Message

From: Dorka, Lilian [Dorka.Lilian@epa.gov]
Sent: 7/20/2017 7:38:32 PM
To: Engelman-Lado, Marianne [marianne.engelman-lado@yale.edu]
CC: John Philo [jphilo@sugarlaw.org]; Suzanne Novak [snovak@earthjustice.org]; Jonathan J. Smith [jjsmith@earthjustice.org]; Ben Wedeking [ben.wedeking@ylsclinics.org]; O'Lone, Mary [OLone.Mary@epa.gov]; Temple, Kurt [Temple.Kurt@epa.gov]; Walts, Alan [walts.alan@epa.gov]; Redden, Kenneth [Redden.Kenneth@epa.gov]; Johnson, Johahna [Johnson.Johahna@epa.gov]; Keeler, Katsumi [Keeler.Katsumi@epa.gov]; Biffl, Betsy [Biffl.Betsy@epa.gov]
Subject: RE: EPA Complaints No. 17RD-16-R5 and 01R-94-R5

Dear Marianne,

I am following up on your email below requesting a copy of MDEQ's March 6, 2017, letter to ECRCO "Response to Notice of Preliminary Findings." Please note that ECRCO would need to respond to that request under the Freedom of Information Act (FOIA.) Please confirm whether you would like for us to process your request under FOIA.

Regarding your request for "information you can provide on any policies and procedures applicable to EPA review of preliminary findings," I can confirm that neither EPA's nondiscrimination regulation nor ECRCO's CRM address "review of preliminary findings." In addition, as your question relates specifically to the Genesee case, No. 01R-94-R5, I would like to make clear that this case was closed as of January 19, 2017, and remains closed. For additional clarification, please refer to Footnote 2 of our Resolution/Closure Letter in that case dated January 19, 2017. I have added the language of Footnote 2 below for your convenience. Thank you and please let me know if you have any questions.

Lilian

"The preliminary finding is made pursuant to 40 C.F.R. §115(c)(1)(i). Given the age of the facts relied upon to make this preliminary finding, EPA is not making recommendations pursuant to 40 C.F.R. §115(c)(1)(ii) which triggers notification of the recipient of its right to engage in voluntary compliance negotiations under 40 C.F.R. §115(c)(1)(iii). However, as explained in this letter, EPA will consider issues related to MDEQ's current public participation process within the context of the pending Flint Complaint (EPA File No. 17RD-16-R5) which raises similar issues regarding public participation in the current day context. Therefore, this case, 01R-94-R5, is closed as of the date of this letter and requires no further action."

From: Engelman-Lado, Marianne [mailto:marianne.engelman-lado@yale.edu]
Sent: Friday, July 7, 2017 5:22 PM
To: Dorka, Lilian <Dorka.Lilian@epa.gov>
Cc: John Philo <jphilo@sugarlaw.org>; Suzanne Novak <snovak@earthjustice.org>; Jonathan J. Smith <jjsmith@earthjustice.org>; Ben Wedeking <ben.wedeking@ylsclinics.org>; O'Lone, Mary <OLone.Mary@epa.gov>
Subject: EPA Complaints No. 17RD-16-R5 and 01R-94-R5

Dear Lilian,

I'm writing to follow up on a letter from MDEQ dated June 23, 2017, regarding a request by Citizen Name / Ex. 6 and the St. Francis Prayer Center to be included in discussions between MDEQ and EPA to resolve issues raised in civil rights complaints that they filed with EPA. (Please find MDEQ's letter, attached.) MDEQ's letter

mentions that MDEQ disagrees with "and has formally responded to" EPA's preliminary findings in the St. Francis Prayer Center case on March 6, 2017.

First, complainants seek a copy of MDEQ's March 6, 2017 formal response to EPA's preliminary findings.

Second, we would also appreciate any information you can provide on any policies and procedures applicable to EPA review of preliminary findings. We have reviewed both EPA regulations at 40 CFR 115, 130, and ECRCO's Case Resolution Manual, and neither seems to provide any detail. We would also appreciate hearing back from you or others at EPA within the next few days, as we are concerned about the timeliness of any follow up by complainants.

Many thanks,

Marianne

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Personal Phone / Ex. 6