March 4, 2016

Velveta Golightly-Howell
Director
Jeryl Covington
Acting Assistant Director
USEPA
Office of Civil Rights
Mail Code 1201-A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Re: EPA File No. 12R-13-R4, Complaint Against ADEM Regarding Permit for Arrowhead Landfill

Dear Director Golightly-Howell and Acting Assistant Director Covington,

The Director's letter of November 10, 2015 stated that EPA's Office of Civil Rights ("OCR") decided to keep its investigation into allegations that the Alabama Department of Environmental Management ("ADEM") violated Title VI by reissuing and modifying permits for Arrowhead Landfill without adequate protections for the health and welfare of Uniontown residents open until March 8th, 2016.[1] This letter is intended to raise questions and concerns about the investigation and to supplement the administrative record in the case before the March 8th deadline. We also wanted to let you know that Complainants intend to file an additional letter with EPA before the deadline next week.

INTRODUCTION

As indicated in a November 4, 2015 email to Jeryl Covington, Complainants were surprised and concerned to learn during a telephone call on November 3, 2015 that EPA was "closing the record."[2] We requested an extension to afford EPA time to take the steps needed to

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[1] Letter from Velveta Golightly-Howell, Dir., EPA Office of Civil Rights, to Marianne Engelman Lado, Sr. Staff

[2] E-mail from Marianne Engelman Lado, Sr. Staff Atty., Earthjustice, to Jeryl Covington, EPA Office of Civil Rights (Nov. 4, 2015), attached as Exhibit 1.

ensure that its investigation is thorough and, second, to provide Complainants with additional time to supplement the record. We were thus again surprised when your letter of November 10, 2015 restated EPA's intent to "close the investigation period" for the case on a date certain – in this case, March 8, 2016. Although Complainants seek timely resolution of claims and appreciate that OCR investigation plans include "anticipated timeframes for obtaining and analyzing evidence (if appropriate)",[3] it is equally critical that OCR's enforcement activity be thorough and meaningful. Neither unnecessary delay nor pro forma investigations fulfill EPA's duties or serve justice.

Of course, Complainants do not have full information about EPA's investigative activities. EPA's poor record of Title VI enforcement[4] creates understandable cause for doubt, however, and OCR's visible activities have not been reassuring. OCR's lack of engagement and follow up with members of the community raises continued concerns about the scope and comprehensiveness of the investigation. In August of 2014, for example, when EPA staff conducted a site visit in Uniontown, Alabama, Complainants provided a list of witnesses, including both Complainants and other residents of the community, each of whom were willing to speak with EPA about the impacts of ADEM's decisions in 2011 and 2012 to permit Arrowhead Landfill without adequate provisions protecting the health and welfare of residents. EPA's travel itinerary and staffing did not allow time for interviews with each of these individuals, but EPA staff indicated that they might return to Uniontown or otherwise be in touch to complete the interviews. In addition, complainants had arranged for a town hall meeting, which they envisioned as an opportunity for EPA investigators to hear from other stakeholders and members of the affected community. A number of these stakeholders had also volunteered to serve as witnesses and be interviewed by EPA. At the time, EPA staff indicated that OCR's Director would want to participate in any town hall meeting and for that reason, the event was postponed. Complainants had envisioned this not as a general listening session but as an efficient opportunity for investigators to reach additional potential witnesses. As you may know, a number of Uniontown residents had previously participated in a "listening session" with other

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[3] EPA OCR, Interim Case Resolution Manual § 4.2 (Dec. 1, 2015) (hereinafter, "CRM") *available at* http://www.epa.gov/sites/production/files/2015-12/documents/ocr_crm_final.pdf.

[4] *See, e.g.,* Yue Qiu & Talia Buford, *Decades of Inaction*, Ctr. for Pub. Integrity (Aug. 3, 2015), http://goo.gl/khzht0 (cataloguing disposition of complaints over 17 year period); Deloitte Consulting LLP, *Evaluation of the EPA Office of Civil Rights* 2 (March 21, 2011), *available at* https://goo.gl/CmkrrZ (describing OCR's "record of poor performance").

EPA staff, including leaders from Region 4, with no apparent result.[5] At this point, they were eager to provide assistance to the investigation, which they hoped would be a meaningful step toward addressing ADEM's gross failure to protect members of Uniontown. Again, OCR failed to follow up or seek to reschedule the event.

Given the extraordinary injustice affecting members of the Uniontown community – with residents of this low-income, predominantly African American town living literally across the street from a mountain of coal ash and, more generally, a landfill that is permitted to accept waste from more than 30 states – Complainants wish they could be more reassured by the statement in the Director's November 10, 2015 letter that "OCR has taken significant steps to collect and analyze evidence in the Arrowhead complaint since accepting it on June 27, 2013, in order to complete its investigation in a timely and thorough manner."[6]

Moreover, as stakeholders, Complainants are an important resource for any thorough investigation. Like many other environmental justice communities, complainants in a Title VI administrative case filed with EPA may not have the financial capacity to fund costly research projects. Yet community residents can provide background information, identify witnesses, share experiences, report on community-based monitoring, and provide leads for a thorough investigation. Their anecdotal evidence of health and other impacts clustered around the Landfill is invaluable. In order for this to happen, however, EPA needs to communicate and follow up with community members.

Complainants understand that "[a] Title VI complainant is not like a plaintiff in court."[7] Yet EPA has repeatedly affirmed its goal "to promote appropriate involvement by complainants and recipients in the Title VI complaint process."[8] EPA may seek to have discretion over the conduct of its investigations, but failing to consult with stakeholders in a meaningful way is simply not consistent with a thorough investigation. The Investigation Procedures Manual for the Investigation and Resolution of Complaints Alleging Violations of Title VI and Other

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[5] *See* Community Listening Session Hosted by EPA-Region 4 Administrator Gwen Keyes Fleming, Exhibit P1, attached to Complaint, EPA File No. 12R-13-R4.

[6] Letter from Velveta Golightly-Howell, *supra* note 1.

[7] EPA OCR, Title VI of the Civil Rights Act of 1964: Role of Complainants and Recipients in the Title VI Complaints and Resolution Process § 2 (2015), *available at* https://assets.documentcloud.org/documents/2178959/final-roles-of-complainants-and-recipients-issue.pdf.

[8] *Id.* (footnote omitted).

Nondiscrimination Statutes issued by the Department of Justice ("DOJ") includes the following guidance for conducting a Title VI investigation:

- Request "enough information from the complainant to have a clear picture of the allegations – the who, what, when, where, why – the evidence that the complainant believes would help support his or her assertion that discrimination has occurred."
- "Complainants can be very helpful in providing information on the types of records a recipient keeps that will lend support to their allegations."
- "They can also suggest important witnesses to interview who could give testimony to support their allegations.
- Ask the complainant and recipient what are "the documents that they want you to examine, or the person(s) whom they want you to interview," which will reveal "how the documents or interview will support their respective positions."[9]

DOJ of course advises that agencies should be wary of being drowned in irrelevant information and indicates that agencies are not required to interview all witnesses that are suggested by complainants or recipients. At the same time, initial communication between EPA and complainants helps to clarify the scope of materials that might be relevant and productive.

In Uniontown, EPA's failure to follow up on discussions about conducting additional interviews and meeting community residents was particularly disturbing in light of the failure of other agencies of government – local government, ADEM and even EPA – to take action in response to community complaints. As Complainants discussed in their interviews, they participated in any number of hearings and listening sessions and repeatedly heard nothing in response. In this context, agency follow up is even more critical.

Complainants raise these issues both to provide feedback to OCR as it develops and implements investigative plans going forward, with so that OCR will improve its communication with and engagement of complainants, and also with the hope that OCR will ensure that its investigation has been thorough before "closing the record" in this case. Although justice has been delayed for too long and Complainants seek timely resolution, EPA must also ensure that its investigation thoroughly evaluates the evidence that ADEM's actions violated Title VI and its regulations.

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[9] DOJ, Civil Rights Division, Investigation Procedures Manual for the Investigation and Resolution of Complaints Alleging Violations of Title VI and Other Nondiscrimination Statutes § V(B)(5)(e) (1998), *available at* https://www.justice.gov/crt/investigation-procedures-manual-civil-rights-division.

I. EPA BEARS THE RESPONSIBILITY FOR CONDUCTING A THOROUGH INVESTIGATION.

Although complainants bear an initial burden of production to meet jurisdictional requirements, ultimately complainants do not bear the burden of proof regarding the merits of claims that a recipient violated Title VI of the Civil Rights Act of 1964 and EPA's implementing regulations. EPA's Interim Case Management Manual states:

> [A] complainant's role is to report what s/he believes is an act violating nondiscrimination statutes by an entity receiving federal financial assistance to the associated agency. The EPA is not in an adjudicatory role, evaluating evidence produced by opposing sides, but instead investigates allegations about its recipient, and reaches a conclusion regarding whether that recipient is in compliance with its civil rights obligations to the EPA.[10]

As discussed above, similar to many other Title VI cases filed by residents of environmentally overburdened communities, complainants in this case are primarily low-income individuals and do not have the resources to hire experts or consultants. Although complainants make good faith efforts to respond to requests for information, they are not responsible for producing documentation sufficient for making findings.

EPA has the obligation to investigate, which should include following up on concerns raised about contamination of water, air, soil and dust. This should include gathering information and records from the recipient, third parties, and community members, and it must also include sampling of water, soil or dust, given the preliminary findings of Ex. 6 Personal Privacy (PP), as discussed further below. Claims of discrimination should not be defeated by supposed data gaps that result from lack of resources on the part of complainants or lack of action on the part of ADEM or EPA.

Complainants have concerns about whether the investigation has been conducted with due diligence. Although OCR has pressed Complainants to organize an interview with Ex. 6 Personal Privacy (PP) and an additional expert, EPA has failed to follow up on its site visit – failed to contact Complainants to interview additional witnesses and, also, to follow up on the offer to hold a town hall meeting to meet additional residents. Complainants supplemented the record with a

[10] CRM § 3.1.

photograph of water running off from the Landfill site in proximity to the coal ash that had been deposited at the Landfill in 2010,[11] as well as an ad circulated by the Landfill in May 2015 entitled "Arrowhead Landfill Provides Safe Haven for Utilities Disposing of Coal Ash."[12] OCR acknowledged receipt of these materials but failed to engage Complainants in any way: as a result, Complainants have no knowledge of whether EPA followed up, conducted testing, or gathered additional information related to the runoff. Through the wet season over the winter of 2015-16, residents saw additional run-off from the Landfill and registered multiple complaints with ADEM. Complainant Ex. 6 Personal Privacy (PP) emailed a photograph taken on February 3, 2016 to OCR showing water running off the site .[13] Without communication or engagement from EPA, it is not at all clear whether EPA is monitoring complaints made to ADEM, following up on the information at its disposal, or monitoring the site in any way.

II. IMPACTS INCLUDE INTERFERENCE WITH USE OF SACRED SPACE.

In addition to impacts listed in the Complaint, ADEM's failure to conduct a disparate impact analysis and its decision to permit Arrowhead Landfill also have adversely affected the ability of members of the Uniontown community to use New Hope Church Cemetery, a historic African American cemetery that is adjacent to Arrowhead Landfill. Specific issues raised by complainants Ex. 6 Personal Privacy (PP) among others, have included concerns about odor interfering with visits to family members and loved ones who are interred in the cemetery, given the proximity of the Landfill; the Landfill's failure to maintain access to gravesites; the installation of one or more water monitors on Cemetery grounds; and, most recently, disturbance of Cemetery property. ADEM utterly failed to ensure that this sacred space was protected from interference. Most recently, community residents are concerned that Green Group Holdings, the owners of Arrowhead Landfill, has encroached on New Hope Church Cemetery and, specifically conducted bulldozing operations on Cemetery grounds, possibly damaging gravesites and interfering with the ability of Complainants and other residents of Uniontown to visit relatives who are buried in the Cemetery. Please find four photographs sent to Counsel for Complainants by Mike Smith, counsel for Arrowhead Landfill, in 2015, providing

[11] Photograph is attached for your convenience, as Exhibit 2.

[12] Ad is attached for your convenience, as Exhibit 3.

[13] Photograph is attached for your convenience, as Exhibit 4.

evidence of path created by a bulldozer on cemetery grounds, attached as Exhibit 5, as well as three photographs taken on or about February 18th 2016 by complainant Ex. 6 Personal Privacy (PP) of a bulldozer on the grounds of the Cemetery, attached as Exhibit 6.

Impacts of ADEM's permitting decision on a historic African American cemetery in proximity to the permitted activity should be considered by EPA in its analysis of the allegation that ADEM has violated Title VI and EPA's implementing regulations. EPA's regulations specifically provide:

> (b) A recipient shall not use criteria or methods of administering its program or activity which have *the effect* of subjecting individuals to discrimination because of their race, color, national origin… or have the effect of defeating or substantially impairing accomplishment of the objectives of the program or activity with respect to individuals of a particular race, color, national origin….
>
> (c) A recipient shall not choose a site or location of a facility that has the purpose or effect of excluding individuals from, denying them the benefits of, or subjecting them to discrimination under any program or activity to which this part applies on the grounds of race, color, or national origin …; or with the purpose *or effect* of defeating or substantially impairing the accomplishment of the objectives of this subpart….[14]

In a disparate impact case, "the focus of the investigation concerns the consequences of the recipient's practices, rather than the recipient's intent."[15] EPA's investigation should consider the impacts of ADEM's decision to permit Arrowhead Landfill on a site adjacent to a historic African American cemetery and to do so without any protections or against incursion and impact on the cemetery. Indeed, it is clear that the operation of Arrowhead Landfill under the permit has disproportionately affected the interests of residents of the community on the basis of race. New Hope Church Cemetery traces its origin to the time of *de jure* racial segregation and is a historically African American cemetery.

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[14] 40 C.F.R. §§ 7.35(b), (c) (emphasis added).

[15] DOJ, Civil Rights Division, Title VI Legal Manual § VIII(B), *available at* https://www.justice.gov/crt/title-vi-legal-manual#Disparate (last updated Aug. 6, 2015).

III. PRELIMINARY FINDINGS MADE BY Ex. 6 Personal Privacy (PP) RAISE SIGNIFICANT ISSUES THAT EPA SHOULD INVESTIGATE

Ex. 6 Personal Privacy (PP) one of EPA's interviewees, has conducted extensive preliminary testing of water in and around the Landfill. The results of those findings showed substantially elevated levels of several dangerous pollutants related to coal ash. While those findings alone provide a factual basis to support a finding of impact, EPA must at the very least conduct further testing of its own into this serious effect.

Ex. 6 Personal Privacy (PP) is a professor of natural sciences at Samford University, where she has been a professor for twenty years. She is trained in the use of advanced equipment such as atomics and spectrometry. She holds a Ph.D. in physiological science and teaches embryology, neuroscience, bioinformatics, and other classes. EPA met with Ex. 6 Personal Privacy (PP) twice about her involvement in water testing around the Landfill, on August 13, 2014 and on October 29, 2015. She is eminently qualified to conduct the research and testing she has conducted near the Landfill.

In the summer of 201 Ex. 6 Personal Privacy (PP) s found that the water around the Landfill were orders of magnitude above the control for conductivity and also had high levels of arsenic. She also found statistically significant differences between the control and testing sites for total dissolved solids. Ex. 6 Personal Privacy (PP) as she described in her interviews, was shocked by those results as that kind of pollution simply is not ordinarily found in areas like Uniontown. Ex. 6 Personal Privacy (PP) conducted that evaluation with a Hach Test, an accepted method in the field. She tested in a number of sites—from a culvert on the road near the Landfill where unpermitted discharge was occurring to the adjacent property of Ex. 6 Personal Privacy (PP). Because there is nothing upstream of the Landfill, there was nothing else that could have been influencing her measurements, and she followed a careful protocol with a control, as is standard practice. Ex. 6 Personal Privacy (PP) also found that there were simply none of the macro-invertebrates one would ordinarily find in Alabama water.

Because Ex. 6 Personal Privacy (PP) was very surprised by these results, she emailed them to ADEM almost immediately. She explained that while the results of her preliminary testing was not definitive, it served as a public notice and alert to the authorities that something was wrong. For that reason, she urged ADEM to conduct its own investigations, but ADEM simply said her

findings were not conclusive. But ADEM—and now EPA in this investigation—bears the burden of the investigation, not the volunteer scientist who has sounded the alarm.[16]

In March of 2015, Ex. 6 Personal Privacy (PP) returned to Uniontown to conduct measurements using atomic spectrometry. Using that suite of tests, she found differences between the control and test sites near the Landfill for cadmium, magnesium, selenium, strontium, sulfur, and thalium—she found elevated levels for many of these. Ex. 6 Personal Privacy (PP) also found elevated results for conductivity, arsenic, and total dissolved solids. This was in addition to a more acidic pH near the Landfill. Conductivity decreased with distance but still contributed to an increase in Chilatchee Creek. Ex. 6 Personal Privacy (PP) followed a tributary from Ex. 6 Personal Privacy (PP) property to where it joins Chilatchee Creek, and she found significantly higher levels of the things she was testing for below the tributary than above. Her results also found dramatic differences in sulfur and strontium.[17]

She concluded that the Landfill impairs local surface waters, including elevated levels of arsenic above ADEM's guidelines. Arsenic is particularly worrisome because it can get into drinking water and bioaccumulates and biomagnifies up the food chain. Arsenic is one of the signature pollutants one would expect to find in coal and coal ash—it is a very good indicator that the Landfill is harming local surface waters. Likewise, elevated conductivity is a good indicator that something is happening in the water because it is not something that happens without a change in the chemistry.

In the past few months, Ex. 6 Personal Privacy (PP) has returned to Uniontown and taken samples of the water. In February, she reported that her samples have large variations in conductivity, reflecting qualitative changes in elemental calcium cesium iron, magnesium manganese, potassium, rhenium rubidium sodium, sulfur, strontium and tim. Some of the most dramatic differences were in iron, sulfur and strontium.

EPA must act on these findings. First, it is a clear demonstration of impact that should underlie EPA's finding of discrimination. Second, at the very least EPA must conduct further testing in a complete profile with the most sensitive endpoints possible. On this basis, EPA should also test surface dirt and dust, including the very chalky white residue around the Landfill that is not present in other nearby areas. Plants in the area should also be tested to see what they

[16] Complainants previously submitted these findings, which are attached for OCR's convenience as Exhibit 7.

have sequestered, since they can serve as important biomonitors. Wells used for drinking water should also be tested.

These chemicals, as Ex. 6 Personal Privacy (PP) described in her October 29, 2015 interview, could be causing major health impacts. Elevated levels of these chemicals suggest a pervasive effect in an area where people live and, often, own livestock. Many heavy metals are hazardous to human life, yet there is good evidence they are present in Uniontown's groundwater due to the Landfill and are being ignored by ADEM.

IV. WATER CASCADING FROM LANDFILL AND OTHER EVIDENCE RAISE SERIOUS ISSUES THAT EPA SHOULD INVESTIGATE

As indicated above, Complainants have submitted to EPA photographic evidence of water cascading off the Landfill site – and, indeed, off the side of the mountain of coal ash deposited at the Landfill, into a ditch along County Road 1. Liquid in this ditch runs along and under County Road 1 and into properties across the road, including the property of Ex. 6 Personal Privacy (PP) Ex. 6 Personal Privacy (PP) This run-off is of continued concern to residents and raises questions about the possible discharges of toxics from the site.

Although Complainants have limited access to Landfill and ADEM records, a report submitted to ADEM by Alabama Utility Services on January 11, 2010 confirming plans to accept leachate from Arrowhead Landfill, then referred to as Perry County Associates Landfill, demonstrates that ADEM has been aware that there were elevated concentrations of arsenic, barium, chromium, lead, nickel, and zinc, all of which raise human health concerns. In addition, organic nitrogen and phosphate, magnesium sulfate, sulfite, and chloride were elevated.[18]

V. THE FACT THAT THE LANDFILL IS ADVERTISING FOR ADDITIONAL COAL ASH INCREASES THE RISKS OF FUTURE AND CONTINUED HARM FROM THE CHALLENGED PERMIT

[18] Letter from C.W.Matthews, Manager, Alabama Utility Services, L.L.C., to Kimberly Minton, Water Division - ADEM (Jan. 11, 201), with attachment attached as Exhibit 8.

Astonishingly, the owners of the Landfill are soliciting the receipt of additional coal ash.[19] Notably, however, the permit remains largely the same today as it did when the coal ash was originally dumped in Uniontown, and there is no reason to believe the same impacts and harms to the community would not recur.[20] Yet the Landfill is currently seeking additional coal ash.

The Landfill may argue that it is under new ownership and therefore will turn over a new leaf. While it is technically true that the Landfill is now owned by a different umbrella company, Green Group Holdings, the main decision-makers appear to be the same. For example, although Phillips and Jordan, a contractor at the Landfill, apparently ceased doing work at the site after October 2011, it is one of two privately held investors in Green Group holdings.[21] There has been no indication of substantive change to the company's operations in a way that would indicate more and better protections against the current coal ash contamination or future contamination.

Green Group Holdings markets itself as having a "spotless environmental record,"[22] a claim that is belied by its record. In fact, Green Group recently was issued a Notice of Violation for issues related to the Landfill. The following notice was recently posted on ADEM's website:

> Pursuant to 40 CFR Part 403, the Alabama Department of Environmental Management is required to Public Notice any Industrial User that is in Significant Non-Compliance with applicable Pretreatment Standards at any time during the previous twelve months. This notice is intended to inform the public that **Perry County Associates, LLC, SID Permit Number IU395300144,** located at 622 Tayloe Road, Uniontown, Alabama 36786, was in significant non-compliance during the fiscal year 2015 by discharging wastewater to the Demopolis WWTP/Integra Water

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[19] *See* Press Release, Green Group Holdings, Arrowhead Landfill Provides Safe Haven for Utilities Disposing of Coal Ash (May 5, 2015), *available at* http://www.power-eng.com/marketwired/2015/05/5/arrowhead-landfill-provides-safe-haven-for-utilities-disposing-of-coal-ash.html.

[20] *See* photographic documentation submitted by John Wathen at the time of his interview with OCR; *see also* videos with testimonials at https://www.youtube.com/watch?v=kAM6wpRek0o (Cynthia Nixon); https://www.youtube.com/watch?v=Omfo7pcQXRE (video by John L. Wathen).

[21] *See* Green Group, Investors, available at http://www.gghcorp.com/about/investors/.

[22] Statement of Michael D. Smith, USCCR Testimony for 2/5/16 Public Hearing, *available at* https://securisync.intermedia.net/Web/#/s?public_share=kYWfwhhUK2KP_ip3l6zAab&id=LzItNS0xNiBFbnZpcm9tZW50YWwgSnVzdGljZSBCcmllZmluZyAyMDE2L0Vudmlyb25tZW50YWwgSnVzdGljZSBCcmllZmluZyBQYW5lbCBTdGF0ZW1lbnRzL1BhbmVsaXN0cycgU3RhdGVtZW50cy80IC0gQ29hbCBBc2ggSW5kdXN0cnkvTWljaGFlbCBTbWl0aA%3D%3D.

> Creola LLC (AL0043168/AL0077453) that did not comply with permit requirements.[23]

Indeed, on October 5, 2015, the Texas Commission on Environmental Quality ("Texas CEQ") rejected an application from Green Group Holdings for a Permit for the proposed Pintail Landfill in Waller County.[24] The Texas CEQ worked with consultants for Green Group Holdings for four years before finding "over 400 instances of deficiencies, resulting in four formal written notices of technical deficiencies."[25] Although these deficiencies were addressed before the draft permit was prepared, high water levels were discovered that materially affected the basis on which the draft permit was prepared and Texas CEQ determined that "the only reasonable course available is to return the application as deficient."[26] In Uniontown, there is no indication that the Landfill or its ownership have taken any steps to reform and no indication that ADEM has imposed any new checks against a repeat of the impacts that the arrival of coal ash and the operation of the Landfill has had on area residents.

CONCLUSION

We hope EPA has conducted a thorough investigation and will take these matters into account. Though we support efforts by OCR to act in a timely way – indeed, Complainants urge EPA to do so – we also urge EPA not to close the record prematurely if it would mean losing the opportunity to conduct a thorough investigation. EPA is obligated to conduct investigations that are both timely and thorough, and that is what Complainants seek. Indeed, EPA could draw preliminary findings even if the record is still open for new evidence.

We nonetheless expect to provide additional information before March 8th. Please feel free to contact us if this letter raises any question or we can provide additional information.

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[23] ADEM, Public Notice of Significant Non-Compliance for Significant Industrial Users, available at http://adem.alabama.gov/newsEvents/notices/feb16/2snc.htm.

[24] Letter from Earl Lott, Director, Waste Permits Division, Texas CEQ, to Ernest Kaufmann, Manager, Pintail Landfill, LLC, President, Green Group Holdings, LLC (Oct. 5, 2015), *available at* https://assets.documentcloud.org/documents/2451034/tceq-to-green-group-letter.pdf.

[25] *Id.*

[26] *Id.*

Sincerely,

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