Message

From: McGhee, Debra [mcghee.debra@epa.gov]
Sent: 7/27/2018 1:20:40 PM
To: Engelman-Lado, Marianne [marianne.engelman-lado@yale.edu]
CC: Stein, Jonathan [Stein.Jonathan@epa.gov]; Rhines, Dale [rhines.dale@epa.gov]; Biffl, Betsy [Biffl.Betsy@epa.gov]; Leah Aden [LAden@naacpldf.org]; Jonathan J. Smith [jjsmith@earthjustice.org]; Yumehiko Hoshijima [yhoshijima@earthjustice.org]
Subject: RE: Plans for Site Visit

Thank you for the updated information on Ex. 6 Personal Privacy (PP). We interviewed Ex. 6 Personal Privacy (PP) by telephone in November 2017 and we have the transcript of that call. That said, if she believes she has additional information that should be shared and can make time to speak to us in person, we will certainly sit down with her.

Debra E. McGhee
Team Lead
External Civil Rights Compliance Office
Office Phone: 202-564-4646

"Commit yourself to the noble struggle for human rights. You will make a greater person of yourself, a greater nation of your country, and a finer world to live in." *~~ Martin Luther King, Jr. , 18th April, 1959*

From: Engelman-Lado, Marianne [mailto:marianne.engelman-lado@yale.edu]
Sent: Thursday, July 26, 2018 8:31 PM
To: McGhee, Debra <mcghee.debra@epa.gov>
Cc: Stein, Jonathan <Stein.Jonathan@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Biffl, Betsy <Biffl.Betsy@epa.gov>; Leah Aden <LAden@naacpldf.org>; Jonathan J. Smith <jjsmith@earthjustice.org>; Yumehiko Hoshijima <yhoshijima@earthjustice.org>
Subject: Re: Plans for Site Visit

Debra,

We're trying to make arrangements as quickly as possible and will try to give you updates as information becomes available. Ex. 6 Personal Privacy (PP) is conferring with individuals on your list about their availability and working on the location (or locations) for the interviews.

In the meantime, we wanted you to know that, unfortunately Ex. 6 Personal Privacy (PP) passed away Ex. 6 Personal Privacy (PP) Ex. 6 Personal Privacy (PP) It's also our understanding that Ex. 6 Personal Privacy (PP) now lives in South Carolina. We will try to get updated information, but it's our understanding that the Landfill expanded into at least some of his family's property.

We strongly recommend that your team interview Ex. 6 Personal Privacy (PP) who has experience as a school bus driver working with children in the community.

Best,

Marianne

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On Jul 25, 2018, at 5:58 PM, McGhee, Debra <mcghee.debra@epa.gov> wrote:

Hello, Marianne. Thank you for following up by calling this afternoon.

We (Johnathan Stein and I) will be leaving from the Atlanta Airport at about 9:30 a.m. I anticipate being in Tallassee by about noon.

We would be happy to meet with you before we begin speaking with complainants and residents. There is a diner type restaurant called "Torch 85" on the way into town. It is just outside of Tuskegee. We could stop there and talk over coffee and food for anyone who is hungry after traveling, before going onto Tallassee to start the interviews.

Below, I have inserted answers to your questions in blue.

From: Engelman-Lado, Marianne [mailto:marianne.engelman-lado@yale.edu]
Sent: Wednesday, July 25, 2018 3:15 PM
To: McGhee, Debra <mcghee.debra@epa.gov>
Cc: Leah Aden <aden.leah@gmail.com>; Suzanne Novak <snovak@earthjustice.org>; Jonathan J. Smith <jjsmith@earthjustice.org>; Yumehiko Hoshijima <yume.hoshijima@ylsclinics.org>
Subject: Plans for Site Visit

Dear Debra,

As we've discussed, we were hoping for more than one week's notice before the site visit to make sure that people are available and to make arrangements that will maximize your time in town. Though we're prepared to go forward in this short time period if necessary, we were wondering if there's any flexibility to schedule this site visit in the second or third week of August.

> Unfortunately, the second and third week of August are not workable for us for a variety of reasons. We understand that we may need to conduct additional interviews by telephone later, but we believe next week is the best possible time to accomplish a visit to the Ashurst Smith/Bar Community.

In order to organize the visit for next week, we need basic information about your plans by the start of the day tomorrow morning. This includes the following:

First, please provide the list of people you hope to interview. We can then contact them and discuss both whether they are willing to meet with you and their availability. The sooner you provide the list, the more likely we are to be able to reach them. They may also need to alter their schedules to talk with you.

> We are open to working into the evening on July 31 and August 1, 2018. The last interview could begin at 7:00 pm. We hope that will allow people who work time to come back to the community.
> In terms of interviews, we can interview a husband and wife, or family members who cohabitate, together. Otherwise, we will want to interview each person individually. The people we were hoping to interview are:

Ex. 6 Personal Privacy (PP)

Ex. 6 Personal Privacy (PP)

How many EPA staff will be coming to town? Will you be meeting with people one at a time or can we arrange two simultaneous meetings?

We anticipate that four EPA staff members will visit the community. Two interviews could be conducted at the same time, by having the EPA employees work as teams.

Have you arranged a location for the meetings? We can ask whether the AME Zion Church might allow us to use its meeting room. We can also ask individuals if they would be willin
g (or would prefer) that you visit them individually in their homes, but some may prefer meeting at the church. Please let us know if we should proceed with making these arrangements.

Today you and I discussed by telephone the possibility of using the AME Church as a central location, I will wait to hear from you as to whether that can be arranged. If the church is not available, I will secure a separate appropriate area and get back to you about the location by Monday. If a witness needs to ask that EPA come to his or her home to conduct the interview, we are open to doing that as well.

Are you combining this visit with discussions with the Landfill and/or ADEM, or are you returning for those conversations at another time. As we discussed, the experience of visiting the community may vary depending on whether the Landfill has notice of your visit.

We are still working out logistics as to interviews of the ADEM representatives.

We should also discuss arrangements for showing you around the neighborhood. Ideally, we could rent a van and Ron Smith or others could narrate as we drive from one location to another, and then we can get out of the van at various stops. If, however, government personnel need to be in a separate car, we can drive in two cars and connect by cell phone, though cell service can be intermittent in the area. Again, it'd be helpful to think through the logistics so we can make sure to provide information relevant to the investigation.

EPA staff are required to drive in their own car and not to include passengers. We can use cell phones, as you suggest.

We have also been evaluating your questions about the variances and hope to be able to get back to you soon. If not before, perhaps we can clear a few minutes to sit down as a group for a discussion of the issues you presented. We also plan to follow up in writing.

Thank you.

Best,

Marianne

Marianne Engelman Lado
Environmental Justice Clinic
Yale Law School
127 Wall Street
New Haven, CT 06511
Ex. 6 Personal Privacy (PP)
Marianne.engelman-lado@ylsclinics.org

Ex. 6 Personal Privacy (PP)

From: "Engelman-Lado, Marianne" <marianne.engelman-lado@yale.edu>
Date: Tuesday, July 24, 2018 at 6:10 PM
To: "McGhee, Debra" <mcghee.debra@epa.gov>
Cc: "Stein, Jonathan" <Stein.Jonathan@epa.gov>
Subject: Re: Updated Information

I don't know if this is feasible at this point but I'll check right away. This is very short notice.

Please send the list of individuals asap.

Sincerely,

Marianne

Marianne Engelman Lado
Environmental Justice Clinic
Yale Law School
127 Wall Street
New Haven, CT 06511
Ex. 6 Personal Privacy (PP)
Marianne.engelman-lado@ylsclinics.org
Ex. 6 Personal Privacy (PP)

From: "McGhee, Debra" <mcghee.debra@epa.gov>
Date: Tuesday, July 24, 2018 at 6:02 PM
To: "Engelman-Lado, Marianne" <marianne.engelman-lado@yale.edu>
Cc: "Stein, Jonathan" <Stein.Jonathan@epa.gov>
Subject: FW: Updated Information

Hello – Marianne:

Its rather late today, but I wanted to let you know, without further delay, that we are booked to visit Tallassee arriving midday on July 31 and departing Thursday August 2 in the afternoon. I realize this rather short notice, but we are juggling a few priorities. I am looking forward to seeing the area and talking to community members in the setting relevant to their claims. We will not be having a 'town hall' or public meeting, so please factor that into your thinking. Rather, we want to sit down and talk to community members individually.

Tomorrow I'll send you a list of individuals we are hoping to speak with. It's almost certain that some of the people identified will be unavailable, so we will follow by telephone with them.

Sincerely,

Debra E. McGhee
Team Lead
External Civil Rights Compliance Office
Office Phone: 202-564-4646

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From: Engelman-Lado, Marianne [mailto:marianne.engelman-lado@yale.edu]
Sent: Friday, July 20, 2018 1:57 PM
To: McGhee, Debra <mcghee.debra@epa.gov>
Cc: Leah Aden <LAden@naacpldf.org>; Suzanne Novak <snovak@earthjustice.org>; Jonathan J. Smith <jjsmith@earthjustice.org>
Subject: Re: Updated Information

Debra,

The beginning of the week of August 6th-10th doesn't work but Wednesday through Friday, August 8th through 10th, is available and preferable to the earlier week.

Please let us know as soon as possible so that members of the community can make plans and the legal team can book travel at more reasonable rates.

On another note, I also wanted to let you know that we're working on answers to your questions.

Best,

Marianne

On Jul 19, 2018, at 3:30 PM, McGhee, Debra <mcghee.debra@epa.gov> wrote:

Thank you.

Debra E. McGhee
Team Lead
External Civil Rights Compliance Office
Office Phone: 202-564-4646

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From: Engelman-Lado, Marianne [mailto:marianne.engelman-lado@yale.edu]
Sent: Thursday, July 19, 2018 2:45 PM
To: McGhee, Debra <mcghee.debra@epa.gov>
Subject: Re: Updated Information

Yes, we'll check and get back to you.

Best,

Marianne

Sent from my iPhone
Apologies for brevity and errors

On Jul 19, 2018, at 11:42 AM, McGhee, Debra <mcghee.debra@epa.gov> wrote:

Can you let me know what the next week looks like for your clients as well? We are trying not to push things back at all, in an effort toward timely completion, but it might be necessary and better to come down two different weeks.

Debra E. McGhee
Team Lead
External Civil Rights Compliance Office
Office Phone: 202-564-4646

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From: Engelman-Lado, Marianne [mailto:marianne.engelman-lado@yale.edu]
Sent: Thursday, July 19, 2018 12:15 PM
To: McGhee, Debra <mcghee.debra@epa.gov>
Cc: Biffl, Betsy <Biffl.Betsy@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Stein, Jonathan <Stein.Jonathan@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Leah Aden <LAden@naacpldf.org>; Suzanne Novak <snovak@earthjustice.org>; Jonathan J. Smith <jjsmith@earthjustice.org>
Subject: Re: Updated Information

Debra,

Thanks for the email and we're glad to hear that the site visit is moving forward.

I'm checking with Ex. 6 Personal Privacy (PP) on dates. As of right now, though it's short notice, it sounds like the week of July 30th can work except for Monday, July 30th and Thursday, August 2nd.

Please let us know as soon as possible if you have confirmation of dates on the week of July 30th or possible dates in August.

We also wanted to reiterate that notifying ADEM or Stone's Throw Landfill would give the Landfill the opportunity to change behavior in advance of your trip. It would be preferable to separate your visit with community stakeholders from any meetings with the recipient or the Landfill and not to provide them with notice of the site visit to the community.

Best,

Marianne

On Jul 18, 2018, at 8:51 AM, McGhee, Debra <mcghee.debra@epa.gov> wrote:

Hello, Marianne –

I wanted to provide you a very brief interim update about efforts to complete processing of case 16R-17-R4. At present, our team is targeting the week of July 30, 2018 for a visit to Tallapoosa County. We will know more about the our exact schedule soon, but I wanted to give you advance notice as soon as I could.

Thank you for your attention to these matters. Have a good afternoon.

Debra E. McGhee
Team Lead

External Civil Rights Compliance Office
Office Phone: 202-564-4646