Message

From: Covington, Jeryl [Covington.Jeryl@epa.gov]
Sent: 4/9/2019 8:27:41 PM
To: Dorka, Lilian [Dorka.Lilian@epa.gov]
Subject: 45RNO-16-R9 ADC Language

"F. ADC is Refusing to Comply With the Clean Water Act.
ADC is violating Title VI by discharging pollutants without the requisite National Pollutant Discharge Elimination System (NPDES) permit, to the detriment of Native Hawaiians in West Kaua'i. The federal Clean Water Act prohibits the discharge of pollutants into jurisdictional waters in the absence of an NPDES permit. 33 U.S.C. §§ 1311(a), 1362, 1342."

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Reference to Dept. of Health from the complaint

"For decades, that State of Hawai'i Department of Health (HDOH) regulated ADC's discharges from the drainage ditch system under an NPDES permit, until August 3, 2015, when ADC withdrew its NPDES permit renewal application.28 Now, millions of gallons of drainage waters containing toxic pollutants flow through the system and populated areas, and into the nearshore ocean waters, without any regulation or monitoring. HDOH's and HDOA's testing has shown the presence of harmful pesticides including atrazine, chlorpyrifos, glyphosate, and metolachlor in the drainage ditches, in addition to many other pollutants."

Citation: Earthjustice complaint, dated September 14, 2016, "Re: Complaint Under Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, 40
C.F.R. Part 7, and 7 C.F.R. Part 15"; page 15.