Message

**From:** Dorka, Lilian [Dorka.Lilian@epa.gov]
**Sent:** 8/6/2019 4:06:29 PM
**To:** Busterud, Gretchen [Busterud.Gretchen@epa.gov]
**Subject:** FW: Draft Informal Resolution Agreement for EPA Complaint No. 45RNO-16-R9
**Attachments:** DRAFT Informal Resolution Agreement 45RNO-16-R9 (HI ADC) 7-26-19.docx

Here is the latest correspondence with their attorney, Goff, where we approved the edits he made to the agreement, attached. See his email below where he says it was on the Board agenda for July 31.

Lilian Sotolongo Dorka, Director
External Civil Rights Compliance Office
Office of General Counsel
U.S. Environmental Protection Agency
202-564-9649 - Office
202-695-9888 - Cell

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**From:** Robinson, Brittany <Robinson.Brittany@epa.gov>
**Sent:** Wednesday, July 31, 2019 2:30 PM
**To:** Goff, Andrew D <andrew.d.goff@hawaii.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>
**Cc:** Covington, Jeryl <Covington.Jeryl@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>
**Subject:** RE: Draft Informal Resolution Agreement for EPA Complaint No. 45RNO-16-R9

Hi Andrew,

We have reviewed the updated draft and do not have any additional comments at this time. Please move forward with presenting the draft agreement at today's board meeting. Thanks!

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**From:** Goff, Andrew D <andrew.d.goff@hawaii.gov>
**Sent:** Monday, July 29, 2019 3:08 PM
**To:** Dorka, Lilian <Dorka.Lilian@epa.gov>
**Cc:** Covington, Jeryl <Covington.Jeryl@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Robinson, Brittany <Robinson.Brittany@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>
**Subject:** RE: Draft Informal Resolution Agreement for EPA Complaint No. 45RNO-16-R9

Lilian,

I wanted to update you that the draft resolution agreement is on the agenda for the ADC board meeting on July 31, 2019. I have attached an updated draft that includes a few proposed edits based on feedback from the last board meeting. If the edits are acceptable, I will present the proposed draft to the board. If you have any questions or would like to discuss the edits, I can be available early next week by phone.

Thank you,

Andrew

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**From:** Dorka, Lilian <Dorka.Lilian@epa.gov>
**Sent:** Wednesday, July 24, 2019 12:04 PM
**To:** Goff, Andrew D <andrew.d.goff@hawaii.gov>

**Cc:** Covington, Jeryl <Covington.Jeryl@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Robinson, Brittany <Robinson.Brittany@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>
**Subject:** RE: Draft Informal Resolution Agreement for EPA Complaint No. 45RNO-16-R9
**Importance:** High

Hello Andrew, can you please let me know if the Informal Resolution Agreement is now o the Board's agenda for their next meeting? Can you please share any details on that? Thanks!

Lilian Sotolongo Dorka, Director
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U.S. Environmental Protection Agency
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**From:** Dorka, Lilian
**Sent:** Thursday, July 18, 2019 8:57 PM
**To:** Goff, Andrew D <andrew.d.goff@hawaii.gov>
**Cc:** Covington, Jeryl <Covington.Jeryl@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Robinson, Brittany <Robinson.Brittany@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>
**Subject:** Re: Draft Informal Resolution Agreement for EPA Complaint No. 45RNO-16-R9

Thanks Andrew. Hope you're feeling better. I look forward to hearing from you next week. Lilian

Sent from my iPhone

Lilian Sotolongo Dorka, Director
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On Jul 18, 2019, at 5:57 PM, Goff, Andrew D <andrew.d.goff@hawaii.gov> wrote:

> Apologies Lilian, I was Ex. 6 Personal Privacy (PP) out of the office for a week. I have not heard of a board meeting being scheduled yet. They are normally at the end of the month, so I expect the notices will go out next week. I will follow up with my client and let you know when I have an answer.
>
> Thank you,
>
> Andrew
>
> ---
>
> **From:** Dorka, Lilian <Dorka.Lilian@epa.gov>
> **Sent:** Wednesday, July 17, 2019 4:23 AM
> **To:** Goff, Andrew D <andrew.d.goff@hawaii.gov>
> **Cc:** Covington, Jeryl <Covington.Jeryl@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; Robinson, Brittany <Robinson.Brittany@epa.gov>

**Subject:** RE: Draft Informal Resolution Agreement for EPA Complaint No. 45RNO-16-R9
**Importance:** High

Hello Andrew, I am concerned about the lag in movement on this case. I have not heard back from you and it has been three weeks. Has a meeting with the Board been set?

Thanks for your help, Lilian

Lilian Sotolongo Dorka, Director
External Civil Rights Compliance Office
Office of General Counsel
U.S. Environmental Protection Agency
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**From:** Dorka, Lilian
**Sent:** Tuesday, July 2, 2019 6:50 AM
**To:** Goff, Andrew D <andrew.d.goff@hawaii.gov>
**Cc:** Covington, Jeryl <Covington.Jeryl@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>
**Subject:** Re: Draft Informal Resolution Agreement for EPA Complaint No. 45RNO-16-R9

Thanks. Please let me know ASAP when the meeting is scheduled as I will need to share that early next week. Lilian

Sent from my iPhone

Lilian Sotolongo Dorka, Director
External Civil Rights Compliance Office
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On Jul 1, 2019, at 11:18 PM, Goff, Andrew D <andrew.d.goff@hawaii.gov> wrote:

> Lilian,
>
> Sorry I was unable to update you before I went out of town. I presented and explained the draft at the June 12 board meeting. The board barely had quorum at that time, so a final decision was deferred until the full board could be present. There may be some questions regarding how the ADC agreement would interplay with the DOA agreement, but I think the board will be agreeable to accepting the terms. I will finalize the draft and put it on the next agenda for decision making. I'll let you know when the meeting is set.
>
> Thank you,

Andrew

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**From:** Dorka, Lilian <Dorka.Lilian@epa.gov>
**Sent:** Wednesday, June 26, 2019 4:39 AM
**To:** Goff, Andrew D <andrew.d.goff@hawaii.gov>
**Cc:** Covington, Jeryl <Covington.Jeryl@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>
**Subject:** RE: Draft Informal Resolution Agreement for EPA Complaint No. 45RNO-16-R9
**Importance:** High

Hello Andrew, I am following up with you as you said you would present the draft agreement to your board on June 12th and that you would follow up with me to let me know the outcome. Today marks two weeks from that date. Could you please provide an update on the status of the Informal Resolution Agreement as soon as possible? Thanks for your help. Lilian

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**From:** Dorka, Lilian
**Sent:** Friday, May 31, 2019 5:20 PM
**To:** Goff, Andrew D <andrew.d.goff@hawaii.gov>
**Cc:** Covington, Jeryl <Covington.Jeryl@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>
**Subject:** RE: Draft Informal Resolution Agreement for EPA Complaint No. 45RNO-16-R9

Hi Andrew,

Just wanted to let you know that Resolution Letter and Agreement (attached) for HDOA was issued yesterday so that case has now been resolved. Thought you might want to have this in anticipation of your meeting with the ADC Board. Thanks!

Lilian

Lilian Sotolongo Dorka, Director
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**From:** Dorka, Lilian
**Sent:** Wednesday, May 29, 2019 9:57 PM
**To:** Goff, Andrew D <andrew.d.goff@hawaii.gov>
**Cc:** Covington, Jeryl <Covington.Jeryl@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>;

Wilson, Adam <wilson.adam@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>
**Subject:** Re: Draft Informal Resolution Agreement for EPA Complaint No. 45RNO-16-R9

Thanks for the update Andrew.

Sent from my iPhone

Lilian Sotolongo Dorka, Director
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US EPA
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On May 29, 2019, at 8:32 PM, Goff, Andrew D <andrew.d.goff@hawaii.gov> wrote:

> Lilian,
>
> The judge took the case under advisement, no word on when he will issue an opinion. I have the EPA MOU on the agenda for the June 12th ADC Board meeting. I will let you know outcomes as they come.
>
> ---
>
> **From:** Dorka, Lilian <Dorka.Lilian@epa.gov>
> **Sent:** Thursday, May 23, 2019 3:56 PM
> **To:** Goff, Andrew D <andrew.d.goff@hawaii.gov>
> **Cc:** Covington, Jeryl <Covington.Jeryl@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>
> **Subject:** Re: Draft Informal Resolution Agreement for EPA Complaint No. 45RNO-16-R9
>
> Thanks for the update Andrew. Can you please update me again next week re Board hearing, that to confirm you will be able bring the agreement before them and a firm date? Thanks so much!
>
> Sent from my iPhone
>
> Lilian Sotolongo Dorka, Director
> External Civil Rights Compliance Office
> Office of General Counsel
> US EPA
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> 202-695-9888 - Cell

On May 23, 2019, at 6:50 PM, Goff, Andrew D <andrew.d.goff@hawaii.gov> wrote:

Lilian,

We are in the process of setting a date for my client's board meeting in mid-June. I plan on presenting the agreement to the board for feedback. I will also be speaking with DOA regarding the possibility of an agreement to use their coordinator when the time comes.

We had the hearing on Earthjustice's other lawsuit yesterday. The judge took it under advisement, so I will let you know when a decision comes out.

Thank you,

Andrew

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**From:** Dorka, Lilian <Dorka.Lilian@epa.gov>
**Sent:** Wednesday, May 15, 2019 11:46 AM
**To:** Goff, Andrew D <andrew.d.goff@hawaii.gov>
**Cc:** Covington, Jeryl <Covington.Jeryl@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>
**Subject:** RE: Draft Informal Resolution Agreement for EPA Complaint No. 45RNO-16-R9
**Importance:** High

Hi Andrew,

Checking back as I have not heard from you re the draft I sent you on May 9th. Do you have any thoughts on this? Have you been able to speak to your client about it? Thanks!

Lilian Sotolongo Dorka, Director
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**From:** Dorka, Lilian
**Sent:** Thursday, May 9, 2019 6:08 PM
**To:** 'Goff, Andrew D' <andrew.d.goff@hawaii.gov>
**Cc:** Covington, Jeryl <Covington.Jeryl@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Garnett, Desean

<Garnett.Desean@epa.gov>
**Subject:** RE: Draft Informal Resolution Agreement for EPA Complaint No. 45RNO-16-R9
**Importance:** High

Hi Andrew, please take a look at the attached which has a revised FN 3 per our conversation this afternoon. Please send us back your revisions so that we can put the document in final draft and you can present it to your Board ASAP. (You stated you would request a meeting with the Board in early June, 2019 to present the draft agreement.) Thanks and please let me know if you have any questions. Lilian

Lilian Sotolongo Dorka, Director
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**From:** Dorka, Lilian
**Sent:** Thursday, May 9, 2019 12:30 PM
**To:** 'Goff, Andrew D' <andrew.d.goff@hawaii.gov>
**Cc:** Covington, Jeryl <Covington.Jeryl@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>
**Subject:** RE: Draft Informal Resolution Agreement for EPA Complaint No. 45RNO-16-R9

Hi Andrew – in anticipation of our meeting later today, wanted to share the attached as an option for resolution. Look forward to discussing this later.

Thanks! Lilian

Lilian Sotolongo Dorka, Director
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202-695-9888 - Cell

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**From:** Goff, Andrew D <andrew.d.goff@hawaii.gov>
**Sent:** Thursday, May 2, 2019 9:40 PM
**To:** Dorka, Lilian <Dorka.Lilian@epa.gov>
**Cc:** Covington, Jeryl <Covington.Jeryl@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Garnett, Desean

<Garnett.Desean@epa.gov>
**Subject:** RE: Draft Informal Resolution Agreement for EPA Complaint No. 45RNO-16-R9

Wednesday or Thursday would work for me. Thank you.

The hearing on our motions was pushed out to May 22. Hopefully we will know a decision then or shortly after.

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**From:** Dorka, Lilian [mailto:Dorka.Lilian@epa.gov]
**Sent:** Thursday, May 02, 2019 3:10 PM
**To:** Goff, Andrew D <andrew.d.goff@hawaii.gov>
**Cc:** Covington, Jeryl <Covington.Jeryl@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>
**Subject:** Re: Draft Informal Resolution Agreement for EPA Complaint No. 45RNO-16-R9

Thanks Andrew. I will be on work-related travel early next week and back in the office on Wednesday. I will ask Jeryl to see if she can set up a call fo next Wednesday or Thursday (late afternoon for us).

Also, forgot to ask before, any decision yet on the litigation?

Thanks! Lilian

Sent from my iPhone

Lilian Sotolongo Dorka, Director
External Civil Rights Compliance Office
Office of General Counsel
US EPA
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202-695-9888 - Cell

On May 2, 2019, at 8:51 PM, Goff, Andrew D <andrew.d.goff@hawaii.gov> wrote:

> Thanks Lillian, we are still reviewing the situation. At this time, it looks like ADC will definitely have more than 15 employees, although the timing of when they will be hired is still being worked out. We are talking with DOA on the hiring process and ADC's options

should they need to adopt their own discrimination complaint procedures. I will not know more than that until the hiring process is worked out, but would be open to a phone conference if you'd like to discuss available options from your end. I can be available next week from Tuesday on.

Thanks,

Andrew

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**From:** Dorka, Lilian [mailto:Dorka.Lilian@epa.gov]
**Sent:** Thursday, May 02, 2019 10:46 AM
**To:** Goff, Andrew D <andrew.d.goff@hawaii.gov>
**Subject:** RE: Draft Informal Resolution Agreement for EPA Complaint No. 45RNO-16-R9

Hi Andrew,

I'm following up on our call on April 16th. At that time you informed me that there was pending HI legislative action that could affect your organization, its budget and its human resources and, thus, the Draft Informal Resolution Agreement. In light of this, you asked that we postpone going forward with the draft Agreement (your presenting it to the Board, etc.) until May. We agreed to touch base by April 30th so that you could update me on your situation. I'm hoping you can provide an update today or tomorrow? Thanks!

Lilian

Lilian Sotolongo Dorka, Director
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202-695-9888 - Cell

**From:** Goff, Andrew D <andrew.d.goff@hawaii.gov>
**Sent:** Thursday, April 11, 2019 4:55 PM
**To:** Dorka, Lilian <Dorka.Lilian@epa.gov>
**Cc:** Rhines, Dale <rhines.dale@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; Grisier, Mary <Grisier.Mary@epa.gov>; TenBrook, Patti <TenBrook.Patti@epa.gov>
**Subject:** RE: Draft Informal Resolution Agreement for EPA Complaint No. 45RNO-16-R9

Lilian,

Based on our conversation the other day, these edits are acceptable. I have not been able to substantively speak to my client on the issues, but anticipate doing so before the end of the week. The next board meeting is set for April 24, 2019. Given the board members' schedules and notice requirements, it is unlikely that can be moved forward. Please let me know if you have any other questions.

Thank you,

Andrew

**From:** Dorka, Lilian [mailto:Dorka.Lilian@epa.gov]
**Sent:** Tuesday, April 09, 2019 12:26 PM
**To:** Goff, Andrew D <andrew.d.goff@hawaii.gov>
**Cc:** Rhines, Dale <rhines.dale@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; MARY GRISIER <Grisier.Mary@epa.gov>; TenBrook, Patti <TenBrook.Patti@epa.gov>
**Subject:** RE: Draft Informal Resolution

Agreement for EPA Complaint No. 45RNO-16-R9
**Importance:** High

Hi Andrew,

Thanks for the call today! Attached, please find a redlined Agreement incorporating the edits/additions we discussed today. I would appreciate it if you could let me know by COB tomorrow whether you agree with the edits so that I can send you a new clean version that you can present to your client. If you want to make additional edits of your own, please go ahead and send those to me and we can have a follow up conversation if needed.

Thanks! Lilian

Lilian Sotolongo Dorka, Director
External Civil Rights Compliance Office
Office of General Counsel
U.S. Environmental Protection Agency
202-564-9649 - Office
202-695-9888 - Cell

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**From:** Goff, Andrew D <andrew.d.goff@hawaii.gov>
**Sent:** Thursday, April 4, 2019 2:32 PM
**To:** Dorka, Lilian <Dorka.Lilian@epa.gov>
**Cc:** Rhines, Dale <rhines.dale@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>
**Subject:** RE: Draft Informal Resolution Agreement for EPA Complaint No. 45RNO-16-R9

That works. Thank you.

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**From:** Dorka, Lilian [mailto:Dorka.Lilian@epa.gov]
**Sent:** Thursday, April 04, 2019 12:18 AM
**To:** Goff, Andrew D <andrew.d.goff@hawaii.gov>
**Cc:** Rhines, Dale

<rhines.dale@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>
**Subject:** Re: Draft Informal Resolution Agreement for EPA Complaint No. 45RNO-16-R9

Ok Andrew I will reschedule. How about Tuesday 9-10 your time?

Sent from my iPhone

Lilian Sotolongo Dorka, Director
External Civil Rights Compliance Office
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On Apr 3, 2019, at 9:47 PM, Goff, Andrew D <andrew.d.goff@hawaii.gov> wrote:

> Lilian,
>
> Actually, next Tuesday would be better for me if we could push tomorrow's meeting. I have a deadline I need to meet and will not be able to get any effective update from my client by tomorrow. Thanks.
>
> ---
>
> **From:** Dorka, Lilian [mailto:Dorka.Lilian@epa.gov]
> **Sent:** Wednesday, April 03, 2019 3:46 PM
> **To:** Goff, Andrew D <andrew.d.goff@hawaii.gov>
> **Cc:** Rhines, Dale <rhines.dale@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.

gov>; Wilson, Adam <wilson.adam@epa.gov>
**Subject:** Re: Draft Informal Resolution Agreement for EPA Complaint No. 45RNO-16-R9

Hi Andrew, I had forgotten that we scheduled a call with you for tomorrow. I think it would be great if we could touch base tomorrow so that we can walk through the agreement, explain what's there and answer any questions. We can meet again next Tuesday if needed. Thanks! Lilian

Sent from my iPhone

Lilian Sotolongo Dorka, Director
External Civil Rights Compliance Office
Office of General Counsel
US EPA
202-564-9649 - Office
202-695-9888 - Cell

On Apr 3, 2019, at 6:45 PM, Dorka, Lilian <Dorka.Lilian@epa.gov> wrote:

> Hello Andrew,
>
> Thanks Andrew for a very

produ
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We
expect
to sign
an
agree
ment

with HDOA next week to resolve Complaint No. 44RNO-16-R9. I know that we share an interest in signing the agreement with ADC as soon as possible. It would be ideal to be able to resolve both complaints simultaneously if at all possible. Could you let me know please

when would be the soonest the ADC Board could consider this matter?

Finally, I have asked Jeryl to schedule a call with you for next Tuesday, 4/9 so that we can discuss the draft agreement and next steps. Are you available 9-10 am or 10-11 am your time (3-4 or 4-5 our

time)?

Please don't hesitate to call me if you have any questions. Thanks very much and I look forward to speaking with you soon.

Lilian

Lilian Sotolongo Dorka, Director External Civil Rights Compliance Office Office of General Counsel U.S. Environmental Protection Agency 202-564-

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<2019.04.03 DRAFT Informal Resolution Agreement 45RNO-16-R9 (HIADC) CLEAN.docx>