Joseph N. A. Ryan, Jr.
[redacted]
P.O. Box 562
Waimanalo, Hawaii 96795

August 22, 2000

US Environmental Protection Agency
Office of Civil Rights (1201A)
1200 Pennsylvania Ave NW
Washington, DC 20460

(202) 501-1836 (fax)

RE: Draft Revised Guidelines for Investigating Title VI Administrative Complaints Challenging Permits (Draft Revised Investigation Guidance)

Dear Ms. Browner;

I formally request the deadline for comments re: Draft Revised Guidelines for Investigating Title VI Administrative Complaints Challenging Permits (Draft Revised Investigation Guidance) be extended to permit further review. The basis for this request is information that I have received that informs me that my community is being discriminated against by the EPA. I have been informed that "all" Title VI complainants were to have received copies of the draft for review and comment purposes. If that information is true then the Waimanalo Citizens for a Healthy Future was to have received a copy for review during the 60 day open period for public comment. Only after several phone calls to Washington, D.C. was a copy mailed to my organization. The copy I received is postmarked August 18, 2000 and was received on August 21, 2000. The comment period is over on August 28, 2000. It appears that my community was singled out to be ignored.

I further comment that a review of the investigatory guidelines fails to include the real life situation of a state administered program that is not conducted according to guidelines that are equal to or more stringent than federal law and rules. The OCR rules do not allow for referral to any EPA internal investigatory capability. In the Waimanalo, Hawaii complaint, EPA Region 9 conducted a parallel administrative review of Hawaii NPDES. EPA 9 found that state law and rules conflicted with federal law and rules as part of its February 2000 report. The Hawaii program was not annulled, suspended, or withdrawn and has been allowed to continue. The result is that EPA knowingly and intentionally allows the State of Hawaii to administer a program that does not equal or exceed federal law. Hawaii Courts have ruled that Congress did not allow *De Minimis* violations of the Clean Water Act, therefore the EPA is violating the Clean Water Act in Hawaii by allowing state issued NPDES permits to remain in force while knowing the permits are not enforceable to federal CWA standards.

I reserve the right to make further comments as time permits.

Sincerely,

Joseph N. A. Ryan, Jr.