**To:** McKaughan, Colleen[McKaughan.Colleen@epa.gov]
**From:** Dan Mack
**Sent:** Fri 8/18/2017 11:56:12 PM
**Subject:** Re: Maricopa County LEPC

Thank you for getting back to me so quickly, that date and time would work fine for me. I would like to include Steve Brittle on the call. Steve is our groups LEPC and EPCRA expert.
Dan Mack, 916-759-4291

On Fri, Aug 18, 2017 at 2:27 PM, McKaughan, Colleen <McKaughan.Colleen@epa.gov> wrote:

Dear Mr. Mack,

Could Dan Meer and I call you on Tuesday, August 22nd, at 3 pm? And is there a phone number where you can be reached? Thank you very much.

Colleen McKaughan

Associate Director, Air Division

**From:** Strauss, Alexis
**Sent:** Thursday, August 17, 2017 11:54 AM
**To:** Dan Mack <macks1985@gmail.com>
**Cc:** McKaughan, Colleen <McKaughan.Colleen@epa.gov>; Meer, Daniel <Meer.Daniel@epa.gov>
**Subject:** RE: Maricopa County LEPC

Dear Mr. Mack,

We've been engaging with Arizona DEQ and others to understand aspects of the Hickman operation, and clarify the extent of EPA's jurisdiction. With this note, I'm asking my colleague Colleen McKaughan to respond to you on this, and possibly engage others here in the Regional Office. I trust we can be helpful to you,

Kind regards,

Alexis

Alexis Strauss

Acting Regional Administrator

E.P.A. Region 9

75 Hawthorne Street

San Francisco, CA 94105

415-972-3572

**From:** Dan Mack [mailto:macks1985@gmail.com]
**Sent:** Thursday, August 17, 2017 11:49 AM
**To:** Strauss, Alexis <Strauss.Alexis@epa.gov>
**Subject:** Maricopa County LEPC

Alexis Strauss

Acting Regional Administrator

E.P.A. Region 9

75 Hawthorne Street

San Francisco, CA 94105

Dear Acting Administrator Strauss:

As president of STOPP, the non-profit citizens organization based Tonopah, Arizona, that is concerned about releases of ammonia from Hickman's Egg Ranch facilities, I am concerned why EPA would allow the Maricopa County LEPC and the Arizona Emergency Response Commission to compromise our rights under EPCRA, as this email chain indicates. EPA has oversight over EPCRA and is charged with the responsibility of making states comply with the requirements of the statutes. We are aware of the judge's ruling in *Sierra Club vs Tyson Foods, Inc.* We have a federal right to know the information required in the written follow up report required by EPCRA Section 304, yet it appears your agency has allowed this. Tonopah and Arlington are both environmental justice communities, yet your agency seems mostly unresponsive to our concerns.

Please help get my community the information that we seek, or else please explain why the compromise of our right to know under EPCRA is being allowed.

Sincerely,

Dan Mack President

STOPP

**Allen Young - EMERMGMTX**

6:57 AM (4 hours ago)

to me

Mr. Mack,

I see the request that you sent to ADEQ, also forwarded to me, regarding a separate EPCRA Ammonia release report from the Hickman's Family Farms Facilities in Arlington and Tonopah. As discussed at the most recent LEPC meeting, the LEPC accepted the continuous release reports required under CERCLA as the EPCRA report as well, in accordance with the direction received from the EPA Region 9 office. No other reports exists nor are they being requested by the MC-LEPC. Thank you for your inquiry.

Regards,

**Allen Young**
**Emergency Services Planner**
**Maricopa County**
Emergency Management
5630 E. McDowell Rd
Phoenix, AZ 85008
602.273.1411

We can also be found on Nextdoor!

**From:** Dan Mack [mailto:macks1985@gmail.com]
**Sent:** Thursday, August 17, 2017 5:43 AM
**To:** Allen Young - EMERMGMTX <AllenYoung@mail.maricopa.gov>
**Subject:** Fwd: File Request (CTS# 371423) Records sent

---------- Forwarded message ----------
From: **Cina Sheffield** <Sheffield.Cina@azdeq.gov>
Date: Wed, Aug 16, 2017 at 5:45 PM
Subject: RE: File Request (CTS# 371423) Records sent
To: Dan Mack <macks1985@gmail.com>

Mr. Mack,

I sincerely apologize that you did not get all the information you were expecting, but ADEQ has sent you all that we have. Therefore, the documentation that you requested is not on file at this agency. All of the documentation you asked for can be requested through the appropriate County Agency. (Allenyoung@mail.maricopa.gov)


Cina Sheffield

**Arizona Department of Environmental Quality**
**RMC Lead Researcher |www.azdeq.gov**
**RecordsCenter@azdeq.gov**
**1110 West Washington Street | Phoenix, Arizona 85007**
**602.771. 4424 (Direct) | 602.771.4380 (Main) |602.771.4389 (fax)**


**From:** Dan Mack [mailto:macks1985@gmail.com]
**Sent:** Wednesday, August 09, 2017 11:49 AM
**To:** Cina Sheffield <Sheffield.Cina@azdeq.gov>; lepc@mail.maricopa.gov
**Subject:** File Request (CTS# 371423) Records sent

I requested, pursuant to ARS 39-
121 *et seq* and EPCRA, according to statute, the written follow up report(s) required by section 304 of EPCRA filed with the Maricopa County LE

What I have been provided instead is the CERCLA continuous release report filed by Hickman's for these facilities. This is inadequate and legally

**There are specific data elements that are required by EPCRA for a facility owner/operator to f**
**Emergency notification, (b) Notification, 2)]**

**I have attached the language of the federal statute, which is state law also, and I have bolded**

2) Notice required under subsection (a) shall include each of the following (to the extent known at the time of the notice and so long as no delay in

(A) The chemical name or identity of any substance involved in the release.

(B) **An indication of whether the substance is on the list referred to in section 11002(a) of this title.**

(C) An estimate of the quantity of any such substance that was released into the environment.

(D) **The time and duration of the release.**

(E) The medium or media into which the release occurred.

(F) **Any known or anticipated acute or chronic health risks associated with the emergency and, where appropriate, advice regarding medi**

(G) **Proper precautions to take as a result of the release, including evacuation (unless such information is readily available to the communi**

(H) **The name and telephone number of the person or persons to be contacted for further information.**

(c) Followup emergency notice As soon as practicable after a release which requires notice under subsection (a), such owner or operator shall prov

**(1) actions taken to respond to and contain the release,**

**(2) any known or anticipated acute or chronic health risks associated with the release, and**

**(3) where appropriate, advice regarding medical attention necessary for exposed individuals.**

Please honor this non-commercial request in a timely manner.

Thank you, Dan Mack

**Dan Mack** <macks1985@gmail.com>

Jul 31

to azserc, lepc

From: Dan Mack

STOPP, Inc.

Email macks1985@gmail.com

phone 916-759-4291

Request Pursuant to ARS 39-121 and EPCRA to Review Public Records/AZSERC and MCLEPC/Hickman's Egg Ranch Facilities in Arlington and Tonopah, AZ

Pursuant to ARS 39-121 *et seq* and EPCRA, according to statute, I request to review and/or copy any written follow up reports required by EPCRA Section 304 that were filed by Hickman's Family Farms related to their facilities in Arlington and Tonopah, Arizona.

The Hickman's Egg Ranch facilities are located at 32425 W Salome Hwy, Arlington, AZ 85322, and at 4099 N 419th Ave, Tonopah, A

Please honor this written non-commercial request within a reasonable time. Contact STOPP, Inc at 916-759-4291 to confirm that the **complete requested file** is prepared and ready for review.

**Failure to provide these public records within a reasonable time will result in appropriate legal action to gain access to thes**

Thank you,

Sincerely,

Dan Mack

President of STOPP

**Cina Sheffield**

Aug 3

to me

Dan,

Instead of mailing the documents we talked about this morning I am sending them in this email. I have attached **Continuous Release Reporting Form for Arlington North and South and Tonopah .**

ADEQ Records Management Center now considers this request complete.


Cina Sheffield

**Arizona Department of Environmental Quality**
**RMC Lead Researcher |www.azdeq.gov**
**RecordsCenter@azdeq.gov**
**1110 West Washington Street | Phoenix, Arizona 85007**
**602.771. 4424 (Direct) | 602.771.4380 (Main) |602.771.4389 (fax)**