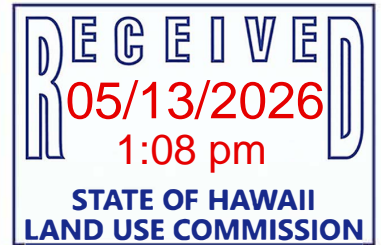




May 13, 2026



HAND DELIVERED

State Land Use Commission  
235 S Beretania St., Suite 406  
Honolulu, HI 96813

Attention: Mr. Scott Derrickson

**Re: Docket No. A00-730 Lanihau Properties, LLC – Decision and Order dated June 23, 2003, and Amended Decision and Order dated January 31, 2008 (collectively referred to as “D&O”) re: Delinquent Annual Reports and Compliance and Conditions**

Dear Mr. Derrickson:

Our office represents Kaiser Foundation Health Plan, Inc., dba Kaiser Permanente, Hawaii Region (“Kaiser”) in regard to their Medical Center located in Kona, Hawaii. We are in receipt of your letter to Kaiser dated April 1, 2026, which references a complaint lodged by the United States Department of the Interior, National Park Service (“NPS”) and received by your office on March 3, 2026. We offer the following response to the complaint.

We have consulted with our client on the apparent inability of their Individual Wastewater System (“IWS”) to meet the Nitrogen and Phosphorus levels specified within Condition 1(c) of the D&O. Your office has given us the opportunity to present to the State Land Use Commission, State Office of Planning and Sustainable Development, and the NPS with copies of historical and current wastewater monitoring data engendered by the IWS by May 15, 2026. Please let us know if you still need this data based upon the discussion below.

By way of background, Kaiser has had difficulties with its IWS for several years despite multiple improvements and adjustments made to the IWS during that period. Our client has reached a conclusion that the IWS is problematic and that an alternative is needed to comply with D&O Condition 1(c). Toward that end, Kaiser has been working with the County of Hawaii on an acceptable alternative solution to handle its generated wastewater until the County’s transfer plant is built. As of May 2026, Kaiser will be utilizing its existing septic tanks to store all wastewater generated by the Medical Center, which will be then collected on a regular basis and transported to the County Wastewater facility for disposal. The existing IWS will be disengaged.

Our client has been busy securing County approval of the alternative solution, which will no longer make the Nitrogen and Phosphorus levels in Condition 1(c) applicable. You will find

attached a letter dated April 28, 2025, from the County of Hawaii, Wastewater Division regarding Kaiser's efforts to secure a wastewater industrial discharge permit, and County Permit Nos. 2026-002 dated May 5, 2026, both of which are attached hereto as Exhibit "A" and incorporated herein by reference. The aforementioned alternative handling of wastewater discharge will replace and terminate the existing IWS use by the Medical Center. It is our understanding that the conversion to the alternative will occur on or by June 1, 2026.

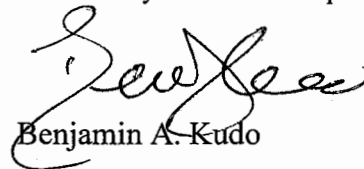
In regard to the Kaiser Annual Reports, the facility was constructed in 2014. Since that time, Kaiser transmitted quarterly wastewater results to Riley Smith, Lanihau Properties, and Jeff Zimpfer at NPS up until January 17, 2024. If the Commission desires to receive this information we can provide a link (very large amount of data) to access it. It is our understanding that your office received the 2023 and 2024 Annual Reports. We will prepare the Annual Report from 2025 going forward and copy the required parties pursuant to the D&O, Condition 16. Please let us know if you want more information on the Annual Reports.

Should you have any concerns or questions please feel free to contact the undersigned.

Very truly yours,

ASHFORD & WRISTON  
A Limited Liability Law Partnership LLP

By

  
Benjamin A. Kudo

BAK:st

Exhibit A

cc w/encl.: Mr. Paul Scolari – National Park Service  
Mr. Christopher Lande, Department of Environmental Management



## WASTEWATER DIVISION

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
345 KEKŪANĀO'A STREET, SUITE 41, HILO, HI 96720

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April 28, 2025

To whom it may concern:

The County of Hawaii Department of Environmental Management, Wastewater Division is developing an industrial wastewater discharge permit for the Kaiser Permanente (KP) Medical Center at 74-517 Honokohau Street, Kailua-Kona, Hawaii. We anticipate issuing the permit by May 2, 2026.

The permit will allow KP to use its existing septic tank facilities accumulate wastewater from the Medical Center. KP will engage a hauler licensed by Hawaii Department of Health and the County of Hawaii to periodically collect and transport the accumulated wastewater to the County's Kealakehe Wastewater Treatment Plant (KWWTP) for disposal. KP will be a nonresidential batch discharger and subject to the County's wastewater pretreatment requirements.

It is our understanding that KP will no longer use the existing wastewater treatment facility at the Medical Center after they commence discharge at KWWTP.

Please contact me at [Christopher.Laude@HawaiiCounty.gov](mailto:Christopher.Laude@HawaiiCounty.gov) or (808) 961-8279 with any questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "Christopher Laude".

Christopher Laude, PE  
T/A Wastewater Division Chief

**EXHIBIT "A"**

**INDUSTRIAL WASTEWATER DISCHARGE PERMIT**

**COUNTY OF HAWAII  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
Wastewater Division**

Permit No. 2026-002

Issued By \_\_\_\_\_  
T/A Chief, Wastewater Division

Effective Date: May 5, 2026

Expiration Date: January 1, 2027

**1. AUTHORIZATION AND LEGAL AUTHORITY**

In accordance with the provisions of **Chapter 21, Article 1, Section 21-7 of the Hawaii County Code (HCC)**, regarding the acceptance of industrial waste, the Department of Environmental Management (DEM), Wastewater Division (WWD) hereby grants authorization to:

<b>Industrial User (Permittee):</b>	Kaiser Permanente Medical Center.
<b>Facility Location:</b>	74-517 Honokohau Street Kailua-Kona HI 96740
<b>Standard Industrial Classification:</b>	8000 – Health Services 8071 – Medical Laboratories
<b>Discharge Type</b>	<input checked="" type="checkbox"/> Batch <input type="checkbox"/> Continuous

to discharge non-domestic (industrial) wastewater into the **County of Hawaii public sewer system and Hilo Wastewater Treatment Plant**, subject to the "Special Agreement" established herein. This authorization is granted based on the determination that the industrial waste generated by the Permittee possesses unusual volume, strength, or character, necessitating a special arrangement distinct from standard domestic sewage regulations. This authorization is compliant with and specifically regulates wastewater excluded under HAR 11-62-41(c).

**2. INDUSTRIAL WASTE DESCRIPTION AND DIAGRAM**

A description of the industrial waste and a diagram of the industrial waste process is included as Attachment 1. The PERMITTEE shall provide written notice to DEM not less than forty-five calendar days before the change any substantial change in volume or the of pollutants in its discharge, including listed or hazardous waste per 40 CFR 403.12(j). DEM may issue a revised Permit to reflect the change. The PERMITTEE shall notify DEM at [Cohwwdpretreatment@hawaiicounty.gov](mailto:Cohwwdpretreatment@hawaiicounty.gov) within 24 hours of any event that results in temporary ceasing of discharge to the County.

**3. SCOPE OF SPECIAL AGREEMENT**

Pursuant to HCC § 21-7, the County and the Permittee have entered into this special agreement to accommodate the specific nature of the Permittee's discharge. This Permit constitutes the formal arrangement allowing for such discharge, conditioned upon:

- A. **Payment of Charges:** The payment of appropriate surcharges, industrial waste fees, and capacity charges as agreed upon by both parties and detailed in **Attachment 2 - Fees and Charges** of this Permit.

## INDUSTRIAL WASTEWATER DISCHARGE PERMIT

- B. **Compliance:** Strict adherence to the permit conditions, effluent limitations, monitoring requirements, and reporting schedules specified in this Permit.
- C. **Prohibited Discharge Standards:** The Permittee agrees to comply with the Prohibited Discharge Standards in Attachment 3.
- D. **Revocability:** The understanding that this special agreement is subject to modification or revocation by DEM if the discharge negatively impacts the structural integrity of the sewer system, the operational efficiency of the treatment plant, or the health and safety of County personnel or the public. DEM may also modify or revoke this special agreement if DEM determines that it necessary.

### 4. PERMIT CONDITIONS

- A. The PERMITTEE shall comply with all regulatory requirements pertaining to indirect discharges into the POTW contained in Chapter 21 of the HCC. Pursuant to HCC § 21-7(e), the Permittee shall comply with pretreatment requirements promulgated by the U.S. Environmental Protection Agency (EPA) under Section 307 of the Clean Water Act.
- B. The PERMITTEE agrees that DEM will monitor compliance with these regulatory requirements and enforce as provided for in this permit to ensure compliance, and agrees to allow access to the premises for those purposes.
- C. This Permit authorizes the PERMITTEE to discharge wastewater only at locations approved by the County of Hawaii or through approved fixed connections from the location set forth above and in accordance with conditions, restrictions, and requirements contained herein.
- D. The PERMITTEE shall complete and submit to DEM a permit reapplication 180 days before the Permit expiration date. Unless DEM requests additional information or otherwise notifies the PERMITTEE of incompleteness within 60 days of receipt of the application, the application shall be deemed complete. The current Permit expiration date will be automatically extended if the application is deemed complete and the County has not yet issued a renewed permit before the permit expiration date.
- E. This Permit may be reopened for modifications by DEM for any of the following, but not limited to, reasons:
  - 1. To accommodate new discharge limits
  - 2. To change monitoring parameters, frequency, or sampling type
  - 3. To reflect alterations in the PERMITTEE's operations, including production rates, that result in new pollutant contributions or a changes (increases or decreases) in the amount of pollutants discharged or the volume of wastewater discharged that the Director deems significant
  - 4. New information is available that was not available at the time the permit was issued
  - 5. New federal, state, or local requirements promulgated since the time of permit issuance (e.g., revised categorical standards or local limits)
  - 6. Correcting technical mistakes, erroneous interpretations of federal, state, or local law, or typographical errors
- F. **PRETREATMENT:** The PERMITTEE shall only discharge wastewater from the industrial process shown in Attachment 1. The PERMITTEE shall maintain and operate the following wastewater pretreatment devices to pretreat its industrial process wastewater to comply with all Discharge Limits provided herein prior to discharge into the POTW:

MegaScreen 600 or equivalent at discharge location.  
Discharge Location is Kealakehe Wastewater Treatment Plant

DEM may modify pretreatment device requirements when it determines modification is necessary.

## INDUSTRIAL WASTEWATER DISCHARGE PERMIT

- G. OPERATION AND MAINTENANCE (O&M) RECORDS:** The PERMITTEE shall maintain O&M Records for the pretreatment devices and for all other devices on its premises that pretreat process wastewaters. At a minimum, the O&M Records shall include a chronological log of all installation, maintenance, servicing, repair, and modification of pretreatment devices at the Discharge Location. The O&M Records shall also include all records of waste disposal by the PERMITTEE or others. Should an outside party be hired by the PERMITTEE to perform services related to any pretreatment devices or for the disposal of hazardous or toxic materials, the O&M Records shall include documentation of those services, including the name and address of the outside party, the dates of service, the nature of the service, and the quantities, nature, and origin of wastes handled and their transportation and disposal method and location.
- H.** The PERMITTEE shall maintain O&M Records on the discharge location premises at all times and shall make them available, at any time, for inspection and photocopying by County, State, or Federal officials.
- I. SELF-MONITORING AND REPORTING:** The General Pretreatment Regulations require all PERMITTEES to self-monitor and report on their compliance status. The PERMITTEES shall perform periodic industrial wastewater self-monitoring sampling and analyses and report their self-monitoring results to DEM.
- J.** The self-monitoring requirements for this Permit are listed in Table 1. The PERMITTEE shall monitor their discharge and maintain compliance with the limits specified. These self-monitoring requirements are subject to change should the PERMITTEE fail to maintain continued compliance with any of the Permit Conditions, Discharge Limits, or General Provisions, or should new or revised laws, ordinances or regulations be established.

*Table 1 – Self Monitoring Requirements*

Regulated Parameter	Unit	Minimum Sampling Frequency	Sample Type	Maximum Daily Limits	Instantaneous Limits
volume of discharge	Gallons/discharge <sup>1</sup>	per discharge	Continuous through flow	-	-
pH	pH standard units	Per discharge	Grab-analyze immediately	-	within 5.5 to 11
Temperature	°F	Per discharge	Grab-analyze immediately	-	140 °F
Oil and Grease	mg/L	Monthly	Grab	100	-
Closed-cup Flashpoint	°F	Once per permit term, within 1 year of permit issuance	Grab	-	less than 140 °F
Total Suspended Solids <sup>2,3,4</sup>	mg/L	Per discharge	Grab	-	-
Biochemical Oxygen Demand (BOD <sub>5</sub> ) <sup>2,3,4</sup>	mg/L	quarterly	Grab	-	-
Chemical Oxygen Demand (COD)	mg/L	Per discharge	Grab	-	-
Phosphorous, Total	mg/L	Monthly	Grab	-	-
Total Kjeldahl Nitrogen	mg/L	Monthly	Grab	-	-

NOTE: The PERMITTEE shall keep a record of the date, start and end times and volume of each discharge to the POTW.

The PERMITTEE shall submit its self-monitoring reports (SMRs) of the results to the DEM on a monthly basis. Each monthly submittal shall include the following information and records:

## INDUSTRIAL WASTEWATER DISCHARGE PERMIT

1. Total process wastewater flow in gallons for continuous dischargers and total amount discharged for batch dischargers.
2. The date(s), exact place, method, and time of sampling.
3. The names of the person or persons taking the samples.
4. The date(s) the analyses were performed.
5. The names of the person or persons performing the analyses.
6. The analytical techniques and methods used to perform the analyses.
7. The results of the analyses.
8. A completed Chain of Custody form.
9. Schedule showing days the PERMITTEE's facility was operational.

The PERMITTEE shall submit monthly reports to DEM as an electronic file and as a hard copy signed in ink no later than the 30 days following the month being reported.

- K. **SELF-MONITORING PERIODIC SAMPLING EVENTS:** If the PERMITTEE desires to change their self-monitoring reporting frequency, the PERMITTEE shall notify DEM at least 30 days prior to the desired date of change. If acceptable to DEM, the Director may authorize the change and may issue a modified permit to reflect the changes.
- L. **ESTABLISHED SAMPLE LOCATIONS:** The PERMITTEE shall collect samples of their industrial process wastewater at locations that are representative of the discharge entering into the POTW. The sample location shall be downstream of all treatment processes and upstream of the sewer system and is shown on Figure 1.
- M. **SAMPLING AND ANALYTICAL METHODOLOGY:** The PERMITTEE shall perform industrial wastewater analyses utilizing proper analytical techniques that comply with most current U.S. EPA methodology and/or Standard Methods of Wastewater. Listed below are all the self-monitoring parameters the PERMITTEE shall test for, the established reporting units, the collecting and preserving of samples, and the method of analysis.
- N. For continuous dischargers, the PERMITTEE shall collect a minimum of four samples for each monitoring parameter that required grab sampling. The PERMITTEE shall retrieve samples at equal intervals throughout a production period or the actual duration of the PERMITTEE's discharge. The PERMITTEE shall document the time frame for which each grab sample was taken. The grab samples may be analyzed separately or composited into one sample for analysis. Oil and grease grab samples shall be collected and submitted in glass containers only. Permittee shall comply with the self monitoring methodologies listed in Table 2.

*Table 2- Self Monitoring Methodologies*

Measurement	Units	Analytical Method	Minimum Sample Size	Container	Preservative	Maximum Holding Time
5-Day Biochemical Oxygen Demand (BOD <sub>5</sub> )	mg/L	SM5210B-2001	1,000 mL	P*, G+	Cool, 6°C	48 Hours
Chemical Oxygen Demand (COD)	mg/L	410.3	1,000 mL	P*, G+	Cool, 6°C	48 Hours
Total Suspended Solids (TSS)	mg/L	SM 2540 D-1997	1,000 mL	P*, G+	Cool, 6°C	7 Days

## INDUSTRIAL WASTEWATER DISCHARGE PERMIT

Oil and Grease	mg/L	USEPA #1664 Part 8.3***	250 mL - 1,000 mL	Glass Only**	Cool, 6°C H <sub>2</sub> SO <sub>4</sub> to pH <2	28 Days
pH	Units	SM4500-H+B-2000	25 mL	P*, G+	None	Analyze immediately
Temperature	°F	SM2550 B - 2000	1,000 mL	P*, G+	None	Analyze immediately
Flashpoint	°F	SM1010A/1020B	250 mL	G+	None	None stated in method
Zinc	mg/L	EPA 200.8	250 mL	P*, G+	HNO <sub>3</sub>	6 months
Total Kjeldahl Nitrogen	mg/L	351.2				
Total Phosphorous	mg/L	365.1				

**NOTE:**

P\* = Polyethylene; G+ = Glass,

SM – Standard Methods for the Examination of Water and Wastewater.

\*\*250mL glass bottle for composite samples only,

\*\*\*other methods include EPA 1664B and SM 5520 B-2001.

**O. REPORTING REQUIREMENTS FOR ADDITIONAL MONITORING:** In accordance with 40 CFR 403.12(g)(6), if an PERMITTEE monitors any regulated pollution at the appropriate sampling location more frequently than required by DEM, using approved procedures, the results of this monitoring shall be reported to DEM.

**P. THREE YEAR RECORD-KEEPING:** The PERMITTEE shall retain for a minimum of three years all records of self-monitoring activities and results. The PERMITTEE shall make such records available for inspection and copying by County, State, or Federal officials as provided by law. This period of retention shall be extended during any unresolved litigation or administrative procedure.

**Q. CERTIFICATION STATEMENT:** The PERMITTEE shall include a Certification Statement with each submission of an SMR or any other report or statement of compliance submitted pursuant to pretreatment regulations. The Certification Statement, indicated below, shall be included in the cover letter transmitting the report and must be signed by an Authorized Representative of the PERMITTEE.

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

**R. AUTHORIZED REPRESENTATIVE:** 40 CFR 403.12(l) defines an Authorized Representative of the PERMITTEE as:

1. A responsible corporate officer if the PERMITTEE submitting the statement or report is a corporation. A responsible corporate officer means:
  - I. A president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or
  - II. The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

## INDUSTRIAL WASTEWATER DISCHARGE PERMIT

2. A general partner or proprietor, if the PERMITTEE submitting the statement or report is a partnership or sole proprietorship respectively.
3. A duly authorized representative of the individual designated in paragraph 1 or 2 of this section if:
  - I. The authorization is made in writing by the individual described in paragraph 1 or 2; and
  - II. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
  - III. The written authorization is submitted to DEM.

### NOTE:

If an authorization under paragraph of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of this section must be submitted to DEM prior to or together with any reports to be signed by the new authorized representative.

- U. **DEMONSTRATION OF CONTINUED COMPLIANCE:** In the event that self-monitoring results indicate a violation of any Discharge Limits, the PERMITTEE shall notify DEM by email at [Cohwwdpretreatment@hawaiicounty.gov](mailto:Cohwwdpretreatment@hawaiicounty.gov) and by phone at (808) 961-8028 within 24 hours of becoming aware of the violation. The PERMITTEE shall perform a repeat sampling event within three production days from becoming aware of the violation, at approximately the same time frame as the violation occurrence and shall submit a written report detailing the violation occurrence and corrective action taken, within five working days from becoming aware of the violation. The PERMITTEE shall submit the results of the re-sampling analysis to DEM within 30 days after becoming aware of the violation.
- V. **HAZARDOUS WASTE DISCHARGE NOTIFICATION:** The PERMITTEE is prohibited from discharging any substance that if otherwise disposed of would be a hazardous waste under 40 CFR Part 261. In the event of an inadvertent discharge of hazardous waste, the PERMITTEE shall notify the EPA Regional Wastewater Management Division Director, State Emergency Response Commission, local emergency planning commission, and DEM at: [Cohwwdpretreatment@hawaiicounty.gov](mailto:Cohwwdpretreatment@hawaiicounty.gov) and by phone at (808) 961-8028, within 24 hours, and submit in writing, within five working days, detailed description of the discharge. Such written notification must include a certification statement, the date and time of hazardous discharge, the name of the responsible individual or person discovering or anticipating the discharge, name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, the type of discharge (continuous, batch, or other), the cause(s) for the discharge, and the plan implemented to deal with similar discharges. Notification made by the PERMITTEE to DEM under this Permit Condition does not relieve the PERMITTEE from complying with any other applicable Federal, State, or local laws and regulations.
- W. **SLUG CONTROL PLAN:** "Slug Discharge" means any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge as defined by 40CFR403.8(f)(2)(vi), which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, local limits, or Permit conditions." Industrial Users are required to notify the Director immediately of any changes at its facility affecting the potential for a Slug Discharge.

If required by the Director, the PERMITTEE shall submit a Slug Control Plan to DEM for review and approval within 30 days of reissuance of this Permit. The County has within 60 days to review the plan and submit comments to the PERMITTEE for revision, otherwise, the plan will be considered approved. However, the County reserves the right to request the PERMITTEE to revise the plan if new information or developments occur (e.g., changes in the treatment process) during the term of this Permit.

The plan shall contain, at a minimum, the following elements:

## INDUSTRIAL WASTEWATER DISCHARGE PERMIT

1. Description of discharge practices, including non-routine batch Discharges;
  2. Description of stored chemicals;
  3. Procedures for immediately notifying the POTW of Slug Discharges, including any Discharge that would violate a prohibition under 40 CFR 403.5(b) with procedures for follow-up written notification within five working days, and;
  4. If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling, and transfer of materials, loading, and unloading operations, control of plant site run-off, worker training, the building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.
- X. BYPASS: "Bypass" means the intentional diversion of waste streams from any portion of an Industrial User's treatment facility." (unintentional) Bypass is prohibited, and the Director may take enforcement action against a PERMITTEE for a bypass. Affirmative defense for bypass include:
1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated waste, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance, and;
  3. The Industrial User submitted notices as required under paragraph (c) of Section 40 CFR 403.17.

### Bypass Notice.

- I. If the PERMITTEE plans a bypass, they shall submit a request to DEM at least 30 days in advance.
  - II. The PERMITTEE shall submit a verbal notice of an unanticipated bypass that results in a discharge exceeding applicable Pretreatment Standards to the Director within 24 hours from the time they become aware of the bypass. The PERMITTEE shall submit a written report to the Director within 5 days of the time the Industrial User becomes aware of the bypass. The written report shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Director may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
- Y. TRANSFERABILITY: PERMITTEE Permit is transferable only after a written request is submitted to and approved by DEM. PERMITTEE shall submit transfer requests to DEM not less than 45 working days before the desired transfer date. Upon approval, DEM may issue a new permit to the new owner or operator of the Discharge Location.
- Z. DURATION: The Permit becomes effective on the effective Date and ends on the expiration date. In no event shall this Permit extend beyond the Expiration Date.
- AA. NOTIFICATION OF DISCONTINUED OPERATIONS OR DISCHARGE: The PERMITTEE shall provide DEM with written notification at least 30 days prior to discontinuing their business operations or cessation of process wastewater discharge.

## INDUSTRIAL WASTEWATER DISCHARGE PERMIT

### 5. SUBMITTAL PROCEDURES

The PERMITTEE shall submit all correspondence, statements, SMRs, and other submittals pursuant to this Permit by sending an e-file, by email to [Cohwwdpretreatment@hawaiicounty.gov](mailto:Cohwwdpretreatment@hawaiicounty.gov). In addition, documents shall be mailed to:

County of Hawaii Department of Environmental Management  
Wastewater Division-Pretreatment Program  
345 Kekuanaoa St. Suite 45  
Hilo, Hawaii 96720

### 6. VIOLATIONS

If the Director determines that the PERMITTEE is violating or has violated any provisions of Chapter 21 of the Hawaii County Code, any rule adopted there under, or any permit issued pursuant thereto or any federal pretreatment standard or provision, they may notify the PERMITTEE of the violation. Notice of violation may be delivered to the PERMITTEE by personal service, by posting at a conspicuous space at the PERMITTEE's premises, by registered or certified mail or delivery. Receipt of the notice shall be the date the service attempts delivery, or the date of personal service or posting. Written record of the notice of violation will include at least the following information:

- I. The date of the notice.
- II. The name and address of the person served with the notice.
- III. The section number of the Sewer Ordinance, rule, or other law, which has been violated.
- IV. The nature of the violation(s); and
- V. The deadline for compliance with the notice.

Within 30 days of the receipt of notice of any violation, or such shorter period as may be provided in the Notice of Violation, an explanation of the violation and plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Director. Submission of this plan in no way relieves an PERMITTEE for any violations occurring before or after receipt of the Notice of Violation. Nothing in the Sewer Ordinance shall limit the authority of the director to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation, or before the expiration of the time to respond with a plan.

- A. Compliance Orders and Compliance Schedules. Upon a finding by the Director that an PERMITTEE has violated or continues to violate HCC Chapter 21, a permit or an order issued herein, or any other pretreatment standard or requirement, the Director may issue an order to the PERMITTEE responsible for the discharge requiring the PERMITTEE to come into compliance within a period of time specified by the Director. These orders may not extend the deadline for compliance established for a federal pretreatment standard or requirement, nor do they release the PERMITTEE from liability for any violation, including a continuing violation. Issuance of a compliance order or a compliance schedule shall not be a prerequisite to taking any other enforcement against the PERMITTEE.
- B. Show Cause Order. Whenever the Director finds that a discharge of wastewater is taking place or threatening to take place in violation of any requirement imposed by the Sewer Ordinance, regulation or other law, the Director may issue a notice of violation and Show Cause Order requesting the PERMITTEE. Notice will be served on the PERMITTEE specifying the time and place for the hearing, the proposed enforcement action, the reasons for such action, and an order that the PERMITTEE show cause why this proposed enforcement action should not be taken. The notice of hearing shall be served as described in paragraph CC least 15 days prior to the hearing. The notice may be served on any authorized representative of the PERMITTEE.

This meeting is not a prerequisite to taking formal enforcement against the PERMITTEE, and neither does this preclude in any way informal meetings or discussions with the PERMITTEE.

## INDUSTRIAL WASTEWATER DISCHARGE PERMIT

- C. Consent Orders: The Director may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any PERMITTEE responsible for non-compliance. The order shall include specific action to be taken by the PERMITTEE to correct the non-compliance within the time period to be provided in the order. These orders shall have the same force and effect as other administrative orders issued pursuant to Paragraph C above and shall be judicially enforceable.
- D. Cease and Desist Orders: Whenever the Director finds that a discharge of wastewater is taking place or threatening to take place in violation of any Sewer Ordinance, order, regulation, or other law, the Director shall issue an order directing the PERMITTEE to cease and desist such discharges and achieve compliance in accordance with a detailed time schedule of specific actions the PERMITTEE shall take in order to correct or prevent violations of the Sewer Ordinance, regulation, order, or any other law. The Director may order the revocation or suspension of any permit. Any order issued by the Director may require the PERMITTEE to provide information, as the Director deems it necessary to explain the nature of the discharge. The Director may require in any cease-and-desist order that the PERMITTEE pay to the county the costs of any extraordinary inspection or monitoring which at the discretion of the Director was deemed necessary as a result of the violation, together with civil penalties. Issuance of a Cease-and-Desist Order shall not preclude any other enforcement action against the PERMITTEE.
- E. Cleanup and Abatement Orders:
1. Any PERMITTEE who is in violation of the Sewer Ordinance, regulation, order, or any other law, shall upon the Director's order and at the total expense of the PERMITTEE, clean up the discharge and do whatever is necessary or required by the Director to abate the effects of the violation.
  2. The PERMITTEE may be required to initiate any cleanup, abatement, or remedial work that the Director deems necessary. Issuance of a cleanup and abatement order shall not preclude any other enforcement action against the PERMITTEE.
  3. Any PERMITTEE violating the Sewer Ordinance, regulation, order, or any other law shall be liable to the County for costs incurred in the cleanup, abatement, or remedial actions undertaken by the Director, including but not limited to administrative costs, inspection costs, attorney's fees and penalties or other liability imposed upon the County by other agencies, persons, or organizations whether by way of court action, administrative action, or settlement.
- F. Termination of Discharge: In addition to other remedies available and as provided in the Sewer Ordinance or by law, when at the discretion of the Director, the PERMITTEE has not demonstrated or cannot demonstrate satisfactory progress toward compliance with the requirements of the Sewer Ordinance, regulation, order, or other laws, the Director may, after providing written notice to the PERMITTEE by certified mail 30 days in advance of any action, sever or plug the connection from the PERMITTEE's system to the County's sewerage system or otherwise prevent the discharge of wastewater from the PERMITTEE's system to the County's sewage system.
- G. Administrative Fines: In addition to other remedies available and as provided in the Sewer Ordinance by law, the Director may impose administrative penalties.
- H. Other Enforcement Actions: Nothing herein shall preclude or limit in any manner, state or federal regulatory agencies from undertaking enforcement actions as appropriate as a result of violations pursuant to the Sewer Ordinance to the extent these also constitute violations of applicable federal or state laws or other pertinent requirements.

**JUDICIAL ENFORCEMENT OF ORDER**: The Director may institute a civil action in any court of competent jurisdiction for the enforcement of any order issued. Where the civil action has been instituted to enforce the civil fine imposed by said Order, the Director need only show that the Notice of Violation and Order was served, a hearing was held or the time granted for requesting a hearing had expired without such a request, the civil fine was imposed, and that the fine imposed had not been paid.

## INDUSTRIAL WASTEWATER DISCHARGE PERMIT

### 7. APPEALS

The PERMITTEE may petition to appeal the terms of a wastewater discharge permit, its modification, revocation, suspension, or denial, or the Director order, including but not limited to enforcement within 30 days of the Directors final action on the matter in accordance with the rules and regulations of DEM. Failure to submit a timely petition for appeal shall be deemed to be a waiver of the administrative appeal.

1. In its petition, the appealing party shall indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and alternative condition, if any, it seeks to substitute for the provisions objected to in the wastewater discharge permit, or the specific basis for its objections to the permit modification, suspension, revocation or denial, and alternatives, if any it suggests, or specific grounds for its objection to the Directors order.
2. The effectiveness of the wastewater discharge permit or the Directors final action regarding the permit modification, suspension, revocation, or denial, or the Directors order, including but not limited to enforcement, shall not be stayed pending the appeal.
3. If the petition for appeal is not acted upon within thirty (30) days by the Director, the petition shall be deemed to be denied and the PERMITTEE shall comply with the terms of the permit or the Directors final action regarding the permit modification, suspension or revocation, or the terms of the Directors order.

The Director may take final action on a permit denial, issuance, modification, or renewal, or an order, including but not limited to enforcement, by sending the permit or the order to the applicant as described in Section 6.

### 8. PENALTIES

**Administrative and Civil Penalties.** Any person violating any provisions of the Sewer Ordinance, any order, or permit issued hereunder, or any other pretreatment standard or requirement, shall be liable for an administrative or civil penalty of not less than \$1,000 per violation per day, except that in cases where such offense shall continue after written notice from the Director of such violation, each day's continuance of the same shall constitute a separate offense. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation. In determining the amount of the fine, the Directors shall consider the seriousness of the violation or violations, any history of such violations, any good-faith efforts to comply with the applicable requirements, the economic impact of the fine on the violator, AND such other considerations, that the Director determines in the exercise of the Directors discretion, are relevant to the amount of the fine. In addition to the penalties provided herein, the County may recover reasonable attorney's fees, court costs, court reporter's fees, and other litigation expenses by appropriate suit at law against the PERMITTEE found to have violated the Sewer Ordinance or the orders, rules, regulations, and permits hereunder.

INDUSTRIAL WASTEWATER DISCHARGE PERMIT

Criminal Penalties. Any PERMITTEE:

1. Who willfully, intentionally, recklessly, or negligently violates any provisions of the Sewer Ordinance, any order or permit issued hereunder, or any other pretreatment requirement, shall, upon conviction, be punished by a fine of not less than \$1,000 or by imprisonment not exceeding 90 days, or both, except that in cases where such offense shall continue after due notice, each day's continuance of the same shall constitute a separate offense; or
2. Who knowingly makes any false statement or misrepresentation in any record, report plan, or other document filed with the Director, or tampers with or knowingly renders inaccurate any monitoring device or sampling and analysis method, shall be punished by a fine or not more than \$25,000 or by imprisonment for not more than six months, or both.

Accepted By (Printed Name): Robert Stafford  
Authorized Signature: [Signature]  
Title: Chief Operating Officer  
Date: 5/5/26

**INDUSTRIAL WASTEWATER DISCHARGE PERMIT**

**Attachment 1**

**INDUSTRIAL WASTEWATER DISCHARGE PERMIT**

**INDUSTRIAL WASTEWATER DISCHARGE PERMIT**

**INDUSTRIAL WASTEWATER DISCHARGE PERMIT**

**INDUSTRIAL WASTEWATER DISCHARGE PERMIT**

# INDUSTRIAL WASTEWATER DISCHARGE PERMIT

## Attachment 2: Fees and Charges

### I. GENERAL PRINCIPLES

Pursuant to the special agreement authorized by Hawaii County Code § 21-7, the Permittee shall pay the County for the cost of treating the industrial waste. These charges are composed of three parts:

- A. Base Sewer Service Charge: For the hydraulic flow (volume).
- B. High-Strength Surcharges: For the treatment of pollutants exceeding normal domestic strength.
- C. Administrative & Monitoring Fees: For the cost of permit management and verification.

### 2. BASE SEWER SERVICE CHARGE

The Permittee shall pay a monthly base charge based on the total volume of wastewater discharged.

- A. Rate: As set forth in the current County of Hawaii Annual Budget and Fee Schedule for Non-Residential users.
- B. Measurement: Volume shall be determined installed effluent flow meter readings for continuous dischargers. Batch dischargers shall quantify their discharges in a manner acceptable to the Director.

### 3. HIGH-STRENGTH SURCHARGES

Because the Permittee's waste is designated as "unusual strength," a surcharge shall be applied to all discharge parameters that exceed the Normal Domestic Strength thresholds established below.

- A. Thresholds for Surcharges. Surcharges apply when the average concentration of the discharge exceeds:
  1. Chemical Oxygen Demand (COD): 250 mg/L
  2. Total Suspended Solids (TSS): 250 mg/L
  3. Fats, Oils, and Grease (FOG): 100 mg/L

- B. Calculation of Surcharges: The surcharge is calculated based on the total pounds of excess pollutants discharged. The Permittee shall pay the surcharge calculated using the following formula:

$$S = V \times 8.34 \times [\text{COD}_{\text{cost}} \times (\text{COD}_{\text{discharge}} - \text{COD}_{\text{normal}}) + \text{TSS}_{\text{cost}} \times (\text{TSS}_{\text{discharge}} - \text{TSS}_{\text{normal}})]$$

Where:

1. S = Total Monthly Surcharge (\$)
2. V = Total Monthly Volume of wastewater discharged in Million Gallons (MG)
3. 8.34 = Factor to convert mg/L into pounds per million gallons
4.  $\text{COD}_{\text{cost}}$  = Unit cost for treating COD (\$3 per lb)
5.  $\text{TSS}_{\text{cost}}$  = Unit cost for treating TSS (\$3 per lb)
6.  $\text{COD}_{\text{discharge}}$  and  $\text{TSS}_{\text{discharge}}$  = The average concentration (mg/L) of the Permittee's waste as determined by monitoring
7.  $\text{COD}_{\text{normal}}$  and  $\text{TSS}_{\text{normal}}$  = The normal domestic strength limit (mg/L) listed in Section 3(A) above

Note: If the concentration is less than the limit (L), that specific term in the equation shall be set to zero.

### 4. MONITORING AND ADMINISTRATIVE COSTS

- A. Sampling Costs: All costs associated with the collection and laboratory analysis of wastewater samples required to determine compliance and calculate surcharges shall be borne entirely by the Permittee.
- B. Permit Fee: An annual administrative permit fee of \$\_\_\_\_\_ is due upon the effective date of this permit and annually thereafter.

### 5. REVIEW AND ADJUSTMENT

The unit costs and base rates are subject to change based on the County of Hawaii's annual determination of treatment costs. The County will provide the Permittee with [30] days' written notice of any adjustment to the rates.

## INDUSTRIAL WASTEWATER DISCHARGE PERMIT

### Attachment 3: Prohibited Discharge Standards

**I. PROHIBITED DISCHARGE STANDARDS:** The IU shall not introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These prohibitions apply to all IUs of the POTW whether or not they are subject to categorical pretreatment standards or any other Federal, State, or local pretreatment standards or requirements. Furthermore, the IU shall not discharge:

- A. Pollutants which create a fire or explosive hazard in the municipal wastewater collection and POTW, including but not limited to, waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21.
- B. Any wastewater having a pH less than 5.5 or more than 11.0 or otherwise causing corrosive structural damage to the POTW following substances into the POTW or equipment, or endangering County personnel.
- C. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than ¼ inches in any dimension.
- D. Any wastewater containing pollutants, including oxygen demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with either the POTW; or any wastewater treatment or sludge process, which will constitute a hazard to humans or animals.
- E. Any wastewater having a temperature greater than 140°F, or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C).
- F. Discharges containing petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, and fats, oil, or greases (FOG) of animal or vegetable origin that adhere to or deposit onto surfaces within the POTW.
- G. Any pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- H. Any trucked or hauled pollutants, except at discharge points designated by the POTW.
- I. Any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance, a hazard to life, or to prevent entry into the sewers for maintenance and repair.
- J. Any wastewater, which imparts colors which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent thereby violating the County of Hawaii's NPDES permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than 10 percent from the seasonably established norm for aquatic life.
- K. Any wastewater containing any radioactive wastes or isotopes except as specifically approved by POTW in compliance with applicable State or Federal regulations.
- L. Stormwater, surface water, groundwater, roof runoff, subsurface drainage, swimming pool drainage, condensate, de-ionized water, non-contact cooling water, and unpolluted process industrial wastewater, unless specifically authorized by the POTW.
- M. Any sludge, screenings, or other residues from the pretreatment of industrial wastes.

## INDUSTRIAL WASTEWATER DISCHARGE PERMIT

- N. Any medical wastes, except as specifically authorized by the Director in a wastewater discharge permit.
  - O. Any wastewater causing the treatment plant's effluent to fail a toxicity test.
  - P. Any wastes containing detergents, surface-active agents, or other substances, which may cause excessive foaming in the POTW.
  - Q. Waste prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW. All floor drains located in process or materials storage areas must discharge to the IU's pretreatment facility before connecting with the POTW.
- 2. FEDERAL CATEGORICAL PRETREATMENT STANDARDS:** The National Categorical Pretreatment Standards found in 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.
- 3. SPECIFIC POLLUTANT LIMITATIONS:** The IU shall not discharge wastewater-containing pollutants in excess of the **INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE LIMITS** for individual grab samples nor in excess of the **DAILY ALLOWABLE DISCHARGE LIMITS** for composite samples as shown in Table 1.
- A. Concentrations apply at the point where the industrial waste is discharged prior to the POTW collection system but downstream of the IU treatment process. All concentrations for metallic substances are for "total" metals unless indicated otherwise. DEM may, at its discretion, impose mass limitations in addition to or in place of the concentration-based limitations above.
  - B. These Permit requirements shall by no means restrict or prohibit DEM from establishing and requiring IU's standards more stringent than set forth herein; if deemed reasonably necessary to comply with pretreatment regulations.
- 4. SPECIAL AGREEMENTS:** DEM reserves the right to enter into special agreements with IUs setting out special terms under which they may discharge to the POTW. In no case shall a special agreement waive compliance with applicable County, State, or Federal pretreatment standards or requirements. However, the IU may request a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15. The IU may also request a variance from the categorical pretreatment standards from the EPA. Such a request will be approved only if the IU can prove that factors relating to its discharge are fundamentally different from the factors considered by the EPA when establishing those pretreatment standards. An IU requesting a fundamentally different factor variance must comply with the procedural and substantive provisions in 40 CFR 403.13.
- 5. DILUTION:** The IU shall not increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. DEM may impose mass limitations on IUs which are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations are appropriate.