



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION IX  
75 Hawthorne Street  
San Francisco, CA 94105-3901

Via Electronic Mail

Mayor Mitch D. Roth  
Office of the Mayor  
County of Hawai'i  
25 Aupuni Street  
Hilo, HI 96720  
[MitchD.Roth@hawaiicounty.gov](mailto:MitchD.Roth@hawaiicounty.gov)

**Subject: Federal Administrative Order on Consent  
EPA Docket No. SDWA-UIC-AOC-09-2017-0002  
Pāhala Community Large Capacity Cesspools Closure Project  
Notice of Noncompliance**

Dear Mayor Roth:

The purpose of this letter is to notify the County of Hawai'i ("County") of its noncompliance with the above-referenced Administrative Order on Consent ("AOC"). The United States Environmental Protection Agency ("EPA") issued the AOC to the County on June 22, 2017 under Section 1423(c) of the Safe Drinking Water Act ("SDWA"), 42 U.S.C. § 300h-2(c). The County owns and operates five large capacity cesspools ("LCCs") in the communities of Pāhala and Nā'ālehu. EPA and the County voluntarily entered into the AOC for the purpose of bringing the County into compliance with the requirements of the SDWA, 42 U.S.C. § 300f, et seq., and 40 C.F.R. §§ 144.84(b)(2) and 144.88(a)(1), which required owners or operators of existing LCCs to close them no later than April 5, 2005.

Under Paragraph 29(f) of the AOC, the County was required to complete design of the proposed Pāhala Wastewater Treatment Plant ("WWTP") by July 24, 2021. Design of the proposed WWTP was required to be in accordance with good engineering practices and capable of serving all residential properties currently connected to the two LCCs that serve the Pāhala Community, plus a minimum of sixty-five (65) additional properties, to be identified by the County. As defined in Paragraph 29(f), the proposed WWTP design will be considered complete when the County receives approval from the Hawai'i Department of Health ("HDOH") to begin construction of the proposed WWTP.

On July 23, 2021, the County submitted a design package that included WWTP design/build documents and a letter detailing the County's desire to construct a WWTP that uses a mechanical secondary treatment process. Based on review of the information presented in the County's design package, EPA has determined that the County has failed to fully comply with the requirements of Paragraph(f) of the AOC because the County's design plans have not been approved for construction by HDOH. The County's failure to comply with all applicable requirements of Paragraph(f) is a violation of the AOC.

Pursuant to Subsection E of the AOC, EPA may at its discretion, assess stipulated penalties for an unexcused delay in complying with any provision in the AOC. EPA may also elect to pursue judicial remedies to enforce the AOC.

If you have any questions about this letter, please feel free to contact me at (415) 947-4198 or [miller.amy@epa.gov](mailto:miller.amy@epa.gov). Your staff may contact Mr. Jelani Shareem at (415) 972-3095 or via email at [shareem.jelani@epa.gov](mailto:shareem.jelani@epa.gov). Legal questions should be addressed to Ms. Kimberly Wells at (415) 972-3056 or [wells.kimberly@epa.gov](mailto:wells.kimberly@epa.gov).

Sincerely,

Amy C. Miller-Bowen  
Director  
Enforcement and Compliance Assurance Division

cc: Ramzi Mansour, County of Hawai'i, Department of Environmental Management  
Brenda Iokepa-Moses, County of Hawai'i, Department of Environmental Management  
Sina Pruder, Hawai'i Department of Health