Message

From: Garnett, Desean [Garnett.Desean@epa.gov]
Sent: 12/11/2018 5:54:12 PM
To: Robinson, Brittany [Robinson.Brittany@epa.gov]
Subject: RE: I hope this is the FINAL FINAL informal resolution agreement
Attachments: Earthjustice EPA draft resolution 3 DG.docx

Hi Brittany,

I've attached Region 9's comments and edits. Ex. 5 AC/DP

Ex. 5 AC/DP

Desean

Desean Garnett
U.S. EPA Region 9
Attorney-Advisor
(415) 972-3046

From: Robinson, Brittany
Sent: Tuesday, December 11, 2018 7:05 AM
To: Garnett, Desean <Garnett.Desean@epa.gov>
Subject: RE: I hope this is the FINAL FINAL informal resolution agreement

Hi Desean-

Just checking to see if you had any additional edits or comments to the draft agreement. I had a brief conversation with Patti and Mary yesterday regarding some of their comments, but wanted to double check with you.

Thanks!

From: Garnett, Desean
Sent: Friday, December 7, 2018 7:26 PM
To: Robinson, Brittany <Robinson.Brittany@epa.gov>
Subject: RE: I hope this is the FINAL FINAL informal resolution agreement

Thanks Brittany, I'll review this with the Region 9 folks early next week. Ex. 5 AC/DP

Ex. 5 AC/DP

Desean

Desean Garnett
U.S. EPA Region 9
Attorney-Advisor
(415) 972-3046

From: Robinson, Brittany
Sent: Friday, December 07, 2018 1:40 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. Ex. 5 AC/DP

Ex. 5 AC/DP

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

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