Message

From: Johnston, Tom [TLJ@adem.alabama.gov]
Sent: 10/6/2017 2:53:52 PM
To: Dorka, Lilian [Dorka.Lilian@epa.gov]
Subject: RE: Additional Clarification Regarding Arrowhead Retaliation Claims
Attachments: ADEM Environmental Complaint System - Database User Manual (06-06-2014).pdf

Thank you, Lilian. I apologize for the delay; my earlier emailing to you was rejected due to the size of the attachment (which we have now reduced). Per your request, please find attached a copy of the ADEM Environmental Complaint System "Database User Manual" dated June 6, 2014.

I understand that our director spoke with Kevin Minoli regarding your other questions.

Thanks.

Thomas L. Johnston
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From: Dorka, Lilian [mailto:Dorka.Lilian@epa.gov]
Sent: Friday, September 29, 2017 8:49 AM
To: Johnston, Tom <TLJ@adem.alabama.gov>
Cc: Sibley, Shawn S <SSibley@adem.alabama.gov>; Martinez, Brittany <Martinez.Brittany@epa.gov>; Biffl, Betsy <Biffl.Betsy@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>
Subject: Additional Clarification Regarding Arrowhead Retaliation Claims

Good Morning Tom,

Thank you for the responses and corresponding information you submitted last Friday. We have reviewed the responses and in order to ensure that we understand and are accurately interpreting them, I'm hoping we can schedule a short conversation next week to discuss. I think it would be easier to clarify any questions over the phone. To facilitate our conversation next week, below are the areas where we are seeking clarification. Please let me know what day next week would work best for you. Thanks again! Lilian

- **Original Question: Does ADEM have a process/procedures for addressing and responding to claims of retaliation, intimidation, harassment or other misconduct by permitted facilities against community members?**

  In your response there is reference to ADEM's Complaint Standard Operating Procedure #9303 as being used in situations related to retaliation, intimidation, harassment or other misconduct by permitted facilities against community members. The provided attachment titled "Environmental Complaint Process" appears to apply to environmental concerns submitted by the public. For clarification, in the context of retaliation claims, does ADEM conduct the same procedures used under the environmental complaint process?

In addition, in reviewing the Environmental Complaint Process document, there is a reference to a Complaint System User Manual and "other helpful information" on a page found on ADEM's intranet. Please share a copy of this manual and any information found on this page that you believe would be helpful for ECRCO to thoroughly understand ADEM's process for addressing the aforementioned claims.

- **Original Question: If yes, please provide/describe the process and procedures for addressing these types of situations. Was this process/procedure used in response to Earthjustice's March 25, 2016 letter?** We understand that ADEM did respond to Earthjustice via an April 8th letter, but we would like to understand the process used by ADEM in making its decision and whether the same process identified in the preceding question was used.

- **Original Question: How are past routine inspections utilized to investigate newly received complaints?**

  We understand from your response that routine inspections are used by ADEM as a point of reference. We are trying to understand in what context would resolution of a complaint be based on an inspection that took place several months prior. Please provide further explanation.

** In addition, to assist with the potential recount of the 8/19/16 complaint referenced in #3 under the second set of questions, the individual's name is Ex. 6 Personal Privacy (PP)

From: Johnston, Tom [mailto:TLJ@adem.alabama.gov]
Sent: Friday, September 22, 2017 6:01 PM
To: Dorka, Lilian <Dorka.Lilian@epa.gov>
Subject: RE: Additional Information Regarding Arrowhead Retaliation Claims

Lilian:

This will acknowledge receipt of your September 20th email with follow-up questions regarding the Arrowhead retaliation complaint. Your email comes at a time when the Director, Deputy Director and Shawn are out of the office (Shawn is out until 10/02), so instead of a conference call I am providing responses via this email. Please see the following:

Attachment #1 – ADEM response to follow-up questions.
Attachment #2 – ADEM Environmental Complaint Process Standard Operating Procedure #9303.
Attachment #3 - ADEM Environmental Complaint Process Flow Chart

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