

SYLVIA QUAST
Regional Counsel
United States Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, California 94105
(415) 972-3936



KIMBERLY WELLS
Attorney Advisor
United States Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, California 94105
(415) 972-3056

DARON RAVENBORG
Attorney Advisor
United States Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, California 94105
(415) 972-3866

Attorneys for Complainant

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 9**

IN THE MATTER OF)	
)	
)	DOCKET NO. UIC-09-2022-0058
)	
NSHE HI Narcissus, LLC)	COMPLAINANT'S
)	SUPPLEMENTED PREHEARING
)	EXCHANGE
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”), provided its Prehearing Exchange on March 9, 2023. Complainant has learned that the information exchanged was incomplete and pursuant to 40 C.F.R. § 22.19(f) now supplements its

Prehearing Exchange with the addition of one potential witness, David Smith-Watts.

Complainant's complete Supplemented Prehearing Exchange follows.

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.

David Smith-Watts, EPA Office of Enforcement and Compliance Assurance

Mr. Smith-Watts is EPA's National Coordinator for Civil Penalties and Financial Analyses. Mr. Smith-Watts may testify regarding Respondent's economic benefit from noncompliance with the Safe Drinking Water Act regulations and Complainant's penalty calculations.

II. Complainant's Exhibits

EPA included with its March 9, 2023 Prehearing Exchange a list of the exhibits it may introduce into evidence. EPA is not supplementing its list of exhibits at this time. EPA reserves its right to supplement this Prehearing 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 Supplemented Prehearing Exchange was 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:

Charles W. Gall
Kobayashi Sugita & Goda, LLP
First Hawaiian Center
999 Bishop Street, Suite 2600
Honolulu, Hawaii 96813
Telephone: (808) 535-5700
Facsimile: (808) 535-5799
Email: cwg@ksglaw.com

Dated: March 21, 2023

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