



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

June 1, 2020

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

**Subject: Federal Administrative Order on Consent
EPA Docket No. SDWA-UIC-AOC-09-2017-0002
Nā'ālehu Community Large Capacity Cesspools Closure Project
Approval to Extend the Remaining Nā'ālehu Community Cesspool Closure Project
Compliance Milestones**

Dear Director Kucharski:

On April 29, 2020, the County of Hawai'i Department of Environmental Management (the "County") submitted to the Environmental Protection Agency, Region 9 ("EPA") a request to modify the remaining Nā'ālehu community cesspool closure project compliance provision deadlines, which are set forth in Paragraph 31 (c), and (e) through (j) of 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.

The County explained more time is needed to complete the remaining Nā'ālehu community cesspool closure project compliance provisions because of the length of time required to produce the Final Environmental Assessment ("EA"), which requires investigations and review of historic and cultural analysis by Hawai'i's State Historic Preservation Division ("SHPD"). The County is not able to procure the preferred land parcel for the proposed Nā'ālehu wastewater treatment plant ("WWTP"), conduct the field investigations that are necessary for completing design of the new Collection System and WWTP, or execute the contract to begin the dual phase approach for construction of the WWTP and new Collection System until the EA is complete.

Given the circumstances that have impacted its ability to meet the remaining compliance provision deadlines, EPA agrees with the County that extensions to the Nā'ālehu compliance schedule are appropriate. However, recognizing that the County's proposed schedule is based on an assumed processing time for the completion of the SHPD consultation process and the Final EA, EPA has determined that it is too speculative to grant an extension of the deadlines for the remaining milestones for the timeframe that is being proposed by the County. Instead, EPA proposes to extend all remaining milestones to August 27, 2023. Based on the documentation the County has provided, EPA has determined that this is a reasonable amount of time for the County to complete the EA and identify ways to expediate closure of the LCCs. For the protection of public health and the environment, EPA expects the project to be completed as quickly as possible.

Once the schedule for completion of the EA is known, the County may submit a proposed schedule for the remaining milestones for EPA's consideration. Thus, EPA hereby grants an extension of all remaining Nā'ālehu community cesspool closure project compliance provision milestones, as set forth in Paragraph 31 (c), and (e) through (j) of the AOC to **August 27, 2023**.

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. Kimberly Wells at (415) 972-3056 or wells.kimberly@epa.gov.

Sincerely,

ELIZABETH BERG

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Elizabeth Berg
Assistant Director
Water Enforcement Branch
Enforcement and Compliance Assurance Division