

Harry Kim
Mayor

Roy Takemoto
Managing Director



William A. Kucharski
Director

Diane A. Noda
Deputy Director

County of Hawai'i

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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January 16, 2020

Via e-mail only

Mr. Jelani Shareem
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Ms. Kate Rao
EPA Region 9 LCC Project Coordinator
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**Subject: Federal Administrative Order of Consent
EPA Docket No. SDWA-UIC-AOC-2017-0002
Pāhala and Nā'ālehu Large Capacity Cesspools
SEMI-ANNUAL REPORT (07/01/19 - 12/31/19)**

Dear Mr. Shareem and Ms. Rao:

The County of Hawai'i Department of Environmental Management is submitting this report in accordance with Section VI, Reporting Requirements, of EPA Docket No. SDWA-UIC-AOC-2017-0002 which requires that Semi-Annual Compliance Reports be submitted to the EPA Region 9 Compliance Officer and EPA Region 9 LCC Project Coordinator twice per year.

As per Item 55 of the Administrative Order of Consent, this report covers the period of July 1, 2019, through December 31, 2019.

Due to the separate facilities and multiple milestones, the report has been submitted in a tabular format for clarity and is provided as **Attachment 1**.

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Should there be any comments or questions on the report please contact Dora Beck, P.E., Wastewater Division Chief, at 808-961-8513 (dora.beck@hawaiicounty.gov) or me at 808-961-8083 (william.kucharski@hawaiicounty.gov).

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 information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, I certify that 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.

Sincerely,



William A. Kucharski
Director

Enclosure: Attachment 1

cc: Harry Kim, Mayor
Roy Takemoto, Managing Director
Diana Mellon-Lacy, Deputy Corporation Counsel
Diane Noda, DEM Deputy Director
Dora Beck, P.E., Wastewater Division Chief
Kimberly Wells, EPA Region 9 Counsel
Sina Pruder, P.E., DOH-WWB
Craig Lekven, P.E., Brown & Caldwell

WK:mef

**ADMINISTRATIVE ORDER OF CONSENT
DOCKET SDWA-UIC-AOC-2017-0002
NĀ'ĀLEHU AND PĀHALA LARGE CAPACITY CESSPOOLS
SEMI-ANNUAL REPORT: July 1, 2019, through December 31, 2019**

Pāhala Elderly Apartments Cesspool Replacement Project				
Compliance Date	Milestone	Current Status	Pending Actions	Comments
September 28, 2018 (Original AOC)	Replace Pāhala Elderly Apartments with one or more Individual Wastewater Systems (IWS's) and close the existing LCC's	<ol style="list-style-type: none"> 1. A septic tank and leach field has been installed and operating. 2. The LCC's have been closed. The backfill completion report was received by the EPA on 6/1/18. 	None.	Complete.

Pāhala Community Cesspool Closure Project				
Compliance Date	Milestone	Current Status	Pending Actions	Comments
August 27, 2017 (Original AOC)	Complete Phase 1 Environmental Site Assessment (ESA) and Preliminary Engineering Report (PER)	<ol style="list-style-type: none"> 1. Phase I ESA and PER were transmitted to EPA on 8/25/17. 	None.	Complete. Phase I ESA indicated that no further assessment is recommended for the proposed WWTP property.
December 15, 2017 (Original AOC)	Hold Initial Public Meeting with Affected Community	<ol style="list-style-type: none"> 1. A follow-up community meeting was held on 3/21/19 to provide information to newly-accessible property owners regarding three potential funding mechanisms to help them connect to the new sewer. 	None.	Complete.

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Pāhala Community Cesspool Closure Project				
Compliance Date	Milestone	Current Status	Pending Actions	Comments
Revised Compliance Dates: 8 months after publication of FEA, backstop date: January 24, 2021 (per EPA letter dated Sep 9, 2019)	Acquire Land for Pāhala Wastewater Treatment Facility	<ol style="list-style-type: none"> 1. Conceptual layout approved by owner 5/25/18. 2. Topographic survey and Preliminary Utility Subdivision Map completed 3/8/19. 3. Re-appraisal for new layout completed 6/6/19. 4. Non-intrusive geophysical study completed 9/30/19, revealed potential lava tubes under site, especially in area slated for lagoons. 5. Planning for geotechnical borings is underway. Geotechnical fieldwork is on hold pending completion of archeological monitoring plan. 6. Draft utility subdivision application for WWTP parcel completed 5/6/19. Formal application submittal on hold pending Final EA/FONSI. 7. Special permit application package in development. Formal application submittal on hold pending Final EA/FONSI. 	<ol style="list-style-type: none"> 1. Preparation of archeological monitoring plan prior to fieldwork. 2. Complete HRS 343 EA and NEPA prior to acquiring land. 3. Utility subdivision for portion to be utilized for WWTP. 4. Acquire land from Kamehameha Schools via friendly condemnation process. 5. Special Permit as per HAR 15-15 AND HRS 205 for construction of WWTP on Agricultural land. 	<ol style="list-style-type: none"> 1. Upon Order of Possession, the County will be able to submit the Special Permit Application. 2. Title will not vest to the County until Final Order of Condemnation.

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Pāhala Community Cesspool Closure Project				
Compliance Date	Milestone	Current Status	Pending Actions	Comments
September 11, 2018 (Original AOC)	Complete Environmental Information Document (EID) and submit to EPA	<ol style="list-style-type: none"> 1. Response letters to public comments were completed 12/2/19. 2. Section 7 informal consultation completed on 2/15/19. 3. Section 106 consultation complete on 10/28/19. SHPD did not respond to EPA request for concurrence within 30 days. 4. Continuing to support completion of Final EA/FONSI per EPA schedule. 	<ol style="list-style-type: none"> 1. Final EA pending 	Complete. (EID to EPA)
Revised compliance dates: Phase 1 within 15 months of completion of historic preservation process, backstop date: June 24, 2021. Phase 2 within 22 months of completion of the historic preservation process, backstop date: January 27, 2022. (both per EPA letter dated Sep 9, 2019)	Complete Design of New Collection System	<ol style="list-style-type: none"> 1. Consultant contract NTP issued on 5/14/19 2. Non-intrusive geophysical study completed 9/30/19, identified potential lava tubes, as expected. 3. Surveyor started obtaining rights of entry to private properties to allow survey of sewer laterals on 11/15/19. 	<ol style="list-style-type: none"> 1. Private lateral inspections and geotechnical on hold pending completion of archeological monitoring plan. 2. Collection system design workshop to be held with County on 1/15/20. 	<ol style="list-style-type: none"> 1. Geotechnical recommendations required for final design.

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Pāhala Community Cesspool Closure Project				
Compliance Date	Milestone	Current Status	Pending Actions	Comments
Revised compliance dates: Within 15 months of completion of historic preservation process, backstop date: September 2, 2021. (per EPA letter dated Sep 9, 2019)	Complete Design of Pāhala Wastewater Treatment Plant (WWTP)	<ol style="list-style-type: none"> 1. 50 percent design submitted on 5/16/19. Design review workshop held on 6/17/19. 2. Non-intrusive geophysical study completed 9/30/19, identified potential lava tubes in lagoon area. 	<ol style="list-style-type: none"> 1. Geotechnical study, including confirmation of lava tubes, effluent disposal percolation testing and seismic design parameters on hold pending completion of archeological monitoring plan 	<ol style="list-style-type: none"> 1. Geotechnical recommendations required for structural design. Percolation test results needed to confirm site has adequate space for effluent disposal.
Revised compliance dates: Within 20 months of WWTP design completion, backstop date: March 9, 2023. (per EPA letter dated Sep 9, 2019)	Complete Construction of Pāhala WWTP	TBD	TBD	<ol style="list-style-type: none"> 1. Pending completion of WWTP design.
Revised compliance dates: Within 650 calendar days of WWTP and Phase 1 collection system design, backstop date: April 18, 2023. (per EPA letter dated 9/9/19)	Connect Existing Collection System to the New Pāhala WWTP and close existing LCC's	TBD	TBD	<ol style="list-style-type: none"> 1. Pending completion of WWTP construction and Collection System Phase 1 design.

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Pāhala Community Cesspool Closure Project				
Compliance Date	Milestone	Current Status	Pending Actions	Comments
Revised compliance dates: Within 19 months of connecting existing collection system and closing LCCs, backstop date: September 15, 2024. (per EPA letter dated Sep 9, 2019)	Replace the Existing Collection System and connect the New Collection System to the New Pāhala WWTP	TBD	TBD	<ol style="list-style-type: none"> 1. Pending completion of Collection System Phase 2 design and WWTP and Collection System Phase 1 construction. 2. Work to include connection of existing properties currently connected to the former C. Brewer system in order to allow abandonment of the existing collection system.
Revised compliance date: In accordance with County Code. (per EPA letter dated Sep 9, 2019)	A minimum of 65 additional properties shall be made accessible to the new collection system, and will be required to connect in accordance with County Code	TBD	TBD	<ol style="list-style-type: none"> 1. Current County Code requires connection within 180 days of official notice. 2. Official notice pending completion of Collection System Phase 2 construction.

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Nā'ālehu Community Cesspool Closure Project				
Compliance Date	Milestone	Current Status	Pending Actions	Comments
January 4, 2018 (Original AOC)	Complete Phase 1 Environmental Site Assessment (ESA)	1. Phase I ESA of TMK 9-5-011:003 and portion of TMK 9-5-012:002 was completed transmitted to EPA on 10/20/17.	None.	Complete.
May 28, 2018 (Original AOC)	Hold Initial Public Meeting with Affected Community	1. Proposed site on TMK 9-5-011:003 and 9-5-012:002 presented to community in sessions held the week of 4/9/2018. Significant opposition to site expressed. 2. New sites evaluated and new preferred site on portions of TMK 9-5-007:016 and 9-5-022:001 presented to the community on 2/26/19. No significant opposition to new site expressed.	None.	Complete.
June 27, 2018 (original AOC)	Acquire Land for Nā'ālehu Wastewater Treatment Facility	1. Appraisal Report completed for TMK 9-5-011:003. 2. Offer was made to owners of property planned for effluent disposal and was accepted by 2 of the owners, however, 2 other owners declined.	1. Acquisition of alternate property for the WWTP and disposal facilities after Final EA and FONSI.	1. Based on community opposition to the proposed site east of Nā'ālehu, a change in ownership of properties and establishment of local property managers, three (3) additional potential sites were investigated. See Revised Compliance Dates below.

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Nā'ālehu Community Cesspool Closure Project				
Compliance Date	Milestone	Current Status	Pending Actions	Comments
October 25, 2018 (Original AOC)	Complete Preliminary Engineering Report (PER)	PER reflecting the new preferred site was transmitted to the EPA on 10/25/18.	None.	Complete.
Revised Compliance Date: November 27, 2018. (per EPA letter dated Jun 22, 2018)	Complete Phase 1 Environmental Site Assessment (ESA)	1. Phase 1 ESA for new target property located SW of the intersection of Hawaii Belt Road & Naalehu Spur Road in Naalehu was transmitted to the EPA on 11/27/18.	None.	Complete.
Revised Compliance Dates: Four months after completion of SHPD's consultation process, backstop date: July 23, 2021. (per EPA letter dated Sep 26, 2019)	Complete Environmental Assessment for Nā'ālehu Wastewater Treatment Plant (WWTP)	<ol style="list-style-type: none"> 1. Preferred site presented to community on 2/26/19. No significant opposition to site expressed. 2. Preconsultation process complete 7/20/19. 17 response letters received. 3. Archeological and flora/fauna studies started on 8/9/19. 4. Draft EA document started on 7/22/19. 5. Transmission system alternatives to the preferred WWTP location are being evaluated. Preliminary findings completed on 11/1/19. 	<ol style="list-style-type: none"> 1. Transmission system alternatives workshop to be held with County on 1/15/20. 2. Section 7 and Section 106 consultation processes. 3. Public meeting during Draft EA comment period. 	<ol style="list-style-type: none"> 1. The length of time needed to complete the Section 106 consultation process is unknown.

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Nā'ālehu Community Cesspool Closure Project				
Compliance Date	Milestone	Current Status	Pending Actions	Comments
Revised Compliance Date of June 1, 2020 (per EPA letter dated Jun 22, 2018)	Acquire Land for Nā'ālehu Wastewater Treatment Facility	1. Large TMK 9-5-007:016 parcel acquired by Ala Kahakai Trail Association 12/16/19 with conservation easement (minus up to 29 ± acres for the proposed wastewater treatment plant site and disposal area).	1. Complete HRS 343 EA and state 6E historic preservation processes. 2. Complete utility subdivision process for WWTP parcel. 3. Obtain Special Permit to allow WWTP in agricultural zone.	1. The EA will need to be completed before final site selection is determined. 2. Geotechnical investigations, including percolation testing, is needed to determine site is adequate for effluent disposal.
June 28, 2020 (Original AOC)	Complete Design of Nā'ālehu Wastewater Treatment Plant (WWTP)	TBD	TBD	1. Boundary survey and geotechnical study on hold pending completion of archeological monitoring plan.
July 21, 2020 (Original AOC)	Complete Design of New Collection System	TBD	TBD	1. The preferred WWTP site requires a Sewage Pump Station as part of the transmission system.
February 28, 2022 (Original AOC)	Complete Construction of the New Nā'ālehu WWTP	TBD	TBD	1. Pending WWTP design completion.

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Nā'ālehu Community Cesspool Closure Project				
Compliance Date	Milestone	Current Status	Pending Actions	Comments
April 17, 2022 (Original AOC)	Connect Existing Wastewater Collection System to the new WWTP and close existing LCC's	TBD	TBD	1. Pending WWTP, Collection System Phase 1 and transmission system construction completion.
September 30, 2022 (Original AOC)	Replace the existing Collection System with a new Collection System and connect to the new Nā'ālehu WWTP	TBD	TBD	1. Pending Completion of Collection System Phase 2 design and WWTP and Collection System Phase 1 construction. 2. Work to include connection of existing properties currently connected to the former C. Brewer system in order to allow abandonment of the existing collection system.

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