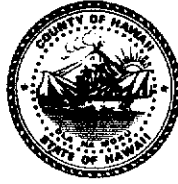


Harry Kim
Mayor



William A. Kucharski
Director

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County of Hawai'i

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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September 13, 2019

Mr. Jelani Shareem
EPA Region 9 Compliance Officer
75 Hawthorne Street
San Francisco, CA 94105-3901
(Via email: shareem.jelani@epa.gov)

Ms. Kate Rao
EPA Region 9 LCC Project Coordinator
75 Hawthorne Street
San Francisco, CA 94105-3901
(Via email: rao.kate@epa.gov)

SUBJECT: Request for Change to Compliance Milestone to Complete the Environmental Assessment for the Nā'ālehu Wastewater Treatment Plant Federal Administrative Order of Consent EPA Docket No. SDWA-UIC-AOC-2017-0002 Nā'ālehu Large Capacity Cesspools (LCCs)

Dear Mr. Shareem and Ms. Rao:

The County of Hawai'i (County) finds it necessary to request a change to the compliance date to complete the environmental assessment (EA) for the Nā'ālehu Wastewater Treatment Plant. The current Administrative Order of Consent (AOC) compliance date is October 5, 2019.

ORIGINAL SITE NOT ACCEPTABLE TO COMMUNITY

The County originally proposed to locate the wastewater treatment plant (WWTP) on Tax Map Key (TMK) (3) 9-5-011:003 and a portion of TMK 9-5-012:002. The AOC compliance dates that were established in June 2017 assumed that the WWTP would be implemented

on this site. A property appraisal and phase 1 environmental site assessment (ESA) were completed for the site, and technical feasibility analyses were initiated. Community feedback regarding the recommended technology and siting was sought in April 2018 via interviews and a series of three evening “talk story” sessions. It was during these outreach activities that the County encountered significant opposition to using the site for wastewater treatment and disposal purposes. The community expressed significant concerns that the facility would be located too close to, and upwind of, the elementary school.

NEW SITE – TECHNICAL FEASIBILITY

In response to the community input, the County took a fresh look at potential sites for the WWTP. In total, 33 possible locations were investigated. In May 2018, the County identified two potential sites within a large privately owned ranch parcel (TMK 9-5-007:016) located south of the town that had not been considered previously. After completing a drainage feasibility study in July 2018 and a geotechnical feasibility investigation in September 2018, it was determined that one of the two sites was technically feasible but would require a significant drainage improvement in order to accommodate effluent disposal by land application. A preliminary engineering report for the site was completed in October 2018 and phase 1 environmental site assessment in November 2018.

PROCUREMENT FEASIBILITY

In July 2018, the Department of Environmental Management became aware that the large TMK 9-5-007:016 parcel was identified for preservation by the County of Hawai‘i Public Access, Open Space and Natural Resources Commission (PONC). The non-profit Ala Kahakai Trail Association intends to purchase and manage the parcel using a grant from the State of Hawai‘i Department of Land and Natural Resources (DLNR) and the proceeds from the sale of a conservation easement on the property from the County of Hawai‘i. Placing a conservation easement on the parcel had the potential to eliminate the development of a WWTP on the property. In July 2018, the County began an inter-departmental process to coordinate excluding a 30-acre portion of the conservation easement for a WWTP. With the support of the County of Hawai‘i PONC, Mayor’s Office, County Council representative, Department of Planning, Office of the Corporation Counsel, Department of Environmental Management, the Ala Kahakai Trail Association, the Trust for Public Land, and the State of Hawai‘i Legacy Land Conservation Commission, the process culminated on January 25, 2019, when the Board of the DLNR approved a grant amendment to allow exclusion of the 30-acre WWTP portion, establishing the site’s procurement feasibility.

SOCIAL FEASIBILITY

Following the establishment of procurement feasibility, the County conducted a public meeting in Nā'ālehu on February 26, 2019, to present the new preferred WWTP site to the community. In general, the community did not raise objections to the new site, establishing its social feasibility.

INITIATION OF THE ENVIRONMENTAL ASSESSMENT (EA) PROCESS

1. **Contracting.** Following the February 26, 2019, community meeting, a proposal was submitted by our consultant Brown and Caldwell to complete an EA for the project, including the new proposed WWTP site, in March 2019, with notice to proceed issued in June 2019.
2. **Preassessment Consultation.** An EA preassessment consultation package was distributed to agencies and individuals starting on June 20, 2019. The recipients were requested to provide written comments within 30 calendar days. The preassessment consultation period ended on July 30, 2019. A total of seventeen comment letters were received, including four from individuals within the community. The State of Hawai'i Department of Health Clean Water Branch Standard Project Comments (dated May 10, 2018) also apply.
3. **Archeology.** The archeological consultant for the project has initiated work on the Archeological Literature Review and Field Inspection (LRFI) report for the project. The LRFI is the first step in a multi-step process to secure State Historic Preservation Division (SHPD) clearances for the project, including the Section 106 consultation process.
4. **Biology.** The biological consultant for the project has initiated work on the flora and fauna studies required for the EA and Section 7 consultation process.

EA WORK PENDING

Work necessary to complete the EA process includes:

- Collection system planning to establish a location for a new sewer pump station and pipelines to transport wastewater to the new preferred WWTP site.
- WWTP planning to investigate the feasibility of producing R-1 water for agricultural stock water use.

- Development of the draft EA document.
- Draft EA publication, community meeting, and 30-day public review period.
- Section 7 and 106 consultation processes and other federal cross-cutter requirements, including development of an archeological inventory survey (AIS) and gaining approval from SHPD.
- Development and publication of the final EA document with an anticipated finding of no significant impact (FONSI).

SECTION 106 CONSULTATION PROCESS

The Section 106 consultation process must be completed before the final EA can be published. The multi-step process includes:

1. Submittal of the draft LRFI for approval by SHPD.
2. Determination by SHPD if an AIS is required. We anticipate that SHPD will require an AIS for the project.
3. Development of an AIS plan for the project and submittal to SHPD for approval.
4. Approval of the AIS plan by SHPD.
5. Execution of the AIS and submittal to SHPD for approval.
6. Approval of the AIS by SHPD.
7. Submittal of a concurrence request letter by the State Department of Health (DOH) to SHPD.
8. Concurrence by SHPD.

Although SHPD is required to respond to submittals within 90 days, review times are currently much longer due to personnel shortages at the agency, and anecdotal information is that review times could be as long as one year. SHPD's review of the Pahala AIS (number 6 above) appears to be coming to its conclusion after approximately six months; however, written comments have not been received as of the date of this request.

FINAL ENVIRONMENTAL ASSESSMENT IMPACT

The County intends to use State Revolving Fund (SRF) loans to fund the project, which requires completion of federal cross-cutter requirements including Section 106. The Section 106 concurrence/consultation process must be completed before a final EA and finding of no significant impact (FONSI) determination can be published. Therefore, the extended SHPD review time will delay completion of the environmental review process. The time required to arrive at the final EA for the project also has significant consequences on the ability of the County to comply with other compliance dates.

Mr. Jelani Shareem
Ms. Kate Rao
September 13, 2019
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REQUEST

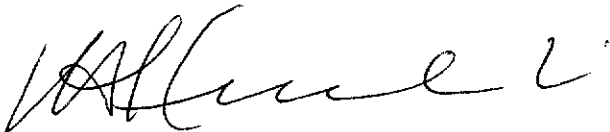
Finding a new WWTP site that the community will accept was a necessary step to ensure the LCCs can be closed in the shortest time possible. However, doing so delayed the initiation of the EA process while the technical, procurement, and social feasibility of the site was established. In view of these constraints upon the County's ability to complete the final EA for the project, the County of Hawai'i Department of Environmental Management formally requests a change to the compliance milestones set forth in the subject AOC. It is requested that the AOC compliance milestone to complete the environmental assessment for Nā'ālehu be extended to the EARLIER of:

- Four months after completion of the Section 106 consultation process, or
- July 23, 2021.

The requested extension assumes the SHPD review time of the AIS is six months from initiation of the Section 106 consultation process.

Please contact Dora Beck at dora.beck@hawaiicounty.gov or me at william.kucharski@hawaiicounty.gov should you have any questions.

Sincerely,



William A. Kucharski
Director

WK/SM:mef