

**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 9**

<b>IN THE MATTER OF:</b>	)	<b>DECLARATION OF JELANI</b>
	)	<b>SHAREEM</b>
<b>NSHE HI Narcissus, LLC,</b>	)	
	)	
	)	Docket No. UIC-09-2022-0058
<b>Respondent.</b>	)	
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1. Since 2013, I have been employed as a Large Capacity Cesspool (LCC) Inspector and Enforcement Officer in the Safe Drinking Water Act (SDWA) Section of the Enforcement and Compliance Assurance Division (ECAD) at the U.S. Environmental Protection Agency (EPA), Region 9, in San Francisco, California. I continue to work for EPA in this capacity.
2. As an LCC Inspector and Enforcement Officer, my duties include targeting facilities for inspections, conducting inspections, post inspection follow-up, and initiating enforcement if an LCC violation is identified.
3. In the fall of 2019, I became ECAD’s principal Enforcement Officer responsible for targeting facilities in the state of Hawaii for LCC inspections and potential SDWA enforcement actions.
4. Targeting a facility for an inspection typically includes researching geographic information systems and property databases in order to locate evidence indicating that a facility is served by an LCC. If my targeting shows that a facility may be served by an LCC, I recommend to ECAD management that a future inspection be scheduled to gather more information about the facility.
5. In February 2021, I began reviewing available information on properties in Haleiwa, Hawaii because the town of Haleiwa is known for having a high concentration of cesspools that are recognized by the State of Hawaii as being Priority Level 1 for replacement because they

have a high potential to impact human health and the environment. As part of my inspection targeting, I reviewed: 1) City and County of Honolulu (CCH) sewer maps; 2) County Assessor Tax Maps and Hawaii's Department of Commerce and Consumer Affairs business registration website; 3) the State of Hawaii, Department of Health (HDOH) individual wastewater system (IWS) extract from February 2021; 4) geographic imagery via Google Maps; and 5) EPA's R9iWells database for inventoried Class V Injection Wells, which includes large capacity septic systems.

6. My targeting research revealed that:

- 1) The CCH operated sewer system did not appear to extend service to a property located at 66-532 Kamehameha Highway in Haleiwa, HI (Tax Map Key: 1-6-2-007-019) (hereafter, "Property").
- 2) The County Assessor Tax Maps showed that the Property is owned by NSHE HI Narcissus, LLC and the Department of Commerce and Consumer Affairs business registration website showed that Duke Pontin was listed as the managing member of NSHE HI Narcissus, LLC.
- 3) The February 2021 HDOH IWS extract did not have any records on the type of wastewater system(s) that serve the Property.
- 4) Aerial imagery from Google Maps showed that a mid-size commercial building is located on the Property. Street view images available on Google Maps showed that the building appeared to contain an art gallery. A July 2019 street view image from Google Maps also showed two food trucks, Jenny's Shrimp Truck, and Island Fresh Takeout, operating in the Property's parking lot. The same street view image also showed restrooms located on the side of the building that is opposite Jenny's Shrimp Truck.

- 5) There was no record that NSHE HI Narcissus, LLC had submitted any inventory information to the R9iWells database regarding the operation of any Class V Injection Wells at the Property.
7. Based on the information I had gathered and my experience as an LCC Inspector, I concluded that the Property may be served by an LCC. I referred the Property to Inspector Connor Adams for inspection to confirm whether the Property had a cesspool with the capacity to serve 20 or more person in a day.
8. Inspector Adams conducted an inspection of the Property on March 2, 2021. (Exhibit 1, EPA Inspection Report from March 4, 2021, "Inspection Report"). Based on Inspector Adams observations, which are documented in his inspection report, Inspector Adams and I determined that the Property is served by an LCC.
9. In or about April 2021, Inspector Adams emailed a copy of EPA's signed inspection report to Respondent's managing member Duke Pontin. Duke Pontin provided photographs dated April 28, 2021 that showed "Employees Only" signs had been posted on the Property's restroom doors and a portable bathroom had been provided.
10. Inspector Adams departed from EPA Region 9 later in the summer of 2021. I was officially assigned to be the case officer on the NSHE HI Narcissus, LLC enforcement matter in the fall 2021.
11. On November 22, 2021, my manager sent managing member Duke Pontin a Show Cause letter to inform him that EPA had determined that NSHE HI Narcissus, LLC was liable under the SDWA for failing to close the LCC that serves the Property by the April 5, 2005 regulatory deadline or any time afterwards. The same day, Duke Pontin contacted me by telephone to discuss the Show Cause letter and EPA's regulations regarding LCCs. About an hour after our telephone conversation, Duke Pontin emailed me photographs that showed the

Property's restroom doors had been screwed shut and the Property's cesspool had been pumped.

12. Between August and November 2022, I reviewed the Yelp.com webpage for Jenny's Shrimp Truck to begin downloading and archiving additional photographs and evidence showing that the restrooms serviced by the cesspool on the Property were accessible by 20 or more persons in a day. As of this Declaration, the Yelp.com webpage is still active and is available for public viewing at the following address: <https://www.yelp.com/biz/jennys-shrimp-lunch-wagon-haleiwa-2>.
13. Between August and November 2022, I reviewed 745 photographs that have been uploaded by customers of Jenny's Shrimp Truck to the Yelp.com webpage. I identified, downloaded, and saved 20 webpage printouts and photographs that were uploaded to the Yelp.com webpage between May 2018 and June 2020. (*See Exhibit 2, Select Yelp.com Photographs of Jenny's Food Truck*).
14. As seen in the photographs, Jenny's Shrimp Truck served multiple customers on multiple days during that timeframe. I was able to count at least 20 persons from photographs taken on May 3, 7, 10, and 18 of 2018. (*See Ex. 2, pp. 1-10*). Jenny's Shrimp Truck also appears to be a destination for tourists, as there are photographs of tour buses parked on the Property near the food truck. (*See Ex. 2, pp. 11-14*).
15. As seen in the photographs, Jenny's Shrimp Truck has an expansive seating area. I was able to identify at least 19 picnic tables that can seat 6 customers each, meaning the business has sufficient space to seat over one hundred people at the same time. (*See Ex. 2, pp. 15-20*).
16. I also looked at the Yelp.com webpage customer review section for Jenny's Shrimp Truck to verify that customers of Jenny's Shrimp Truck were able to access at least one of the restrooms that serve the Property. Upon typing "restroom" in the Yelp.com reviews search box on October 5, 2022, I found a total of 10 reviews that contain the word "restroom." Of

the 10 total reviews, I identified 7 reviews that were submitted on October 26, 2018, December 25, 2018, January 1, 2019, January 9, 2019, June 28, 2019, July 8, 2019, and December 28, 2019 where customers of Jenny's Shrimp Truck discussed accessing at least one of the restrooms serving the Property. (See Exhibit 3, Select Yelp.com Reviews of Jenny's Food Truck pp. 4-7).

17. Based on the foregoing, I assert that the cesspool on the Property had the capacity to serve 20 or more persons between at least October 4, 2017 and April 28, 2021, and therefore the Property was operating an LCC in violation of the SDWA.

I declare under penalty of perjury that the foregoing is true and correct.

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Jelani Shareem