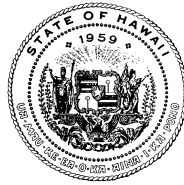


DAVID Y. IGE
GOVERNOR OF HAWAII



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.”

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.

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