

**Notice of Proposed Settlement of Safe Drinking Water Act
Administrative Penalty and Opportunity to Comment in the
Matter of Lee Paterson and Karen Jue Paterson, dba Hula Daddy
Kona Coffee**

Publication Date: January 4, 2012

Public Comment Closes: February 3, 2012

**In the Matter of Lee Paterson and Karen Jue Paterson, dba Hula
Daddy Kona Coffee
Docket No. UIC- 09-2012-0001**

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 the "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.

Lee Paterson and Karen Jue Paterson, doing business as Hula Daddy Kona Coffee, ("Respondents") agree to the issuance of this Consent Agreement and proposed Final Order ("settlement"). 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 settlement in the following matter:

**In the Matter of: Lee Paterson and Karen Jue Paterson, dba Hula Daddy
Kona Coffee, Docket No. UIC-09-2012-0001**

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

Respondent: Lee Paterson and Karen Jue Paterson, dba Hula Daddy Kona
Coffee, 74-4944 Mamalahoa Highway, Holualoa, Hawai'i.

Description of Business or Activity Conducted by the Respondents: Coffee
production, sales and visitor center.

Alleged Violations: In the Consent Agreement, EPA alleges that Respondents constructed and operated a large capacity cesspool in violation of the large capacity cesspool ban that took effect on April 5, 2000. 40 C.F.R. § 144.88. The large capacity cesspool was closed in December 2010.

Proposed Order and Administrative Penalty: \$13,200.

Date Filed with Regional Hearing Clerk: December 19, 2012

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

Bryan K. Goodwin, Regional Hearing Clerk
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-09-2012-0001), 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.