



MEMORANDUM

Date: November 9, 2022

To: The Honorable Chair and Members
Pima County Board of Supervisors

From: Jan Leshner 
County Administrator

Re: **Additional Information to the EPA's Acceptance of Administrative Complaint**

In an [August 23, 2022](#) memorandum to the Board of Supervisors, I reported that the Pima County Department of Environmental Quality (DEQ) received notification from Environmental Protection Agency's (EPA) External Civil Rights Compliance Office (ECRCO). As noted in that memorandum, Pima County DEQ contends that the County exceeded the requirements for public outreach in notifying and engaging the community of the issued Class II Air Quality Permit.

Attached please find a November 8, 2022 memorandum from DEQ Director Barbara Escobar in which she provides an update to the August 23 report. Following a November 3, 2022 meeting with representatives from ECRCO, PDEQ will proceed with an Informal Resolution Agreement. This will provide for an informal process in which DEQ and the EPA can work collaboratively to ensure that the public is appropriately notified.

JKL/dym

Attachment

c: Carmine DeBonis, Jr., Deputy County Administrator
Francisco García, MD, MPH, Deputy County Administrator and Chief Medical Officer
Barbara Escobar, Director, Pima County Department of Environmental Quality
Sam Brown, Chief Deputy, Pima County Attorney's Office – Civil Division

DATE: November 8, 2022

TO: Jan Leshner, County Administrator

FROM: Barbara A. Escobar
Director *BAE*

THRU: Francisco Garcia, Deputy County Administrator

RE: Update to EPA's Acceptance of Administrative Complaint filed against PDEQ

This is an update to the August 23, 2022, [memo](#) regarding EPA's Acceptance of Administrative Complaint filed against Pima County Department of Environmental Quality (PDEQ).

On September 14, 2022, PDEQ provided ECRCO a written submission to rebut the issues that have been accepted for investigation. The information was provided to the BOS in a [memo](#) dated September 16, 2022.

Staff from PDEQ and the Pima County Attorney's Office met virtually on November 3, 2022 with EPA representatives from the External Civil Rights Compliance Office (ECRCO) for further discussion on EPA's recommendation that PDEQ proceed with an Informal Resolution Agreement (IRA) process rather than a formal Preliminary Findings Investigation.

The final decision from PDEQ to participate in informal resolution was done in consultation with PCAO. After receiving clarification from ECRCO staff, it was made clear that the informal resolution process is PDEQ and EPA working collaboratively to create policies and procedures (e.g., non-discrimination plan and updated grievance policy) that are consistent with best practices. It is not mediation or alternate dispute resolution in the traditional sense and does not involve any interaction with the complainant, any admissions of wrongdoing, or any concessions to the complainant. Going through this process would put PDEQ in a very strong position should we receive future complaints like this one or become involved in litigation.

BAE/fm

cc: Carmine DeBonis, Deputy County Administrator
Sam Brown, Chief Deputy, Pima County Attorney's Office – Civil Division