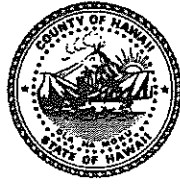


Harry Kim
Mayor

Wil Okabe
Managing Director



William A. Kucharski
Director

Diane A. Noda
Deputy Director

County of Hawai'i

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

345 Kekūanāo'a Street, Suite 41 · Hilo, Hawai'i 96720

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July 1, 2019

Via email only

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

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

**SUBJECT: Federal Administrative Order of Consent
EPA Docket No. SDWA-UIC-AOC-2017-0002
Pāhala and Nā'ālehu Large Capacity Cesspools
SEMI-ANNUAL REPORT (7/1/19 – 6/30/19)**

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 January 1, 2019, through June 30, 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)**.

Mr. Jelani Shareem
Ms. Kate Rao
July 1, 2019
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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 (email: dora.beck@hawaiicounty.gov) or me at 808-961-8083 (email: 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

Attachment

cc: Mayor Harry Kim
Wilfred M. Okabe, Managing Director
Diana Mellon-Lacy, Corporation Counsel
Diane Noda, DEM Deputy Director
Dora Beck, P.E., Wastewater Division Chief
Tessa Berman, 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: January 1, 2019 through June 30, 2019**

Pāhala Elderly Apartments Cesspool Replacement Project				
Compliance Date	Milestone	Current Status	Pending Actions	Comments
September 28, 2018	Replace Pāhala Elderly Apartments with one or more Individual Wastewater Systems (IWS's) and close the existing LCC's	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	Complete Phase 1 Environmental Site Assessment (ESA) and Preliminary Engineering Report (PER)	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	Hold Initial Public Meeting with Affected Community	1. A follow-up community meeting was held on March 21, 2019 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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NĀ'ĀLEHU AND PĀHALA LARGE CAPACITY CESSPOOLS
SEMI-ANNUAL REPORT: January 1, 2019 through June 30, 2019**

Pāhala Community Cesspool Closure Project				
Compliance Date	Milestone	Current Status	Pending Actions	Comments
Revised Compliance Date of September 10, 2019 via EPA letter dated June 22, 2018	Acquire Land for Pāhala Wastewater Treatment Facility	<ol style="list-style-type: none"> 1. Initial Appraisal Report Completed 3/16/2017. 2. Second Appraisal was completed on 7/19/17 due to concerns with the original appraisal. 3. Conceptual layout approved by owner May 25, 2018 4. Topographic survey and Preliminary Subdivision Map completed 3/8/19. 5. Re-appraisal for new layout completed 6/6/19. 6. Non-intrusive geophysical study started 5/29/19 with completion scheduled for July 2019. 7. Boundary survey and geotechnical fieldwork is on hold pending AIS review/Section 106 consultation completion. 8. Draft utility subdivision application for WWTP parcel has been prepared. Formal application submittal on hold pending Final EA/FONSI. 	<ol style="list-style-type: none"> 1. Complete Section 106 consultation 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 installation of WWTP on Agricultural land. 	<ol style="list-style-type: none"> 1. County and EPA tasks to complete Item 1 of Pending Actions is in progress (see EID milestone below for additional information). 2. Upon Order of Possession, the County will be able to submit the Special Permit Application and file for Final Condemnation.

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Pāhala Community Cesspool Closure Project				
Compliance Date	Milestone	Current Status	Pending Actions	Comments
September 11, 2018	Complete Environmental Information Document (EID) and submit to EPA	<ol style="list-style-type: none"> 1. Response letters to public comments are being prepared per HRS 343. 2. Section 7 informal consultation completed on 2/15/19. 3. Section 106 consultation initiated on 3/13/19. County sent letter to SHPD on 5/3/19 requesting confirmation of estimated timeline. No formal response received as of 6/30/19. 	<ol style="list-style-type: none"> 1. Completion of draft public comment response letters by July 30, 2019. 2. Completion of Section 106 consultation process. 3. Conduct topographic survey of collection system area and geotechnical investigations within APE after Section 106 consultation is complete. 4. Complete Final EA/FONSI 	<ol style="list-style-type: none"> 1. Length of time needed to complete Section 106 consultation process is not known.
Revised compliance date of June 24, 2021 per EPA letter dated May 24, 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 in progress to begin identifying lava tubes. 	<ol style="list-style-type: none"> 1. Survey and geotechnical on hold pending Section 106 completion. 	
September 18, 2019	Complete Design of Pāhala Wastewater Treatment Plant (WWTP)	<ol style="list-style-type: none"> 1. 50% design submittal on 5/16/19. Design review workshop held on 6/17/19. 2. Non-intrusive geophysical study in progress to begin identifying lava tubes. 	<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 Section 106 completion. 	<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.

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Pāhala Community Cesspool Closure Project				
Compliance Date	Milestone	Current Status	Pending Actions	Comments
May 20, 2021	Complete Construction of Pāhala WWTP	TBD	TBD	Pending WWTP Design Completion
June 30, 2021	Connect Existing Collection System to the New Pāhala WWTP and close existing LCC's.	TBD	TBD	Pending WWTP and Collection System Phase 1 Construction Completion
December 16, 2021	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 Collection System Phase 2 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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DOCKET SDWA-UIC-AOC-2017-0002
NĀ'ĀLEHU AND PĀHALA LARGE CAPACITY CESSPOOLS
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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. Phase I ESA indicated that no further assessment is recommended for the proposed WWTP property
May 28, 2018	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 Naalehu 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.	Acquisition of alternate property for the WWTP and disposal facilities after Final EA and FONSI.	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 AND PĀHALA LARGE CAPACITY CESSPOOLS
SEMI-ANNUAL REPORT: January 1, 2019 through June 30, 2019**

Nā'ālehu Community Cesspool Closure Project				
Compliance Date	Milestone	Current Status	Pending Actions	Comments
October 25, 2018	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 of November 27, 2018 via EPA letter dated June 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. No evidence of on-site or off-site recognizable environmental conditions were identified. No further assessment of the target property.
October 5, 2019	Complete Environmental Assessment for Nā'ālehu Wastewater Treatment Plant (WWTP)	1. Preferred site presented to community on 2/26/19. No significant opposition to site expressed. 2. Consultant Contract Award 6/7/19. NTP issued 6/25/19. 3. Preconsultation package sent out to extended mailing list 6/20-24/19. E-mails delayed to match anticipated letter delivery.	1. Archeological and flora/fauna studies. 2. Draft EA. 3. Public meeting during Draft EA comment period. 4. Section 7 and Section 106 consultation processes.	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 via EPA letter dated June 22, 2018	Acquire Land for Naalehu Wastewater Treatment Facility	<ol style="list-style-type: none"> 1. DLNR board approval for purchase of large TMK 9-5-007:016 parcel for conservation easement (minus up to 29 ± acres for the proposed wastewater treatment plant site and disposal area) obtained on 1/25/19. 2. Metes and bounds survey of area for WWTP completed in January 2019. 3. Discussions held with owners of TMKs: (3)9-5-022:001 and (3)9-5-021:015 	1. Closure of sale of TMK 9-5-007:016 for conservation easement delayed until August 2019.	1. The EA will need to be completed before final site selection can be determined.
June 28, 2020	Complete Design of Naalehu Wastewater Treatment Plant (WWTP)	TBD	TBD	Topographic survey and geotechnical study on hold pending Section 106 completion or authorization is received to conduct field work with archeological observation.
July 21, 2020	Complete Design of New Collection System	TBD	Transmission system and alternative collection system options to be evaluated for the Draft EA.	The preferred WWTP site requires a Sewage Pump Station as part of the transmission system.
February 28, 2022	Complete Construction of the New Nā'ālehu WWTP	TBD	TBD	Pending Design Completion

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Nā'ālehu Community Cesspool Closure Project				
Compliance Date	Milestone	Current Status	Pending Actions	Comments
April 17, 2022	Connect Existing Wastewater Collection System to the new WWTP and close existing LCC's	TBD	TBD	Pending WWTP and Collection System Phase 1 construction completion
September 30, 2022	Replace the existing Collection System with a new Collection System and connect to the new Nā'ālehu WWTP	TBD	TBD	<ol style="list-style-type: none"> 1. Pending Completion of Collection System Phase 2 Design 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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