



**REGION 9**  
SAN FRANCISCO, CA 94105



In the Matter of: )  
 )  
NSHE HI Narcissus, LLC, )  
Kahuku, Hawaii, ) Docket No. UIC-09-2022-0058  
 )  
Respondent. )

SECOND PREHEARING ORDER

The Presiding Officer conducted a virtual prehearing conference in the above-referenced matter on May 1, 2024. Kimberly Wells and Daron Ravenborg represented the United States Environmental Protection Agency (“Complainant or EPA”). Charles W. Gall, Timothy Silvester, and Daniel K. Jacob represented NSHE HI Narcissus, LLC (“Respondent”).

ALTRENAE DISPUTE RESOLUTION

After briefly discussing the parties’ past attempts to settle this matter, both parties agreed to temporarily postpone the scheduled hearing in this matter in order to participate in a mediation with a Regional Judicial Officer (RJO) who presides outside of EPA Region 9. I assigned the matter to a Settlement RJO, Leann Jensen, a RJO in EPA Region 1. The parties shall

file electronic copies of their mediation briefs, which should not exceed twenty-five pages, with the Region 9 Regional Hearing Clerk at: [r9hearingclerk@epa.gov](mailto:r9hearingclerk@epa.gov) by **May 17, 2024**. Ms. Jensen will work with the Region 9's Regional Hearing Clerk, Ponly Tu, to coordinate and schedule the mediation date and time.

DOCUMENT PRODUCTION

Respondent shall produce Mr. Finn McCall's written credentials and written report regarding the findings of the percolation test referenced in Respondent's prehearing brief to Complainant by **May 10, 2024**.

HEARING

If this matter is not resolved through the mediation process, the penalty hearing is scheduled for **Tuesday, September 10, 2024, at 1:00 p.m. (PDT) / 10:00 a.m. (HST) and Wednesday, September 11, 2024, at 1:00 p.m. (PDT) / 10:00 a.m. (HST)**. The hearing will be conducted as a video conference. Region 9's Regional Hearing Clerk shall provide the parties with instruction on how to access the video conference.

The parties shall file their motions in limine with the Region 9 Regional Hearing Clerk at: [r9hearingclerk@epa.gov](mailto:r9hearingclerk@epa.gov) by **August 9, 2024**.

**STEVEN  
JAWGIEL**

Digitally signed by  
STEVEN JAWGIEL  
Date: 2024.05.02  
19:18:55 -07'00'

---

Steven L. Jawgiel  
Regional Judicial Officer  
U.S. EPA, Region IX

CERTIFICATE OF SERVICE

This is to certify a true and correct copy of the Prehearing Order in In the Matter of NSHE HI Narcissus, LLC (UIC-09-2022-0058) was sent to the following parties via electronic mail, as indicated below:

COMPLAINANT:

Kimberly Y. Wells  
United States Environmental Protection Agency, Region 9  
75 Hawthorne Street  
San Francisco, California 94105  
Email: [wells.kimberly@epa.gov](mailto:wells.kimberly@epa.gov)

RESPONDENT:

Charles W. Gall  
Kobayashi Sugita & Goda, LLP  
First Hawaiian Center  
999 Bishop Street, Suite 2600  
Honolulu, Hawaii 96813  
Email: [cwg@ksglaw.com](mailto:cwg@ksglaw.com)

---

Ponly Tu  
Office of Regional Counsel, Region 9  
Office of the Regional Hearing Clerk