



## **DEPARTMENT OF HEALTH**

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### **FOR IMMEDIATE RELEASE**

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## **Hawaii Department of Health, City & County of Honolulu, and Construction Firm Southland Mole-Joint Venture sign Administrative Order for Clean Water Act violations**

HONOLULU – The Hawaii State Department of Health (DOH), City & County of Honolulu (City) and Southland Mole JV (SMJV) have entered into an Administrative Order on Consent (AOC) resolving past violations of a DOH issued National Pollutant Discharge Elimination System (NPDES) permit that authorizes the discharge of dewatering effluent into Kawa Stream and Nuupia pond. The AOC was agreed to by all parties in response to NPDES permit violations that occurred between August 2014 and April 2015. The City and SMJV have not violated the issued NPDES permit since April 2015.

The agreement provides interim effluent limits and obligates the City to complete a review of its construction dewatering program, implement corrective actions, and improve its NPDES permit compliance programs. The agreement also requires a penalty payment of \$140,000 by the City and \$560,000 by SMJV within 60 days of the effective date of the AOC. If the City or SMJV does not comply with AOC, DOH may issue stipulated penalties of \$500 per day for delays or \$5,000 per exceedance of interim effluent limits.

“This signed agreement ensures the Department of Health, City & County, and their contractor Southland Mole JV are all working in concert to sustain continued compliance with federal regulations,” said Keith Kawaoka, deputy director of Environmental Health. “NPDES permit requirements set limits on the release of pollutants into the environment to control the impact on natural resources and maintain our nation’s water quality.”

### **Past Events Leading to the Administrative Order**

On Aug. 12, 2013, the DOH issued an NPDES permit to the City and County of Honolulu authorizing the discharge of dewatering effluent, generated by the construction of the Kaneohe-Kailua deep tunnel, to State waters including Nuupia pond and Kawa Stream. Prior to

commencement of construction, SMJV was named as an operator, responsible for the treatment of the dewatering effluent associated with the construction of the project.

In August 2014, dewatering from the construction activity was initiated and SMJV began discharging treated effluent to State waters under the issued NPDES permit.

In March 2015, DOH began investigations into allegations of unlawful discharges which exceeded NPDES permit limits for the project. In April 2015, all illegal discharges from the project were stopped and the City and SMJV fully complied with the terms to their permit. Upon DOH's review of the monthly Discharge Monitoring Reports (DMRs), it was determined between August 2014 and April 2015, the City and SMJV continuously discharged treated dewatering effluent at both NPDES authorized discharge locations in exceedance of permit limits.

#### **Department of Health Clean Water Branch**

The Agreement on Consent was developed by the staff of the Clean Water Branch which protects the health of residents and visitors who enjoy Hawaii's coastal and inland water resources. The Branch also protects and restores inland and coastal waters for marine life and wildlife. This is accomplished through statewide coastal water surveillance and watershed-based environmental management using a combination of permit issuance, water quality monitoring and investigation, water quality violation enforcement, polluted runoff control, and public education.

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