Message

From: Melvin, Karen [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B65F9758D726421185D69F59824F8DEE-KMELVIN]
Sent: 4/16/2021 2:29:10 PM
To: Libertz, Catherine [Libertz.Catherine@epa.gov]
Subject: FW: CRW: Update on LSRA Motion to Intervene

Keeping you in the loop.

KAREN MELVIN, DIRECTOR
ENFORCEMENT AND COMPLIANCE ASSURANCE DIVISION
US EPA, REGION 3
1650 ARCH STREET
PHILADELPHIA, PA 19103
215-814-3275

From: Pratt, Stacie <Pratt.Stacie@epa.gov>
Sent: Friday, April 16, 2021 9:23 AM
To: Melvin, Karen <Melvin.Karen@epa.gov>
Cc: Rogers, Rick <rogers.rick@epa.gov>
Subject: FW: CRW: Update on LSRA Motion to Intervene

FYI – Thanks.

From: Maslowski, Steven <Maslowski.Steven@epa.gov>
Sent: Friday, April 16, 2021 9:17 AM
To: Pratt, Stacie <Pratt.Stacie@epa.gov>
Cc: Rogers, Rick <rogers.rick@epa.gov>
Subject: FW: CRW: Update on LSRA Motion to Intervene

Stacie,

EIP wants to intervene in Harrisburg. Please read email below from DOJ.

Steve Maslowski
NPDES Section
EPA Region III
215-814-2371

From: Ahearn, Devon (ENRD) <Devon.Ahearn@usdoj.gov>
Sent: Thursday, April 15, 2021 6:00 PM
To: Kardeman, Lianna <Kardeman.Lianna@epa.gov>; Lazos, Pamela <Lazos.Pamela@epa.gov>; Maslowski, Steven <Maslowski.Steven@epa.gov>; Nanda, Sushila <Nanda.Sushila@epa.gov>
Cc: Levine, Bradley (ENRD) <Bradley.Levine@usdoj.gov>
Subject: CRW: Update on LSRA Motion to Intervene

Hi all,

As we discussed on Monday, we spoke to Fred and confirmed that CRW was supportive of proposing a meeting to LSRA in which we would discuss the modification to the CD, including short- and long-term projects. We took that proposal to EIP yesterday.

This morning, we heard from EIP that LSRA is interested in the meeting, but nevertheless wants to proceed with filing their motion to intervene on Tuesday; I have copied their email below. You'll see below that EIP has alternatively proposed that we jointly filed a motion to stay LSRA's motion to intervene for a 60-day period. Ex. 5 DP, AC / Ex. 7(A)

Ex. 5 DP, AC / Ex. 7(A)

EIP has asked us for an answer on whether we concur with LSRA's motion to intervene by COB tomorrow. We spoke to our management about options for responding to EIP's request for concurrence. Ex. 5 DP, AC / Ex. 7(A)

Ex. 5 DP, AC / Ex. 7(A)

Thanks,
Devon

Devon Ahearn
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Devon,

Thank you for getting the ball rolling on setting up a meeting between the existing parties and our client. I will check in with LSRA and my team and get back to you with our availability.

I also want to thank you, Brad, and Fred, for meeting with us to discuss your clients' perspectives and where things stand in the litigation and consent decree process.

We spoke with our client, who shared the same appreciation, and as we conveyed during our meetings this past week, we are approaching this matter with a collaborative mindset and remain certain that we can offer expertise and resources to help effectively and efficiently obtain the shared goal of fixing the sewage system and reducing the sewage pollution into Harrisburg's waterways. Having said that, we believe our client needs a seat at the table before LSRA continues to expend such resources, given that our past efforts to participate in this matter outside of litigation have not been successful.

However, we would like to propose a compromise that would hopefully be amenable to each of our clients. We intend to file our motion to intervene on Tuesday but are open to filing a joint motion at the same time or shortly thereafter to stay the MTI for a period of time (we propose 60 days) for us to meet and discuss the parties' proposals and progress on the modified consent decree. This will allow the existing parties to meet with us without the need to work on any briefs at the same time. After 60 days, if we all feel there is a path forward, we can move to continue the stay, or otherwise file a joint status report with a proposed briefing schedule to resume briefing the MTI.

We are now asking for each party's position **by COB Friday (tomorrow)** on the MTI along with the proposed accompanying (or soon to follow) joint motion to stay.

Thanks,
Sylvia

Sylvia Lam
Attorney
Environmental Integrity Project
(202) 888-2701