; and

f. Provide for simultaneous interpretation of proceedings, meetings, *etc.*, for individual LEP persons participating in a TCEQ program or activity (*e.g.*, a LEP individual wishing to file a grievance or complaint) when appropriate and necessary, through the procedures specified in the written LEP plan.

4. Within 180 days after the effective date of this Agreement, TCEQ will forward to ECRCO for review a final draft of its LEP plan to ensure meaningful access to all TCEQ programs and activities for individuals with limited-English proficiency and provide information as to the proposed location and accessibility of the LEP plan, such as a link to TCEQ's Website. ECRCO will review the draft LEP plan and provide any comments within 30 days of receipt. TCEQ will submit a final LEP plan within 30 days of receipt of ECRCO's comments

5. Within 30 days after adoption of TCEQ's final LEP plan, TCEQ will make the communities it serves aware of its LEP plan and how to access language assistance services at no cost. This information will be provided on TCEQ's website in appropriate languages other than English based on the appropriate analysis conducted in accordance with Section III.C.2.

D. Policy to Ensure Meaningful Access for Individuals with Disabilities

1. TCEQ will develop a policy to provide individuals with disabilities the opportunity for meaningful access in its programs and activities, which includes provisions addressing the following:

   a. Providing at no cost appropriate auxiliary aids and services including, for example, qualified interpreters to individuals who are deaf or hard of hearing, and to other individuals as necessary to ensure effective communication or an equal opportunity to participate meaningfully in the programs and activities provided by TCEQ.

   b. Providing individuals with disabilities with the right to request accommodations and to receive accommodations appropriate to their needs in order to meaningfully participate in or benefit from TCEQ's programs and activities in an accessible, nondiscriminatory and integrated setting.

2. TCEQ will make additional efforts to ensure that the communities it serves are aware that services for individuals with disabilities are available. TCEQ will prominently post its policy on the TCEQ website, which is translated into appropriate languages pursuant to the analysis conducted pursuant to Section III.C.2 above, including in both English and Spanish, and which will be accessible to individuals with disabilities.

3. Within 60 days of the effective date of this Agreement, TCEQ will forward to ECRCO for review a final draft of its policy to ensure meaningful access to, and an opportunity for full participation in, all TCEQ programs and activities for individuals with disabilities, as well as information about the proposed location and accessibility of the policy,

such as a link to TCEQ's Website. ECRCO will review the draft policy and provide any comments within 30 days of receipt. TCEQ will submit a final policy within 30 days of receipt of ECRCO's comments.

E. Training

1. Within 120 days after implementing the deliverables identified in this Agreement (Sections III.A. through D. above), TCEQ will provide training to all staff on TCEQ's nondiscrimination policies and procedures and on its federal nondiscrimination obligations. TCEQ will certify to ECRCO that the training has been provided.

2. Within 180 days after execution of this Agreement, TCEQ will certify to ECRCO that it has a plan in place to ensure that such training is a routine part of the on-boarding process for new employees and is given periodically as refresher training to all employees.

## IV. GENERAL

A. In consideration of TCEQ's implementation of commitments and actions described in Section III of this Agreement, ECRCO will end its investigation of Complaint No. 02NO-20-R6 and not issue a decision containing findings on the merits of the complaint.

B. ECRCO will monitor the implementation of the commitments in Section III of this Agreement, as appropriate, to ensure they are fully implemented. Once the terms of this Agreement are satisfied, ECRCO will issue a letter documenting closure of its monitoring actions in Complaint No. 02NO-20-R6 and closure of the Complaint as of the date of that letter.

C. Unless the terms of a commitment in Section III provide for a different timeframe, TCEQ will, within 30 days after the implementation of each commitment, and consistent with the timeframes in Section III, submit confirmation of each commitment's implementation, by electronic mail to the Director, External Civil Rights Compliance Office, Office of General Counsel, at Dorka.Lilian@epa.gov.

D. ECRCO will review and provide feedback about any documentation submitted by TCEQ demonstrating completion of each commitment and will provide an assessment as to whether the documentation satisfies the commitment within 30 days of receipt of each such submission.

E. EPA will, upon request, provide technical assistance to TCEQ regarding any of the civil rights obligations previously referenced.

## V. COMPUTATION OF TIME AND NOTICE

A. As used in this Agreement, "day" will mean a calendar day. In computing any period of time under this Agreement, where the last day would fall on a Saturday, Sunday, or federal holiday, the period will run until the close of business of the next working day.

B. Documents submitted by TCEQ to EPA shall be sent by email to the Director of ECRCO at Dorka.Lilian@epa.gov.

C. Documents submitted by ECRCO to TCEQ shall be sent by email to the Deputy Director of TCEQ Office of Legal Services.

## VI. EFFECT OF THE AGREEMENT

A. TCEQ understands that, if necessary, ECRCO may visit TCEQ, interview staff, and request such additional reports or data as are necessary for ECRCO to determine whether TCEQ has fulfilled the terms of this Agreement.

B. TCEQ understands that EPA will not close its monitoring of this Agreement until ECRCO determines that TCEQ has fully implemented this Agreement and that a failure to satisfy any term in this Agreement may result in the EPA opening an investigation.

C. If either Party desires to modify any portion of this Agreement because of changed conditions making performance impractical or impossible, or due to material change to TCEQ's program or authorities, or for other good cause, the Party seeking a modification will promptly notify the other in writing, setting forth the facts and circumstances justifying the proposed modification. Any modification(s) to this Agreement will take effect only upon written agreement by the Director of TCEQ and the Director of ECRCO.

D. This Agreement constitutes the entire Agreement between TCEQ and EPA regarding the matters addressed herein, and no other statement, promise, or agreement, made by any other person will be construed to change any commitment or term of this Agreement, except as specifically agreed to by TCEQ and EPA in accordance with the provisions of Section VI.C. above.

E. This Agreement does not affect TCEQ's continuing responsibility to comply with Title VI or other federal non-discrimination laws and EPA's regulations at 40 C.F.R. Parts 5 and 7, nor does it affect EPA's investigation of any other Title VI or other federal civil rights complaints or address any other matter not covered by this Agreement.

F. The effective date of this Agreement is the date by which both Parties have signed the Agreement. This Agreement may be signed in counterparts. The Deputy Director of the Office of Legal Services in her capacity as an official of TCEQ, has the authority to enter into this Agreement for purposes of carrying out the activities listed in these paragraphs. The Director of ECRCO has the authority to enter into this Agreement.

On behalf of the Texas Commission on Environmental Quality

Erin E. Chancellor

November 3, 2020

Erin E. Chancellor
Deputy Director, Office of Legal Services

(Date)

On behalf of the U.S. Environmental Protection Agency,

November 3, 2020

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

(Date)