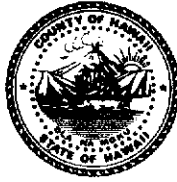


Harry Kim
Mayor

Roy Takemoto
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 8, 2020

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 on Consent
EPA Docket No. SDWA-UIC-AOC-2017-0002
Pāhala and Nā'ālehu Large Capacity Cesspools
SEMI-ANNUAL REPORT (1/1/20 – 6/30/20)**

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 on Consent, this report covers the period of January 1, 2020, through June 30, 2020.

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**.

Should there be any comments or questions on the report please contact Dora Beck, P.E., Wastewater Division Chief, at 808-961-8513 (dora.beck@hawaiicounty.gov) or me at 808-961-8083 (william.kucharski@hawaiicounty.gov).

Mr. Jelani Shareem
Ms. Kate Rao
July 7, 2020
Page 2

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: Harry Kim, Mayor
Roy Takemoto, Managing Director
Diana Mellon-Lacy, Deputy Corporation Counsel
Diane Noda, DEM Deputy Director
Dora Beck, P.E., Wastewater Division Chief
Kimberly Wells, EPA Region 9 Counsel
Sina Pruder, P.E., DOH-WWB
Craig Lekven, P.E., Brown & Caldwell

**ADMINISTRATIVE ORDER OF CONSENT
DOCKET SDWA-UIC-AOC-2017-0002
NĀ'ĀLEHU AND PĀHALA LARGE CAPACITY CESSPOOLS
SEMI-ANNUAL REPORT: January 1, 2020, through June 30, 2020**

Pāhala Elderly Apartments Cesspool Replacement Project				
Compliance Date	Milestone	Current Status	Pending Actions	Comments
September 28, 2018 (Original AOC)	Replace Pāhala Elderly Apartments with one or more Individual Wastewater Systems (IWS's) and close the existing LCC's	<ol style="list-style-type: none"> 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 (Original AOC)	Complete Phase 1 Environmental Site Assessment (ESA) and Preliminary Engineering Report (PER)	<ol style="list-style-type: none"> 1. Phase I ESA and PER were transmitted to EPA on 8/25/17. 	None.	Complete.
December 15, 2017 (Original AOC)	Hold Initial Public Meeting with Affected Community	<ol style="list-style-type: none"> 1. Initial meetings held 12/12/17 through 12/14/17. 2. A newsletter is being prepared to provide the community with project updates. 	None.	Complete.

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NĀ'ĀLEHU AND PĀHALA LARGE CAPACITY CESSPOOLS
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Pāhala Community Cesspool Closure Project				
Compliance Date	Milestone	Current Status	Pending Actions	Comments
Revised Compliance Dates: 8 months after publication of FEA (Nov 8, 2020), backstop date: January 24, 2021 (per EPA letter dated Sep 9, 2019)	Acquire Land for Pāhala Wastewater Treatment Facility	<ol style="list-style-type: none"> 1. Supplemental appraisal of property completed in May 2020. An independent review appraisal was received by County on 6/29/20. 2. Special permit application package in development. Formal application submittal on hold pending property possession by County. 	<ol style="list-style-type: none"> 1. SHPD approval of submitted archeological monitoring plan is required prior to geotechnical fieldwork. Geotechnical study will include lava tube analysis, effluent disposal percolation testing and seismic design parameters. 2. Utility subdivision application submittal on hold pending signature by current property owner. 3. Acquire land from Kamehameha Schools via friendly condemnation process. 4. Special Permit as per HAR 15-15 AND HRS 205 for construction of WWTP on Agricultural land. 	<ol style="list-style-type: none"> 1. Final EA/FONSI required to acquire property. 2. Upon Order of Possession, the County will be able to submit the Special Permit Application. 3. Title will not vest to the County until Final Order of Condemnation. 4. COVID-19 travel restrictions affected ability to appraise property. 5. The need for an independent review appraisal was not anticipated in overall project schedule.

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NĀ'ĀLEHU AND PĀHALA LARGE CAPACITY CESSPOOLS
SEMI-ANNUAL REPORT: January 1, 2020, through June 30, 2020**

Pāhala Community Cesspool Closure Project				
Compliance Date	Milestone	Current Status	Pending Actions	Comments
September 11, 2018 (Original AOC)	Complete Environmental Information Document (EID) and submit to EPA	<ol style="list-style-type: none"> 1. Final EA published on 3/8/20. 2. Lawsuit filed in Federal Court. County served on 6/25/20. 3. No lawsuit filed in State Court. 4. SHPD concurrence with 6E and Section 106 determinations received on 2/20/20, with modifications to draft AIS required. Final AIS submitted to SHPD on 4/24/20 completing the historic preservation process. 5. Draft archeological monitoring plan submitted to SHPD on 5/5/20. 	<ol style="list-style-type: none"> 1. None 	<ol style="list-style-type: none"> 1. Complete.

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NĀ'ĀLEHU AND PĀHALA LARGE CAPACITY CESSPOOLS
SEMI-ANNUAL REPORT: January 1, 2020, through June 30, 2020**

Pāhala Community Cesspool Closure Project				
Compliance Date	Milestone	Current Status	Pending Actions	Comments
Revised compliance dates: Phase 1 within 15 months of completion of historic preservation process (July 24, 2021), backstop date: June 24, 2021. Phase 2 within 22 months of completion of the historic preservation process (February 24, 2022), backstop date: January 27, 2022. (both per EPA letter dated Sep 9, 2019)	Complete Design of New Collection System	<ol style="list-style-type: none"> 1. Surveyor was able to obtain rights of entry and complete survey on all but 29 private properties for which they were not able to gain right of entry. 4. County sent letters to 29 remaining property owners 6/19/20 requesting rights of entry by 07/06/20. 	<ol style="list-style-type: none"> 1. Geotechnical fieldwork on hold pending SHPD approval of draft archeological monitoring plan. 2. Survey to be completed after rights of entry obtained. 3. Collection system design to proceed after survey and geotechnical recommendations are complete. 	<ol style="list-style-type: none"> 1. Geotechnical recommendations required for final design. 2. Private lateral inspections deferred to construction contract. 3. Collection system design and construction to occur in two phases.

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NĀ'ĀLEHU AND PĀHALA LARGE CAPACITY CESSPOOLS
SEMI-ANNUAL REPORT: January 1, 2020, through June 30, 2020**

Pāhala Community Cesspool Closure Project				
Compliance Date	Milestone	Current Status	Pending Actions	Comments
Revised compliance dates: Within 15 months of completion of historic preservation process (July 24, 2021), backstop date: September 2, 2021. (per EPA letter dated Sep 9, 2019)	Complete Design of Pāhala Wastewater Treatment Plant (WWTP)	1. On hold pending SHPD approval of archeological monitoring plan and completion of geotechnical study.	1. Final design after geotechnical study is complete.	1. Geotechnical recommendations required for structural design. Percolation test results needed to confirm site effluent disposal capacity. Confirmation of lava tubes in vicinity of lagoons needed.
EPA grant no. XP16942401-6	Grant expires 10/30/20	1. County submitted request for grant extension to 4/30/24. 2. EPA accepted revised workplan for grant extension request on 6/23/20.	1. EPA approval of grant extension.	
Revised compliance dates: Within 20 months of WWTP design completion, backstop date: March 9, 2023. (per EPA letter dated Sep 9, 2019)	Complete Construction of Pāhala WWTP	TBD	TBD	1. Pending completion of WWTP design and property acquisition.

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NĀ'ĀLEHU AND PĀHALA LARGE CAPACITY CESSPOOLS
SEMI-ANNUAL REPORT: January 1, 2020, through June 30, 2020**

Pāhala Community Cesspool Closure Project				
Compliance Date	Milestone	Current Status	Pending Actions	Comments
Revised compliance dates: Within 650 calendar days of WWTP and Phase 1 collection system design, backstop date: April 18, 2023. (per EPA letter dated 9/9/19)	Connect Existing Collection System to the New Pāhala WWTP and close existing LCC's	TBD	TBD	1. Pending completion of WWTP construction and Collection System Phase 1 design.
Revised compliance dates: Within 19 months of connecting existing collection system and closing LCCs, backstop date: September 15, 2024. (per EPA letter dated Sep 9, 2019)	Replace the Existing Collection System and connect the New Collection System to the New Pāhala WWTP	TBD	TBD	1. Pending completion of Collection System Phase 2 design and WWTP and Collection System Phase 1 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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NĀ'ĀLEHU AND PĀHALA LARGE CAPACITY CESSPOOLS
SEMI-ANNUAL REPORT: January 1, 2020, through June 30, 2020

Pāhala Community Cesspool Closure Project				
Compliance Date	Milestone	Current Status	Pending Actions	Comments
Revised compliance date: In accordance with County Code. (per EPA letter dated Sep 9, 2019)	A minimum of 65 additional properties shall be made accessible to the new collection system, and will be required to connect in accordance with County Code	TBD	TBD	<ol style="list-style-type: none"> 1. Current County Code requires connection within 180 days of official notice. 2. Official notice pending replacement of the existing collection system and connection the new collection system to the new Pāhala WWTP.

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NĀ'ĀLEHU AND PĀHALA LARGE CAPACITY CESSPOOLS
SEMI-ANNUAL REPORT: January 1, 2020, through June 30, 2020**

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.
May 28, 2018 (Original AOC)	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 at that time.	None.	Complete.
June 27, 2018 (original AOC)	Acquire Land for Nā'ālehu Wastewater Treatment Facility	1. Appraisal Report completed for TMK 9-5-011:003. 2. Offer was made to owners of TMK 9-5-011:003. Offer was accepted by 2 of the owners, however, 2 other owners declined. 3. Possible alternate sites identified for facility.	1. Acquisition of alternate property for the WWTP and disposal facilities after Final EA and FONSI.	1. 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 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, 2020, through June 30, 2020**

Nā'ālehu Community Cesspool Closure Project				
Compliance Date	Milestone	Current Status	Pending Actions	Comments
October 25, 2018 (Original AOC)	Complete Preliminary Engineering Report (PER)	1. PER reflecting the new preferred site was transmitted to the EPA on 10/25/18.	None.	Complete.
Revised Compliance Date: November 27, 2018. (per EPA letter dated June 22, 2018)	Complete Phase 1 Environmental Site Assessment (ESA)	1. Phase 1 ESA for new preferred site located SW of the intersection of Hawaii Belt Road & Naalehu Spur Road in Naalehu was transmitted to the EPA on 11/27/18.	1. Phase 1 ESA for potential pump station location on portion of TMK 9-5-008:048.	Complete.
Revised Compliance Date: August 27, 2023. (per EPA letter dated June 1, 2020)	Complete Environmental Assessment for Nā'ālehu Wastewater Treatment Plant (WWTP)	1. Collection and transmission system configuration established on 5/1/20. 2. Two pump station locations, two drainage ditch crossing locations, and two WWTP configuration options to be carried through draft EA. 3. Draft EA in development. 4. Rights of entry to private properties are being secured for completion of field work associated with preparation of the EA.	1. Archaeological literature review to be submitted to SHPD in July 2020 to initiate the 6E and Section 106 consultation processes. 2. Section 7 consultation process. 3. Draft EA publication. 4. Public meeting during Draft EA comment period.	1. The length of time needed to complete the Section 106 consultation process is unknown. 2. COVID-19 may impact in-person public meeting and access to libraries.

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Nā'ālehu Community Cesspool Closure Project				
Compliance Date	Milestone	Current Status	Pending Actions	Comments
Revised Compliance Date: August 27, 2023. (per EPA letter dated June 1, 2020)	Acquire Land for Nā'ālehu Wastewater Treatment Facility	1. A portion of TMK 9-5-021:015 is proposed to accommodate drainage reroute. Impacts to WWTP capacity were evaluated in case the property cannot be procured in a timely manner.	1. Complete HRS 343 EA and state 6E historic preservation processes. 2. Complete utility subdivision process for WWTP parcels after Final EA/FONSI complete. 3. Obtain Special Permit to allow WWTP in agricultural zone after parcels are in County possession.	1. The Final EA/FONSI will need to be completed before final site selection is determined and site is acquired. 2. Geotechnical investigation, including percolation testing, is needed to confirm sites are adequate for effluent disposal.
Revised Compliance Date: August 27, 2023. (per EPA letter dated June 1, 2020)	Complete Design of Nā'ālehu Wastewater Treatment Plant (WWTP)	TBD	TBD	1. Boundary survey and geotechnical study on hold pending SHPD concurrence.

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Nā'ālehu Community Cesspool Closure Project				
Compliance Date	Milestone	Current Status	Pending Actions	Comments
Revised Compliance Date: August 27, 2023. (per EPA letter dated June 1, 2020)	Complete Design of New Collection System	TBD	TBD	<ol style="list-style-type: none"> 1. The preferred WWTP site requires a sewage pump station as part of the transmission system. 2. Collection system will be designed and constructed in two phases.
Revised Compliance Date: August 27, 2023. (per EPA letter dated June 1, 2020)	Complete Construction of the New Nā'ālehu WWTP	TBD	TBD	<ol style="list-style-type: none"> 1. Pending WWTP design and property acquisition.
Revised Compliance Date: August 27, 2023. (per EPA letter dated June 1, 2020)	Connect Existing Wastewater Collection System to the new WWTP and close existing LCC's	TBD	TBD	<ol style="list-style-type: none"> 1. Pending WWTP, Collection System Phase 1 and transmission system construction completion.

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NĀ'ĀLEHU AND PĀHALA LARGE CAPACITY CESSPOOLS
SEMI-ANNUAL REPORT: January 1, 2020, through June 30, 2020**

Nā'ālehu Community Cesspool Closure Project				
Compliance Date	Milestone	Current Status	Pending Actions	Comments
Revised Compliance Date: August 27, 2023. (per EPA letter dated June 1, 2020)	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 and WWTP and Collection System Phase 1 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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