

US EPA ARCHIVE DOCUMENT

**Notice of proposed Settlement of Safe Drinking Water Act
Administrative Penalty and Opportunity to Comment in Matter of
Costco, Inc.**

Publication Date: May 30, 2006

Public Comment Closes: June 29, 2006

**In the Matter of Costco Wholesale Corporation,
Docket No. UIC-9-2006-0002**

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 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, Issuance of Compliance or Corrective Action Orders, and the Revocation, Termination or Suspension of Permits" ("Consolidated Rules"), set forth at 40 C.F.R. Part 22.

Costco Wholesale Corporation ("Respondent") agrees 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. Parts 300h-2(c)(3)(B), EPA is hereby providing public notice of and opportunity to comment on this proposed settlement, recorded in a Consent Agreement and proposed Final Order in the following matter:

In the Matter of: Costco Wholesale Corporation, Kailua-Kona, HI, Docket No. UIC-9-2006-0002.

Complainant: Alexis Strauss, Director, Water Division, U.S. EPA, Region 9, 75 Hawthorne Street, San Francisco, CA 94105

Respondent: Costco Wholesale Corporation, Kailua-Kona, HI

Description of Business or Activity Conducted by the Respondent:
Wholesale warehouse

Alleged Violation: Costco Wholesale Corporation ("Costco") is allowed to engage in underground injection pursuant to the Underground Injection Control Regulations of 40 C.F.R. Parts 124, 144, 145, 146, 147 and 148. In the consent agreement, EPA alleges that Costco failed to close its three large capacity cesspools and is in violation of the large cesspool ban that took effect on April 5, 2005.

Proposed Settlement Penalty: \$75,000

Date Filed with Regional Hearing Clerk: May 25, 2006

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

Danielle Carr, U.S. Environmental Protection Agency, Region 9, 75 Hawthorne Street, ORC-1, San Francisco, CA 94105, (415) 972-3871, r9hearingclerk@epa.gov. 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-9-2006-0002), 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 in the issuance of the final order. 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). In order to provide opportunity for public comment and in accordance with 40 C.F.R. 22.45(b), EPA will not take final action in this proceeding prior to forty (40) days after issuance of this notice.

For More Information:

Persons wishing to receive a copy of Part 22, review the documents filed by the parties in this proceeding, comment upon the proposed penalty assessment, or participate in any hearing that may be held, should contact the Regional Hearing Clerk identified above. Unless otherwise noted the public record for the proceeding is located in the EPA Regional Office at 75 Hawthorne Street, San Francisco, California 94105, and the file will be open for public inspection during normal business hours.