

**From:** [Shareem Jelani](#)  
**To:** [Duke Pontin](#)  
**Subject:** RE: Does this satisfy proof of closure?  
**Date:** Wednesday, December 8, 2021 9:17:00 AM  
**Attachments:** [1993 UIC Penalty Policy.pdf](#)

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Hi Duke,

Thank you for the submission of the closure documents and explanation. Based on review of the report and photos, the cesspool appears to have been properly closed. While the cesspool that served your property has been closed, we still need to discuss the matter of the potential fine for the non-compliance. As such, I have attached EPA's 1993 UIC Settlement Penalty Policy. Since I plan to go over the penalty policy as it pertains to this matter during our call on the 15<sup>th</sup>, I thought it might be useful for you to have a copy to review.

Regards,

Jelani  
415-972-3095

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**From:** Duke Pontin <pontind@icloud.com>  
**Sent:** Friday, December 3, 2021 10:20 AM  
**To:** Shareem, Jelani <Shareem.Jelani@epa.gov>  
**Cc:** Duke Pontin <pontind@icloud.com>  
**Subject:** Does this satisfy proof of closure?

Jelani,  
12/2/21

The State I live in has almost 90,000 cesspits, they are everywhere. When I bought the property in late 2017 I knew no new cesspits were allowed but in no way thought I was in violation of any laws, the garage was built in 1962. I spent a lot of time and money looking into a new septic system, it was my intention to make the old garage a restaurant. With all my discussions with different engineers as to what it would take to bring the septic up to restaurant capability none of them ever mentioned anything about a LCC. When Connor emailed me his report April 28th I immediately made contact with him to find out what I should do. Most of the discussions were about LCC and how they are regulated. That's when Connor informed non-residential cesspits that serve less than 20 people a day are not regulated. Even though I believe the system would have a hard time handling 20 people a day because of its age I made sure there was no more than 5 or 6. In his report the girl that runs Jenny's thought the usage was about 10 people a day. From the conversations we had and my emails with pictures of restricted bathrooms and a port-a potty for customers Connor and the regional office must have known I was pursuing compliance by being under 20 people a day. I thought all was good until I received your email November 22nd. I immediately reached out to you and within an hour the bathroom doors were screwed shut and the septic was pumped. Moving faster than humanly possible for Hawaii including Thanksgiving holiday I have backfilled the cesspit within 10 days of your email. Back in April *if I have been given a little guidance* I would've done then what I did today. Duke

Enclosed:

Backfilling final completion report

Receipt for pumping November 22

Receipt fo backfill material and volume

Pictures backfilling





