



REGION 9
SAN FRANCISCO, CA 94105



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

AMENDED PREHEARING ORDER

Upon the request of the parties to extend the dates set forth in my February 7, 2024 Prehearing Order, I amend the briefing, prehearing conference, and hearing dates as follows:

BRIEFING SCHEDULE

I direct the parties to submit briefs, not to exceed twenty-five pages, that set forth their respective legal arguments on the outstanding penalty issues. The parties shall not revisit the liability issues in these briefs. Each party also shall include a list a proposed witnesses whom they intend to call at the hearing, including the name and title of each witness, and a brief summary describing each witness’s proposed testimony. Furthermore, the parties shall provide a list of proposed exhibits they intend to introduce at the hearing and attach a copy of each exhibit they intend to introduce at hearing to their prehearing submissions. Documents not

included in the parties' prehearing submission will not be considered by the Presiding Officer in reaching a penalty decision. Proposed exhibits will not be counted toward the twenty-five-page brief limit. The parties shall file electronic copies of their briefs and proposed exhibits with the Region 9 Regional Hearing Clerk at: r9hearingclerk@epa.gov by **April 16, 2024**.

PREHEARING CONFERENCE

A prehearing video conference is scheduled for **Wednesday, May 1, 2024 at 1:00 p.m. (PDT) / 10:00 a.m. (HST)**. Region 9's Regional Hearing Clerk shall provide the parties with instruction on how to access the video conference. During the prehearing conference, the parties shall be prepared to discuss:

1. Settlement of the case;
2. Simplification of issues and stipulation of facts not in dispute;
3. Objections to proposed witnesses;
4. Objections to proposed exhibits;
5. Any other matters which may expedite the disposition of the hearing.

HEARING

The penalty hearing is scheduled for **Tuesday, May 28, 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.

STEVEN
JAWGIEL Digitally signed by
STEVEN JAWGIEL
Date: 2024.02.16
10:28:10 -08'00'

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 Amended 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
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RESPONDENT:

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Ponly Tu Date
Regional Hearing Clerk, US EPA - Region IX