



DEPARTMENT OF HEALTH

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Department of Health issues a Notice of Violation and Order to Board of Water Supply and its contractors for polluting Nuuanu Stream

HONOLULU – The Hawai'i Department of Health (DOH) has issued a Notice of Violation and Order (NOVO) against the Honolulu Board of Water Supply (BWS), R.M. Towill Corporation, SSFM International, Inc., and Drayko Construction, Inc. for discharging sediment from the Nuuanu Reservoir No. 4 to upper Nuuanu Stream over a period of 18 days and failing to report this discharge to DOH for 15 days.

For 18 days in February and March 2019, the BWS and its contractors associated with a Nuuanu Reservoir No. 4 construction project, discharged sediment into Nuuanu Stream. Officials from DOH's Clean Water Branch became aware of the discharge only after receiving complaints from local neighbors who noticed a prolonged visual impact from the sediment to Nuuanu Stream. Based on the Clean Water Branch investigation, the sediment discharged was the result of respondents failing to complete dredging activities before draining water from the reservoir.

Sediment that BWS contractors failed to dredge flowed through the reservoir's drain and was discharged into upper Nuuanu stream where it impacted water quality from the upper watershed to Honolulu Harbor. BWS and its contractors failed to report the discharges within 24 hours as required by law, delaying notification for 15 days and only acting to halt the discharge after involvement by DOH.

"The Board of Water Supply and its contractors must prevent polluting state waters," said Keith Kawaoka, deputy director of environmental health. "If an unlawful discharge occurs, the BWS and its contractors are responsible for acting immediately to mitigate the impacts and report the incident to the DOH. In this case, neither the BWS nor its contractors acted as required by law. The NOVO issued will prevent further water pollution and penalizes all respondents for failing to comply with environmental laws intended to protect human and environmental health."

The NOVO requires the respondents to implement corrective actions to prevent additional discharges from Nuuanu Reservoir No. 4 and be subject to pay a monetary penalty. The

DOH remains engaged with BWS and is committed to resolving this matter. The BWS and its contractors have 20 days to contest the NOVO and request a hearing.

The DOH protects public health and the environment by prohibiting discharges that affect water quality, keeping Hawaii waters fishable and swimmable for everyone. Everyone must comply with environmental regulations to protect the public and the state's fragile ecosystem. Failure to do so can result in legal action by the state, federal partners and/or private citizens.

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