

# Class V Wells/Safe Drinking Water Act: U.S. Environmental Protection Agency and Hawaiian Convenience Store Operator Enter into Consent Agreement



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The United States Environmental Protection Agency (“EPA”) and Seven-Eleven Hawaii, Inc. (“Seven-Eleven”) entered into an August 10th Consent Agreement and Final Order (“CAFO”) addressing alleged violations of the Underground Injection Code regulations of the Safe Drinking Water Act. See Docket No. UIC-09-2023-0036.

The CAFO provides that Seven-Eleven operates 66 convenience stores in Hawaii.

Fifty-five of those 66 locations (i.e., convenience stores) are stated to utilize a sanitary waste system.

EPA is stated to have investigated three of the convenience stores (referenced as Store Locations). The bathroom in each store location is stated to be serviced by a cesspool.

The CAFO provides that each cesspool at the Store Locations meets the definition of a Large Capacity Cesspool (“LCC”) as that term is defined at 40 C.F.R. § 144.81(2). This definition requires that such LCC had the capacity to serve 20 or more persons per day.

Seven-Eleven is stated to have operated three LCCs at the Store Locations since at least April 5, 2005. It is alleged to have failed to close the LCCs at the Store Locations which constitutes an ongoing violation of 40 C.F.R. § 144.84(b)(2) and 144.88.

The CAFO assesses a civil penalty of \$145,000. It also imposes requirements for the closure of the LLCs at the Store Locations and installation of replacement wastewater systems pursuant to a schedule. In addition, Seven-Eleven agrees to perform a compliance audit of a number of the other convenience stores to identify and close all identified LCCs as required by the CAFO.

Violations reported or otherwise disclosed to EPA and corrected (i.e., cesspool closure) will receive a 100% mitigation of gravity-based penalties. However, they must remit an economic benefit of payment of \$6,607 for each convenience store. Conditions for auditing the referenced convenience stores are outlined in the CAFO.

A copy of the CAFO can be downloaded [here](#).