



DEPARTMENT OF HEALTH

DAVID Y. IGE
GOVERNOR

ELIZABETH A. CHAR, MD
DIRECTOR

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Department of Health cites County of Kaua'i for discharging sediment to state waters

HONOLULU - The Hawai'i Department of Health (DOH) has issued a Notice of Violation and Order (NOVO) to the County of Kaua'i Department of Public Works for initiating construction activity over one acre without the required National Pollutant Discharge Elimination System (NPDES) permit coverage and discharging sediment into state waters on three separate occasions during the period of unpermitted construction activities.

Between January 6 - July 24, 2020, County of Kaua'i Department of Public Works personnel conducted 43 acres of earth disturbing construction activities along Kaunualii Highway in Waimea. The construction activities were conducted without the required NPDES permit (required when conducting construction activities of one or more acres). While conducting the grubbing and grading without a permit, the county failed to implement any pollution preventing best management practices that the permit requires to prevent polluted discharges. During that span, there were rain events on three separate occasions that resulted in discharges of sediment to the drainage ditches, which ultimately flow into nearshore waters. This is the second NOVO issued in the past four years against the county for water pollution related violations.

"DOH permits are in place to protect human and environmental health," said Keith Kawaoka, Deputy Director of Health. "Whether you're a county department or a private business, you must obtain and comply with environmental permits as law requires."

The NOVO requires the county to comply with a recently obtained NPDES permit, conduct environmental training, and pay a monetary penalty of \$36,500. The penalty takes into consideration that this is the second enforcement action issued to the county for failure to comply with Hawai'i Water Pollution laws since 2016. The County of Kaua'i may contest the NOVO within 20 days of service and request a hearing.

The Clean Water Branch protects public health and the environment by prohibiting discharges which impair water quality, keeping Hawaii's waters fishable and swimmable for everyone. Everyone must comply with environmental regulations to protect the public and Hawaii'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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