



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

Via United Parcel Service – Signature Service

Frank Alo
54-028 Kukuna Road
Hauula, Hawaii 96717
[REDACTED]

Re: Notice of Proposed Assessment of a Civil Penalty
In the Matter of *Frank Alo*
Docket No. CWA-09-2021-0049

Dear Frank Alo:

Enclosed is a Complaint that the United States Environmental Protection Agency (EPA) is issuing to you as a result of EPA's determination that you violated sections 301(a) and 404 of the Clean Water Act (CWA), 33 U.S.C. §§ 1311(a) and 1344, for filling wetlands on your property and adjoining properties without authorization from the U.S. Army Corps of Engineers pursuant to section 404 of the CWA, 33 U.S.C. § 1344. This Complaint is filed pursuant to the authority contained in section 309(g) of the CWA, 33 U.S.C. § 1319(g). The Complaint proposes a penalty up to the administrative statutory maximum of **\$282,293** be assessed against you for the violations.

You have the right to a hearing to contest the factual allegations in the Complaint. If you admit the allegations, or they 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 a copy of 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, which the EPA follows in cases of this kind.

Please note the requirements for your 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 9 Regional Judicial Officer's May 14, 2020 "Standing Order: Designation of EPA Region IX Part 22 Electronic Filing System" (Standing Order) is enclosed.

If you wish to contest the allegations in the Complaint 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 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 you request a formal hearing, you may informally confer with EPA concerning the alleged violations 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 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 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 or wish to discuss a settlement of this matter with the EPA by an informal conference, please immediately contact: Rich Campbell, Assistant Regional Counsel, in our Office of Regional Counsel at (415) 972-3870 or campbell.rich@epa.gov.

We urge your prompt attention to this matter.

Sincerely,

**AMY MILLER-
BOWEN**

Digitally signed by AMY
MILLER-BOWEN
Date: 2021.06.28 17:21:49
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Amy C. Miller-Bowen, Director
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency
Region 9

Encl.