



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

**Sent Via Electronic Mail**

Mayor Mitch D. Roth  
Office of the Mayor  
County of Hawai'i  
25 Aupuni Street  
Hilo, HI 96720  
[MitchD.Roth@hawaiicounty.gov](mailto:MitchD.Roth@hawaiicounty.gov)

**Subject: Revised Federal Administrative Order on Consent  
EPA Docket No. SDWA-UIC-AOC-09-2017-0002  
Pāhala and Nā'ālehu Large Capacity Cesspool Closure Projects  
Effective Date: August 22, 2022**

Dear Mayor Roth:

Enclosed please find a copy of the revised 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 revised Consent Order for the purpose of bringing the County into compliance with the requirements of the SDWA, 42 U.S.C. § 300f, *et seq.*

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 Pāhala and three (3) LCCs that serve approximately 161 private residences in the community of Nā'ālehu, 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).

As detailed in Paragraphs 32.a and 33.a of the revised Consent Order, closure of the two (2) LCCs that serve the community of Pāhala is required by **July 21, 2026**, and closure of the three (3) LCCs that serve the community of Nā'ālehu is required by **December 31, 2027**.

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 revised Consent Order for thirty days, beginning on July 21, 2022. EPA announced the public comment period through a notice published on the EPA Region IX website<sup>1</sup>, and in local newspapers. EPA received and responded to public comments that were submitted by one individual. The comments do not raise issues that require modifications to

---

<sup>1</sup> Available at: <https://www.epa.gov/publicnotices/proposed-revision-2017-administrative-order-consent-county-hawaii-docket-no-sdwa-uic> (last visited August 17, 2022).

the revised Consent Order as it was proposed. EPA's response to comments, and the final Consent Order are included herein. The Effective Date of the final Consent Order is **August 22, 2022**.

EPA appreciates your cooperation and looks forward to working together with the County to meet the timeframes set forth within this revised 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](mailto:shareem.jelani@epa.gov). Legal questions should be directed to Ms. Kimberly Wells in our Office of Regional Counsel at (415) 972-3506, or via email to [wells.kimberly@epa.gov](mailto:wells.kimberly@epa.gov).

Sincerely,

**AMY MILLER-  
BOWEN**

Digitally signed by AMY MILLER-  
BOWEN  
Date: 2022.08.24 05:58:49 -0700'

Amy C. Miller-Bowen, Director  
Enforcement and Compliance Assurance Division

Enclosures:

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

cc: Ramzi Mansour, County of Hawai'i, Department of Environmental Management  
Brenda Iokepa-Moses, County of Hawai'i, Department of Environmental Management  
Malia Kekai, County of Hawai'i, Corporation Counsel