To: Dorka, Lilian[Dorka.Lilian@epa.gov]; Temple, Kurt[Temple.Kurt@epa.gov]
Cc: O'Lone, Mary[OLone.Mary@epa.gov]; Stein, Jonathan[Stein.Jonathan@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Bachle, Laura[Bachle.Laura@epa.gov]
From: Biffl, Betsy
Sent: Mon 8/22/2016 7:10:06 PM
Subject: RE: Request for a Meeting

What is OCR's timeline for resolving Tallassee? I was under the impression you would be sending ADEM a draft informal resolution sooner than a couple of months from now. It sounds like Earthjustice is saying, understandably, that they do not want to spend the resources gathering declarations if OCR does not need the information. Is there information you still need to make a determination on that complaint? If so, perhaps you can provide questions about targeted issues, which may help Earthjustice focus the subject matter of the declarations.

In regard to sending ADEM a draft informal resolution, I am unclear as to whether OCR is planning to resolve (b) (5) [redacted] and Tallassee together. If so, are you still planning to do a community meeting on (b) (5) Deliberative [redacted] and has a date been set?

Thanks,

Betsy Biffl

Attorney Advisor

EPA, Office of General Counsel

Civil Rights Law Practice Group

202-564-3389

From: Dorka, Lilian
Sent: Monday, August 22, 2016 12:31 PM
To: Temple, Kurt <Temple.Kurt@epa.gov>; Biffl, Betsy <Biffl.Betsy@epa.gov>
Cc: O'Lone, Mary <OLone.Mary@epa.gov>; Stein, Jonathan <Stein.Jonathan@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Bachle, Laura <Bachle.Laura@epa.gov>
Subject: RE: Request for a Meeting

OK this is helpful. I think to the extent that he wants to submit declarations about these things, we would accept them. Can we ask for them in the next couple of months? Does that sound reasonable?

Lilian Sotolongo Dorka

Acting Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

From: Temple, Kurt
Sent: Monday, August 22, 2016 10:32 AM
To: Dorka, Lilian <Dorka.Lilian@epa.gov>; Biffl, Betsy <Biffl.Betsy@epa.gov>
Cc: O'Lone, Mary <OLone.Mary@epa.gov>; Stein, Jonathan <Stein.Jonathan@epa.gov>
Subject: RE: Request for a Meeting

Mary should weigh, but based on what (b) (6) Privacy (b) was saying on the VTC during the mediation, the declarations would be about the truck traffic and running school buses off the road, buzzards, the Wal-mart like tarp that is being used as cover, the smells, and the leaching. All of this is what (b) (6) P (b) was personally talking about, so I am just putting 2 and 2 together to say what I would anticipate the declarations being about.

Kurt

From: Dorka, Lilian
Sent: Monday, August 22, 2016 10:13 AM
To: Biffl, Betsy <Biffl.Betsy@epa.gov>
Cc: O'Lone, Mary <OLone.Mary@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Stein, Jonathan <Stein.Jonathan@epa.gov>
Subject: RE: Request for a Meeting

Thanks Betsy. Mary and Kurt, could you provide a little more background if you have any more, re what exactly what offered re Tallassee? Thanks!

Lilian Sotolongo Dorka

Acting Director, EPA, Office of Civil Rights

202-564-9649

WJC-N Room 2450

From: Biffl, Betsy
Sent: Monday, August 22, 2016 9:42 AM
To: Dorka, Lilian <Dorka.Lilian@epa.gov>
Cc: O'Lone, Mary <OLone.Mary@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Stein, Jonathan <Stein.Jonathan@epa.gov>
Subject: RE: Request for a Meeting

I'm not on the (b) (5) Deliberati case so I don't know what the declarations are that were submitted. If OCR wants me to contact Earthjustice to confirm that we want declarations in Tallassee, please tell me a date by which we'd like them. I would think it needs to be before we send a proposed informal resolution to ADEM so if you had a target date to do that, I suggest keeping that in mind in setting a date for the declarations.

Thanks,

Betsy Biffl

Attorney Advisor

EPA, Office of General Counsel

Civil Rights Law Practice Group

202-564-3389

From: Dorka, Lilian
Sent: Friday, August 19, 2016 9:58 PM
To: O'Lone, Mary <OLone.Mary@epa.gov>
Cc: Farrell, Ericka <Farrell.Ericka@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Bachle, Laura <Bachle.Laura@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Isales, Daniel <Isales.Daniel@epa.gov>; Biffl, Betsy <Biffl.Betsy@epa.gov>
Subject: Re: Request for a Meeting

Yes totally Mary. I just send Matt a note again saying think we should meet but also clarifying much of what you said below.

Re Tallasee info, I think we need to tell them that they should go aheAd X do dibmit any info they believe is relevant to the complaint they filed. Not sure how we should get that message back to them? Copying Betsy as well re Tallassee issue.

Sorry Dan for leaving you off my original email. Need to get used to having your able assistance on this case.

Sent from my iPhone

On Aug 19, 2016, at 9:44 PM, O'Lone, Mary <OLone.Mary@epa.gov> wrote:

She also fails to mention that it isn't quite a black box. Since Earthjustice withdrew from the ADR and OCR reinitiated the investigation, we have interviewed two of her expert witnesses. And we have asked for a variety of documents, data, and responses to questions as follow up to those interviews. OCR has also accepted a new retaliation allegation that they have submitted.

After the (b) (5) Deliber litigation mediation ended Monday, Marianne acknowledged to me that she knows they still owe OCR some of the information we requested several months ago. Ericka was going to report out on what was still outstanding during our (b) (5) Deliberati call on Wednesday, but we did not get to it on the agenda.

Which reminds me to mention again, it came up in the mediation that Earthjustice has asked complainants in Tallassee to prepare declarations like those submitted in the (b) (5) complaint. If you do not think those would be of use to your investigation at this point in time, please let them know. I don't recall the gentleman's name (maybe Kurt does), but he indicated it was taking a lot of time & effort on their part to get those declarations pulled together & they don't want to waste anyone's time.

Mary O'Lone

Civil Rights and Finance Law Office

Office of General Counsel

US EPA

1200 Pennsylvania Avenue, NW

Washington, DC 20460

(202) 564-4992

From: Dorka, Lilian
Sent: Friday, August 19, 2016 9:24 PM
To: Farrell, Ericka <Farrell.Ericka@epa.gov>; O'Lone, Mary <OLone.Mary@epa.gov>;

Covington, Jeryl <Covington.Jeryl@epa.gov>; Bachle, Laura <Bachle.Laura@epa.gov>; Rhodes, Julia <Rhodes.Julia@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>
Subject: Fwd: Request for a Meeting

FYI. Matt Fritz received a call from Marianne as well and called me this morning g to give me a heads up. I told him I though we should meet with her.

Unfortunately, she fails to mention that the case was in ADR for a year.

Sent from my iPhone

Begin forwarded message:

From: Marianne Engelman Lado <mengelmanlado@earthjustice.org>
Date: August 19, 2016 at 5:50:11 PM EDT
To: "'fritz.matthew@epa.gov'" <fritz.matthew@epa.gov>, "Ali, Mustafa (Ali.Mustafa@epa.gov)" <Ali.Mustafa@epa.gov>, "Dorka, Lilian (Dorka.Lilian@epa.gov)" <Dorka.Lilian@epa.gov>, "'garbow.avi@epa.gov'" <garbow.avi@epa.gov>, "'tejada.matthew@epa.gov'" <tejada.matthew@epa.gov>
Cc: Alexis Andiman <aandiman@earthjustice.org>, "'Haddix, Elizabeth McLaughlin (emclaugh@email.unc.edu)'" <emclaugh@email.unc.edu>, "'Ducharme, Brent'" <ducharme@email.unc.edu>, "'Dorosin, Mark (dorosin@email.unc.edu)'" <dorosin@email.unc.edu>, "'halim-Chestnut.naima@epa.gov'" <halim-Chestnut.naima@epa.gov>, "'mcteer_toney.heather@epa.gov'" <mcteer_toney.heather@epa.gov>
Subject: Request for a Meeting

Dear Mr. Fritz, Mr. Garbow, Mr. Ali, Ms. Dorka, and Mr. Tejada,

(b) (5) Deliberative

[redacted]

(b) (5) Deliberative

[redacted]

(b) (5) Deliberative

[redacted]

<image001.gif>

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