LANCE R. LEFLEUR
DIRECTOR

ADEM

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March 31, 2016

CERTIFIED MAIL (NO. 91 7108 2133 3936 7156 6351)
RETURN RECEIPT REQUESTED

Ms. Velveta Golightly-Howell, Director
U.S. Environmental Protection Agency
Office of Civil Rights
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460-1000

RE: EPA File No. 13R-16-R4, EPA Acceptance of Administrative Complaint Notice

Dear Ms. Golightly-Howell:

On March 30, 2016, in response to our request dated March 4, 2016, the Alabama Department of Environmental Management ("ADEM") received from your office a copy of the Administrative Complaint filed as EPA File No. 13R-16-R4. Having now received a copy of "the allegations raised in the complaint," we will make a written submission responding to, rebutting, or denying "the allegations raised in the complaint" within thirty (30) calendar days of March 30, 2016. *See* 40 CFR 7.120(d)(1)(ii-iii).

We note that OCR interpreted our March 4, 2016, request as a Freedom of Information Access (FOIA) request, even though the applicable regulation provides that OCR will give the party complained against an "opportunity to make a written submission responding to, rebutting, or denying *the allegations raised in the complaint*." [Emphasis added.] Instead of implementing the regulation as promulgated, OCR instead notified ADEM of an opportunity to respond to "the issues accepted for investigation" in violation of 40 CFR 7.120(d)(1)(ii). Regardless, we are now in receipt of "the allegations raised in the complaint" and will respond accordingly. We note further, however, that your office did not respond to our request for clarification regarding footnote 1 of the notice which references an issue "originally raised by David Ludder in August, 2013." We renew our request for clarification of footnote 1.

If you have any questions concerning our request, please do not hesitate to contact Shawn Sibley, ADEM Office of General Counsel, at (334) 271-7855.

Sincerely,

Lance R. LeFleur
Director

LRL:tj

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