

STATE OF HAWAII

DEPARTMENT OF HEALTH  
NOTICE OF VIOLATION AND ORDER

<b>TO:</b>  Hawaii American Water 8480 Kalanianaʻole Highway Honolulu, Hawaii 96825  Attention: Mr. Lee Mansfield Manager  Respondent	<b>NOVO No. 2024-CW-EO-22</b>  <i>Please write this NOVO number on all correspondence</i>  Re: Violation of National Pollutant Discharge Elimination System (NPDES) Permit, Permit No. HI0020303  Facility: East Honolulu Wastewater Treatment Plant
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The Department of Health (**DOH**) issues this Notice of Violation and Order (**NOVO**) under Hawaii Revised Statutes (**HRS**) Chapters 91 and 342D based on self-disclosures by Respondent of discharge limitation exceedances for the East Honolulu Wastewater Treatment Plant (EHWWTP) located at 8480 Kalanianaʻole Highway, Honolulu, Hawaii 96825 (**Facility**).

Attached as exhibits are:

- The NPDES Permit issued to East Honolulu Wastewater Treatment Plant for the Facility (Exhibit A);
- DMR Deficiency and Violation Report, August 2022 – April 2024 (Exhibit B);
- December 2023 Written Report (Exhibit C); and
- Inspection Report from June 21, 2024 (Exhibit D).

This case only addresses the violations alleged below. The DOH may bring other cases for other violations. This case does not limit cases by any other public agency or private party.

<p>HRS §342D-9, HRS §342D-31, HRS §342D-50(a), HRS §342D-50(d)</p>	<p><b>East Honolulu Wastewater Treatment Plant</b></p> <p>Respondent owns and operates the Facility which provides secondary treatment of domestic and commercial wastewater for approximately 35,000 people. Respondent was issued NPDES Permit No. HI 0020303 (<b>Permit</b>) for the Facility (Exhibit A). The Permit authorizes the discharge of treated wastewater to the Pacific Ocean at Sandy Beach through Outfall Serial No. 001 subject to final effluent limits and reporting requirements. The Permit became effective on August 1, 2020 and expires on July 31,2025.</p> <p>Respondent has self-reported fourteen NPDES effluent limit exceedances for ammonia nitrogen for the monitoring periods between August 2022 and April 2024 on Discharge Monitoring Reports (<b>DMR</b>) (Exhibit B). Respondent also submitted test results for cyanide twelve days late (Exhibits B and C).</p> <p>In June 2024, the DOH conducted an inspection of the Facility which included a review of the Facility’s reports and records. Respondent failed to submit written noncompliance reports with the DMRs for monitoring periods ending on March 31, 2024, and April 30, 2024, as required by the Permit (Exhibits A and D).</p> <p>HRS §342D-9 authorizes the Director of Health to order measures to be taken to correct violations and impose penalties for violations of HRS Chapter 342D.</p> <p>HRS §342D-31 states that “the [D]irector is authorized to impose by order penalties specified in [HRS §]342D-30.”</p> <p>HRS §342D-50(a) states that “[n]o 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 in compliance with this chapter, rules adopted pursuant to this chapter, or a permit, water quality certification, or variance issued by the [D]irector.”</p> <p>HRS §342D-50(d) states that “[n]o person, including any public body, shall violate any rule adopted pursuant to this chapter or any permit or variance issued or modified pursuant to this chapter.”</p>
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1. Discharges exceeding final effluent limitations

Part A.1.a of the Permit establishes effluent concentration and loading limitations for ammonia nitrogen, monitored once per month using a 24-hour composite sample (Exhibit A). DMRs submitted by Respondent reported the following effluent limit exceedances:

The DMRs submitted by Respondent for monitoring periods August 2022, September 2023, November 2023, December 2023, January 2024, February 2024, March 2024, and April 2024 reported twelve (12) exceedances of the single sample maximum ammonia nitrogen effluent limits (Exhibits B and D).

Based on the details above, the DOH finds that Respondent violated HRS §342D-50(a) on twelve (12) counts by discharging wastewater from the Facility in exceedance of NPDES effluent limits between August 2022 and April 2024. Penalties are being assessed for ten (10) of the twelve (12) exceedances since the August 2022 and September 2023 exceedances were less than 1% over the permitted limit.

2. Late DMR submittal for monitoring periods ending April 30, 2024 and November 30, 2023.

Respondent submitted the DMR for monitoring period ending April 30, 2024, for ammonia nitrogen one day late. Respondent reported concentration and loading results for cyanide twelve days late for the monitoring period ending November 30, 2023 (Exhibit B.) Respondent's explanation for the late submittal was due to shipping errors (Exhibit C). Penalties for the late DMR submittal will not be assessed since the cause was beyond the Permittee's control.

3. Failure to submit written noncompliance reports as required by the Permit

Part H.3. of the Permit requires Respondent to submit written noncompliance reports containing a description of the noncompliance and its cause with the DMR submission. Respondent did not submit written noncompliance reports for the monitoring periods ending March 31, 2024, and April 30, 2024 for ammonia nitrogen exceedances (Exhibit D).

Based on the details above, the DOH finds that Respondent violated HRS §342D-50(d) on two (2) counts by failing to submit written noncompliance reports with the March and April 2024 monitoring periods DMRs.

The facts of this case and the law justify the following order.

### ORDER

Respondent is ordered to:

- 1) Within thirty (30) calendar days from date this NOVO goes into effect (**Effective Date**), perform a root cause analysis to determine the cause of ammonia nitrogen exceedances. The analysis shall include the cause and corrective actions necessary to prevent future effluent exceedances of a similar nature.
- 2) Within sixty (60) calendar days from the Effective Date, submit the Root Cause Analysis to the DOH for review. Any comments made by the DOH must be addressed within 14 calendar days and resubmitted to the DOH.
- 3) Pay an administrative penalty of \$47,750.00 within twenty (20) calendar days of either the service of this NOVO or the Effective Date, whichever is later. Send a certified check for \$47,750.00 to:

Clean Water Branch, Department of Health  
2827 Waimano Home Road #225  
Pearl City, Hawaii 96782

Attention: Enforcement Section Supervisor

The payment should be made payable to "State of Hawaii" and include the NOVO reference number, 2024-CW-EO-22.

All submittals made pursuant to any Order in this NOVO shall be certified and signed by a person legally authorized to sign on behalf of Respondent. All documents submitted pursuant to any Order in this NOVO must include the following Certification Statement:

"I certify under penalty of law that this document and its attachments were prepared either by me personally or under my direction or supervision in a manner designed to ensure that qualified and knowledgeable personnel properly gathered and presented the information contained therein. I further certify, based on my personal knowledge or on my inquiry of those individuals immediately responsible for obtaining the information, that to the best of my knowledge and belief the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information including the possibility of fines and imprisonment for knowing and willful submission of a materially false statement."

The provisions of this NOVO shall become final unless, within twenty (20) calendar days after receipt of service, Respondent submits a **written** request for a hearing, along with a copy of the NOVO, without exhibit(s), to:

Hearings Officer  
c/o Director of Health  
1250 Punchbowl Street, Third Floor  
Honolulu, Hawaii 96813

Respondent may file the hearing request in person at the Director's office listed above during regular business hours or may mail the same to the above address within the allotted time. The DOH must receive the written request for hearing within 20 calendar days of the receipt of service. **Failure to timely file the hearing request and related documents may result in a denial of the hearing request.**

The hearing will be conducted in accordance with HRS Chapter 91 and Hawaii Administrative Rules Chapter 11-1. At the hearing, DOH may seek the maximum penalty of \$60,000 per day, per violation.

Parties may be represented by legal counsel at their own expense. An individual may appear on his/her own behalf, or a member of a partnership may represent the partnership, or an officer or authorized employee of a corporation, or trust, or association may represent the corporation, trust, or association.

All inquiries regarding this matter, other than the request for hearing, shall be directed to: Ms. Bobbie Teixeira, Supervisor of the Enforcement Section, CWB, at (808) 586-4309.

If due to a disability you have special needs that will aid you in participating in the hearing or pre-hearing conference, please contact the Hearings Officer at (808) 586-4409 (voice) or through the Telecommunications Relay Service (711), at least 10 working days before the hearing or pre-hearing conference date.

*Kathleen Ho*

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KATHLEEN S. HO  
Deputy Director for Environmental Health

Date: Dec 17, 2024 *Joanna Yeh*

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Approved as To Form By:  
Joanna Yeh  
Deputy Attorney General