Message

From: Wilson, Adam [wilson.adam@epa.gov]
Sent: 12/17/2018 8:38:33 PM
To: Robinson, Brittany [Robinson.Brittany@epa.gov]
CC: Rhodes, Julia [Rhodes.Julia@epa.gov]
Subject: RE: I hope this is the FINAL FINAL informal resolution agreement
Attachments: EPA and HDOA Informal Resolution Agreement_Draft 12.17.2018 aw jr.docx

Hi Brittany,

CRFLO's review is attached. As always, let me know if you have any questions.

Best,
--Adam

From: Wilson, Adam
Sent: Friday, December 14, 2018 12:46 PM
To: Robinson, Brittany <Robinson.Brittany@epa.gov>
Subject: RE: I hope this is the FINAL FINAL informal resolution agreement

Thanks!

From: Robinson, Brittany
Sent: Friday, December 14, 2018 12:40 PM
To: Wilson, Adam <wilson.adam@epa.gov>
Subject: RE: I hope this is the FINAL FINAL informal resolution agreement

Ex. 5 AC/DP

From: Wilson, Adam
Sent: Friday, December 14, 2018 12:39 PM
To: Robinson, Brittany <Robinson.Brittany@epa.gov>
Subject: RE: I hope this is the FINAL FINAL informal resolution agreement

Good to know we're not holding up the show. I'm curious to see Region 9's comments. Could you pass them along?

From: Robinson, Brittany
Sent: Friday, December 14, 2018 11:50 AM
To: Wilson, Adam <wilson.adam@epa.gov>
Subject: RE: I hope this is the FINAL FINAL informal resolution agreement

Hi Adam,

I plan to talk with Region 9 about some of the comments that they submitted, so no problem. Thanks for the update.

From: Wilson, Adam
Sent: Friday, December 14, 2018 11:48 AM
To: Robinson, Brittany <Robinson.Brittany@epa.gov>
Subject: RE: I hope this is the FINAL FINAL informal resolution agreement

Hi Brittany,

I have some comments, which I sent on Monday to Julia for secondary review. BUT she's been out sick all week. So I'm hoping either Johahna or Mary can take a look either today or by Monday. Sorry for the delay.

Best,
--Adam

From: Robinson, Brittany
Sent: Friday, December 07, 2018 4:40 PM
To: Rhines, Dale <rhines.dale@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; TenBrook, Patti <TenBrook.Patti@epa.gov>; Grisier, Mary <Grisier.Mary@epa.gov>
Subject: FW: I hope this is the FINAL FINAL informal resolution agreement

FYI-

I cleaned up the latest draft and I believe we are at the finish line. I gave HDOA the heads up that I believe we are close but that we were trying to have both the ADC and HDOA agreements signed together as a package. Delanie told me that she would try to work with ADC to see if they wanted to move forward. I have not heard anything.

I see the next steps as follows-

-Confirm there are no further edits and folks are okay with the responses HDOA provided below
-Determine whether we will move forward with just the HDOA agreement and draft a letter to ADC (we will need to discuss this further)
-Contact the Complainant to walk through the agreement to provide them with an overview before signing
-Sign agreement and send a copy to all parties – and to the USDA

If you have any additional input, let me know what you think. Thanks!

From: Robinson, Brittany
Sent: Friday, November 30, 2018 8:18 AM
To: Rhines, Dale <rhines.dale@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Wilson, Adam <wilson.adam@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>; TENBROOK, PATTI <tenbrook.patti@epa.gov>; Grisier, Mary <Grisier.Mary@epa.gov>
Subject: FW: I hope this is the FINAL FINAL informal resolution agreement

FYI-

I just received HDOA's updated draft Agreement. I will review, but please let me know if you have any comments. I will also be scheduling a meeting to discuss ADC because I have not heard back from them yet.

Thanks!

From: Prescott-Tate, Delanie D <delanie.d.prescott-tate@hawaii.gov>
Sent: Thursday, November 29, 2018 9:43 PM
To: Robinson, Brittany <Robinson.Brittany@epa.gov>
Subject: I hope this is the FINAL FINAL informal resolution agreement

Thank you for being so patient. Attached is what I hope will be the very LAST DRAFT.

One thing – I removed references to 40 CFR Part 5 – Not that we have any objection to adhering to Title IX, it's just that throughout this entire process Title IX was never specifically mentioned in any of the documents, and all allegations and responses have been directed to Title VI, so it seems unfair at this point in time to drag Title IX into the resolution agreement. I think the statement in paragraph I. F. about HDOA's commitment to carry out its non-discrimination responsibilities according to the requirements of "Title VI, and any other federal and state non-discrimination laws" should suffice. I hope you agree. The statement could be changed to "non-discrimination laws, rules, and regulations" if needed to be all inclusive.

I also updated the citations to Act 045 – the session laws were published but still no actual updated statute numbers have been assigned (well, they may have been assigned, just not published).

To briefly answer your questions: I am pretty much "okay" with the "rewrites" and have incorporated language that addresses the issues raised where I could. Let's keep the backlog stuff where it is – moving it to the background section doesn't really work since the background section starts with the complaint in 2016 and HDOA started tackling the backlog in 2015.

Regarding the way HDOA reconcile the RUP purchases against the applicator usage/storage, we don't use a waste manifest per se, but the RUP applicators are asked to account for "theft, transfer, spillage, etc." of any RUP under their control.

Act 045 doesn't specify how the public information is to be made public, but it will be on the HDOA website. In situations where it is advisable to notify the public, other than being posted on the HDOA website, HDOA issues press releases.

HDOA is in the process of translating the anti-discrimination policy and complaint procedures into 14 different languages.

I think that about covers it all. Let me know what you think!

Hope you enjoyed your Thanksgiving holiday!! Can you believe Christmas is just around the corner!?!

Delanie

Deputy Attorney General Delanie D. Prescott-Tate
Department of the Attorney General
Criminal Justice Division
Tobacco Enforcement Unit
425 Queen Street
Honolulu, Hawaii 96813
PH: (808) 586-1203

FAX: (808) 586-0932

Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and/or privileged information. Any review, use, disclosure, or distribution by unintended recipients is prohibited by the *Electronic Communications Privacy Act*, 18 U.S.C. sections 2510-2521. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.