

**ADMINISTRATIVE ORDER ON CONSENT  
DOCKET SDWA-UIC-AOC-2017-0002  
NĀ'ĀLEHU AND PĀHALA LARGE CAPACITY CESSPOOLS  
SEMI-ANNUAL REPORT: January 1, 2021, through June 30, 2021**

<b>Pāhala Elderly Apartments Cesspool Replacement Project</b>				
<b>Compliance Date</b>	<b>Milestone</b>	<b>Current Status</b>	<b>Pending Actions</b>	<b>Comments</b>
September 28, 2018 (Original AOC)	Replace Pāhala Elderly Apartments with one or more Individual Wastewater Systems (IWS's) and close the existing LCCs	<ol style="list-style-type: none"> <li>1. A septic tank and leach field has been installed and operating.</li> <li>2. The LCCs have been closed. The backfill completion report was received by the EPA on 6/1/2018.</li> </ol>	None.	Complete.

<b>Pāhala Community Cesspool Closure Project</b>				
<b>Compliance Date</b>	<b>Milestone</b>	<b>Current Status</b>	<b>Pending Actions</b>	<b>Comments</b>
August 27, 2017 (Original AOC)	Complete Phase 1 Environmental Site Assessment (ESA) and Preliminary Engineering Report (PER)	<ol style="list-style-type: none"> <li>1. Phase I ESA and PER were transmitted to EPA on 8/25/2017.</li> </ol>	None.	Complete.
December 15, 2017 (Original AOC)	Hold Initial Public Meeting with Affected Community	<ol style="list-style-type: none"> <li>1. Initial meetings held 12/12/2017 through 12/14/2017.</li> <li>2. A July 2020 newsletter was published to provide the community with project updates.</li> </ol>	None.	Complete.

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<b>Pāhala Community Cesspool Closure Project</b>				
<b>Compliance Date</b>	<b>Milestone</b>	<b>Current Status</b>	<b>Pending Actions</b>	<b>Comments</b>
Revised Compliance Date: June 28, 2021. (per EPA letter dated Oct 29, 2020)	Acquire Land for Pāhala Wastewater Treatment Facility	<ol style="list-style-type: none"> <li>1. County and landowner reached agreement as to the just compensation for the property.</li> <li>2. On 6/22/21, County filed Ex Parte Motion for an Order Putting County of Hawai'i in Possession of property. Landowner agreed to allow immediate possession.</li> <li>3. On 7/6/21, Judge signed Order Putting County of Hawai'i in Possession.</li> </ol>	<ol style="list-style-type: none"> <li>1. Stipulated judgement being reviewed by landowner.</li> <li>2. Complete and submit Utility subdivision application to subdivide parcel.</li> <li>3. Complete and submit Special Permit application to County Windward Planning Commission.</li> </ol>	

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<b>Pāhala Community Cesspool Closure Project</b>				
<b>Compliance Date</b>	<b>Milestone</b>	<b>Current Status</b>	<b>Pending Actions</b>	<b>Comments</b>
September 11, 2018 (Original AOC)	Complete Environmental Information Document (EID) and submit to EPA		<ol style="list-style-type: none"> <li>1. Revised notice of determination to OEQC for minor changes to project.</li> <li>2. Prepare supplemental memo to OEQC for changing secondary treatment process.</li> </ol>	complete
<p>Revised compliance dates: Phase 1 <del>within 15 months of completion of historic preservation process</del> (July 24, 2021), backstop date: <b>June 24, 2021</b>. Phase 2 <del>within 22 months of completion of the historic preservation process</del> (February 24, 2022), backstop date: <b>January 27, 2022</b>. (both per EPA letter dated Sep 9, 2019)</p>	Complete Design of New Collection System	1. Phase 1 design completed on 06/21/21 and submitted to EPA on 06/21/21.	1. Phase 2 design.	<ol style="list-style-type: none"> <li>1. Private lateral inspections deferred to construction contract.</li> <li>2. Collection system design and construction to occur in two phases.</li> </ol>

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<b>Compliance Date</b>	<b>Milestone</b>	<b>Current Status</b>	<b>Pending Actions</b>	<b>Comments</b>
Revised compliance dates: Within 15 months of completion of historic preservation process ( <b>July 24, 2021</b> ), <del>backstop date: September 2, 2021.</del> (per EPA letter dated Sep 9, 2019)	Complete Design of Pāhala Wastewater Treatment Plant (WWTP)	<ol style="list-style-type: none"> <li>1. Draft Geotechnical finding received. Presence of extensive voids (lava tubes) in area where lagoons were to be located has been confirmed. A network of tubes is suspected throughout all proposed site options.</li> <li>2. Percolation tests indicate the site is feasible for disposal purposes as planned. County to pursue a revised approach of subsurface drip irrigation. Preliminary design in progress to support Design/Build Contractor.</li> <li>3. County to pursue a mechanical treatment plant approach to reduce the risk of the possibility that construction could be delayed or halted because of extensive subsurface voids.</li> <li>4. County to pursue a design/build approach to close the LCCs in the timeliest manner.</li> </ol>	<ol style="list-style-type: none"> <li>1. Prepare Design/Build RFP.</li> <li>2. Award Design/Build Contract</li> </ol>	<ol style="list-style-type: none"> <li>1. Geotechnical fieldwork was delayed for 9 months for archeological monitoring plan approval by SHPD. Lagoon WWTP no longer feasible because of findings of extensive subsurface voids. Thus, County to use the mechanized treatment alternatives discussed in the PER that has a significantly smaller footprint.</li> </ol>

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EPA grant no. XP16942401-6	Grant expires 4/30/24	1. EPA approval of grant extension issued 7/27/20.	None.	
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<b>Pāhala Community Cesspool Closure Project</b>				
<b>Compliance Date</b>	<b>Milestone</b>	<b>Current Status</b>	<b>Pending Actions</b>	<b>Comments</b>
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	1. Design/build approach to be used.	1. Design/build procurement process. 2. Concurrent design and construction by design/build contractor.	
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	1. Design/build approach to be used.	1. Design/build procurement process. 2. Concurrent design and construction by design/build contractor.	1. Work to include connection of existing properties currently served by the former C. Brewer system to allow abandonment of the existing collection system.

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Pāhala Community Cesspool Closure Project				
Compliance Date	Milestone	Current Status	Pending Actions	Comments
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	<ol style="list-style-type: none"> <li>1. Pending completion of Collection System Phase 2 design and WWTP and Collection System Phase 1 construction.</li> <li>2. Work to include connection of existing properties currently served by the former C. Brewer system to allow abandonment of the existing collection system.</li> </ol>
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"> <li>1. Current County Code requires connection within 180 days of official notice.</li> <li>2. Official notice pending accessibility to the new collection system to the new WWTP.</li> </ol>

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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.
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.
Revised Compliance Date: June 1, 2020. (per EPA letter dated June 22, 2018)	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 New Revised Compliance Date below.

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<b>Compliance Date</b>	<b>Milestone</b>	<b>Current Status</b>	<b>Pending Actions</b>	<b>Comments</b>
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. 2. Phase 1 ESA for potential pump station location on portion of TMK 9-5-008:048 is being finalized.	1. Complete Phase 1 ESA for potential pump station location on portion of TMK 9-5-008:048. Final Phase 1 ESA report is pending.	Final Phase 1 Report pending.
Revised Compliance Date: August 27, 2023. (per EPA letter dated June 1, 2020)	Complete Environmental Assessment for Nā'ālehu Wastewater Treatment Plant (WWTP)	1. AIS fieldwork completed 1/8/2021. No significant issues identified. Draft AIS report is in development. 2. Section 106 initiation package developed, DOH holding finalization and distribution pending County decision on project direction. 3. Biological fieldwork completed; no significant issues identified. Report is pending.	1. Draft AIS. 2. Complete biological survey report. 3. 6E and Section 106 consultation processes. 4. Section 7 consultation process. 5. Draft EA publication. 6. Public meeting (or virtual engagement format) planned for 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, fieldwork, and access to libraries.

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Compliance Date	Milestone	Current Status	Pending Actions	Comments
New Revised Compliance Date: August 27, 2023. (per EPA letter dated June 1, 2020)	Acquire Land for Nā'ālehu Wastewater Treatment Facility	TBD	<ol style="list-style-type: none"> <li>1. Complete HRS 343 EA and state 6E historic preservation processes.</li> <li>2. Complete utility subdivision process for WWTP parcels after Final EA/FONSI.</li> <li>3. Obtain Special Permit to allow WWTP in agricultural zone after land acquisition.</li> </ol>	<ol style="list-style-type: none"> <li>1. The Final EA/FONSI will need to be completed before final site selection is determined and site can be acquired.</li> <li>2. Geotechnical investigation, including percolation testing, needed to confirm adequate capacity for effluent disposal.</li> </ol>
Revised Compliance Date: August 27, 2023. (per EPA letter dated June 1, 2020)	Complete Design of Nā'ālehu Wastewater Treatment Plant (WWTP)	County to pursue Design/Build approach similar to Pāhala.	TBD	<ol style="list-style-type: none"> <li>1. Topographic survey and geotechnical study needed for design.</li> </ol>

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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"> <li>1. Due to topography, a sewage pump station and force main will be included in the new collection system.</li> <li>2. The new collection system will be designed and constructed in two phases.</li> </ol>
Revised Compliance Date: August 27, 2023. (per EPA letter dated June 1, 2020)	Complete Construction of the New Nā'ālehu WWTP	County to pursue Design/Build approach similar to Pāhala.	TBD	<ol style="list-style-type: none"> <li>1. Pending completion of WWTP design and property acquisition.</li> </ol>
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"> <li>1. Pending WWTP and Collection System Phase 1 (including required sewage pump station and force main) construction complete.</li> <li>2. Includes connection of adjacent properties (Ph.1) currently served.</li> </ol>

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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"> <li>1. Pending Completion of Collection System Phase 2 design and WWTP and Collection System Phase 1 construction.</li> <li>2. Work to include connection of Phase 2 adjacent existing properties currently served by the former C. Brewer system to allow abandonment of the existing collection system.</li> </ol>

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