AUG 0 9 2016

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

CERTIFIED MAIL No. : 7016 1370 0000 2235 2012
RETURN RECEIPT REQUESTED

Mr. Rob Alston, CEO
Access CIG, LLC
6818 Patterson Pass Road, Ste A
Livermore, CA 94550

Re: **Request for Information Pursuant to Section 1445 of the Safe Drinking Water Act (42 USC § 300j-4) – Access Information Protected, Kapolei Record Center (TMK: 1-9-1-032-056)**

Dear Mr. Alston:

On May 6, 2016, the United States Environmental Protection Agency, Region IX (EPA) conducted an inspection at the Access Kapolei Record Center, owned by Access CIG, LLC, to assess the method of wastewater disposal at the facility, pursuant to Section 1445 of the Safe Drinking Water Act (SDWA), 42 U.S.C. § 300j-4. The purpose of the inspection was to determine the facility's compliance with SDWA, Underground Injection Control (UIC) regulations provided in the Code of Federal Regulations (CFR) Title 40, Parts 144 - 148. Specifically, EPA was investigating the facility's potential usage of cesspools for the purposes of subsurface disposal of sanitary wastewaters.

The UIC regulations promulgated by EPA pursuant to SDWA required that all existing large capacity cesspools (LCCs) be closed by April 5, 2005. The UIC regulations define LCCs as residential cesspools that serve multiple dwellings or non-residential cesspools that have the capacity to serve 20 or more persons per day. 40 CFR § 144.81(2). Cesspools allow raw sewage to be discharged into the ground and are a public health and environmental concern, particularly with regard to the threat they pose to underground sources of drinking water (USDWs). Additional information on the impact of large capacity cesspools and EPA's efforts to address these impacts can be found at EPA's website: https://www.epa.gov/uic/cesspools-hawaii.

EPA's inspection was unable to conclusively determine the method of wastewater disposal for this facility. Records from the State of Hawaii, Department of Health, indicate that cesspools may be used on this property. Since the daily number of employees at this facility exceeds twenty persons, and the facility bathrooms are accessible to visitors, cesspools at this facility could be subject to EPA's regulations governing LCCs. Therefore, EPA requires a written

response to this correspondence which formally seeks information related to the facility's wastewater infrastructure.

The SDWA provides EPA with the authority to request information for the purpose of determining compliance with the SDWA and its UIC regulations. Section 1445 of the SDWA, 42 U.S.C. § 300j-4, and 40 C.F.R. § 144.17. As follow-up to the inspection, EPA hereby requires Access CIG, LLC, to provide the following information concerning wastewater treatment and disposal at the Access Kapolei Record Center, 91-238 Kauhi Street, Kapolei, HI 96707 (the "Subject Property"):

1. A narrative description of the nature and physical characteristics of the wastewater treatment and disposal system which provides service to the Subject Property. The description must include specifics such as the depth, width and volume of all subsurface units/systems (including any associated pipes and tanks); and the material, nature and porosity of the lining, floor and roof/cap/ceiling of the unit (including any associated tanks). Indicate the source of the information, and provide a engineering schematics and/or drawings for the system described.

2. For each subsurface wastewater disposal unit/system identified in response to Request #1, a description of how the unit/system operates to treat and/or dispose of wastewater and whether or not it is currently in use.

3. A map or drawing, made at a minimum 1:10 scale (or some other easily readable scale) of the Subject Property (and surrounding areas if necessary) that clearly identifies the location of each subsurface wastewater disposal unit/system identifed in response to Request #1 and the dwellings, buildings or facilities that are contributing wastewater to those unit(s).

4. Copies of the following existing documents pertaining to the subsurface wastewater disposal units/systems indentified in response to Request #1:

    a. any blueprints or drawings for the unit/system;

    b. all permits issued by any local, state or federal agency for the construction or use of the unit/system; and

    c. any reports and data from any tests that have been performed on or at the unit/system, including, but not limited to, inspection reports, percolation tests, camera and video records, pumping records, and records of installation.

5. A description of each dwelling, building and/or facility that contributes sewage or wastewater to each subsurface wastewater disposal unit/system identified in response to Request #1, and any copies of site plans or as-built drawings for each one.

6. A description of the ownership and operational control of the Subject Property, including, but not limited to, the percentage ownership of each owner, the nature of operational control for each operator, and the contact information for all owners and operators or managers of the Subject Property. Provide copies of any/all documents which support the ownership and/or operational control of the Subject Property, including, but not limited to, leases, sales agreement, management agreements, operator agreements, etc.

7. A description of the ownership and operational control of the subsurface wastewater disposal unit(s) identified in response to Request #1 (*e.g.,* ownership by a homeowners association). If the subsurface wastewater disposal unit/system is located off the Subject Property (*e.g.*, located on an easement located on an adjacent property), provide information regarding this arrangement.

8. For each subsurface wastewater disposal unit/system identified in response to Request #1, an identification and/or description of the following: the type of business or activity operated on the Subject Property that contributes wastewater to that unit, along with a description of the nature of the wastewater (e.g. sewage, rinse water, etc.).

All submittals made in response to this letter must be accompanied by the following certification, which is to be signed by a duly authorized representative of Access CIG, LLC, in accordance with 40 CFR §§144.32(b) and (d):

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Your response to this information request must submit by **September 30, 2016** to the following address:

Mr. Aaron Setran
USEPA, Region IX
SDWA/FIFRA Enforcement Office (ENF 3-3)
75 Hawthorne Street
San Francisco, CA 94105

In lieu of submitting the requested response by mail, you may submit your response as portable document files ("pdf"), including the signed certification, via electronic mail to Mr. Setran at setran.aaron@epa.gov.

Please be advised that failure to submit the information requested pursuant to Section 1445(a) of the SDWA, 42 U.S.C. § 300j-4(a), and 40 CFR §144.17 may subject you to an enforcement action by EPA and may result in significant monetary penalties. Penalties imposed in civil judicial actions under Section 1423(b) of the SDWA, 42 U.S.C. 300h-2(b), as modified by the 2008 Civil Monetary Penalty Inflation Adjustment Rule, can be as much as $37,500 per day per violation. In addition, pursuant to Section 1423(c) of the SDWA, EPA may issue an administrative order assessing a civil penalty of not more than $16,000 for each day of violation, up to a maximum penalty of $187,500. EPA may use the information provided in response to this letter in administrative, civil, or criminal proceedings. EPA reserves its rights to pursue an enforcement action for any past, present, or future violation, including injection without authorization by rule or permit. This letter addresses only federal UIC legal requirements and states no position regarding compliance with other applicable laws.

EPA has promulgated regulations to protect the confidentiality of business information it receives. These regulations are set forth in 40 CFR Part 2, Subpart B. A claim of business confidentiality may be asserted in the manner specified in 40 CFR §2.203(b) for part or all of the information requested in this letter. EPA will disclose business information covered by such a claim only to the extent authorized by 40 CFR Part 2, Subpart B. If no business confidentiality claim accompanies the information when EPA receives it, EPA may make it available to the public without further notice. You may not withhold any information from EPA on the grounds that it is confidential business information.

This request for information is not subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act because it is not an "information collection request" within the meaning of 44 U.S.C. §§ 3502(4) & (11), 3507, 3512, and 3518. Furthermore, it is exempt from OMB review under the Paperwork Reduction Act because it is directed to fewer than ten persons. 44 U.S.C. §3502(4), (11); 5 C.F.R. §1320.5(a).

Thank you for your attention to this matter. Please feel free to contact Mr. Setran at (415) 972-3457 or setran.aaron@epa.gov with any questions and/or concerns.

Sincerely,

Scott Wilkerson
for

Roberto Rodriguez, Manager
SDWA/FIFRA Enforcement Office

cc: Sina Pruder, HDOH, Wastewater Branch
Norris Uehara, HDOH, Safe Drinking Water Branch