



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

Duke Pontin, Officer  
NSHE HI Narcissus, LLC  
56-970 Kamehameha Hwy  
Kahuku, Hawaii 96731

**Re: Notice of Proposed Assessment of Civil Penalty  
In the Matter of NSHE HI Narcissus, LLC  
Docket No. UIC-09-2022-0058**

Dear Duke Pontin:

Enclosed is a Complaint that the United States Environmental Protection Agency, Region IX (“EPA”) is issuing to NSHE HI Narcissus, LLC (“NSHE”) as a result of EPA’s determination that NSHE 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 NSHE failed to close one (1) Large Capacity Cesspool that served a commercial property located at 66-532 Kamehameha Highway, Haleiwa, HI 96712 (Tax Map Key: 1-6-2-007-019) by the April 5, 2005 regulatory closure deadline. This Complaint is filed pursuant to the authority contained under Section 1423(c) of the Act, 42 U.S.C. § 300h-2(c). The Complaint proposes a penalty up to the administrative statutory maximum of **\$313,448** be assessed against NSHE for the violation.

NSHE has the right to a hearing to contest the factual allegations in the Complaint. If NSHE admits the allegations, or the allegations are found to be true after there has been an opportunity for a hearing on them, NSHE has 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 NSHE’s Answer to the Complaint at Section 22.15 of the Consolidated Rules of Practice. 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 NSHE wishes to contest the allegations in the Complaint or the penalty proposed in the Complaint, NSHE must file a written Answer, according to the Standing Order, within thirty (30) calendar days of receipt of the enclosed Complaint. If NSHE does not file an Answer within thirty (30) calendar days of receipt of this Complaint, NSHE may be determined to have defaulted, as provided for in Section 22.17 of the Consolidated Rules of Practice. If a default order is entered, the entire proposed penalty may be assessed without further proceedings.

Whether or not NSHE request's a formal hearing, NSHE 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. NSHE may represent itself or be represented by an attorney at any stage of the proceedings, including any informal discussions, whether in person, by telephone or video conference. 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 NSHE may choose to say in an Answer, nor does it extend the thirty (30) calendar days by which NSHE 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 Kimberly Wells in the Office of Regional Counsel at (415) 972-3056 or by email at [wells.kimberly@epa.gov](mailto:wells.kimberly@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: Sina Pruder, State of Hawaii Department of Health ([sina.pruder@doh.hawaii.gov](mailto:sina.pruder@doh.hawaii.gov))  
Ponly Tu, Regional Hearing Clerk, U.S. EPA Region 9 ([R9HearingClerk@epa.gov](mailto:R9HearingClerk@epa.gov))