Message

From: Maier, Brent [Maier.Brent@epa.gov]
Sent: 7/10/2019 4:16:03 PM
To: Quast, Sylvia [Quast.Sylvia@epa.gov]; Miller, Amy [Miller.Amy@epa.gov]; Garnett, Desean [Garnett.Desean@epa.gov]; Torres, Tomas [Torres.Tomas@epa.gov]
CC: Ebbert, Laura [Ebbert.Laura@epa.gov]; Glenn, William [Glenn.William@epa.gov]
Subject: Final Response to Congressman Ed Case's Letter to EPA Regarding EPA's Jurisdiction Over Hawaii's Agribusiness Development Corporation - #AL-19-000-4680
Attachments: Rep. Ed Case - Incoming Letter Regarding EPA's Jurisdiction Over Hawaii's Agribusiness Development Corporation - AL-19-000-4680.pdf; Hon.Ed.Case.7.10.19.pdf

All –

We received today the final response from HQ to the incoming letter from Congressman Ed Case dated April 27, 2019 regarding EPA's jurisdiction over Hawaii's Agribusiness Development Corporation. I have attached the incoming letter for your reference. The control (#AL-19-000-4680) is being closed out by HQ Correspondence Unit and no Region 9 action is required.

Brent Maier
Congressional Liaison
U.S. Environmental Protection Agency, Region IX
75 Hawthorne St. (OPA-3)
San Francisco, CA 94105
Ph: 415.947.4256

From: Rodrick, Christian
Sent: Wednesday, July 10, 2019 8:48 AM
To: Maier, Brent <Maier.Brent@epa.gov>; Kolb, John (JohnMark) <kolb.john@epa.gov>
Cc: Brazauskas, Joseph <brazauskas.joseph@epa.gov>; Matthews, Demond <matthews.demond@epa.gov>; Eades, Cassaundra <Eades.Cassaundra@epa.gov>; Mims, Kathy <Mims.Kathy@epa.gov>; Glenn, William <Glenn.William@epa.gov>
Subject: Re: Re-Control Back to HQ Confirmed for Congressman Ed Case Letter to EPA Regarding EPA's Jurisdiction Over Hawaii's Agribusiness Development Corporation - #AL-19-000-4680

The .pdf went to the Hill this morning. John Mark can share it.

Christian

Sent from my iPhone

On Jul 10, 2019, at 11:45 AM, Maier, Brent <Maier.Brent@epa.gov> wrote:

> **From:** Maier, Brent
> **Sent:** Thursday, April 25, 2019 8:44 AM
> **To:** Miller, Amy <Miller.Amy@epa.gov>; Quast, Sylvia <Quast.Sylvia@epa.gov>; Torres, Tomas <Torres.Tomas@epa.gov>; Glenn, William <Glenn.William@epa.gov>; Ebbert, Laura <Ebbert.Laura@epa.gov>
> **Subject:** Re-Control Back to HQ Confirmed for Congressman Ed Case Letter to EPA Regarding EPA's Jurisdiction Over Hawaii's Agribusiness Development Corporation - #AL-19-000-4680

The Congressman Ed Case letter (#AL-19-000-4680 see below message) regarding EPA's jurisdiction over Hawaii's Agribusiness Development Corporation is being re-controlled back to HQ's OGC and Office of Civil Rights. I am copying OCIR's Desmond Matthews so that once the letter is finalized and sent out, that a PDF copy of the outgoing letter be shared with R9. Thanks.

Brent Maier
Congressional Liaison
U.S. Environmental Protection Agency, Region IX
75 Hawthorne St. (OPA-3)
San Francisco, CA 94105
Ph: 415.947.4256

From: Matthews, Demond
Sent: Thursday, April 25, 2019 8:28 AM
To: Mims, Kathy <Mims.Kathy@epa.gov>; Eades, Cassaundra <Eades.Cassaundra@epa.gov>
Cc: Maier, Brent <Maier.Brent@epa.gov>; Williams, Thea <Williams.Thea@epa.gov>; Moody, Christina <Moody.Christina@epa.gov>; Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: RE: Potential Re-Control Back to HQ of Congressman Ed Case Letter to EPA Regarding EPA's Jurisdiction Over Hawaii's Agribusiness Development Corporation - #AL-19-000-4680

Good Morning Kathy & Sandy,

I hope this emails finds you well.
I was wondering if you can reassign #AL-19-000-4680 back to OGC within CMS.
They are ready and awaiting to gain control and respond to the correspondence.
If you have any questions, let me or Thea know.

Thanks in advance.

V/R,
DEMOND L. MATTHEWS
Congressional Liasion
EPA Office of Congressional and Intergovernmental Affairs
Phone: 202-564-3781

From: Moody, Christina
Sent: Wednesday, April 24, 2019 8:48 PM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Cc: Maier, Brent <Maier.Brent@epa.gov>; Williams, Thea <Williams.Thea@epa.gov>; Matthews, Demond <matthews.demond@epa.gov>
Subject: Re: Potential Re-Control Back to HQ of Congressman Ed Case Letter to EPA Regarding EPA's Jurisdiction Over Hawaii's Agribusiness Development Corporation - #AL-19-000-4680

Got it.

Demond, please work with Thea to control the attachments in CMS for OGC.

Thanks

Christina J. Moody
US Environmental Protection Agency

Office of Congressional and Intergovernmental
Relations
Moody.Christina@epa.gov

On Apr 24, 2019, at 5:32 PM, Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov> wrote:

Brent – Do you think it's about title VI of the Civil Rights Act? Looping in Christina Moody. Thanks,
Sven

Sven-Erik Kaiser
U.S. EPA
Office of Congressional and Intergovernmental Relations
1200 Pennsylvania Ave., NW (1305A)
Washington, DC 20460
202-566-2753 (o)
202-591-0619 (c)

From: Maier, Brent
Sent: Wednesday, April 24, 2019 5:28 PM
To: Kaiser, Sven-Erik <Kaiser.Sven-Erik@epa.gov>
Subject: Potential Re-Control Back to HQ of Congressman Ed Case Letter to EPA Regarding EPA's Jurisdiction Over Hawaii's Agribusiness Development Corporation - #AL-19-000-4680
Importance: High

Sven –

I am being told by our Acting Enforcement Division Director Amy Miller that this letter controlled to R9 earlier today should be re-controlled back to HQ. I have already accepted the control in CMS so either Sandy or Kathy would need to re-control back to HQ. One of our ORC attorneys, Desean Garnett, could assist HQ with a draft response. Please let me know if you or one of your other colleagues can request a re-control back to HQ for whichever office handles Title VI issues, which I am not sure about.

Brent Maier
Congressional Liaison
U.S. Environmental Protection Agency, Region IX
75 Hawthorne St. (OPA-3)
San Francisco, CA 94105
Ph: 415.947.4256

From: Miller, Amy
Sent: Wednesday, April 24, 2019 2:23 PM
To: Ebbert, Laura <Ebbert.Laura@epa.gov>
Cc: Torres, Tomas <Torres.Tomas@epa.gov>; Maier, Brent <Maier.Brent@epa.gov>; Quast, Sylvia <Quast.Sylvia@epa.gov>; Glenn, William <Glenn.William@epa.gov>; Garnett, Desean <Garnett.Desean@epa.gov>
Subject: Re: Question - Congressman Ed Case - Letter to EPA Regarding EPA's Jurisdiction Over Hawaii's Agribusiness Development Corporation - #AL-19-000-4680

All- this should go to HQ as this involves title vi. Desean can help.

Amy C. Miller
Acting Director, Enforcement Division
U.S. Environmental Protection Agency, Region 9

On Apr 24, 2019, at 2:10 PM, Ebbert, Laura <Ebbert.Laura@epa.gov> wrote:

> I believe the ADC issue on Kauai concerns Water Division, relating to permitting of a lift station ultimately. Looping Tomas in case it's helpful.
>
> LE
>
> Laura Ebbert
> Office of the Regional Administrator
> U.S. Environmental Protection Agency, Region 9
> 75 Hawthorne Street
> San Francisco, CA 94105
> (415) 947-3561
>
> ---
>
> **From:** Maier, Brent
> **Sent:** Wednesday, April 24, 2019 1:20 PM
> **To:** Miller, Amy <Miller.Amy@epa.gov>; Quast, Sylvia <Quast.Sylvia@epa.gov>
> **Cc:** Glenn, William <Glenn.William@epa.gov>; Ebbert, Laura <Ebbert.Laura@epa.gov>
> **Subject:** Question - Congressman Ed Case - Letter to EPA Regarding EPA's Jurisdiction Over Hawaii's Agribusiness Development Corporation - #AL-19-000-4680
> **Importance:** High
>
> Amy/Sylvia –
>
> The letter attached and included below was controlled to Region 9 earlier today for development of a response. Sending to each of you as it mentions "agriculture" and also "jurisdictional rulings". Was not sure who would be in the best position to draft a response back to the Congressman. When you get a chance to review, can you let me know who I should control this new incoming letter to in Region 9. Our response would go out under RA Mike Stoker's signature since the letter was controlled to Region 9.
>
> Brent Maier
> Congressional Liaison
> U.S. Environmental Protection Agency, Region IX
> 75 Hawthorne St. (OPA-3)
> San Francisco, CA 94105
> Ph: 415.947.4256
>
> **From:** Rep. Ed Case <ed.case@mail.house.gov>
> **Sent:** Tuesday, April 23, 2019 6:27 PM
> **To:** OCIRmail <OCIRmail@epa.gov>
> **Subject:** Congressman Ed Case's Response to Your Letter

ED CASE
1ST DISTRICT, HAWAI'I

2443 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
TELEPHONE: 202-225-2726
FAX: 202-225-0688

1132 BISHOP STREET, SUITE 1910
HONOLULU, HI 96813
TELEPHONE: 808-650-6688
FAX: 808-533-0133

WEBSITE: CASE.HOUSE.GOV

Congress of the United States
House of Representatives
Washington, DC 20515

COMMITTEE ON APPR
SUBCOMMITT
MILITARY CONSTRUCTION, VET
RELATED AGEN

COMMERCE, JUSTICE, SCIEN
AGENCIES

LEGISLATIVE BR

COMMITTEE ON NATUR
SUBCOMMITT
NATIONAL PARKS, FORESTS

WATER, OCEANS AND

INDIGENOUS PEOPLES OF TH

April 23, 2019

Mr. Troy Lyons
Associate Administrator for Congressional and Intergovernmental Relations
Environmental Protection Agency
1200 Pennsylvania Ave N Rm 3426
Washington, DC 20460-0001

Dear Mr. Lyons:

I am writing for clarification of the Environmental Protection Agency's (EPA) jurisdiction over the State of Haw
Agribusiness Development Corporation (ADC).

The State of Hawai'i created the ADC in 1994 to help transition Hawaii's agriculture industry away from one do
sugar and pineapple to one based on a wide variety of crops. The ADC is a state agency overseen by an indepen
member board of directors. Though it is administratively attached to the State of Hawai'i Department of Agricul
(HDOA), HDOA does not administer or fund the ADC. The ADC receives its own funding directly from the sta
does not receive any federal funding.

The ADC recently received contradictory rulings regarding its status as an agency for purposes of laws and regu
administered by the EPA.

· The EPA believes it has jurisdiction over the ADC because of the ADC's administrative connection to the HD
event, the EPA maintains that the ADC needs a Title VI program.
· The HDOA does not believe the administrative connection makes the ADC part of the HDOA. The HDOA bel
ADC's independent oversight board makes it a separate entity that cannot access the HDOA's Title VI program f

These different rulings have left the ADC in limbo especially as to Title VI. To help resolve these contradictory
your agency please provide a written response to the following questions:

· Can the EPA have jurisdiction over the ADC if the organization does not receive any federal funds?
· Did the EPA consider the ADC's independent eleven member board of directors when maintaining its jurisdicti
ADC?
· If the ADC is under the EPA's jurisdiction because of its administrative connection to the HDOA, should the A
have access to the HDOA's Title VI program funds?

Thank you in advance for your assistance in clarifying the EPA's jurisdiction over the ADC. Should you need an
information about this matter, please contact Mitch Heidenreich at (202) 225-2726 or Mitch.Heidenreich@mail.

With aloha,

Ed Case

Congressman Ed Case
(Hawai'i-First District)

EC/MH

<Rep. Ed Case - Incoming Letter Regarding EPA's Jurisdiction Over Hawaii's Agribusiness Development Corporation - AL-19-000-4680.pdf>

<Control Information for AL-19-000-4680.pdf>

<Control Information for AL-19-000-4680.pdf>

<Rep. Ed Case - Incoming Letter Regarding EPA's Jurisdiction Over Hawaii's Agribusiness Development Corporation - AL-19-000-4680.pdf>

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