

From: [Shareem, Jelani](#)
To: [Duke Pontin](#)
Subject: RE: Epa
Date: Thursday, January 27, 2022 8:12:00 AM

Thanks. I will note your statement in the official record.

Regards,

Jelani
415-972-3095

From: Duke Pontin <pontind@icloud.com>
Sent: Thursday, January 27, 2022 8:01 AM
To: Shareem, Jelani <Shareem.Jelani@epa.gov>
Subject: Re: Epa

Your email of January 19, 2022 states “our conclusion that the cesspool had the capacity to serve 20 or more persons in a single day prior to closure.” Our conclusion, that must mean our opinion because you certainly don't have any data, facts, evidence or witnesses to prove the cesspool had any capacity. If the EPA proceed with this malicious prosecution based on an opinion and zero evidence I will use my remedy and file a malicious prosecution at the proper time. I want this on record prior to any legal action so the EPA has been warned there is no reasonable grounds to support this case and not to abuse the legal process.

To drive the point home: just how do you plan to convince a Federal Judge that you're not wasting his time and you can prove the *capacity of the cesspool* in contradiction of the final sentence of the report. The number of customers Jenny's serves has nothing to do with the capacity of the hole in the ground!

On Jan 25, 2022, at 4:24 AM, Shareem, Jelani <Shareem.Jelani@epa.gov> wrote:

Ok, I will send an invite with a call-in number.

Thanks,

Jelani

From: Duke Pontin <pontind@icloud.com>
Sent: Monday, January 24, 2022 9:01 PM
To: Shareem, Jelani <Shareem.Jelani@epa.gov>
Subject: Re: Epa

I can do noon HST

Sent from my iPhone

On Jan 24, 2022, at 5:26 AM, Shareem, Jelani <Shareem.Jelani@epa.gov> wrote:

Understood.

Would it be possible to schedule a meeting on Wednesday January 26, 2022 at 1:00 pm HST (3:00 pm PST) to discuss?

From: Duke Pontin <pontind@icloud.com>
Sent: Monday, January 24, 2022 7:14 AM
To: Shareem, Jelani <Shareem.Jelani@epa.gov>
Subject: Re: Epa

Providing a dollar amount to the EPA for the sole purpose to just make them go away goes against the principles of this country.

On Jan 19, 2022, at 12:48 PM, Shareem, Jelani <Shareem.Jelani@epa.gov> wrote:

Dear Duke,

Thank you for your response to EPA's opening offer for settlement. EPA has determined that the property, located at 66-532 Kamehameha Highway, Haleiwa, HI 96712 (Tax Map Key: 1-6-2-007-019), had a large capacity cesspool. Large Capacity Cesspools are classified as residential cesspools that serve multiple dwellings or non-residential cesspools that have the capacity to serve 20 or more persons per day. EPA has considered the points in your response and they do not alter our conclusion that the

cesspool had the capacity to serve 20 or more persons in a single day prior to closure. EPA will be pursuing penalties in this matter. Please provide a reasonable counter-offer by close of business on January 31, 2022, if you wish to engage in settlement discussions to resolve this matter. Should you choose not to provide a reasonable counter-offer, EPA will consider filing an administrative complaint for up to a maximum penalty of \$313,448.00.

I look forward to hearing from you.

Regards,
Jelani
414-972-3095

From: Duke Pontin <pontind@icloud.com>
Sent: Monday, January 10, 2022 10:18 AM
To: Shareem, Jelani <Shareem.Jelani@epa.gov>
Subject: Epa

My reply to the December 15 settlement phone call.
The US government wants to extort \$50,000 from a US citizen because I might maybe possibly potentially be in violation of the SDWA. I own property with a 60 yr old cesspit, the EPA claims it has the volume cubic measurement size space room capacity of potentially serving more than 20 people a day. EPA website "determining the potential usage of a non-residential cesspool is highly fact specific and must be done on a case by case basis." The EPA arrogantly thinks this was accomplished by having 2 EPA agents on the property for 21 minutes. The report was so thorough they listed the wrong address and stated they arrived 11:20 PM. and exited 11:41PM. What they observed and put in the report was there were no customers at Jenny's Shrimp Truck and that one of the restrooms was unlocked by someone from the building. They're only witness an employee of Jenny's Shrimp Truck "estimated up to 10 individuals may use the restrooms in a day."
EPA website "for non-residential cesspools capacity is determined by design and construction of the cesspool."
"CAPACITY the amount something can produce, NOT who uses it! What the report did not say was that they witnessed 20 people using the restrooms. What was not evaluate in the 21 minutes was the soil type around the cesspit (brown clay) and that the pit does not leach because it is 60 years old. This cesspit did not have the capacity for 20 people a day! The EPA does not know the capacity of this cesspit!

Final sentence of the report, "at the time of the inspection it *appears* that the wastewater generated on site

was *potentially* being discharged to a LCC. Additional follow up will be needed. Emphasis added

The EPA inspector who wrote the report used the words *appears* and *potentially*, he did not conclude there was a violation but stated “additional follow up will be needed.” I therefore offer \$0.