Message

From: Maslowski, Steven [Maslowski.Steven@epa.gov]
Sent: 4/8/2021 2:02:22 PM
To: Lazos, Pamela [Lazos.Pamela@epa.gov]
Subject: FW: [External] Civil Action No. 1:15-cv-00291-CCC, Seeking Concurrence for Lower Susquehanna Riverkeeper Association's Motion to Intervene

Pam,

I think we need to be part of the weekly call between PADEP and DOJ. After all, Ex. 5 Attorney Client (AC)

Ex. 5 Attorney Client (AC)

From: Ahearn, Devon (ENRD) <Devon.Ahearn@usdoj.gov>
Sent: Thursday, April 08, 2021 9:48 AM
To: Nanda, Sushila <Nanda.Sushila@epa.gov>; Lazos, Pamela <Lazos.Pamela@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Kardeman, Lianna <Kardeman.Lianna@epa.gov>; Levine, Bradley (ENRD) <Bradley.Levine@usdoj.gov>
Subject: RE: [External] Civil Action No. 1:15-cv-00291-CCC, Seeking Concurrence for Lower Susquehanna Riverkeeper Association's Motion to Intervene

Brad and I have reached out to Janna and Dawn. We'll report back on that conversation.

Let's keep the Monday call on the calendar so we can all make sure the federal team is on the same page after Brad and I talk to PADEP and LSRA. I will let Tom know that he does not need to join that call. At this point, I also don't think we need PADEP to join that call because Brad and I are planning to talk to them this week.

Thanks,
Devon

Devon Ahearn
Trial Attorney
Devon.ahearn@usdoj.gov
(202) 514-2717

From: Nanda, Sushila <Nanda.Sushila@epa.gov>
Sent: Thursday, April 8, 2021 8:12 AM
To: Lazos, Pamela <Lazos.Pamela@epa.gov>; Ahearn, Devon (ENRD) <Devon.Ahearn@usdoj.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Kardeman, Lianna <Kardeman.Lianna@epa.gov>; Levine, Bradley (ENRD) <Bradley.Levine@usdoj.gov>
Subject: RE: [External] Civil Action No. 1:15-cv-00291-CCC, Seeking Concurrence for Lower Susquehanna Riverkeeper Association's Motion to Intervene

I agree with Pam.

Sushila Nanda
Senior Attorney Advisor
USEPA
OECA-OCE-WED
William Jefferson Clinton Building
12th Street and Pennsylvania Avenue, N.W.
Mail Code 2243A

Room 4111C
Washington, D.C. 20004
Phone: (202) 564-4088
Telefacsimile: (202) 564-0024

CONFIDENTIAL: THIS TRANSMISSION MAY CONTAIN DELIBERATIVE, ATTORNEY-CLIENT COMMUNICATIONS, ATTORNEY-WORK PRODUCT, OR OTHERWISE PRIVILEGED MATERIAL. DO NOT RELEASE UNDER FOIA WITHOUT APPROPRIATE REVIEW. IF THIS MESSAGE HAS BEEN RECEIVED BY YOU IN ERROR, YOU ARE INSTRUCTED TO DELETE THIS MESSAGE FROM YOUR MACHINE AND ALL STORAGE MEDIA WHETHER ELECTRONIC OR HARD COPY.

From: Lazos, Pamela
Sent: Thursday, April 08, 2021 8:05 AM
To: Ahearn, Devon (ENRD) <Devon.Ahearn@usdoj.gov>; Nanda, Sushila <Nanda.Sushila@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Kardeman, Lianna <Kardeman.Lianna@epa.gov>; Levine, Bradley (ENRD) <Bradley.Levine@usdoj.gov>
Subject: RE: [External] Civil Action No. 1:15-cv-00291-CCC, Seeking Concurrence for Lower Susquehanna Riverkeeper Association's Motion to Intervene

Ex. 5 Attorney Client (AC)

From: Ahearn, Devon (ENRD) <Devon.Ahearn@usdoj.gov>
Sent: Wednesday, April 07, 2021 5:47 PM
To: Nanda, Sushila <Nanda.Sushila@epa.gov>; Lazos, Pamela <Lazos.Pamela@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Kardeman, Lianna <Kardeman.Lianna@epa.gov>; Levine, Bradley (ENRD) <Bradley.Levine@usdoj.gov>
Subject: RE: [External] Civil Action No. 1:15-cv-00291-CCC, Seeking Concurrence for Lower Susquehanna Riverkeeper Association's Motion to Intervene

I will schedule a call for our normal time at 2pm on Monday. Brad and I have reached out to counsel for LSRA asking for their availability for a meet and confer. We'll keep you posted on that.

Thanks,
Devon

Devon Ahearn
Trial Attorney
Devon.ahearn@usdoj.gov
(202) 514-2717

From: Nanda, Sushila <Nanda.Sushila@epa.gov>
Sent: Wednesday, April 7, 2021 4:38 PM
To: Lazos, Pamela <Lazos.Pamela@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Kardeman, Lianna <Kardeman.Lianna@epa.gov>; Ahearn, Devon (ENRD) <Devon.Ahearn@usdoj.gov>; Levine, Bradley (ENRD) <Bradley.Levine@usdoj.gov>
Subject: RE: [External] Civil Action No. 1:15-cv-00291-CCC, Seeking Concurrence for Lower Susquehanna Riverkeeper Association's Motion to Intervene

Yes I think we should have a call and will need to have a call with PADEP.

I am cc'ing Brad Levine at DOJ.

I looked up the local rule 7.1 (it does not go into specifics about intervention, but the I cut and pasted the text of the L.R. 7.1, below, and a link to the Local rules as well.

LR 7.1 Motions to be Written. A motion must be written, and shall contain a certification by counsel for the movant that he or she has sought concurrence in the motion from each party, and that it has been either given or denied. No concurrence need be sought in pro se prisoner cases. A certificate of nonconcurrence does not eliminate the need for counsel to comply with Local Rule 26.3 relating to conferences between counsel in all discovery motions directed toward a resolution of the motion. Every motion shall be accompanied by a form of order which, if entered by the court, would grant the relief sought in the motion.

Rule 7.1 of the Local Rules for the United States District Court for the Middle District of Pennsylvania – see page 19.

https://www.pamd.uscourts.gov/sites/pamd/files/LR120114.pdf

I hope this makes sense – thanks, SUshila

Sushila Nanda
Senior Attorney Advisor
USEPA
OECA-OCE-WED
William Jefferson Clinton Building
12th Street and Pennsylvania Avenue, N.W.
Mail Code 2243A
Room 4111C
Washington, D.C. 20004
Phone: (202) 564-4088
Telefacsimile: (202) 564-0024

CONFIDENTIAL: THIS TRANSMISSION MAY CONTAIN DELIBERATIVE, ATTORNEY-CLIENT COMMUNICATIONS, ATTORNEY-WORK PRODUCT, OR OTHERWISE PRIVILEGED MATERIAL. DO NOT RELEASE UNDER FOIA WITHOUT APPROPRIATE REVIEW. IF THIS MESSAGE HAS BEEN RECEIVED BY YOU IN ERROR, YOU ARE INSTRUCTED TO DELETE THIS MESSAGE FROM YOUR MACHINE AND ALL STORAGE MEDIA WHETHER ELECTRONIC OR HARD COPY.

From: Lazos, Pamela
Sent: Wednesday, April 07, 2021 3:57 PM
To: Maslowski, Steven <Maslowski.Steven@epa.gov>; Nanda, Sushila <Nanda.Sushila@epa.gov>; Kardeman, Lianna <Kardeman.Lianna@epa.gov>; Ahearn, Devon (ENRD) <Devon.Ahearn@usdoj.gov>
Subject: FW: [External] Civil Action No. 1:15-cv-00291-CCC, Seeking Concurrence for Lower Susquehanna Riverkeeper Association's Motion to Intervene
Importance: High

Well, the other shoe has dropped. Should we just have a call on Monday the 12th at 2p since that was our normal meet time? I have a hard stop at 3p that day, but we're probably all available.
Thanks,
Pam

From: Williams, Janna <jannwillia@pa.gov>
Sent: Wednesday, April 07, 2021 12:13 PM
To: Lazos, Pamela <Lazos.Pamela@epa.gov>
Cc: Herb, Dawn <dherb@pa.gov>
Subject: FW: [External] Civil Action No. 1:15-cv-00291-CCC, Seeking Concurrence for Lower Susquehanna Riverkeeper Association's Motion to Intervene
Importance: High

Hi Pam,
We just received the below email from EIP regarding CRW's Consent Decree. Dawn and I would like to have a meeting to discuss. Would you provide some dates and times you and your team are available? I wasn't sure who all to forward to so please feel free to pass this along.

Best,
Janna Williams

Janna Williams | Assistant Counsel
Office of Chief Counsel | South Central Regional Counsel
Department of Environmental Protection
909 Elmerton Avenue| Harrisburg, PA 17110-8200
Phone: 717.783.8301 | Fax: 717.772.2400
www.depweb.state.pa.us

The information transmitted is intended only for the person or entity to whom it is addressed and may contain confidential and/or privileged material. Any use of this information other than by the intended recipient is prohibited. If you receive this message in error, please send a reply e-mail to the sender and delete the material from any and all computers. Unintended transmissions shall not constitute waiver of the attorney-client or any other privilege.

From: Lisa Widawsky Hallowell <lhallowell@environmentalintegrity.org>
Sent: Wednesday, April 7, 2021 11:38 AM
To: bshuman@pa.gov; Williams, Janna <jannwillia@pa.gov>
Cc: Sylvia Lam <slam@environmentalintegrity.org>
Subject: [External] Civil Action No. 1:15-cv-00291-CCC, Seeking Concurrence for Lower Susquehanna Riverkeeper Association's Motion to Intervene
Importance: High

ATTENTION: *This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to CWOPA_SPAM@pa.gov.*

Dear Janna:

Pursuant to Local Rule 7.1 of the Local Rules for the United States District Court for the Middle District of Pennsylvania, I am writing on behalf of the Lower Susquehanna Riverkeeper Association ("LSRA") to seek your concurrence for LSRA to move to intervene as a Plaintiff in the matter *U.S. et al v. Capital Region Water,* Civil Action No. 1:15-cv-00291-CCC, in the Middle District of Pennsylvania. In advance of filing LSRA's motion to intervene as a Plaintiff in this action, please let us know your client's position regarding this motion. Beth Shuman is listed as counsel of record, but given that I believe she has retired, I am writing to you since you met with us on this matter – please let me know if there is another attorney for the Department that I should contact.

In addition, there is no counsel of record listed for the City of Harrisburg; do you know if there a counsel contact person for the City of Harrisburg that should be consulted, or has their involvement ceased following their transfer of duties in this matter to CRW?

Thank you for your prompt attention to this request.

Sincerely,

Lisa Widawsky Hallowell
Senior Attorney
Environmental Integrity Project
(202) 294-3282

CONFIDENTIAL LEGAL COMMUNICATION*: The information transmitted is intended only for the person or entity to whom it is addressed, and may contain privileged and confidential attorney-client communications and/or confidential attorney work product. If you receive this message in error, please send a reply e-mail to the sender and delete the material from any and all computers. Unintended transmissions shall not constitute waiver of the attorney-client or any other privilege.*