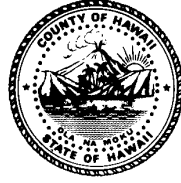


Harry Kim
Mayor

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

Ph: (808) 961-8083 · Fax: (808) 961-8086

Email: cohdem@hawaiicounty.gov

October 12, 2020

Mr. Jelani Shareem
EPA Region 9 Compliance Officer
75 Hawthorne Street
San Francisco, CA 94105-3901
(Via E-mail: shareem.jelani@epa.gov)

Ms. Kate Rao
EPA Region 9 LCC Project Coordinator
75 Hawthorne Street
San Francisco, CA 94105-3901
(Via E-mail: rao.kate@epa.gov)

**SUBJECT: Request for Change to Compliance Milestone for Pāhala
Federal Administrative Order of Consent
EPA Docket No. SDWA-UIC-AOC-2017-0002
Pāhala Large Capacity Cesspools (LCC)**

Dear Mr. Shareem and Ms. Rao:

The County of Hawai'i (County) finds it necessary to request a change to a compliance date for the subject project in accordance with Paragraph V.F.50 of the Administrative Order of Consent (AOC):

1. Compliance Provision V.A.29.c: acquire land for Pāhala Wastewater Treatment Facility (Pāhala WWTP)
 - A. Request: The County requests this Compliance Date be revised to June 28, 2021 (from the previously revised Milestone Due Date, within 8 months of publication of the Final Environmental Assessment with a backstop to be completed no later than January 24, 2021, approved by EPA on September 9, 2019).
 - B. Justification:
 1. A Final Environmental Assessment (EA) was published March 8, 2020, making the new land acquisition milestone due date November 8, 2020.

- a. Representatives from Kamehameha Schools previously provided confirmation (May 28, 2018) that they supported acquisition of a portion of the property for a Wastewater Treatment Plant to serve the community.
- b. The Final EA proposed the Pāhala WWTP on a portion of Tax Map Key (TMK) (3) 9-6-002:018. The property is part of the Bernice Pauahi Bishop Estate Trust (Kamehameha Schools or KS) required to be obtained via eminent domain. Eminent domain proceedings have been significantly delayed due to suspensions and restrictions to minimize spread of COVID-19, beginning with Governor Ige's March 5, 2020 Emergency Proclamation.
 - i. Supplemental Appraisal delayed two months due to inter-island travel restrictions.
 - ii. Unanticipated independent technical desk review, which was conducted to determine whether the Appraisal Report Regarding Agricultural Property complied with Uniform Appraisal Standards for Federal Land Acquisitions, resulted in another month delay.
 - iii. Representatives from KS requested a meeting to discuss terms and provided comments on the resulting Resolution, which is on the October 7, 2020 Council Agenda. A second hearing is anticipated October 21, 2020. The meeting request, coordination and implementation were impacted by effects of COVID-19 mitigations still in effect, resulting in an additional three and a half months delay. The second hearing adds another half month.
 - iv. Once County Council approves the Resolution for Condemnation, DEM corporation counsel will petition for eminent domain. Because of the current COVID-19 situation the length of time needed for the Court to act on this request is difficult to predict, so attempt will also be made to negotiate right-of-entry to commence work with KS.
 - v. After Final Order of Condemnation or ten days after the County receives possession, the Special Permit and Public Utility Subdivision applications can be submitted.
2. Other Compliance Dates, including required closure for the existing Large Capacity Cesspools (LCC's), are unaffected by the requested revision to this Compliance Provision. For purposes of this request, DEM Corporation Counsel will build in language for the Court to accommodate geotechnical testing, probes and borings, submittal of subdivision and permit applications, advertisement, bid, award, and notice to proceed with Pāhala WWTP construction. Other Compliance Dates may be still impacted by other issues, including extended review of the projects' archaeological monitoring plan (AMP) prior to approval for preliminary geotechnical investigation.

- a. Representatives from KS and their lessee, M. L. Macadamia Orchards L.P., indicated they would be amenable to allowing access to the site to conduct borings and subsurface testing needed to finalize design in the interim.

Copies of the following are provided for reference:

1. Exhibit 1: Pāhala Project Schedule, Revision 31, dated September 10, 2020
2. Exhibit 2: Pāhala Connections, dated July 2020, including a Map depicting Pāhala WWTP Site

Finally, an updated description of the sequenced steps required for acquisition of property for Pāhala WWTP is provided below:

1. Determination of public need for the site. (AOC Signed June 22, 2017; Draft EA published September 23, 2018 and re-published November 8, 2018)
2. Initial contact with the property owner to discuss possible acquisition of the property and to obtain permission to enter to determine feasibility of the property for its intended use. (Completed May 28, 2018)
3. Confirm feasibility of the property for its intended use (technical as well as public acceptability). (PER Completed June 2018, revised November 2019)
 - a. Perform an Environmental Site Assessment (ESA) of the property. (Completed July 17, 2017)
 - b. For projects funded by the Clean Water State Revolving Fund (CWSRF); the State of Hawai'i Department of Health (DOH) or U.S. Environmental Protection Agency (EPA) is required to consult with the State Historic Preservation Division (SHPD), Native Hawaiian Organizations (NHO's) and other applicable agencies in accordance with the National Historic Preservation Act, Section 106. (SHPD Concurrence with EPA's determination of "no historic properties affected" dated February 20, 2020)
 - c. Perform an Environmental Assessment (EA) for the project. (Archaeological Monitoring for identification purposes stipulated, State Historic Preservation Division [SHPD] approved AMP required prior to project work commencing; Final EA/FONSI published March 8, 2020)
 - d. Prepare and submit AMP to SHPD. (Completed May 2, 2020)
 - e. SHPD Review and Approval of AMP. (Log # 2020.01018 May 5, 2020, in Progress)
 - i. Required to complete geotechnical investigation, ground penetrometer testing, and final design.
4. Perform a Title Search of the property. (Initially Completed October 2016. Repeated July 30, 2020 for eminent domain proceedings)

5. Perform a survey (Boundary and Topographical) of the property to include a survey map as well as metes and bounds description of the property. (Topographical Survey Completed approximately February 2019, Boundary Survey pending AMP and Final Plat)
6. The currently 42.5-acre property must be subdivided, as only a portion of the property is needed for the Pāhala WWTP Site. A Preliminary Subdivision Map and Legal Description was completed on March 18, 2020.
 - a. Preliminary Subdivision Application (pending Kamehameha Schools signature, Final Order of Condemnation or possession) chronology:
 - i. KS requested County consult with/obtain consent from their tenant on proposed road relocation May 1, 2020 (Completed May 15, 2020);
 - ii. KS attorney requested a review copy of the Preliminary Subdivision Application pre-signature May 9, 2020; and
 - iii. On May 19, 2020 KS representatives reiterated an inquiry into why the County is not taking responsibility or a role in compensating their tenant for lost macadamia trees, stating “They would not be experiencing a loss of future income if it weren’t for the County’s project/condemnation”.
 - iv. On October 7, 2020 KS representative stated it’s unlikely they will sign a subdivision application before the compensation and damages that must be paid to them and their lessee is worked out.
7. Complete Appraisal of the Pāhala WWTP Site and associated easements, including trees. (Second Supplemental Appraisal Report Completed May 20, 2020)
 - a. Conduct a previously unanticipated, independent technical desk review that determined the Appraisal Report Regarding Agricultural Property is compliant with the Uniform Appraisal Standards for Federal Land Acquisitions. (Completed June 29, 2020)
8. After EA challenge period and based on current, valid Appraisal, negotiate terms for acquiring property rights needed with Kamehameha Schools. (Completed September 2, 2020)
9. Allotment of funds for Pāhala WWTP property acquisition. (Completed August 31, 2020)
10. Submit Condemnation Resolution for County Council hearing. (Draft Resolution with revisions specified by KS representatives passed October 7, 2020 first Council hearing. Second hearing anticipated in November.)
 - a. Representatives from KS confirmed September 1, 2020 that they:
 - i. will not be stating objections to the resolution,

- ii. they are reserving all rights and arguments that KS may have with respect to the compensation and damages that should be paid to KS and KS' lessee, and
 - iii. they are not waiving any defenses and arguments that KS may be able to assert in any eminent domain proceeding that may be filed.
- b. Seek agreement with KS regarding the terms of the condemnation or proceed to litigation in accordance with HRS Sections 101-14 and 101-15.
11. Obtain Final Order of Condemnation.
 12. Obtain Special Permit in accordance with HAR §15-15 and HRS §205 for use of Agricultural Lands for a Wastewater Treatment Facility after completion of the EA and stipulated agreement regarding terms of condemnation of land for the Pahala WWTP.
 13. Obtain tentative approval of the preliminary plat.
 14. Obtain title report in the name of the County as owner of the land.
 15. File a final subdivision plat (normally within one year after tentative approval of the preliminary plat but Planning Director may allow extension for good cause).

Please contact Dora Beck at dora.beck@hawaiicounty.gov or me at william.kucharski@hawaiicounty.gov should you have any questions.

Sincerely,



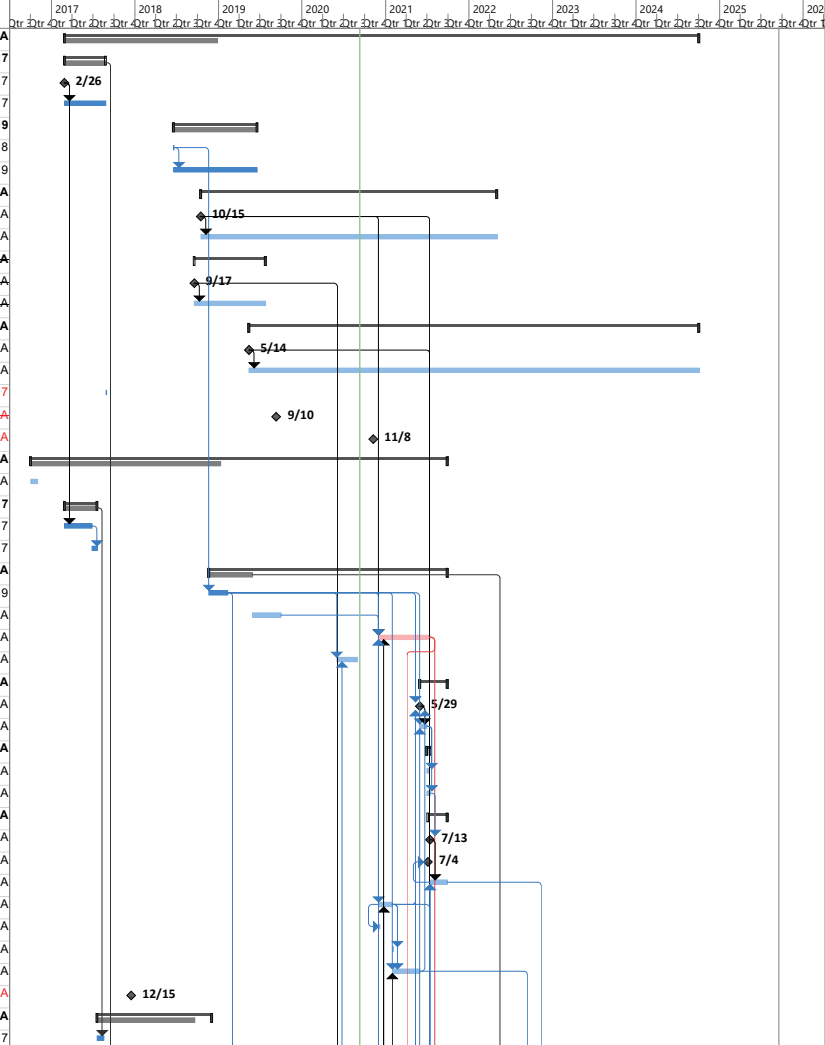
William A. Kucharski
Director

Attachments

cc: Diana Mellon-Lacey, Deputy Corporation Counsel
Dora Beck, P.E., Wastewater Division Chief
Craig Lekven, P.E., Managing Engineer, Brown & Caldwell

Pahala Work Plan - REVISION 31_20200910

ID	Task Name	Duration	Estimated Start	Estimated Finish	Predecessors	Actual Start	Actual Finish	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
1	Consultant Contracts	2775 days	Sun 2/26/17	Tue 10/1/24		Sun 2/26/17	NA										
2	CONTRACT 1 - B&C PER & Phase I ESA	180 days	Sun 2/26/17	Thu 8/24/17		Sun 2/26/17	Thu 8/24/17										
3	Contract 1 NTP	0 days	Sun 2/26/17	Sun 2/26/17		Sun 2/26/17	Sun 2/26/17										
4	Contract 1 Duration	180 days	Sun 2/26/17	Thu 8/24/17	3	Sun 2/26/17	Thu 8/24/17										
5	CONTRACT 2 - B&C NEPA/Outreach/Survey/Program Mgmt	365 days	Mon 6/18/18	Mon 6/17/19		Mon 6/18/18	Mon 6/17/19										
6	Contract 2 NTP	1 day	Mon 6/18/18	Mon 6/18/18		Mon 6/18/18	Mon 6/18/18										
7	Contract 2 Duration	364 days	Mon 6/18/18	Mon 6/17/19	6	Mon 6/18/18	Mon 6/17/19										
8	CONTRACT 3 - B&C WWTP Design/Geotech	1295 days	Mon 10/15/18	Sun 5/1/22		NA	NA										
9	Contract 3 NTP	0 days	Mon 10/15/18	Mon 10/15/18		NA	NA										
10	Contract 3 Duration	1295 days	Mon 10/15/18	Sun 5/1/22	9	NA	NA										
11	CONTRACT 4 - F&A COLLECTION SYSTEM DESIGN - EXG)	344 days	Mon 9/17/18	Wed 7/24/19		NA	NA										
12	Contract 4 Amendment NTP	0 days	Mon 9/17/18	Mon 9/17/18		NA	NA										
13	Contract 4 Duration	344 days	Mon 9/17/18	Wed 7/24/19	42	NA	NA										
14	CONTRACT 5 - F&A Collection System Design Phase 1 and 2	1968 days	Tue 5/14/19	Tue 10/1/24		Tue 5/14/19	NA										
15	Contract 5 NTP	0 days	Tue 5/14/19	Tue 5/14/19		Tue 5/14/19	NA										
16	Contract 5 Duration	1968 days	Tue 5/14/19	Tue 10/1/24	15	NA	NA										
17	COMPLIANCE DATE - PHASE 1 ESA	1 day	Sun 8/27/17	Sun 8/27/17		Sun 8/27/17	Sun 8/27/17										
18	COMPLIANCE DATE - LAND ACQUISITION	0 days	Tue 9/10/19	Tue 9/10/19		NA	NA										
19	REVISED COMPLIANCE DATE - WWTP LAND ACQUISITION	0 days	Sun 11/8/20	Sun 11/8/20		NA	NA										
20	Land Acquisition for WWTP - B C/County	1822 days?	Sat 10/1/16	Sun 9/26/21		Sat 10/1/16	NA										
21	Discuss Land Acquisition with Owner of TMK 9-6-002:018	1 mon	Sat 10/1/16	Sun 10/30/16		NA	NA										
22	Perform Phase 1 ESA Contract 1	142 days	Mon 2/26/17	Mon 7/17/17		Sun 2/26/17	Mon 7/17/17										
23	80% Completion of Phase 1 ESA	4 mons	Sun 2/26/17	Sun 6/25/17	3	Sun 2/26/17	Sun 6/25/17										
24	100% Completion of Phase 1 ESA	22 days	Mon 6/26/17	Mon 7/17/17	23	Mon 6/26/17	Mon 7/17/17										
25	Condemnation of TMK 9-6-002:018 (KSBE)	1043 days?	Mon 11/19/18	Sun 9/26/21		Mon 11/19/18	NA										
26	Topographic and Boundary Survey Contract 2	82 days	Mon 11/19/18	Fri 2/8/19	6	Mon 11/19/18	Fri 2/8/19										
27	Geophysical Study	125 days?	Wed 5/29/19	Mon 9/30/19		NA	NA										
28	Geotechnical Study Contract 2 SA-geophysical Contract 3)	32 wks	Tue 12/1/20	Mon 7/12/21	9,27,89,108,110	NA	NA										
29	Revise Appraisal (County)	3 mons	Mon 6/1/20	Sat 8/29/20	26,110	NA	NA										
30	Special Permit HAR 15-15/HR 205 Contract 2	120 days	Sat 5/29/21	Sun 9/26/21		NA	NA										
31	Order of Possession (Friendly Condemnation)	0 days	Sat 5/29/21	Sat 5/29/21	26,98,40,43	NA	NA										
32	Submit Special Permit Application	30 days	Sun 5/30/21	Mon 6/28/21	26,31,98	NA	NA										
33	Review by Planning Department	15 days	Tue 6/29/21	Tue 7/13/21		NA	NA										
34	Public Notification within 10 days of Receipt	10 days	Tue 6/29/21	Thu 7/8/21	32	NA	NA										
35	Review by Planning Dept.	15 days	Tue 6/29/21	Tue 7/13/21	32	NA	NA										
36	Planning Dept. Submit to Planning Commission	85 days	Sun 7/4/21	Sun 9/26/21		NA	NA										
37	Planning Dept. Submit to Planning Commission	0 days	Tue 7/13/21	Tue 7/13/21	35	NA	NA										
38	Public Notification 10 days Prior to Hearing	0 days	Sun 7/4/21	Sun 7/4/21	39SS-10 days	NA	NA										
39	Planning Commission Hearing	75 days	Wed 7/14/21	Sun 9/26/21	37,110,111	NA	NA										
40	Utility Subdivision for Regd Land - Contract 2	2 mons	Tue 12/1/20	Fri 1/29/21	26,108	NA	NA										
41	Post subdivision sign	5 days	Tue 12/1/20	Sat 12/5/20	40SS	NA	NA										
42	Place boundary markers (after fieldwork OK)	5 days	Sat 1/30/21	Wed 2/3/21	40	NA	NA										
43	Condemnation	4 mons	Sat 1/30/21	Sat 5/29/21	26,40,108	NA	NA										
44	COMPLIANCE DATE - INITIAL PUBLIC MEETINGS	0 days	Fri 12/15/17	Fri 12/15/17		NA	NA										
45	Community Outreach Contract 2	502 days	Tue 7/18/17	Sat 12/1/18		Tue 7/18/17	NA										
46	Initial Consultation with Appropriate Public Officials	1 mon	Tue 7/18/17	Wed 8/16/17	22	Tue 7/18/17	Wed 8/16/17										



Thu 9/10/20

Critical	Split	Finish-only	Baseline Milestone	Manual Summary	Inactive Task
Critical Split	Task Progress	Duration-only	Milestone	Project Summary	Inactive Milestone
Critical Progress	Manual Task	Baseline	Summary Progress	External Tasks	Inactive Summary
Task	Start-only	Baseline Split	Summary	External Milestone	Deadline

EXHIBIT 1

Pahala Work Plan - REVISION 31_20200910

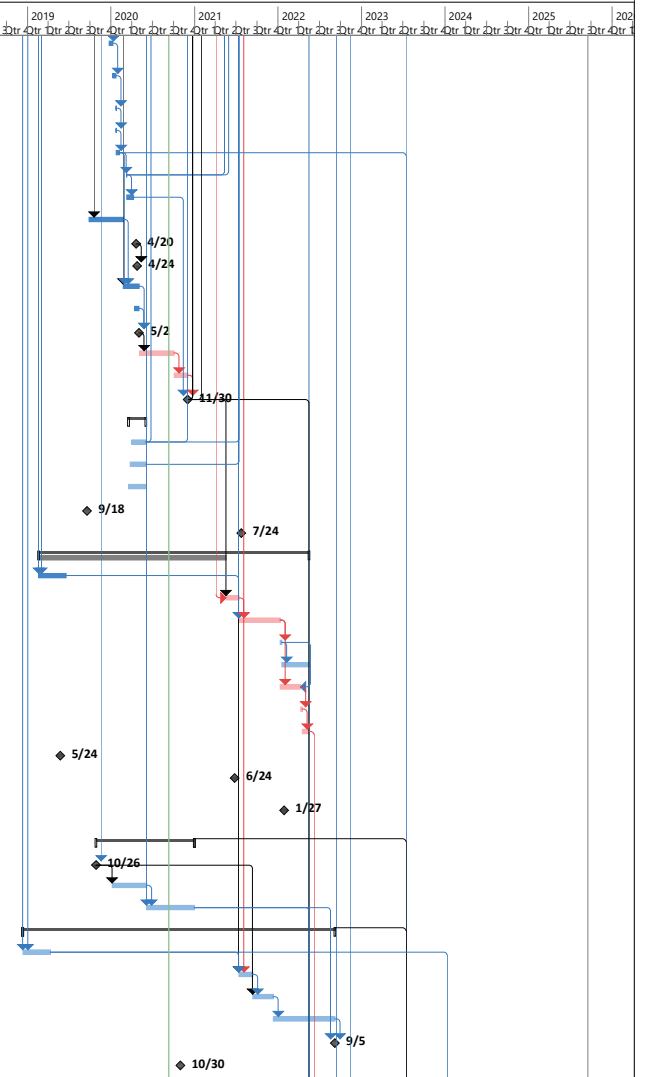
ID	Task Name	Duration	Estimated Start	Estimated Finish	Predecessors	Actual Start	Actual Finish	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
47	Initial Public Outreach Talk Story Meetings	3 days	Tue 12/12/17	Thu 12/14/17		Tue 12/12/17	Thu 12/14/17										
48	Initial Public Outreach Report	89 days	Fri 12/15/17	Tue 3/13/18	47	Fri 12/15/17	Tue 3/13/18										
49	Site visit of Henokaa WWTP - (Similar Process)	90 days	Mon 9/3/18	Sat 12/1/18	48	NA	NA										
50	Additional Public Meeting - B C and County	1 mon	Mon 9/3/18	Tue 10/2/18		Mon 9/3/18	Tue 10/2/18										
51	Preliminary Engineering Report - B&C Contract 1	717 days	Sat 8/26/17	Mon 8/12/19		Sat 8/26/17	NA										
52	PER 60% Completion	110 days	Sat 8/26/17	Wed 12/13/17	2	Sat 8/26/17	Wed 12/13/17										
53	PER to Reflect new WWTP	6 mons	Thu 12/14/17	Mon 6/11/18	52	Thu 12/14/17	Mon 6/11/18										
54	Update PER for FEA	1 mon	Sun 7/14/19	Mon 8/12/19	83FF,53	NA	NA										
55	COMPLIANCE DATE - EID SUBMITTAL TO EPA	0 days	Tue 9/11/18	Tue 9/11/18		NA	NA										
56	NEPA & HRS 343 EA for Pāhala - B&C (Contract 2)	1022 days?	Tue 2/13/18	Mon 11/30/20		Tue 2/13/18	NA										
57	Environmental Information Document EID	190 days	Tue 2/13/18	Tue 8/21/18		Tue 2/13/18	NA										
58	Prepare EID Deliverable 1 - B C/WOA	81 days	Tue 2/13/18	Fri 5/4/18		Tue 2/13/18	Fri 5/4/18										
59	Prepare EID Deliverable 2 - B C/WOA	49 days	Sat 5/5/18	Fri 6/22/18	58	Sat 5/5/18	Fri 6/22/18										
60	Prepare EID Deliverable 3 - B C/WOA	39 days	Sat 6/23/18	Tue 7/31/18	59	Sat 6/23/18	Tue 7/31/18										
61	Coordinate Surveys and Consultations - B C/WOA	190 days	Tue 2/13/18	Tue 8/21/18		Tue 2/13/18	Tue 8/21/18										
62	Initiate Section 106 Consultation - COH/B C/WOA	90 days	Fri 3/16/18	Mon 4/23/18		NA	NA										
63	Prepare/Issue Pre-Assessment Document - COH/B C/WOA	32 days	Fri 3/23/18	Mon 4/23/18		Fri 3/23/18	Mon 4/23/18										
64	Preliminary Draft EA	200 days	Tue 2/13/18	Fri 8/31/18		Tue 2/13/18	Fri 8/31/18										
65	Prepare Draft Desc of Proposed Action Alt DOPAA) - ERG	21 days	Fri 5/4/18	Thu 5/24/18		Fri 5/4/18	Thu 5/24/18										
66	Comment on Draft DOPAA - EPA/COH/B&C/WOA	7 days	Fri 5/25/18	Thu 5/31/18	65	Fri 5/25/18	Thu 5/31/18										
67	Prepare Prelim Draft EA - ERG	64 days	Fri 5/4/18	Fri 7/6/18		Fri 5/4/18	Fri 7/6/18										
68	Comment on Prelim Draft EA - EPA/COH/B&C/WOA	14 days	Sat 7/7/18	Fri 7/20/18	67	Sat 7/7/18	Fri 7/20/18										
69	Coordinate ESA Consultation - ERG	158 days	Tue 2/13/18	Fri 7/20/18		Tue 2/13/18	Fri 7/20/18										
70	Prepare Draft EA (proof copy) - ERG	28 days	Sat 7/21/18	Fri 8/17/18	69	Sat 7/21/18	Fri 8/17/18										
71	Comment on Draft EA proof copy - EPA/COH/B C/WOA	7 days	Sat 8/18/18	Fri 8/24/18	70	Sat 8/18/18	Fri 8/24/18										
72	Prepare Draft EA for Release 508 Compliant) - ERG	7 days	Sat 8/25/18	Fri 8/31/18	71	Sat 8/25/18	Fri 8/31/18										
73	Review of Draft EA	105 days	Tue 8/28/18	Mon 12/10/18		Tue 8/28/18	Mon 12/10/18										
74	Distribute Draft EA to OEQC/Publish - EPA/COH	27 days	Tue 8/28/18	Sun 9/23/18		Tue 8/28/18	Sun 9/23/18										
75	Public Comment Period - Public/Agencies	30 days	Mon 9/24/18	Tue 10/23/18	74	Mon 9/24/18	Tue 10/23/18										
76	Public Comment Meeting - EPA/COH	1 day	Thu 10/18/18	Thu 10/18/18		Thu 10/18/18	Thu 10/18/18										
77	Written Request to Extend Comment Period	1 day	Tue 10/23/18	Tue 10/23/18		Tue 10/23/18	Tue 10/23/18										
78	Refile Draft EA	1 day	Fri 10/26/18	Fri 10/26/18		Fri 10/26/18	Fri 10/26/18										
79	Distribute Draft EA to OEQC/Re-Publish	14 days	Fri 10/26/18	Thu 11/8/18	78	Fri 10/26/18	Thu 11/8/18										
80	Extended Public Comment Period - Public/Agencies	32 days	Fri 11/9/18	Mon 12/10/18	79	Fri 11/9/18	Mon 12/10/18										
81	Draft Final EA/Final EA/FONSI	629 days?	Wed 3/13/19	Mon 11/30/20		Wed 3/13/19	NA										
82	Prepare Draft Final EA Package - ERG	61 days	Thu 5/30/19	Mon 7/29/19	80	Thu 5/30/19	Mon 7/29/19										
83	Comment on Draft Final EA Package - EPA/COH/B&C/WOA	14 days	Tue 7/30/19	Mon 8/12/19	82	Tue 7/30/19	Mon 8/12/19										
84	Submit AIS to SHPD for approval and determination	0 days	Wed 3/13/19	Wed 3/13/19		Wed 3/13/19	Wed 3/13/19										
85	SHPD HRS 343 review period	198 days	Wed 3/13/19	Thu 9/26/19	84	Wed 3/13/19	Thu 9/26/19										
86	SHPD review complete	0 days	Thu 9/26/19	Thu 9/26/19	85	Thu 9/26/19	Thu 9/26/19										
87	USEPA submit Section 106 consultation letter for NEPA purposes	1 day	Thu 9/26/19	Thu 9/26/19	86	Thu 9/26/19	Thu 9/26/19										
88	SHPD 30-day review period	30 days	Fri 9/27/19	Sat 10/26/19	87	Fri 9/27/19	Sat 10/26/19										
89	Section 106 complete for NEPA purposes	1 day	Sat 10/26/19	Sat 10/26/19	88	Sat 10/26/19	Sat 10/26/19										
90	Prepare Final RTC Document (ERG/EPA/COH/BC/WOC)	31 days	Wed 10/16/19	Fri 11/15/19		Wed 10/16/19	Fri 11/15/19										
91	Provide revised EA content to EPA/ERG	187 days	Thu 5/30/19	Mon 12/2/19	80	Thu 5/30/19	Mon 12/2/19										
92	Prepare Final EA Package (proof copy) - ERG	10 days	Wed 12/11/19	Fri 12/20/19	83,54,91,90	Wed 12/11/19	Fri 12/20/19										

Legend for task types and milestones:

- Critical**: Solid red line
- Critical Split**: Dotted red line
- Critical Progress**: Solid red line with dots
- Task**: Solid blue line
- Split**: Dotted blue line
- Task Progress**: Dotted blue line with dots
- Manual Task**: Solid red line with dots
- Start-only**: Solid blue line with arrowhead
- Finish-only**: Dotted blue line with arrowhead
- Duration-only**: Solid blue line with arrowheads
- Baseline**: Solid cyan line
- Baseline Split**: Dotted cyan line
- Baseline Milestone**: Diamond symbol
- Milestone**: Diamond symbol
- Summary Progress**: Solid grey line with dots
- Summary**: Dotted grey line
- Manual Summary**: Solid grey line with arrowheads
- Project Summary**: Solid grey line with diamond
- External Tasks**: Solid grey line
- External Milestone**: Diamond symbol
- Inactive Task**: Dashed grey line
- Inactive Milestone**: Dashed grey line with diamond
- Inactive Summary**: Dashed grey line
- Deadline**: Green arrowhead pointing down

Pahala Work Plan - REVISION 31_20200910

ID	Task Name	Duration	Estimated Start	Estimated Finish	Predecessors	Actual Start	Actual Finish	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
93	Comment on Final EA Package (proof copy) - EPA/COH/B C/VOA	16 days	Mon 12/23/19	Tue 1/7/20	92	Mon 12/23/19	Tue 1/7/20										
94	Prepare Final EA 508 compliant) for COH filing with OEQC - ERG	14 days	Wed 1/8/20	Tue 1/21/20	93	Wed 1/8/20	Tue 1/21/20										
95	COH FONSI Itr to OEQC - COH/B&C/VOA	1 day	Wed 1/22/20	Wed 1/22/20	94	Wed 1/22/20	Wed 1/22/20										
96	Sign Final FONSI - EPA/COH	1 day	Wed 1/22/20	Wed 1/22/20	95	Wed 1/22/20	Wed 1/22/20										
97	Publish Notice of Availability (NOA of FONSI - EPA/COH)	14 days	Thu 1/23/20	Wed 2/5/20	96	Thu 1/23/20	Wed 2/5/20										
98	EA/EIS complete	1 day	Sun 3/8/20	Sun 3/8/20	97	Sun 3/8/20	Sun 3/8/20										
99	30-day legal challenge period	30 days	Mon 3/9/20	Tue 4/7/20	98	Mon 3/9/20	Tue 4/7/20										
100	Revised AIS to SHPD for approval	150 days	Thu 9/26/19	Sat 2/22/20	86	Thu 9/26/19	Sat 2/22/20										
101	Final SHPD acceptance of revised AIS	0 days	Mon 4/20/20	Mon 4/20/20		Mon 4/20/20	Mon 4/20/20										
102	Final AIS Submitted to SHPD	0 days	Fri 4/24/20	Fri 4/24/20	101	Fri 4/24/20	Fri 4/24/20										
103	Prepare Draft AMP	10 wks	Sun 2/23/20	Sat 5/2/20	100,86,97	Sun 2/23/20	Sat 5/2/20										
104	County review of AMP	17 days?	Tue 4/14/20	Thu 4/30/20		Tue 4/14/20	Thu 4/30/20										
105	Draft AMP to SHPD	0 wks	Sat 5/2/20	Sat 5/2/20	103,104	Sat 5/2/20	Sat 5/2/20										
106	SHPD review of AMP	5 mons	Tue 5/5/20	Thu 10/1/20	105	Tue 5/5/20	NA										
107	Final AMP	2 mons	Fri 10/2/20	Mon 11/30/20	106	NA	NA										
108	All clear	0 days	Mon 11/30/20	Mon 11/30/20	99,107	NA	NA										
109	COVID-19 Restrictions	75 days?	Wed 3/18/20	Sun 5/31/20		NA	NA										
110	Travel restrictions 14 day quarantine requirements	61 days?	Wed 4/1/20	Sun 5/31/20		NA	NA										
111	Public meetings restrictions no large gatherings	68 days	Wed 3/25/20	Sun 5/31/20		NA	NA										
112	Library closures	75 days	Wed 3/18/20	Sun 5/31/20		NA	NA										
113	COMPLIANCE DATE - COMPLETE WWTP DESIGN	0 days	Wed 9/4/19	Wed 9/18/19		NA	NA										
114	REVISED COMPLIANCE DATE - WWTP DESIGN	0 days	Sat 7/24/21	Sat 7/24/21		NA	NA										
115	WWTP DESIGN - B&C (Contract 3	1183 days	Mon 2/18/19	Sun 5/15/22		Mon 2/18/19	NA										
116	WWTP 50% design completion	4 mons	Mon 2/18/19	Mon 6/17/19	53,26	Mon 2/18/19	Mon 6/17/19										
117	Re-assemble design team	8 wks	Tue 5/18/21	Mon 7/12/21	28FS-8 wks,108	NA	NA										
118	WWTP 90% Design Completion	6 mons	Tue 7/13/21	Sat 1/8/22	53,9,116,117,40	NA	NA										
119	Permit Submittals	1 wk	Sun 1/9/22	Sat 1/15/22	118	NA	NA										
120	Permit Approvals	120 days	Sun 1/16/22	Sun 5/15/22	119	NA	NA										
121	WWTP Design Completion	3 mons	Sun 1/9/22	Fri 4/8/22	118,119FF	NA	NA										
122	Submit WWTP Design to DOH for Approval	7 days	Sat 4/9/22	Fri 4/15/22	121	NA	NA										
123	DOH Approval to Construct	30 days	Sat 4/16/22	Sun 5/15/22	122	NA	NA										
124	COMPLIANCE DATE - COMPLETE COLLECTION SYSTEM DESIGN	0 days	Fri 6/24/19	Fri 6/24/19		NA	NA										
125	REVISED COMPLIANCE DATE - PHASE 1 COLLECTION SYSTEM DESIGN	0 days	Thu 6/24/21	Thu 6/24/21		NA	NA										
126	REVISED COMPLIANCE DATE - PHASE 2 COLLECTION SYSTEM DESIGN	0 days	Thu 1/27/22	Thu 1/27/22		NA	NA										
127	Collection System Phase 1 Design - F&A	431 days	Sat 10/26/19	Wed 12/30/20		NA	NA										
128	Clearance for field work	0 days	Sat 10/26/19	Sat 10/26/19	89	NA	NA										
129	Topographic survey	5 mons	Mon 1/6/20	Wed 6/3/20	128	NA	NA										
130	Phase 1 Collection System Design	7 mons	Thu 6/4/20	Wed 12/30/20	53,12,129	NA	NA										
131	Collection System Phase 2 Design - F&A	1365 days	Tue 12/11/18	Mon 9/5/22		NA	NA										
132	Obtain County Council Approval for Work on Private Properties	4 mons	Tue 12/11/18	Tue 4/9/19	53,80	NA	NA										
133	Obtain Right of Entries for Surveying	2 mons	Tue 7/13/21	Fri 9/10/21	15,132,28	NA	NA										
134	Locate and Survey Private Lateral Locations and Inverts	3 mons	Sat 9/11/21	Thu 12/9/21	133,128	NA	NA										
135	Phase 2 Collection System Design	9 mons	Fri 12/10/21	Mon 9/5/22	134	NA	NA										
136	Collection system design complete	0 days	Mon 9/5/22	Mon 9/5/22	130,135	NA	NA										
137	EPA Grant XP16942401-6 EXPIRATION	0 days	Fri 10/30/20	Fri 10/30/20		NA	NA										

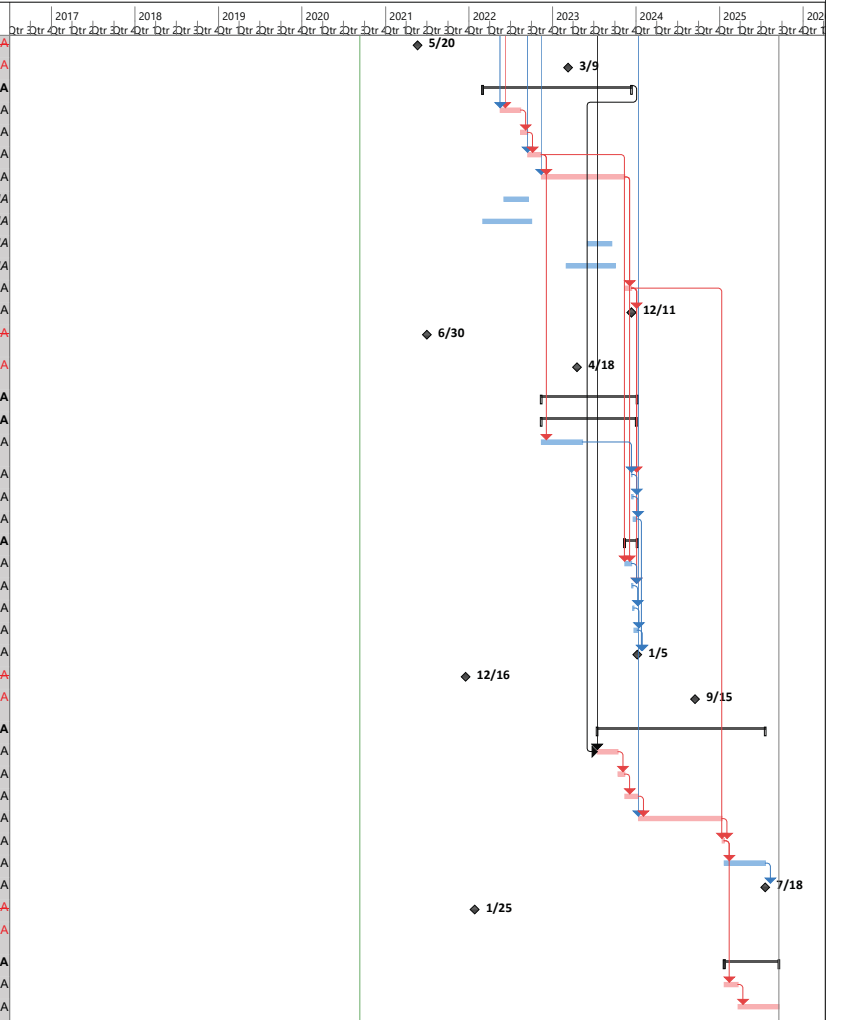


Legend for Gantt chart symbols:

- Critical**: Solid red line
- Critical Split**: Dashed red line
- Critical Progress**: Solid red line with dots
- Task**: Solid blue line
- Split**: Dashed blue line
- Task Progress**: Dashed blue line with dots
- Manual Task**: Solid red line with dots
- Start-only**: Solid blue line with arrowheads
- Finish-only**: Dotted blue line
- Duration-only**: Solid blue line with arrowheads
- Baseline**: Solid cyan line
- Baseline Split**: Dotted cyan line
- Baseline Milestone**: Diamond symbol
- Milestone**: Diamond symbol
- Summary Progress**: Solid black line
- Summary**: Dotted black line
- Manual Summary**: Solid black line with arrowheads
- Project Summary**: Solid black line with arrowheads
- External Tasks**: Solid grey line
- External Milestone**: Diamond symbol
- Inactive Task**: Dashed grey line
- Inactive Milestone**: Diamond symbol
- Inactive Summary**: Dotted grey line
- Deadline**: Green arrowhead pointing down

Pahala Work Plan - REVISION 31_20200910

ID	Task Name	Duration	Estimated Start	Estimated Finish	Predecessors	Actual Start	Actual Finish	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026
138	COMPLIANCE DATE - COMPLETE WWTP CONSTRUCTION	0 days	Thu 5/20/24	Thu 5/20/24		NA	NA										
139	REVISED COMPLIANCE DATE - WWTP CONSTRUCTION	0 days	Thu 3/9/23	Thu 3/9/23		NA	NA										
140	WW Treatment Disposal Construction	651 days	Tue 3/1/22	Mon 12/11/23		NA	NA										
141	Bidding Period (Advertise construction bids through bid opening)	3 mons	Mon 5/16/22	Sat 8/13/22	123,25,89,130,108	NA	NA										
142	Bid Evaluation	1 mon	Sun 8/14/22	Mon 9/12/22	141	NA	NA										
143	Bid Award and Contract Execution	2 mons	Tue 9/13/22	Fri 11/11/22	142,43	NA	NA										
144	Construction	365 days	Sat 11/12/22	Sat 11/11/23	143,39	NA	NA										
145	Hoary bat pupping season 2022	107 days	Wed 6/1/22	Thu 9/15/22		NA	NA										
146	Hawaiian hawk nesting season 2022	214 days	Tue 3/1/22	Fri 9/30/22		NA	NA										
147	Hoary bat pupping season 2023	107 days	Thu 6/1/23	Fri 9/15/23		NA	NA										
148	Hawaiian hawk nesting season 2023	214 days	Wed 3/1/23	Sat 9/30/23		NA	NA										
149	DOH Approval to Operate	30 days	Sun 11/12/23	Mon 12/11/23	144	NA	NA										
150	WWTP construction complete	0 days	Mon 12/11/23	Mon 12/11/23	149	NA	NA										
151	COMPLIANCE DATE - CONNECT EX. SYS. TO WWTP AND CLOSE LCCS	0 days	Wed 6/30/24	Wed 6/30/24		NA	NA										
152	REVISED COMPLIANCE DATE - CONNECT EX. SYS. TO WWTP AND CLOSE LCCS	0 days	Tue 4/18/23	Tue 4/18/23		NA	NA										
153	Conn. Exist Coll. Sys to WWTP Close LCC s - Construction	420 days	Sat 11/12/22	Fri 1/5/24		NA	NA										
154	LCC on TMK 9-6-002:016 (LCC NO. 1	416 days	Sat 11/12/22	Mon 1/1/24		NA	NA										
155	Install new sewer line from LCC-1 to new WWTP w/o Connection	6 mons	Sat 11/12/22	Wed 5/10/23	143	NA	NA										
156	Connect new sewer line to Existing Collection System	1 day	Tue 12/12/23	Tue 12/12/23	149,155	NA	NA										
157	Close LCC	5 days	Wed 12/13/23	Sun 12/17/23	156	NA	NA										
158	Submit LCC Closure Report to DOH and EPA	15 days	Mon 12/18/23	Mon 1/1/24	157	NA	NA										
159	LCC on TMK 9-6-016:041 (LCC NO. 2	55 days	Sun 11/12/23	Fri 1/5/24		NA	NA										
160	Install temporary sewer line to bypass LCC	1 mon	Sun 11/12/23	Mon 12/11/23	143,144	NA	NA										
161	Connect Temp Bypass Line for LCC No. 2	5 days	Tue 12/12/23	Sat 12/16/23	149,160	NA	NA										
162	Close LCC	5 days	Sun 12/17/23	Thu 12/21/23	161	NA	NA										
163	Submit LCC Closure Report to DOH and EPA	15 days	Fri 12/22/23	Fri 1/5/24	162	NA	NA										
164	LCCs closed	0 days	Fri 1/5/24	Fri 1/5/24	158,163	NA	NA										
165	COMPLIANCE DATE - CONNECT NEW COLL. SYS. TO NEW WWTP	0 days	Thu 12/16/24	Thu 12/16/24		NA	NA										
166	REVISED COMPLIANCE DATE - CONNECT NEW COLL. SYS. TO NEW WWTP	0 days	Sun 9/15/24	Sun 9/15/24		NA	NA										
167	Constr. Contract for Coll. Sys Exg. Private Properties	735 days	Sat 7/15/23	Fri 7/18/25		NA	NA										
168	Bidding Period	3 mons	Sat 7/15/23	Thu 10/12/23	127,131,97,140FS-150 days,89	NA	NA										
169	Bid Evaluation	1 mon	Fri 10/13/23	Sat 11/11/23	168	NA	NA										
170	Bid Award and Contract Execution	2 mons	Sun 11/12/23	Wed 1/10/24	169	NA	NA										
171	Construction of Collection System wo Connect	365 days	Thu 1/11/24	Thu 1/9/25	170,132	NA	NA										
172	Connection of Collection System to WWTP	10 days	Fri 1/10/25	Sun 1/19/25	149,171	NA	NA										
173	Connection of C Brewer and modern deed properties	6 mons	Mon 1/20/25	Fri 7/18/25	172	NA	NA										
174	New collection system connected to WWTP	0 days	Fri 7/18/25	Fri 7/18/25	173	NA	NA										
175	COMPLIANCE DATE - CONNECT NEWLY ACCESSIBLE	0 days	Tue 1/25/22	Tue 1/25/22		NA	NA										
176	REVISED COMPLIANCE DATE - CONNECT NEWLY ACCESSIBLE IN ACCORDANCE WITH COUNTY CODE	0 days	Tue 1/25/22	Tue 1/25/22		NA	NA										
177	Connection of Additional Properties	240 days	Mon 1/20/25	Tue 9/16/25		NA	NA										
178	Issue Connection Notice to newly accessible Properties	2 mons	Mon 1/20/25	Thu 3/20/25	172	NA	NA										
179	Properties to connect with 180 days of Notification	6 mons	Fri 3/21/25	Tue 9/16/25	178	NA	NA										



Thu 9/10/20

Critical	—	Split	—	Finish-only	—	Baseline Milestone	◇	Manual Summary	—	Inactive Task	—
Critical Split	- - - - -	Task Progress	—	Duration-only	—	Milestone	◇	Project Summary	—	Inactive Milestone	◇
Critical Progress	—	Manual Task	—	Baseline	—	Summary Progress	—	External Tasks	—	Inactive Summary	—
Task	—	Start-only	—	Baseline Split	—	Summary	—	External Milestone	◇	Deadline	↓

PAHALA WORKPLAN REVISION 31 – 20200830
Assumptions and considerations

<ul style="list-style-type: none"> • <i>Planning/Design Milestones:</i> Schedule utilizes actual review and approval of draft AIS by SHPD. All included dates are based on Section 106 complete for NEPA purposes February 20, 2020. SHPD subsequently required approval of an unanticipated archeological monitoring plan (AMP) prior to ground-disturbing activities – now included in the schedule, which impacted schedule critical ground disturbing work such as geotechnical studies that needed to be completed prior to design. Consultant will submit an updated schedule within 14 calendar days of receiving approval of AMP from SHPD. Dates shown include additional services/steps causing unforeseen delays and schedule impacts) which were added by SHPD after the receipt of the September 26, 2019 EPA AOC extension. County will request an additional AOC extension, and County and Consultant both assume EPA will grant a reasonable and achievable extension. The schedule assumes 90% design is based on 50% PER and design without major modifications. At this time, travel and gathering restrictions due to the COVID19 pandemic continues to impact the design schedule. Schedule will be updated as more information becomes available.
<ul style="list-style-type: none"> • <i>Permitting:</i> Consultant has no control over duration of review or extent of comments by permitting authorities. Dates shown reflect submittal of initial permit application by Consultant at 90% design and permitting authority approval in a timely manner. It is mutually agreed that the contract milestone will be amended if permitting authority approval is not received within the identified review timeframe, or if additional tasks and/or resubmittal of application package are required. The County may be able to assist with requests to the permitting authority to expedite review and response.
<ul style="list-style-type: none"> • <i>Bid period / Construction contract procurement:</i> This County action is shown for reference only and assumes a timely execution. Additional time spent by the County will extend the completion date of this task by a similar duration.
<ul style="list-style-type: none"> • <i>Construction completion:</i> Due to the critical feedback and approvals required, construction completion is dependent on timely County, outside agency, and Construction Contractor review schedule and impacts of response comments. The construction schedule and any potential requests for additional work are outside of the Consultant's control. A regular review of third-party performance should be considered so that associated schedule impacts can be identified and considered by the Construction Contractor for possible corrective actions.
<ul style="list-style-type: none"> • <i>Construction period milestones:</i> Dates shown are estimates only and will be mutually determined at the appropriate time based on the Contractor's Construction schedule; Construction Contractor's schedule will dictate timing of Consultant's services.
<ul style="list-style-type: none"> • <i>Changes to schedule since rev30 20200518:</i> <ul style="list-style-type: none"> ○ AMP added to the schedule per SHPD review comments. ○ Investigative work (Geotech and survey) set to start after estimated AMP approval and NOT concurrent with design work. ○ All DOH reviews for approval to construct and to operate estimated at 30 days - no impact to project completion dates. ○ Updated nesting seasons for appropriate years – construction contractor to work around these dates - no impact to project completion dates. ○ Revised WWTP design compliance date to 7/24/2021 (15 months after final AIS submitted to SHPD) - no impact to project completion dates.

PAHALA CONNECTIONS

Keeping Pahala informed about community wastewater improvements.

https://www.hawaiiicounty.gov/departments/environmental_management

The community's past input on the Pahala project has been very valuable, so please continue to share your thoughts and contact us if you have a topic you would like to see in future newsletter issues.

A Long Awaited Solution

The current wastewater collection system was built nearly three-quarters of a century ago. The outdated system still moves sewage from about 109 lots through substandard backyard lines to two Large Capacity Cesspools (LCCs). The U.S. Environmental Protection Agency (EPA) found cesspools can release disease-causing pathogens and pollutants into groundwater, streams, and the ocean; and required the closure of existing LCCs by April 2005. In 2010, the Hawaii County, Dept. of Environmental Management, Wastewater Division (Hawaii County) took over the responsibility to close the LCCs in Pahala. In March 2020, the State of Hawaii, Office of Environmental Quality Control published a Final Environmental Assessment (EA) that resulted in a Finding of No Significant Impact (available on our website). **This major milestone allows the County to move ahead!**

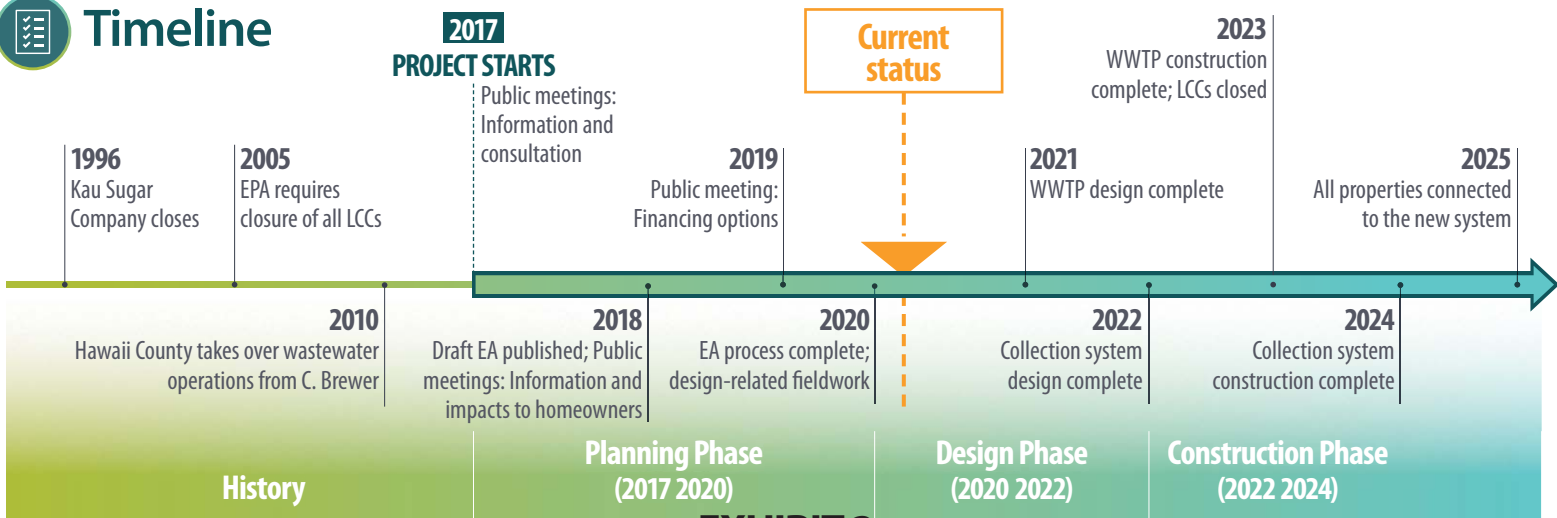
“ I hope you and your families are staying healthy and safe during these challenging times. We want to update the community on the Pahala sewer project since we last met in March 2019. We hope you find this newsletter informative and helpful. ”


William A. Kucharski, Director

The existing sewer system is harmful to our health and environment. The new Pahala Wastewater Treatment Plant (WWTP) will help protect the environment and promote propagation of native plants and trees in constructed wetlands and tree groves.



Timeline



➔ What's coming up in Pahala

Pahala residents will soon see County consultants in the community doing field work. Surveyors will collect information that will be used to design the new collection system. One of their tasks will be to look at properties connected to the LCCs and locate where "dry" sewer pipes were installed a decade ago. This will show how the County can connect these homes to the new system and close the LCCs. Affected property owners received a request for entry from either the surveyors or the County.

Rich cultural resources exist throughout Pahala. We know the community is concerned about how the project might impact these resources. Archaeologists are working to locate and inventory historically significant sites throughout the project area. The results of their efforts are on our website.

We submitted a plan to the Department of Land and Natural Resources' State Historic Preservation Division (SHPD) for archaeological monitoring during ground disturbing work. The plan makes sure cultural and historical resources encountered will be properly handled.

Geotechnical engineers and scientists are studying conditions under Pahala's ground surface. In 2019, a

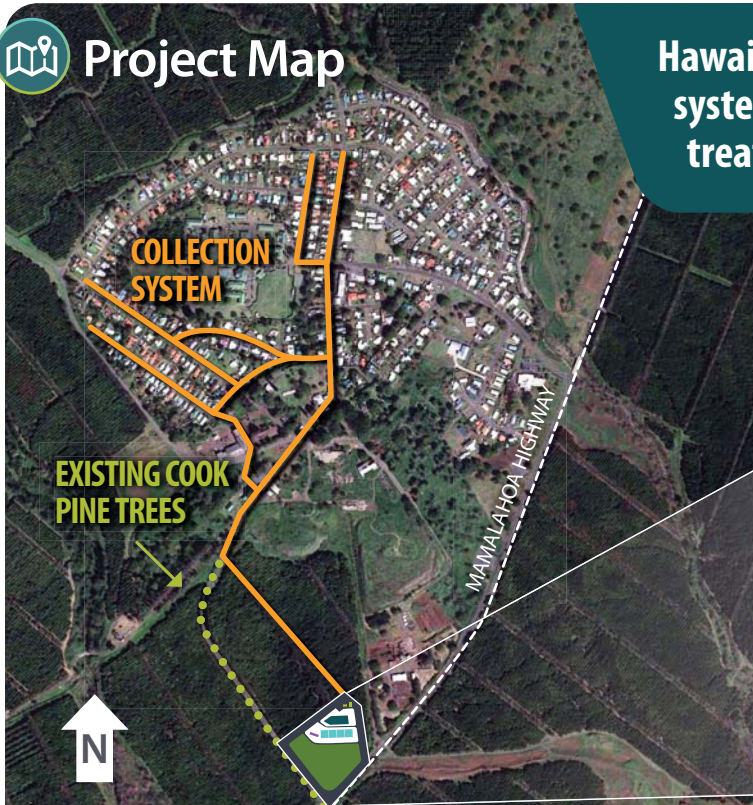


Non-invasive Ground Penetrating Radar technology will help find lava tubes and protect underground cultural sites.

field crew used non-invasive electrical resistivity and ground penetrating radar technology to look for lava tubes. Another team will be coming to town to collect drilled rock samples. This will allow the project team to map lava tube pathways and identify strategies to avoid or protect lava tubes at the design stage.

Mahalo to the Pahala Community for your response, engagement and patience!

Project Map



Hawaii County will replace the aging wastewater system with new collection pipelines, secondary treatment, and a land application facility.

