Message

From: Dorka, Lilian [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AF796221E00A4A338CEA3C72ADBD0D57-DORKA, LILL]
Sent: 8/13/2015 2:08:44 AM
To: Stein, Jonathan [Stein.Jonathan@epa.gov]
CC: Covington, Jeryl [Covington.Jeryl@epa.gov]; Yon, William [Yon.William@epa.gov]; Temple, Kurt [Temple.Kurt@epa.gov]; Gsell, Alyssa [Gsell.Alyssa@epa.gov]; O'Lone, Mary [o'lone.mary@epa.gov]; Harrell, Collette [Harrell.Collette@epa.gov]; Wooden-Aguilar, Helena [Wooden-Aguilar.Helena@epa.gov]
Subject: Re: Tallassee and Yerkwood

Thanks Jonathan. Did Nancy share with you any information regarding her assessment of ADEMs current practices, and, any information/ insight about
Tallassee situation? If u did not discuss that with her, could you please reach out to her again on this? Also, in determining that there was "evidence" gathered showing that socio economic factors were not considered, can she point us in a particular direction re how we would go about gathering such evidence?

Who is the GC attorney assigned to this case? I would suggest that if possible and she/ he is around tomorrow, you both call Nancy.

Bottom line, re these questions is that I want to make sure we have appropriately represented to DoJ the timeframes for resolution here. If Nancy has any sense the concerns she had back then re factors may still be around, we may need more investigation to start resolution discussions or prepare a decision.

Thanks!! Lily

Sent from my iPhone

On Aug 12, 2015, at 1:30 PM, Stein, Jonathan <Stein.Jonathan@epa.gov> wrote:

> ATTORNEY-CLIENT PRIVILEGED
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> Hi All,
>
> I have spoken with Nancy Tommelleo, from Region 4, who as you are aware was the lead author on the *Yerkwood* (28R-99-R4) IR referenced within Allegation 2 of the Tallassee complaint.
>
> After taking her back in time to quickly remind her of the recommendations outlined, her rationale as to why they were made is that essentially, even though the investigation of the four landfills did not lead to either a discriminatory impact or disparate treatment finding, ADEM's overall practices within their solid waste program at the time were bad.
>
> Her contention was that even though we did not make a finding, and that the recommendations were not meant to be legally binding on ADEM, the general feeling was that we couldn't simply say nothing.
>
> She specifically mentioned that they had gathered evidence showing that no one from either ADEM or the local host government was looking at the socio-economic factors at one of the four landfills studied (the Pineview Landfill in Walker County) as one of the reasons for issuing the recommendations, in that practices in existence at the time could potentially lead to a Title VI violation at an ADEM-permitted facility in the future.

Best Regards,

Jonathan M. Stein
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