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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 9**

)	
IN THE MATTER OF)	
)	DOCKET NO. UIC-09-2022-0058
)	
NSHE HI Narcissus, LLC)	COMPLAINANT'S
)	PREHEARING INFORMATION EXCHANGE
)	
Respondent.)	
_____)	

Pursuant to the February 16, 2024, Amended Prehearing Order, Complainant, U.S. Environmental Protection Agency, Region 9 Enforcement and Compliance Assurance Division, provides this Prehearing Information Exchange:

I. Complainant's List of Witnesses to be Called at Hearing

Complainant currently intends to call the following witnesses at hearing. However, Complainant may not call some of these witnesses if the substance of their testimony is undisputed or Complainant determines that their testimony is unnecessary, or if they are unavailable. Complainant reserves its right to supplement this list of witnesses to the extent allowed for by 40 C.F.R. Part 22.

Michael Mezzacapo, EPA Headquarters

Michael Mezzacapo is a Physical Scientist in EPA's Office of Wastewater Management, Sustainable Communities and Infrastructure Branch within the Office of Water. Mr. Mezzacapo was previously an Outreach Specialist with the University of Hawai'i Sea Grant College Program and Water Resources Research Center. Mr. Mezzacapo is an expert in cumulative and acute risks associated with the use of cesspools and is expected to testify about the harm cesspools pose to human health and the environment in Haleiwa, Hawai'i.

Katherine Rao, EPA Region 9

Katherine Rao is an Environmental Protection Specialist in the Groundwater Protection Section of the Water Division in EPA Region 9. Ms. Rao is expected to testify about EPA's Underground Injection Control Program, EPA's findings related to Large Capacity Cesspools, and implementation of the Large Capacity Cesspool Ban in the state of Hawai'i.

Jelani Shareem, EPA Region 9

Jelani Shareem is an Inspector and Enforcement Officer in the Safe Drinking Water Act Section of the Enforcement and Compliance Assurance Division in EPA Region 9. Mr. Shareem is the EPA enforcement officer assigned to the matter of NSHE HI Narcissus, LLC. Mr. Shareem is expected to testify about the application of the Safe Drinking Water Act penalty factors, applicable penalty guidelines, and an appropriate penalty for Respondent's violations of the Safe Drinking Water Act.

David Smith-Watts, EPA Headquarters

David Smith-Watts is EPA's National Coordinator for Civil Penalties and Financial Analyses in the Office of Enforcement and Compliance Assurance. Mr. Smith-Watts is an expert

in calculating economic benefit. Complainant intends to offer Mr. Smith-Watts's Report "Calculating the Economic Benefit of Noncompliance In the Matter of: NSHE HI Narcissus, LLC, Docket No. UIC-09-2022-0058," which has been identified as Complainant's Exhibit 48, as written testimony in lieu of oral testimony pursuant to 40 C.F.R. § 22.22(c). Mr. Smith-Watts's testimony, whether written or oral, will address Respondent's economic benefit from noncompliance with the Safe Drinking Water Act regulations.

II. Complainant's Exhibits

Complainant includes with this Prehearing Information Exchange a list of the exhibits it may introduce into evidence. On April 16, 2024, Complainant provided the exhibits to Respondent and the Region 9 Hearing Clerk for download using GoAnywhere Services Secure Delivery. EPA reserves its right to supplement this Prehearing Information Exchange pursuant to 40 C.F.R. Part 22.

Respectfully submitted,

Kimberly Wells
Assistant Regional Counsel
Office of Regional Counsel, EPA 9

Certificate of Service

The undersigned certifies that on the date indicated below this Prehearing Information Exchange and attachments, were served upon Respondent's attorney, who has consented in writing to electronic service pursuant to 40 C.F.R. § 22.5(b)(2).

One copy via electronic mail to:

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Dated: April 16, 2024

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