

US EPA ARCHIVE DOCUMENT



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

CERTIFIED MAIL No: 7016 1370 0000 0748 7807
RETURN RECEIPT REQUESTED

Mayor Harry Kim
Office of the Mayor
County of Hawai'i
25 Aupuni Street
Hilo, HI 96720

Subject: Federal Administrative Order on Consent
EPA Docket No. SDWA-UIC-AOC-09-2017-0002
Pahala and Naalehu Large Capacity Cesspools
Effective Date: June 22, 2017

Dear Mayor Kim:

Enclosed please find a copy of an Administrative Order on Consent ("Consent Order") issued by the United States Environmental Protection Agency ("EPA") to the County of Hawai'i ("County") pursuant to Section 1423(c) of the Safe Drinking Water Act ("SDWA"), 42 U.S.C. § 300h-2(c). EPA and the County have voluntarily entered into this Consent Order for the purpose of bringing the County into compliance with the requirements of the SDWA, 42 U.S.C. § 300f, *et seq.*

Pursuant to this Consent Order, EPA has determined that the County, as the current owner and/or operator of two (2) Large Capacity Cesspools ("LCCs") that serve approximately 109 private residences in the community of Pahala, two (2) LCCs that serve the Pahala Elderly Apartments, and three (3) LCCs that serve approximately 161 private residences in the community of Naalehu, violated and continues to violate the SDWA and its Underground Injection Control program requirements for existing LCCs. 40 C.F.R. §§ 144.84(b)(2) and 144.88(a)(1).

In accordance with Section 1423(c)(3)(B) of the Act, 42 U.S.C. § 300h-2(c)(3)(B), EPA provided public notice of, and an opportunity to comment on the proposed Consent Order for thirty days, beginning on April 27, 2017. EPA announced the public comment period through a notice published on the EPA Region IX website,¹ and the notice was also publicized in local newspapers and on the County websites, and posted at County Parks & Recreation facilities in the Ka'u District. EPA received and responded to six (6) public comments. Although EPA provided a response to each comment, the comments did not

¹ Available at: <https://www.epa.gov/uic/matter-county-hawaii-docket-no-sdwa-uic-09-2017-0002> (last visited June 8, 2017).

raise issues that require revisions to the Consent Order as it was proposed. EPA's response to comments, and the final Consent Order are included herein.

EPA appreciates your cooperation and looks forward to working together with the County to meet the timeframes set forth within this Consent Order. If you or anyone or your staff have questions concerning this action, please contact Mr. Jelani Shareem of the Enforcement Division by phone at (415) 972-3095 or via email to shareem.jelani@epa.gov. Legal questions should be directed to Ms. Tessa Berman in our Office of Regional Counsel at (415) 972-3472, or via email to berman.tessa@epa.gov.

Sincerely,

Kathleen H. Johnson, Director
Enforcement Division

Enclosures:

1. Administrative Order on Consent
2. EPA Response to Comments

cc: Bill Kurcharski, County of Hawai'i, Department of Environmental Management