

Notice of Proposed Administrative Order With Administrative Penalty for Safe Drinking Water Act Violations and Opportunity to Comment in the Matter of the County of Hawaii, Department of Environmental Management

Publication Date: March 2, 2010

Public Comment Closes: April 1, 2010

**In the Matter of the County of Hawaii, Department of Environmental Management
Docket No. UIC- 09-2010-0001**

EPA is authorized under Sections 1423(c) and 1445(a) of the Safe Drinking Water Act (the "Act"), 42 U.S.C. Parts 300h-2(c), 300j-4(a), to issue an order and assess administrative penalties against any person who fails to comply with the requirements of regulations enacted in accordance with Section 1422(c) of the Act, 42 U.S.C. Part 300h-1(c). This action under Section 1423(c) is conducted in accordance with "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits" ("Consolidated Rules"), set forth at 40 C.F.R. Part 22.

In accordance with Section 1423(c)(3)(B) of the Act, 42 U.S.C. § 300h-2(c)(3)(B), and 40 C.F.R. § 22.45(b), EPA is hereby providing public notice of and opportunity to comment on this proposed Administrative Order with Administrative Penalty in the following matter:

In the Matter of: the County of Hawaii, Department of Environmental Management, Docket No. UIC- 09-2010-0001

Complainant: Alexis Strauss, Director, Water Division, U.S. EPA, Region IX, 75 Hawthorne Street, San Francisco, CA 94105

Respondent: County of Hawaii, Department of Environmental Management, 25 Aupuni Street, Hilo, HI 96720.

Description of Business or Activity Conducted by the Respondents: Large capacity cesspools for 27 residential properties on Huali Way and Huali Place, Komohana Heights, Hilo, HI.

Alleged Violations: In the proposed Administrative Order, EPA alleges that Respondents failed to close two large capacity cesspools in violation of the large capacity cesspool ban that took effect on April 5, 2005. 40 C.F.R. § 144.88. The large capacity cesspools were closed in December 2009.

Proposed Order and Penalty: The proposed Administrative Order assesses an administrative penalty of \$40,700.

Date Filed with Regional Hearing Clerk: March 1, 2010

Name, Mailing Address, and Telephone Number of Regional Hearing Clerk:

Steven Armsey
U.S. Environmental Protection Agency, Region IX
75 Hawthorne Street (ORC-1)
San Francisco, CA 94105
(415) 972-3919
r9hearingclerk@epa.gov

Instructions for Submitting Comments:

Please provide the following information along with your comments and submit them in accordance with Part 22: Your full name, mailing address, telephone number, email address, the Docket Number (UIC-09-2010-0001), and a concise statement of the basis for and relevant facts supporting any comment for the case to which you are commenting.

Persons wishing to comment on this case, including comments on the amount or basis of the proposed penalty, are invited to submit a statement to the EPA Regional Administrator, attention of the Regional Hearing Clerk (address above), within 30 days of the date of this public notice.

All comments received within this 30-day period will be considered prior to the issuance of the final order. See 40 C.F.R. § 22.45(b). If the 30th day of the comment period falls on a Saturday, Sunday or federal holiday, the deadline shall be extended to the next business day. See 40 C.F.R. 22.7(a).

For More Information:

Persons wishing to receive a copy of the Consolidated Rules, review the documents filed by the parties in this proceeding, comment upon the proposed order and penalty assessment, or participate in any hearing that may be held, may contact the Regional Hearing Clerk identified above. Please note that the federal regulations are available online at www.gpoaccess.gov/cfr. Unless otherwise noted, the public record for the proceeding is located at the office of the Regional Hearing Clerk (address above) and the file will be open for public inspection during normal business hours.