Message

**From**: Dorka, Lilian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AF796221E00A4A338CEA3C72ADBD0D57-DORKA, LILL]
**Sent**: 1/18/2017 11:28:40 PM
**To**: Stein, Jonathan [Stein.Jonathan@epa.gov]
**CC**: Temple, Kurt [Temple.Kurt@epa.gov]
**Subject**: RE: JONATHAN - URGENT

UGH. I will not go into all that bec I think they missed the boat in writing this up.

Lilian Sotolongo Dorka
Director, External Civil Rights Compliance Office
EPA, Office of General Counsel
202-564-9649
WJC-N Room 2450

**From:** Stein, Jonathan
**Sent:** Wednesday, January 18, 2017 6:26 PM
**To:** Dorka, Lilian <Dorka.Lilian@epa.gov>
**Cc:** Temple, Kurt <Temple.Kurt@epa.gov>
**Subject:** RE: JONATHAN - URGENT

It appears we did do comparisons with five other hearings held somewhat contemporaneously (2002-2003) for landfills throughout the state – four of which were in predominantly white areas within .5, 1, 2, and 3 miles of the facility. However, it doesn't seem to go into their process in general – just whether they acted in a discriminatory manner (and concluded that they didn't and that what they did also complied with EPA regs at 40 CFR 25.5 and 124.12 (see pages 12-15).

Best Regards,

Jonathan M. Stein
Attorney Advisor
Office of General Counsel – External Civil Rights Compliance Office
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W. | Mailcode 2310A | Washington, DC 20460

202/564-2088 | Stein.Jonathan@epa.gov

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**From:** Dorka, Lilian
**Sent:** Wednesday, January 18, 2017 6:15 PM
**To:** Stein, Jonathan <Stein.Jonathan@epa.gov>
**Cc:** Temple, Kurt <Temple.Kurt@epa.gov>
**Subject:** RE: JONATHAN - URGENT

But it did not review their general public participation policy correct? It was limited to whether they were treated differently re that specific public involvement process?

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**From:** Stein, Jonathan
**Sent:** Wednesday, January 18, 2017 6:13 PM
**To:** Dorka, Lilian <Dorka.Lilian@epa.gov>
**Cc:** Temple, Kurt <Temple.Kurt@epa.gov>
**Subject:** RE: JONATHAN - URGENT

Allegation 1 – we found that the facts did not substantiate the complaint allegations: "This letter includes the results of the investigation of the allegation that ADEM intentionally discriminated against the African American residents of the Ashurst Bar/Smith community during the public involvement process for the permitting of a modification to the TWDC in 2003 (Allegation 1). The investigation of Allegation 2 is still ongoing and will be addressed in subsequent correspondence. The Complaint met EPA's four jurisdictional requirements set forth in 40 C.F.R. Part 7. OCR accepted the Complaint for investigation on September 7, 2005. Following its investigation of the first allegation of intentional discrimination by ADEM regarding public involvement, OCR finds that the facts do not substantiate the Complainant's allegation.
Therefore, OCR finds no violation of EPA's Title VI regulations and is dismissing the allegation of intentional discrimination in public involvement (Allegation 1)."

This quote is from pages 1-2 of the dismissal letter issued January 25, 2013.

Best Regards,

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**From:** Dorka, Lilian
**Sent:** Wednesday, January 18, 2017 6:07 PM
**To:** Stein, Jonathan <Stein.Jonathan@epa.gov>
**Cc:** Temple, Kurt <Temple.Kurt@epa.gov>

**Subject:** JONATHAN - URGENT
**Importance:** High

Jonathan – can you send me a sentence that describes what the 2013 closure/dismissal letter said? Q: it dismissed what allegation for insufficient evidence??

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