



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



Charles W. Gall, Attorney for Respondent
Kobayashi Sugita & Goda, LLP
First Hawaiian Center
999 Bishop Street, Suite 2600
Honolulu, Hawaii 96813

Via Electronic Mail

Re: Request for Other Discovery in the Matter of NSHE HI Narcissus, LLC (Dkt No. UIC-09-2022-0058)

Charles Gall,

The United States Environmental Protection Agency, Region IX (EPA or Complainant) writes to respectfully request that NSHE HI Narcissus, LLC provide the information identified below by electronic mail by **March 6, 2023**. EPA intends to include the information provided in NSHE HI Narcissus, LLC's response in its pre-hearing exchange, due on March 9, 2023.

As background, Complainant moved for accelerated decision in this matter under 40 C.F.R § 22.20 for liability only, not the appropriate penalty amount. The information requested herein is necessary to enable Complainant to adequately assess the economic benefit and economic impact of the penalty on the violator, which are statutory factors under the Safe Drinking Water Act that EPA must consider in determining an appropriate penalty amount. *See* 42 U.S.C. § 300h-2(c)(4)(B). If you refuse to provide this information voluntarily and it is not otherwise included in your pre-hearing exchange, Complainant may move to compel discovery under 40 C.F.R § 22.19(e).

Complainant's Requests for Other Discovery

Request No. 1

Identify all assets of NSHE HI Narcissus, LLC, and include an estimate of the current value of each asset.

Request No. 2

Provide copies of all lease agreements with tenants renting from NSHE HI Narcissus, LLC at 66-532 Kamehameha Highway, Haleiwa, HI 96712, Tax Map Key (TMK) 1-6-2-007-019 (the "Property"), since 2017. This request includes, but is not limited to, the lease agreements with Jenny's Shrimp Truck, Island Fresh Takeout, and tenants of the commercial building on the Property, as referenced in the pleadings in this matter.

Request No. 3

Provide tax documentation confirming the gross and net annual income of NSHE HI Narcissus, LLC since 2017.

Request No. 4

Provide all documentation related to the cost(s) and payment(s) for the closing and backfill of the cesspool on the Property. This request includes, but is not limited to, receipts, invoices, and a description of the individual or entity and account(s) that paid for the closure and backfill.

Request No. 5

Provide all documentation related to the cost(s) and payment(s) for the installation of any individual wastewater system on the Property following the closure of the cesspool referenced in Request No. 4. This request shall include, but is not limited to, receipts, invoices, and a description of the individual or entity and account(s) that paid for the installation. If no wastewater system has been installed since the closure of the cesspool, so state.

All submittals made in response to this letter must be accompanied by the following certification, which is to be signed by a duly authorized representative of NSHE HI Narcissus, LLC in accordance with 40 C.F.R. §§ 144.32(b) and (d):

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Thank you for your attention to this matter. Please feel free to contact Complainant's counsel Kimberly Wells at (415) 972-3056 or wells.kimberly@epa.gov or Daron Ravenborg at (415) 972-3866 or ravenborg.daron@epa.gov.

Respectfully submitted,

Daron Ravenborg
Assistant Regional Counsel
Office of Regional Counsel, EPA 9