



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

JUN 22 2018

Sent via Certified Mail (7015 0640 0001 1121 8199) and Electronic Mail:
Return Receipt Requested

William A. Kucharski, Director
County of Hawai'i
Department of Environmental Management
345 Kekūanāo'a Street, Suite 41
Hilo, HI 96720

**Subject: Federal Administrative Order on Consent
EPA Docket No. SDWA-UIC-AOC-09-2017-0002
Pāhala and Nā'ālehu Large Capacity Cesspools
Request for Extension of Compliance Dates**

Dear Director Kucharski:

On June 14, 2018, the County of Hawai'i Department of Environmental Management (the "County") sent the Environmental Protection Agency, Region 9 ("EPA") a request for extension letter that details the causes of delay in meeting certain compliance provisions included in the Federal Administrative Order on Consent ("AOC") between EPA and the County in relation to the County's Pāhala and Nā'ālehu Large Capacity Cesspool ("LCC") closure projects. Based on the information presented in the letter, EPA is granting the County's request for an extension of the deadlines under the AOC to acquire property for the proposed Pāhala and Nā'ālehu wastewater treatment facilities, and to perform a Phase I Environmental Site Assessment ("ESA") for a newly accessible property in the Nā'ālehu community.

EPA agrees that the circumstances cited in the County's request, such as the County's determination that an Environmental Assessment and/or Environmental Impact Statement must be completed pursuant to Hawai'i Revised Statutes 343 prior to acquiring land for the Nā'ālehu and Pāhala wastewater treatment facilities, and the community response to the current proposed site (Tax Map Key: 3-9-5-011-003) for the proposed Nā'ālehu wastewater treatment facility, are factors that have contributed to the anticipated delay. EPA also acknowledges that the County's efforts to investigate the newly identified property in Nā'ālehu has impacted the County's ability to comply with the AOC milestones. Due to these considerations, EPA has determined that the Pāhala land acquisition milestone listed in Paragraph 29(c) and the Nā'ālehu land acquisition milestone listed in Paragraph 31(c) warrant extensions in accordance with Paragraph 52 of the AOC.

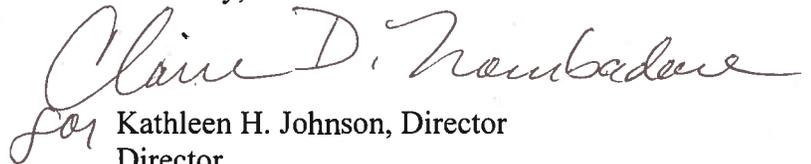
In its request, the County proposes to extend the Pāhala land acquisition deadline of July 5, 2018, to September 10, 2019. The County proposes to extend the Nā'ālehu land acquisition deadline of June 27, 2018, to June 1, 2020. Given the circumstances that have contributed to the anticipated delays, EPA finds that the proposed dates allow for a reasonable timeframe for the County to complete the necessary measures for compliance, and is therefore granting extensions of the requirements in Paragraphs 29(c) and 31(c) of the AOC that the County acquire land for the Pāhala and Nā'ālehu wastewater treatment facilities. In accordance with the dates proposed in the County's request for an extension, EPA expects that acquisition of land for the Pāhala and Nā'ālehu wastewater treatment facilities will be completed by **September 10, 2019**, and **June 1, 2020**, respectively.

Regarding the County's request that EPA extend the Phase 1 Environmental Site Assessment milestone deadline for Nā'ālehu, EPA notes that the County initially complied with Paragraph 31(a) of the AOC by completing a Phase 1 Environmental Site Assessment of property being considered for the Nā'ālehu Wastewater Treatment Facility (Tax Map Key 3-9-5-011-003), by January 4, 2018. EPA agrees, however, that in order to address the community concerns voiced during the Nā'ālehu community outreach sessions, it is appropriate for the County to investigate a newly identified land parcel to determine whether it might be a suitable location for the proposed Nā'ālehu Wastewater Treatment Facility. Recognizing that a Phase 1 Environmental Site Assessment is a preliminary measure that needs to be taken to determine if the newly identified land parcel can support the proposed Nā'ālehu Wastewater Treatment Facility, EPA approves the County's request for additional time to conduct a Phase 1 Environmental Site Assessment for the newly identified property by the proposed date of **November 27, 2018**.

Please note that the granting of the extensions for land acquisition and the approval of additional time to complete a Phase 1 Environmental Site Assessment for the newly identified property in Nā'ālehu is based on EPA's understanding that all other Compliance Provisions listed in the AOC can be met, including closure of the Pāhala and Nā'ālehu community Large Capacity Cesspools by **June 30, 2021**, and **April 17, 2022**, respectively. In addition, all terms and conditions of the AOC, including the requested extensions, shall remain enforceable by EPA.

If you have any questions about this letter, please feel free to contact Mr. Jelani Shareem at (415) 972-3095 or via email at shareem.jelani@epa.gov. Legal questions should be addressed to Ms. Tessa Berman at (415) 972-3472 or berman.tessa@epa.gov.

Sincerely,



for Kathleen H. Johnson, Director
Director
Enforcement Division
U.S. EPA Region IX