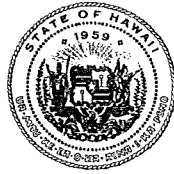


DAVID Y. IGE
GOVERNOR OF HAWAII



BRUCE S. ANDERSON, Ph.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. BOX 3378
HONOLULU, HI 96801-3378

In reply, please refer to:
File:

09005EBT.20

September 9, 2020

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7020 0090 0001 8538 8524

Mr. William Kucharski
Director
Department of Environmental Management
County of Hawaii
345 Kekuanaoa Street, Suite 41
Hilo, Hawaii 96720

Dear Mr. Kucharski:

**Subject: Notice of Apparent Violation (NAV)
Request for Information (RFI)
Wastewater Collection System Condition and Sewage Overflows
County of Hawaii
Island of Hawaii, Hawaii**

You are hereby notified of apparent violations of the Hawaii Revised Statutes (HRS) §342D-50(a), which states that "no person, including any public body, shall discharge any water pollutant into State waters, or cause or allow any water pollutant to enter State waters except as in compliance with this chapter, rules adopted pursuant to this chapter, or a permit or variance issued by the director."

The HRS §342D-1, defines "Water pollutant" to include "dredged spoil, solid refuse, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, soil, sediment, cellar dirt and industrial, municipal, and agricultural waste."

The HRS §342D-1, defines "State waters" to include "all waters, fresh, brackish, or salt, around and within the State, including, but not limited to, coastal waters, streams, rivers, drainage ditches, ponds, reservoirs, canals, ground water, and lakes."

The Hawaii Administrative Rules (HAR) §11-54-4(a)(3), provides in part that "[a]ll waters shall be free of substances attributable to domestic, industrial, or other controllable sources of pollutants, including [s]ubstances in amounts sufficient to produce ... objectionable color, turbidity or other conditions in the receiving waters."

Rec'd 9-16-20 . mef

Under the HRS, Chapter 342D, the DOH is authorized to administer and enforce laws relating to water pollution and wastewater. Under the HRS, §342D-55, the Department of Health, Clean Water Branch (DOH-CWB) may request information, and under that Section, we request the following from you.

Failure to provide this information could subject the discharge to administrative and/or civil penalties pursuant to the HRS §342D-30 and 31, which provide for penalties up to \$25,000 per day for each violation. Further, an individual who knowingly makes any false material statement, representation, or certification in response to this RFI is subject to penalization under HRS §342D-35, which allows for fines of up to \$10,000 and/or imprisonment for up to two years.

POTENTIAL VIOLATIONS:

The Department of Health (DOH), Clean Water Branch (CWB), is notifying you of potential violations with water pollution laws. The potential violations are associated with sewage overflows, more commonly referred to as "spills". The first potential violation is in relation to the sewage spill that occurred on July 11, 2020, along Alli Drive, Kailua-Kona, Hawaii. The second, involves spill reporting at the Hilo wastewater treatment plant.

On July 13, 2020, the DOH-CWB received the County of Hawaii report of the sewage spill that occurred along Alli Drive, Kailua-Kona, Hawaii. In the report, the County of Hawaii reported that the spill was caused by failure of a cast iron force main sewer line. The DOH has concerns that between the age and composition of the force main, future pipe failures are possible. In the Request for Information included in this notice, information about the overall wastewater collection system is requested.

On August 24, 2020, the DOH-CWB received a complaint that the County of Hawaii experienced a sewage spill at the Hilo Wastewater Treatment Plant. While an official report was submitted on April 16, 2020, the complaint alleged that the total volume of sewage spilled was under reported. Further, subsequent complaints allege that additional spills have occurred at the Hilo Wastewater Treatment Plant but that the spills were either not reported or that the total volumes were under reported as well. While the DOH has not made findings of failure to report to date, the DOH is requesting additional information regarding wastewater spills as well as the methodology used to determine the total volume of spills when wastewater spills occur.

REQUEST FOR INFORMATION (RFI):

Under the HRS, Chapter 342D, the DOH-CWB is authorized to administer and enforce laws relating to water pollution and wastewater. Under the HRS §342D-55, the DOH-CWB may request information, and under that Section, we request the following from you.

Failure to provide this information could subject you to penalties beyond those for unlawful discharges pursuant to the HRS §342D-30 and 31, which provide for penalties up to \$25,000 per day for each violation. Further, an individual who knowingly makes any false

material statement, representation, or certification in response to this RFI may be subject to penalization under HRS §342D-35, which allows for fines of up to \$10,000 and /or imprisonment for up to two years.

The DOH-CWB requires the information requested by this letter to assist us in our evaluation of potential violations. Provide all known information regarding each question and its sub-parts. Further instructions regarding the preparation of a response to this RFI are enclosed.

Alii Drive Spill

1. Has the County of Hawaii performed a condition assessment of its wastewater collection system including all force mains, gravity sewer lines, pumps, and any other appurtenances? If so, please provide.
2. Has the County of Hawaii performed a criticality ranking of its wastewater collection system including all force mains, main gravity lines, pumps, and any other appurtenances. If so, please provide.
3. Does the County of Hawaii have a program (i.e. Asset Management, or Capacity, Management, Operation and Maintenance) to manage the integrity of the wastewater collection system or otherwise identify sewer line segments with chronic problems?
4. Are pipes with regular or recurring overflows being monitored for adequate capacity and structural condition?
5. Does the County of Hawaii have a program in place for renewing or replacing severely corroded sewer lines?
6. Are structurally deteriorating pipes being monitored for renewal or replacement?

Spill Response and Reporting

7. Does the County of Hawaii have a documented Spill Response Plan that includes protocols for spill volume estimation and report procedures? If so, please provide.
8. Does the County of Hawaii have standard procedures for estimating spill volumes? If so, please provide.
9. Does the County of Hawaii document and report all spills regardless of size? Please describe the procedure.
10. Does the County of Hawaii have standard procedures for reporting spills? If so, please provide.

Mr. William Kucharski
September 9, 2020
Page 4

09005EBT.20

11. Does the County of Hawaii provide training for key employees on how to respond and report spills? Please describe.
12. Please provide the total number of spills of any volume the County of Hawaii experienced in 2020. Include the cause and responses for each spill in your response.

Within 30 calendar days, submit responses to the RFI items in this letter. Include the reference number located on the upper right-hand corner of the first page of this notice.

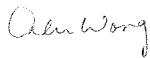
Please submit all requested information within 30 calendar days of this notice to:

Clean Water Branch
Department of Health
2827 Waimano Home Road, Room 225
Pearl City, HI 96782
Telephone: (808) 586-4309

Please be aware that HRS §342D-30, provides for penalties of up to \$25,000 per day for each violation. The DOH-CWB reserves its right to seek penalties for all violations, including those described above or failure to respond adequately to this notice.

Should you have any questions, please contact Mr. Matthew Kurano of the Enforcement Section, CWB, at (808) 586-4309.

Sincerely,



ALEC WONG, P.E., CHIEF
Clean Water Branch

- Enclosures:
1. RFI Instructions
 2. April 15, 2020 Hilo WWTP Spill Report
 3. July 10, 2020 Alii Drive Spill Report

INSTRUCTIONS

1. Please number your responses to correspond to the questions.
2. "Document" and "documents" include all tangible, electronic, and magnetic records of information, such as papers, maps and plans, photos, videos, information stored in computers, on diskettes, and on tapes.
3. If any document is relevant in discussing the same topics, please provide it or a copy.
4. If any document supports your response(s), please provide it or a copy.
5. If any document is a complete response, please provide it or a copy.
6. Label each document to identify which question it responds to.
7. If you later obtain more information or documents that help you answer these questions, provide them also.
8. Please provide the following statement at the end of your response along with your signature and date:

"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 the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, 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 or imprisonment for knowing violations."



WASTEWATER DIVISION

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
108 RAILROAD AVENUE - HILO, HAWAII 96720
(808) 961-8338 - FAX (808) 961-8644

August 24, 2020

DIRECTOR OF HEALTH
STATE DEPARTMENT OF HEALTH
ENVIRONMENTAL MANAGEMENT DIVISION
WASTEWATER BRANCH
2827 Waimano Home Road, #207
Pearl City, HI 96782

Subject: HILO WWTP SEWER SPILL
In-plant Sewage Spill, Hilo, Hawai'i
April 15, 2020: 10:45 AM

This Sewage Spill Report is submitted in accordance with Hawai'i Administrative Rules §11-62, Appendix C, Responses for Wastewater Spill, Overflows, and Discharges ("Spills").

Description of Spill:

1. As indicated in the attached Wastewater Spill Report (see attached APPENDIX E), the operators at Hilo WWTP initially reported 400 gallons of secondary treated effluent from the secondary clarifier scum pit discharged to the ground because the flexible hose disconnected during pumping. Crews were flushing/cleaning the scum pit and discharging it into the septage receiving pit when the hose disconnected. After approximately 4 minutes of pumping, the operator realized that a spill to ground was occurring. Because the spill was reported as 400 gallons, the Superintendent reported the spill to the Wastewater Division (WWD) on Thursday at 4:24 PM.
2. On Friday, April 17, 2020, the WWD Deputy Chief proceeded to gather additional information of the spill event after viewing pictures and a video of the spill event. The additional information gathered included the following:

- WWTP Mechanics first noticed water flowing away from septage receiving pit and traversing along property fence-line (see attached Figure 1); No operators were present so mechanics immediately tracked down and notified operators of the spill; Additional photographs of the spill event (see attached Pictures of Spill).
- A delineation of spill area is shown on a site plan (see attached Figure 1). Based on the plotted measurements, the volume of the spill was calculated to be in the vicinity of 3,403 gallons:

Volume of water around septage receiving station plus road = 1,496 gallons (20' x 40' x 3 inch depth)

Volume of water along Fence = 1,907 gallons (340' x 3' x 3 inch depth)

- Although this represents a standing water volume (ponding), the area (downstream) by the chlorine contact building did not flood. If significantly more spill volume occurred, then this low area would have had an area of ponded water. No one observed any ponding of wastewater in that low lying area.

HILO WWTP SEWER SPILL
In-plant Sewage Spill, Hilo, Hawai'i
April 15, 2020: 10:45 AM

- The pump that was in service was a Gorman Rupp Trash pump rated at 1,000 gpm with a 6-inch discharge hose.
- Although Superintendent reported a spill duration of 3 minutes, it is unknown how long the spill duration occurred. With no operator present when mechanics discovered spill, it is unknown how long the hose was disconnected.

Corrective Actions Taken:

1. The pump was immediately turned off when it was realized that a spill to ground was occurring.
2. The affected area was cleaned and disinfected with sodium hypochlorite.
3. The spill response team will be re-trained to determine the extent of the spill's impact area and to verify the extent of the spill (in this case, it was not verified that the spill did not migrate beyond the property fence or enter into receiving waters).

Comments/Notes:

The Department of Health was not notified of the spill immediately because the volume of spill was initially reported at 400 gallons. The Superintendent notified the WWD Chief and Deputy Chief on Thursday April 16, 2020 at 4:24 PM that a spill occurred at Hilo WWTP (via email). Information gathering began on Friday, April 17, 2020. An email was received from DOH on Tuesday, April 21, 2020 regarding an unreported sewage spill at Hilo (WWTP). A subsequent telephone message was received from DOH on Wednesday, April 22, 2020 regarding a reported spill quantity of 10,000 gallons at the Hilo WWTP.

Should you have any questions on the above; please contact me at 808-961-8513 (dora.beck@hawaiicounty.gov) or you may contact Eric Takamura, Deputy Division Chief at 808-961-8333 (eric.takamura@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 the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, 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.



Dora Beck, P.E.
Wastewater Division Chief

ATTACHMENTS:
Appendix E – Spill Report
Figure 1 – Spill Area
Pictures of Spill (4)

HILO WWTP SEWER SPILL
In-plant Sewage Spill, Hilo, Hawai'i
April 15, 2020: 10:45 AM

Copy: William Kucharski, Director
Eric Takamura, P.E., Wastewater Deputy Division Chief
Raymond Kemp, East Hawai'i Superintendent
Sina Pruder, P.E., DOH-WWB Chief
Sue S. Liu, DOH-WWB Construction and Operations Section

Appendix E
Wastewater Spill and Treatment Plant Bypass or Upset Discharge Report

Location: Hilo WWTP Date: 4/15/2020
 NPDES Permit No. (for WWTP's with Permits: HI0021377
 Reported By: Jason Imamura TA Operations Supervisor Telephone: 808-961-8756 or 808-938-6408
 Report Received By: Ray Kemp, Wastewater Superintendent Time Received: 12:30 pm
 Responding Personnel: Eugene Calnan, Operator, IV and Jason Imamura
 Time Arrived on Scene: 10:48 am Weather Conditions: Fair
 Spill/Bypass Duration: From 4/15/2020, 10:45 am To 4/15/2020 10:48 am
(Date/Time) (Date/Time)

Estimated Volume (Gallons) Discharged: 400

Ground >50, < 1000
gallons
internal to
plant site
 State Waters _____
 Dry Well _____
 Other _____

Description/Cause: Secondary Scum pit was being pumped out with portable pump. Discharge hose was placed down into septage receiving pit. During pumping, hose worked its way out of pit. And released ~400 gal of secondary scum pit water onto ground where it traveled down asphalt inside plant grounds.

Actions Taken: Portable pump was shut off and area was contained, cleaned and disinfected. Draw down of secondary scum pit, as well as liquid trail were measured to determine volume of discharge.

Comments:

Operations was instructed to secure discharge hose by tying it down to further secure it in the future.
This spill was logged into the Non- Public >50 gal. log on our server

Report Completed by (Supervisor with signature/date): *Ray Kemp* 4-22-2020

Sketch of Scene Below (use back of sheet if required)

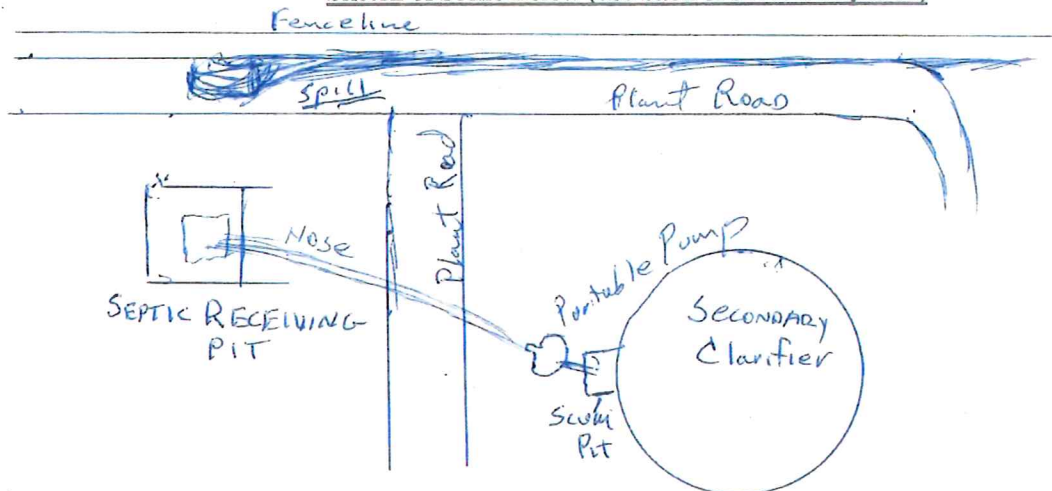


FIGURE 1
SPILL AREA

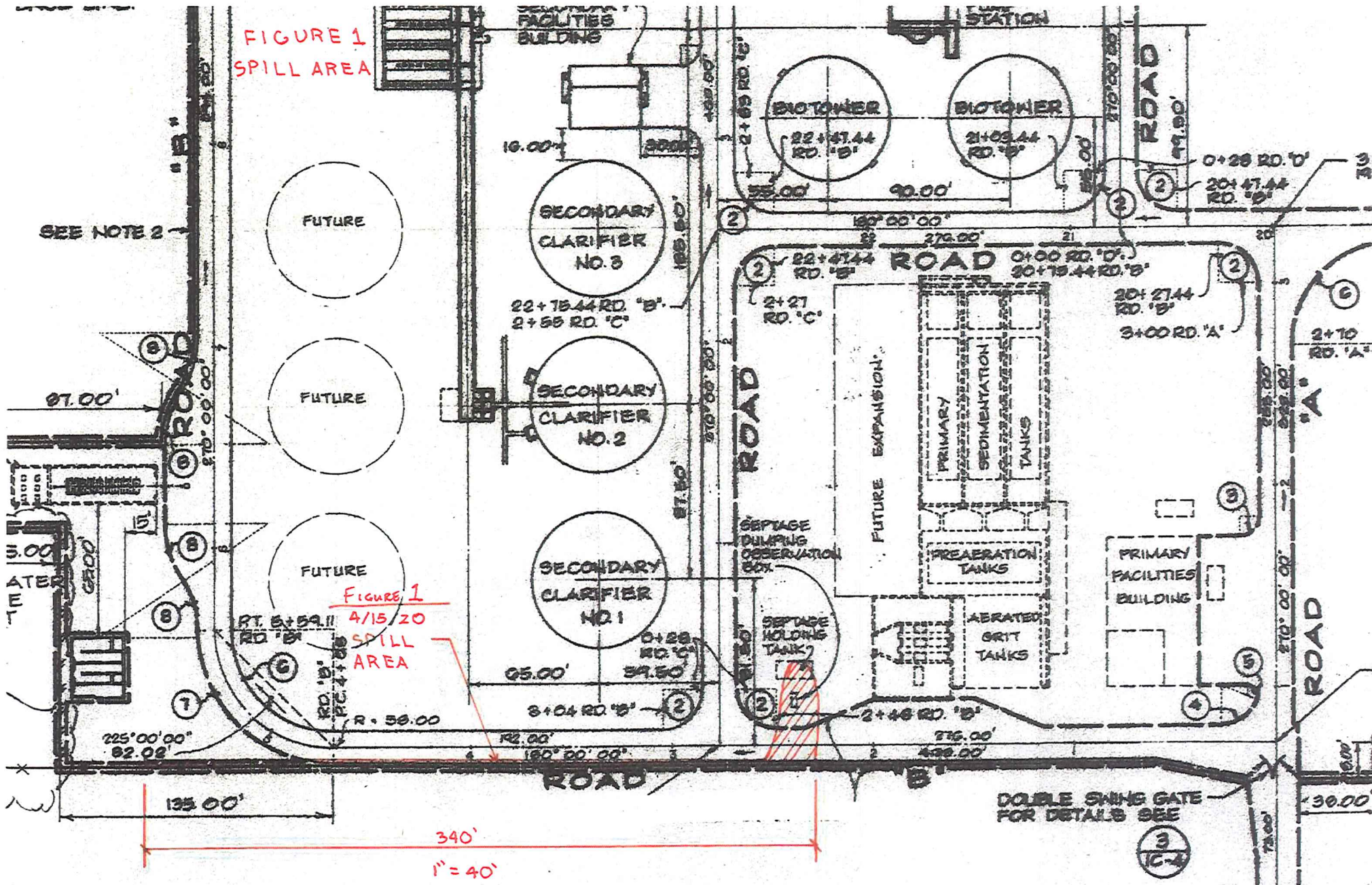


FIGURE 1
4/15/20
SPILL AREA

340'
1" = 40'

DOUBLE SLUICE GATE
FOR DETAILS SEE

3
1C-4









Dept. of Environmental Mgmt.		COUNTY OF HAWAII	Wastewater Division
Subject: WASTEWATER SPILL AND/OR TREATMENT BYPASSES		Procedure No.: ERP-03 Rev. J	
Effective Date: 9/20/13	Supersedes Procedure No./Date: ERP-03 dated 01/15/09		Page: 20 of 31

Appendix E

Wastewater Spill and Treatment Plant Bypass or Upset Discharge Report

Location: KEOPU LIFT STATION Date: 7/11/2020
 NPDES Permit No. (for WWTP's with Permits): _____
 Reported By: KOWENO KAIPU / HPD Telephone: _____
 Report Received By: JOHN SYK LEONG JR Time Received: 0822
 Responding Personnel: JOHN LEONG, LEON WEISER, LEROY ESPANOLA, Tyler Nakano Villa
 Time Arrived on Scene: 0845 Weather Conditions: SUNNY
 Spill/Bypass Duration: From 7/10/2020 / 6:30pm To 7/11/2020 / 8:45am
 (Date/Time) (Date/Time)

Estimated Volume (Gallons) Discharged: 20,000 ^{TDH}

Adam Matthews
 Jaymie Petersen
 Alica DeMillo

Ground _____ X
 State Waters _____ X
 Dry Well _____
 Other _____

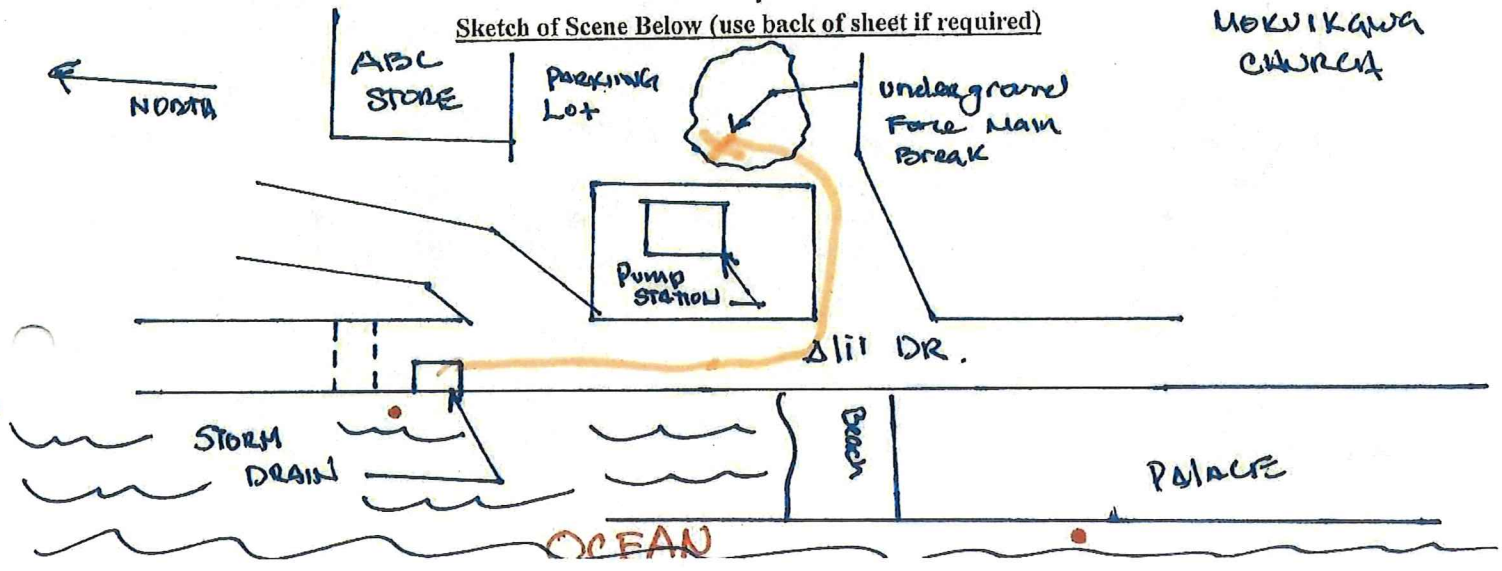
Description/Cause: When Arrived on Scene water was coming out from ground thru asphalt, broken sewer main.

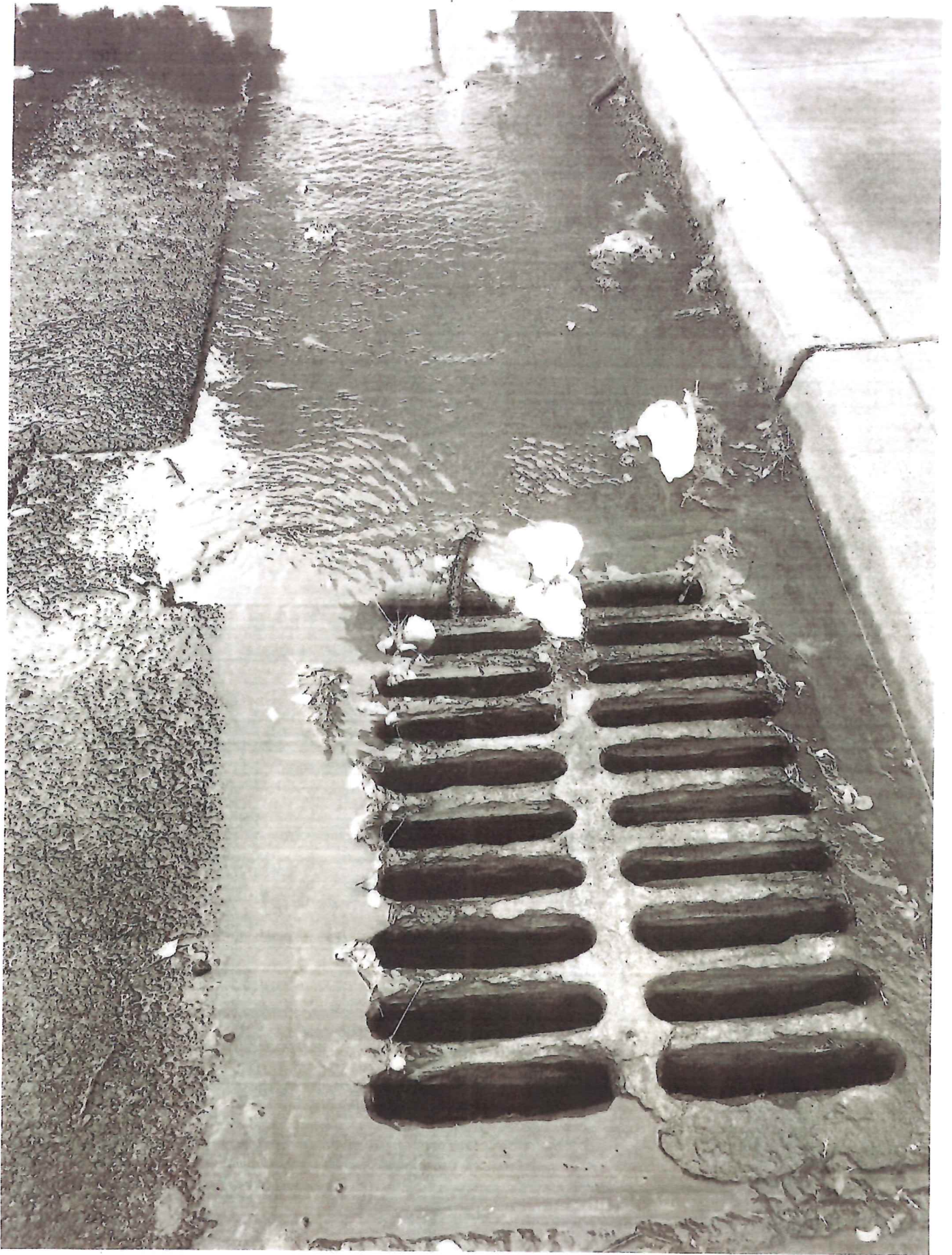
Actions Taken: Pumps at station were turned off and sewage rerouted to Kingman SPS. AREA WASHED, DISINFECTED AGAIN, VACUUM UP STANDING WATER, put up signage, samples were taken.

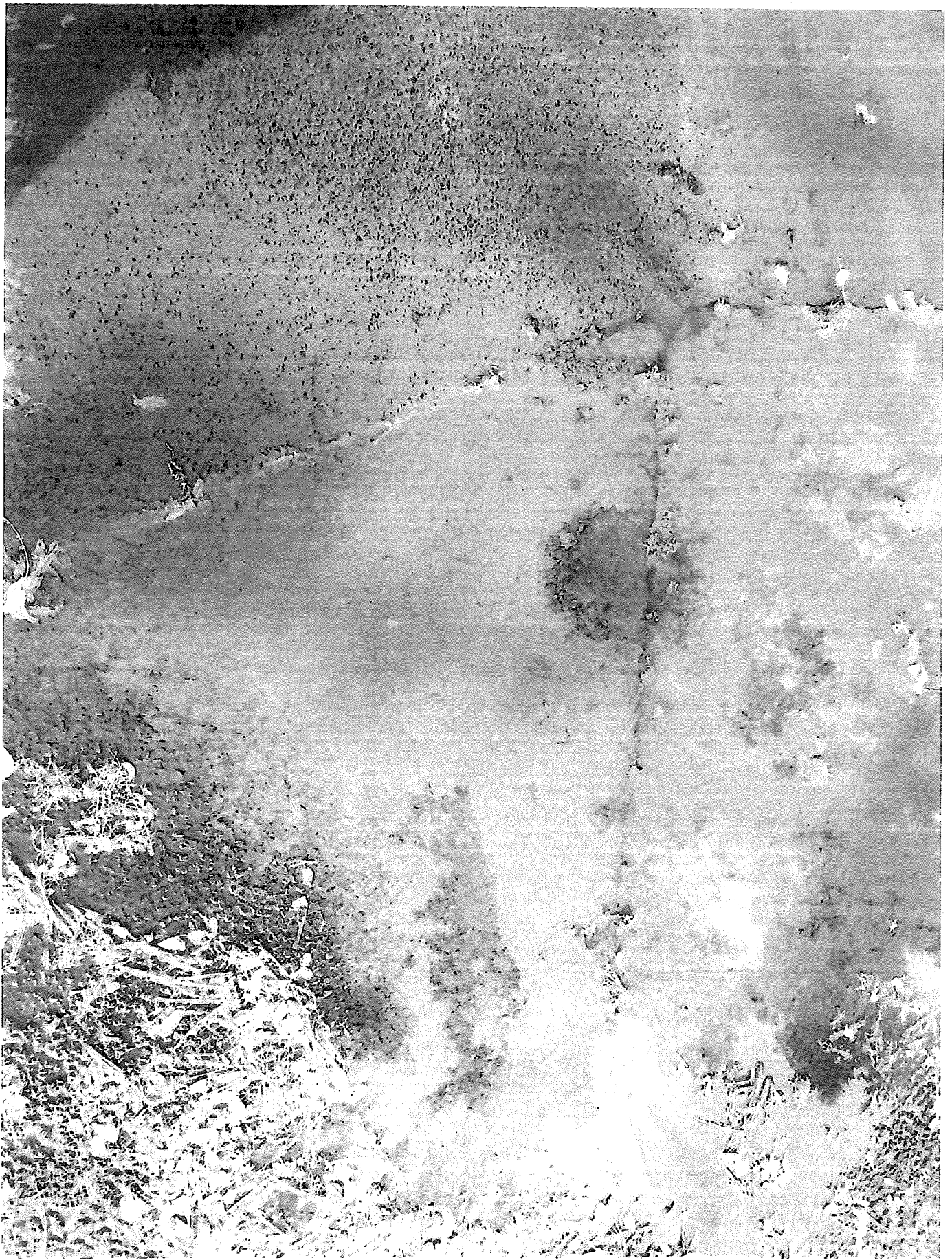
Comments: Orange "X" and line to storm drain indicates sewage flow in diagram below

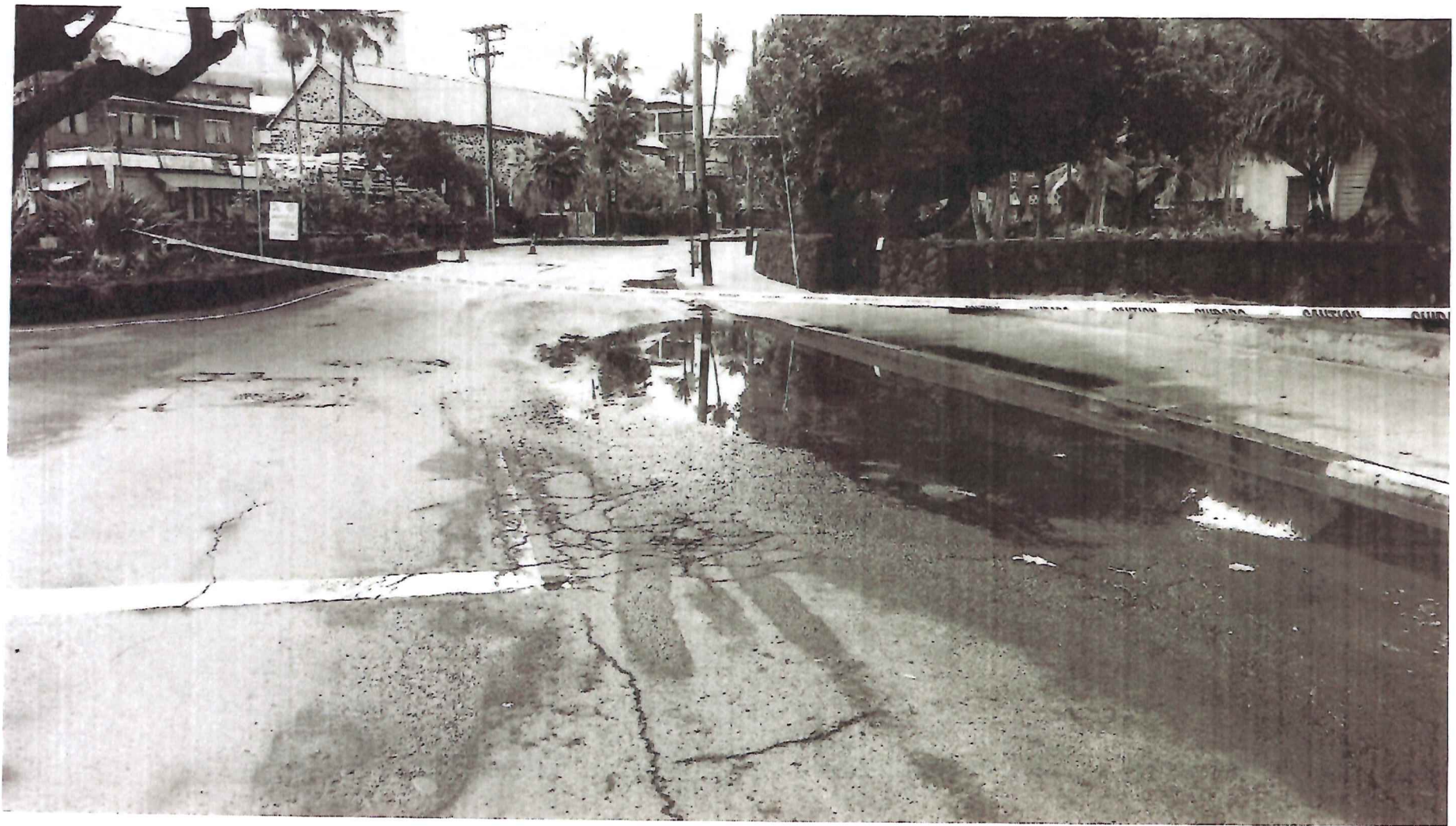
Report Completed by (Supervisor with signature/date): John Syk Leong Jr 7/11/2020

MEKIKAWA CHURCH













Sample Point #3

Sample Point #1

Sewage Flow Path.

Sample Point #4

Sample Point #2

Keopu (Emma) PS

12''

8''

6''

6''

6''

12''

7/11/2020

Keapu Lift Station

75-5817 Alii Dr.

Kailua - Kona, HI 96740

Spill Duration 530 pm to 8:46 am

7/10/2020
7/11/2020

Discharge to Ground and state waters 18,000 Gallons

Got a call from Konrad Kaipo Line crew working supervisor at 0822 am about a spill happening near an ABC Store in Town. John Leong Jr and Leroy Espaniola responded and got to the scene at 0845am. On upon arrival there was visible signs of a spill. After investigating the evidence, the cause of the spill was a force main break as water was bubbling up from the ground through the asphalt and cement patch. The first thing we did was turn off the pumps then take pictures of the area.

Safety measure were taken as the area was closed off by the police department to prevent traffic in both direction. The area was taped off so pedestrian would be blocked off from the contaminated area. Signs were posted to inform swimmer that the waters were contaminated, as I notice the spill was entering into the storm drain that flows into the water. Area was disinfected and washed 3 times and water was sucked up with vacon truck from surface area on road and around facility.

Corrective actions that needs to be taken, repair the broken force main, as of now pump station is off line,

- ABC Store employee stated she saw water coming from parking lot around 5:30pm Friday 7/10/2020 -
- Sewage rerouted @ 845am 7/11/2020 to King Kam SPS
- Approx. 20,000 Gallons of sewage discharged Based on SPS RT from 7/10/2020 (10:28am) thru 7/11/2020 (950am) 3.0 RT hours
- Sample locations ① Storm drain, ② Huleiher Palace front yard, ③ Front of Fish Hopper John S.Y.K. Leong Jr. ④ S.W. Corner of Kailua Pier. All locations marked w/ green paint. Sampling *Enterococci* + *Clostridium perfringens* per DOT CWB until told to stop by CWB.

7/11/2020

John S.Y.K. Leong Jr

Alka Demillo


7/11/2020