



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901



Eric Hauck, Trustee
Acton Holding Trust
12803 Autumn Leaves
Victorville, CA 92395

**Re: Notice of Proposed Assessment of Civil Penalty
In the Matter of Cactus Creek Mobile Home Park
Docket No. UIC-09-2023-0029**

Dear Eric Hauck:

Enclosed is a Complaint that the United States Environmental Protection Agency, Region IX (“EPA”) is issuing to you as a result of EPA’s determination that you violated EPA’s Underground Injection Control (“UIC”) regulations, 40 Code of Federal Regulations (C.F.R.) § 144.88, promulgated pursuant to section 1421(a)(1) of the Safe Drinking Water Act (“Act”), 42 U.S.C. § 300h(a)(1). Specifically, EPA has determined that you failed to close two (2) large capacity cesspools that serve Cactus Creek Mobile Home Park, located at 3740 Smith Avenue, Acton, California 93510 (APN: 3208-026-048), by the April 5, 2005 regulatory closure deadline. The Complaint is issued under Section 1423(c) of the Act, 42 U.S.C. § 300h-2(c), and proposes that a penalty up to the administrative statutory maximum of **\$337,725** be assessed against you for the violation. The complaint further proposes that you be required to close the cesspools in accordance with 40 C.F.R. § 144.89(a) and all other applicable requirements.

You have the right to a hearing to contest the factual allegations in the Complaint. If you admit the allegations, or the allegations are found to be true after there has been an opportunity for a hearing on them, you have the right to contest the penalty proposed in the Complaint. Enclosed please find copies of EPA’s 1993 UIC Program Judicial and Administrative Order Settlement Penalty Policy and EPA’s Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits (“Consolidated Rules of Practice”), found at 40 C.F.R. Part 22.

Please note the requirements for your Answer to the Complaint at 40 C.F.R. § 22.15. Due to the COVID-19 pandemic, EPA has instituted procedures for electronic filing and service of documents in administrative proceedings governed by the Consolidated Rules of Practice. A copy of EPA Region IX Regional Judicial Officer’s May 14, 2020 Standing Order: Designation of EPA Region IX Part 22 Electronic Filing System (“Standing Order”) is also enclosed.

If you wish to contest the allegations or the penalty proposed in the Complaint, you must file a written Answer, according to the Standing Order, within thirty (30) calendar days of receipt of the enclosed Complaint. If you do not file an Answer within thirty (30) calendar days of receipt of this Complaint, you may be determined to have defaulted, as provided for in 40 C.F.R. § 22.17. If a default order is entered, the entire proposed penalty may be assessed without further proceedings.

Whether or not you request a formal hearing, you may informally confer with EPA concerning the alleged violation and the amount of the proposed penalty. EPA encourages all parties against whom it files a Complaint to pursue the possibility of settlement as a result of such informal conference with EPA. You may represent yourself or be represented by an attorney at any stage of the proceedings, including any informal discussions, whether in person, by telephone, or through video conferencing. An attorney from EPA Region 9's Office of Regional Counsel will normally be present at any informal conference.

Please note that a request for an informal conference does not substitute for a written Answer or affect what you may choose to say in an Answer, nor does it extend the thirty (30) calendar days by which you must file an Answer requesting a hearing. Any hearing held in this matter will be conducted in accordance with the Consolidated Rules of Practice.

If you have any questions, please contact Nathaniel Boesch in the Office of Regional Counsel at (415) 972-3926 or by email at boesch.nathaniel@epa.gov.

Sincerely,

Amy C. Miller-Bowen, Director
Enforcement and Compliance Assurance Division

Enclosures

1. Complaint and Notice of Opportunity for Hearing
2. Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties
3. 1993 UIC Program Judicial and Administrative Order Settlement Penalty Policy
4. Standing Order: Designation of EPA Region IX Part 22 Electronic Filing System

cc: Ponly Tu, Regional Hearing Clerk, U.S. EPA Region 9 (R9HearingClerk@epa.gov)