

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX

**** FILED ****
03AUG2016 - 01:55PM
U.S.EPA - Region 09

IN THE MATTER OF:)
)
U.S. Army Garrison, Hawaii Facility,) U.S. EPA Docket No.
Respondent) UIC-09-2016-0001
)

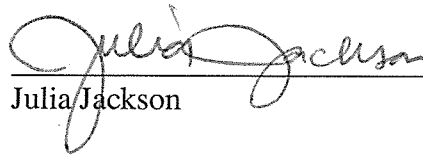
DECLARATION OF JULIA JACKSON IN SUPPORT OF 40 C.F.R. § 22.45(b)
PROCEEDINGS

I, Julia Jackson, declare:

1. I am an attorney at law, licensed to practice in the State of California. I am an attorney for the United States Environmental Protection Agency, Region IX ("EPA").
2. On or about June 17th, 2016, EPA and Respondent entered into a Consent Agreement and Final Order ("CAFO") to resolve the above-referenced lawsuit.
3. On June 21st, 2016, EPA placed public notice of the CAFO in this matter on EPA Region IX's website. A true and correct copy of EPA's public notice is attached as Exhibit A.
4. The content of the public notice complied with requirements set forth in 40 C.F.R. § 22.45(b) and was legally sufficient.
5. EPA's public notice was published for 30 calendar days, starting on June 21st, 2016 and ending on July 21st, 2016.
6. On August 3rd, 2016, I conferred with Region IX's Regional Hearing Clerk and they confirmed they did not receive any comments regarding the public EPA's public notice in this matter.
7. EPA has complied with all the public notice requirements set forth in 40 C.F.R. § 22.45(b).

I declare under the penalty of perjury, according to the laws of the State of California, that the foregoing is true and correct, and is known to me of my own personal knowledge.

Executed this 3rd day of August, 2016, at San Francisco, California.



Julia Jackson

Notice of Proposed Settlement of Safe Drinking Water Act Administrative Penalty and Opportunity to Comment: In the Matter of U.S. Army

Publication Date: June 21, 2016

Public Comment Closes: July 12, 2016

In accordance with Section 1423(c)(3)(B) of the Safe Drinking Water Act ("Act"), 42 U.S.C. § 300h-2(c)(3)(B), and the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits" ("Consolidated Rules") at 40 C.F.R. Part 22, notice is hereby given of a proposed settlement, recorded in a Consent Agreement and Proposed Final Order ("Proposed Consent Agreement"), between the U.S. Environmental Protection Agency, Region 9 ("EPA"), and the U.S. Army to resolve the following civil administrative penalty proceeding under Sections 1423(c)(3)(B) and 1447(b) of the Act.

In the Matter of the U.S. Army. Docket No. UIC- 09-2016-0001Complainant, Director, Enforcement Division, EPA, Region 9, 75 Hawthorne St., San Francisco, CA 94105; Respondent U.S. Army.

On June 17, 2016, pursuant to 40 C.F.R. § 22.13(b) and 22.18(b)(2) and (3), Complainant and Respondent entered into a Proposed Consent Agreement to simultaneously commence and conclude this SDWA civil administrative penalty proceeding. The Proposed Consent Agreement requires Respondent to pay to the United States a penalty of one hundred thousand dollars (\$100,000.00) and close eight (8) large capacity cesspools ("LCCs"). Payment of this penalty will resolve EPA's allegations that the Respondent violated 40 C.F.R. § 144.88 by operating twelve (12) LCCs after the ban that went into effect on April 5, 2005.

In the Matter of U.S. Army, Docket No. UIC-09-2016-0001

Complainant: Alexis Strauss, Acting Regional Administrator, U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, CA 94105

Respondent: Richard A. Fromm, Colonel, U.S. Army Garrison Hawaii, 851 Wright Avenue, Wheeler Army Airfield Schofield Barracks, HI 96857-5000

Facilities: Wheeler Army Air Field, Schofield Barracks, Pohakuloa Training Area, and Kilauea Military Camp

Description of Business or Activity Conducted by the Respondent: Military Operations.

Proposed Order and Penalty: \$100,000.

Name, Mailing Address, Telephone Number, and Email of Regional Hearing Clerk

Steven Armsey
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street (ORC-1)
San Francisco, CA 94105
(415) 972-3919
r9hearingclerk@epa.gov

Instructions for Submitting Comments: Please provide the following information along with your comments and submit them in accordance with Part 22: Your full name, mailing address, telephone number, email address, the Docket Number (UIC-09-2016-0001), and a concise statement of the basis for and relevant facts supporting any comment for the case to which you are commenting. Persons wishing to comment on this case, including comments on the amount or basis of the proposed penalty, are invited to submit a statement to the EPA Regional Administrator, attention of the Regional Hearing Clerk (address below), within 30 days of the date of this public notice (40 C.F.R. § 22.45(b)). All comments received within this 30-day period will be considered in the issuance of the final order.

For More Information

Persons wishing to receive a copy of the Consolidated Rules, review the documents filed by the parties in this proceeding, comment upon the [LINK TO PDF OF CA/FO](#) or participate in any hearing that may be held, may contact the Regional Hearing Clerk identified above. Please note that the federal regulations are available online at the [Code of Federal Regulations \(CFR\)](#) website. Unless otherwise noted, the public record for the proceeding is located at the office of the Regional Hearing Clerk (address above) and the file will be open for public inspection during normal business hours.