UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

November 23, 2010

Harry Kaiser/Michele Kaiser
PO Box 1373
Hanalei, HI 96714

Re: Second Notification of Large Capacity Cesspool for Hanalei Inn, 5-5468 Kuhio Hwy, Hanalei (Hawaii), TMK 4-5-5-004-036

Dear Mr. and Ms. Kaiser:

The United States Environmental Protection Agency (EPA) has information that indicates you may be the owner and/or operator of a large capacity cesspool at the above referenced property. **This is EPA's second notification regarding a potential large capacity cesspool on your property.** EPA sent a letter to you dated May 8, 2009 and has received no information regarding your wastewater system to date.

In 1999, EPA promulgated regulations under the Safe Drinking Water Act's Underground Injection Control (UIC) Program, which prohibited the construction of new large capacity cesspools as of April 2000 and required the closure of all existing large capacity cesspools by April 5, 2005 (see 40 C.F.R. § 144.88). **Operation of a large capacity cesspool after that date is a federal violation which may subject you to enforcement and penalties.**

Cesspools allow raw sewage to be discharged into the ground and are a public health and environmental concern. Under federal regulations, a large capacity cesspool (LCC) is a cesspool which serves multiple dwellings, or for non-residential facilities has the capacity to serve 20 or more persons per day. The following information includes criteria that EPA considers when determining if a residential property is a dwelling or a multiple dwelling. A dwelling consists of a room or group of rooms with facilities for living, sleeping, food preparation and eating. A food preparation area contains a sink, stove (or equivalent heating appliance) and refrigerator. Additional information on the impact of large capacity cesspools and EPA's efforts to address this issue can be found at EPA's website:

http://www.epa.gov/region09/hicesspools

Federal regulations require all LCCs to be closed and, where needed, replaced by an alternative type of treatment system. The regulations also require owners of LCCs to notify EPA, even if the LCCs are not currently being used (see 40 C.F.R. § 144.83). **Thus, please complete the enclosed inventory form and submit it to EPA at the address provided below. Additionally, EPA requests that you provide a plan and a schedule for closure.** Your proposed closure schedule should include the dates you anticipate completing the following steps:

- hire a contractor/engineer to design an alternative wastewater system, if needed;
- submit wastewater design plans to Hawaii Department of Health (DOH) for approval;
- begin construction on the wastewater system upgrade;

- complete construction and submit the construction inspection report to DOH;
- receive final approval from DOH to operate the wastewater system;
- close or convert the LCC;
- provide EPA with a copy of DOH correspondence indicating approval for use and a copy of the Backfill Closure Report, if applicable.

Please send the inventory form and proposed closure schedule to EPA at the following address by **December 23, 2010**.

LCC Program Coordinator
US EPA, Ground Water Office (WTR-9)
75 Hawthorne Street
San Francisco, CA 94105

Your compliance with these requests, and your efforts to properly close the LCC in accordance with your proposed schedule, are relevant to EPA's consideration of any potential enforcement action.

If you choose to replace the LCC with an alternative wastewater treatment system, the alternative treatment system must meet the DOH rules and requirements. Closure of the LCC must be performed in compliance with federal and state requirements. Plans for all new or replacement wastewater systems must be submitted to the DOH Wastewater Branch for review and approval prior to construction. For information, contact the Wastewater Branch at (808) 586-4294.

If there is no large capacity cesspool on this property, please provide a description of the wastewater system serving this property, including a sketch showing all wastewater plumbing and the location of the treatment system. This information is requested by **December 23, 2010**.

If you have any questions about this notice or need assistance in completing the inventory form, please contact me at (415) 972-3533 or via email at *r9_lcc_coordinator@epa.gov*.

Sincerely,

Katherine Rao
LCC Program Coordinator

Enclosure (EPA 7520-16)

cc: Sina Pruder, DOH
Chauncey Hew, DOH

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