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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	)	<b>COMPLAINANT’S</b>
	)	<b>PREHEARING EXCHANGE</b>
	)	
Respondent.	)	
_____	)	

Pursuant to the December 19, 2022, Order Granting Extension of Time in the matter of NSHE HI Narcissus, LLC, Complainant, U.S. Environmental Protection Agency, Region 9 (“EPA”), provides this Prehearing Exchange:

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

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

### Jelani Shareem, EPA Region 9

Mr. Shareem is the current EPA inspection officer assigned to the matter of NSHE HI Narcissus, LLC. Mr. Shareem is expected to testify about EPA's investigation of Respondent's property, including the restroom facilities and usage, communications between EPA and Respondent, and how the proposed penalty was determined.

### Brandon Boatman, EPA Region 9

Mr. Boatman attended the inspection of Respondent's Property on March 4, 2021. If needed, Mr. Boatman is expected to testify about his observations of Respondent's Property.

### Industrial Economics, EPA Contractor (individual to be named)

Industrial Economics is a contractor providing financial analysis services to EPA. Industrial Economics may testify regarding Respondent's economic benefit from noncompliance with the Safe Drinking Water Act regulations and the economic impact of the proposed penalty on Respondent. If needed, Industrial Economics may also testify about Respondent's ability to pay the proposed penalty for alleged violations.

### Duke Pontin, Managing Member for NSHE HI Narcissus, LLC

Mr. Pontin is expected to testify about the uses of the property including lease agreements, costs of closing and backfilling the cesspool, and the economic impact a penalty would have on Respondent.

William Bates, EPA Office of Water

Mr. Bates is the manager of the Drinking Water Protection Division. If needed, Mr. Bates is expected to testify about EPA's interpretation of the UIC regulations and the impacts LCCs have on underground sources of drinking water.

Jeffrey Jollie, EPA Office of Water

Mr. Jollie is a hydrologist and the UIC Class V point of contact for the Drinking Water Protection Division. If needed, Mr. Jollie is expected to testify about EPA's interpretation of the UIC regulations and the impacts LCCs have on underground sources of drinking water.


**II. Complainant's Exhibits**

EPA includes with this Prehearing Exchange a list of the exhibits it may introduce into evidence. On March 9, 2023, EPA 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 Exchange pursuant to 40 C.F.R. Part 22.

Respectfully submitted,

**KIMBERLY  
WELLS**

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

 Digitally signed by  
KIMBERLY WELLS  
Date: 2023.03.09 13:19:28  
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Certificate of Service


The undersigned certifies that on the date indicated below this Prehearing 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: March 9, 2023

**KIMBERLY  
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