CHARMAINE TAVARES
Mayor

CHERYL K. OKUMA
Director

GREGGORY R. KRUSGE
Deputy Director

DAVID TAYLOR, P.E.
Wastewater Reclamation Division

TRACY TAKAMINE, P.E.
Solid Waste Division

COUNTY OF MAUI
DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT
2200 MAIN STREET, SUITE 100
WAILUKU, MAUI, HAWAII 96793

August 18, 2009

Mr. David Albright, Manager
Ground Water Office, WTR-9
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

SUBJECT: **LAHAINA WASTEWATER RECLAMATION FACILITY**
UIC CLASS V PERMIT # HI50710003
COMMENTS ON REVISED DRAFT PERMIT
REQUEST TO CONTINUE THE PUBLIC COMMENT PERIOD

Dear Mr. Albright,

We continue to have concerns about EPA's authority under the Safe Drinking Water Act and the State Department of Health requirements to impose the proposed permit conditions. This letter supplements my correspondence dated September 18, 2007, April 14, 2009, and June 23, 2009, as well as Scott Rollins' e-mail to Nancy Rumrill dated March 9, 2009, to further address the following issues: 1) the County's inability to meet the proposed deadlines for effluent enhancements (nitrogen removal and increased R-1 production); 2) the lack of potential for significantly expanding reuse distribution in the near future, and 3) request to continue the comment period. We ask that this letter, and all of our previous correspondence, be made part of the record in this matter.

1. Nitrogen Removal And R-1 Production

The proposed permit timeline cannot be met by the County without violating applicable state and County law, including the state Procurement Code, H.R.S. Chapter 103D; the state Environmental Policy Act, H.R.S. Chapter 343; and Article 9 of the Charter of the County of Maui (1983, as amended). The proposed permit requires construction be completed by December 31, 2011. The County cannot meet that deadline while complying with H.R.S. Chapters 103D and 343, and the County's Charter provisions relating to finance.

The Wastewater Reclamation Division works from a twenty-year Capital Improvement Project (CIP) schedule and currently averages about $30 million dollars of CIP per year in order to assure compliance with existing laws, permit conditions, and an EPA consent decree designed to protect the ocean from raw sewage spills. This sum already represents a significant portion of the entire County CIP budget. The additional costs represented by the permit conditions would reduce the County's ability to focus on the County's overall compliance

efforts and impacts our ability to maintain our CIP Program priority of eliminating or minimizing raw sewage spills

The retrofit to produce only R-1 effluent would require design and construction of substantial new structures at the plant. Nitrogen reduction would necessitate substantial process changes and major construction of facilities, which in turn would require a Project Engineering Report (PER) to develop and compare alternatives prior to any design and construction. Funding for design of the projects necessary to comply with the permit conditions would need to be included in the fiscal year 2011 budget and 6-year CIP plan (due approximately October 31, 2009 with Council approval expected in June 2010). Thereafter, the PER and design phases require consultant qualifying/selection/negotiation, alternative review, site surveys and investigation, plan and specification development, agency and environmental reviews, and finally, permitting. Given our experience on projects of this magnitude, these activities take twelve to eighteen months to complete, assuming no permitting delays.

Once the design phase is completed, the County must continue to comply with the state Procurement Code, including the Code's requirements for competitive bid advertisement, pre-bid meetings, bid opening, bid awards, contract finalization, notice to proceed, material/equipment/submittal reviews, material and equipment procurement, site mobilization, and potential bid protests. Construction cannot begin until all of these procedural requirements have been satisfied.

Moreover, because the construction projects involve the use of County lands and County funds, the County will have to comply with H.R.S. Chapter 343 regarding Environmental Impact Statements. We estimate that preparation, review, and acceptance of any Environmental Assessment or Environmental Impact Statement, will take approximately 18 months, assuming no legal challenges or other delays beyond our control.

Attached are updated preliminary project schedules for each project, which demonstrate that the proposed December 31, 2011 deadlines cannot be met if the County complies with H.R.S. Chapter 103D, H.R.S. Chapter 343, and the Charter of the County of Maui, among other laws and regulations governing the expenditure of taxpayer money.

2. Potential Of Effluent Reuse From The Lahaina Wastewater Reclamation Facility

The County cannot recycle all of the effluent treated at the Lahaina Wastewater Reclamation Facility on the timetable proposed by EPA. Major users (including golf courses and agriculture) are already on the system. Thus, only small incremental users are available for reuse expansion at this time. We estimate that the potential for additional reuse at existing properties is only slightly more than 1.1 million gallons/day, as opposed to the 3 million gallons per day assumed by the EPA. A summary of information regarding the maximum potential for near-term reuse is attached for your information. Furthermore, the distribution system (piping, pumps, and storage) would have to be expanded to reach and accommodate these users. Total improvement costs are estimated at over $20 million dollars for design and construction. All new users would need to retrofit their irrigation systems (at their expense) to accept the reclaimed water, which is not realistic in the current economic climate.

3. Request to Continue the Comment Period

So that we will have an opportunity to consider and respond to comments made at the August 20 hearing, we request a continuance of the comment period for 30 days until September 21 (Monday) close of our business.

The County of Maui and the EPA share the common goals of protecting the environment and public health. The proposed conditions impose unreasonable expense and an unworkable timeline on the County without significantly protecting the environment and the public health. Therefore, the County continues in its objections to the imposition of the proposed permit conditions.

Please feel free to contact me at (808) 270-8230, or Wastewater Reclamation Division Chief Dave Taylor at (808) 270-7421 if you have any questions or require further information.

Sincerely,

Cheryl K. Okuma

Cheryl K. Okuma, Director
Department of Environmental Management

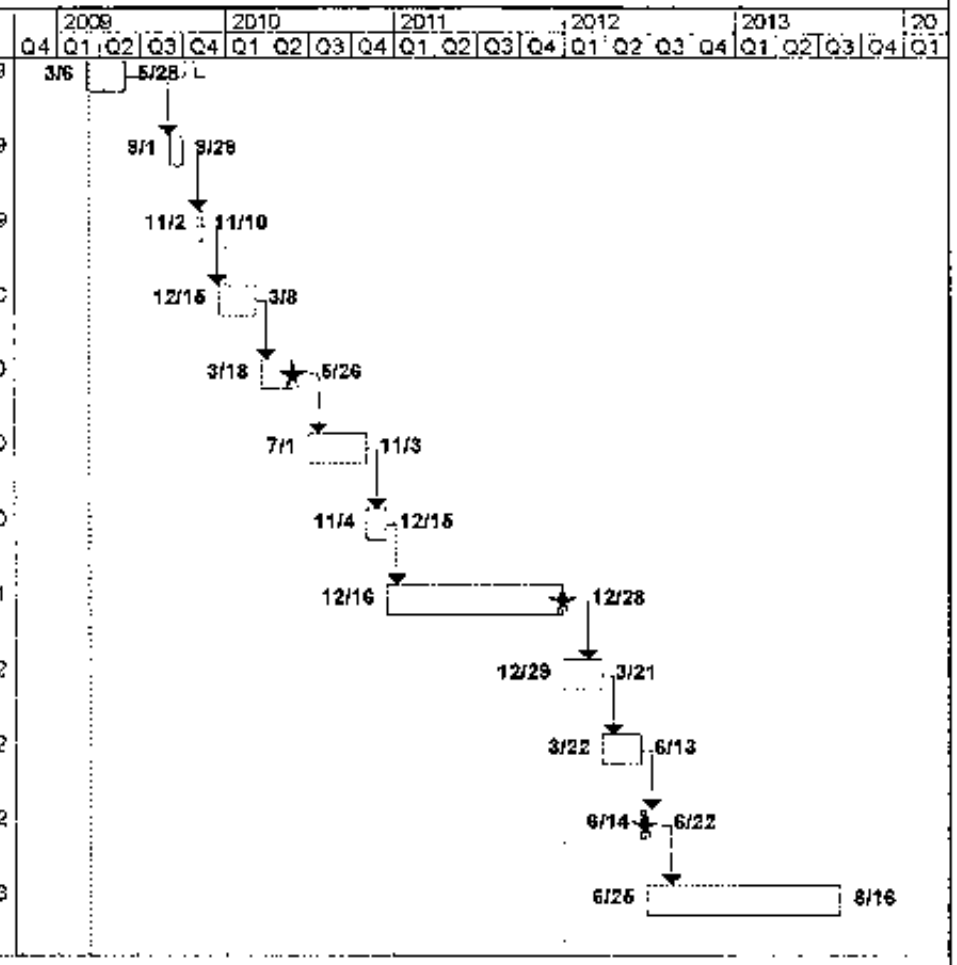
Attachments: Potential Ultraviolet Expansion Gant Chart
Potential Nitrogen Reduction Gant Chart
Potential Reuse map and table

xc: Charmaine Tavares, Mayor
Sheri Morrison, Managing Director
Dave Taylor, Wastewater Reclamation Division Chief
Brian T. Moto, Corporation Counsel

S:\allDEM\ADMIN 1\DirDepSec\Correspondence\Letters to Public

Potential Ultraviolet Expansion at Lahaina WWRF

ID	Task Name	Duration	Start	Finish
1	Project Description	60 days	Fri 3/6/09	Thu 5/28/09
2	Cost Estimate	21 days	Tue 9/1/09	Tue 9/29/09
3	CIP Project Listing	7 days	Mon 11/2/09	Tue 11/10/09
4	Approved by Mayor	60 days	Tue 12/15/09	Mon 3/8/10
5	Approval by County Council	50 days	Thu 3/18/10	Wed 5/26/10
6	Design Consultant Selection	90 days	Thu 7/1/10	Wed 11/3/10
7	Design Consultant Contract	30 days	Thu 11/4/10	Wed 12/15/10
8	Design and Permits	270 days	Thu 12/16/10	Wed 12/28/11
9	Construction Bid	60 days	Thu 12/29/11	Wed 3/21/12
10	Construction Contract	60 days	Thu 3/22/12	Wed 6/13/12
11	Notice to Proceed	7 days	Thu 6/14/12	Fri 6/22/12
12	Construction	300 days	Mon 6/25/12	Fri 8/16/13

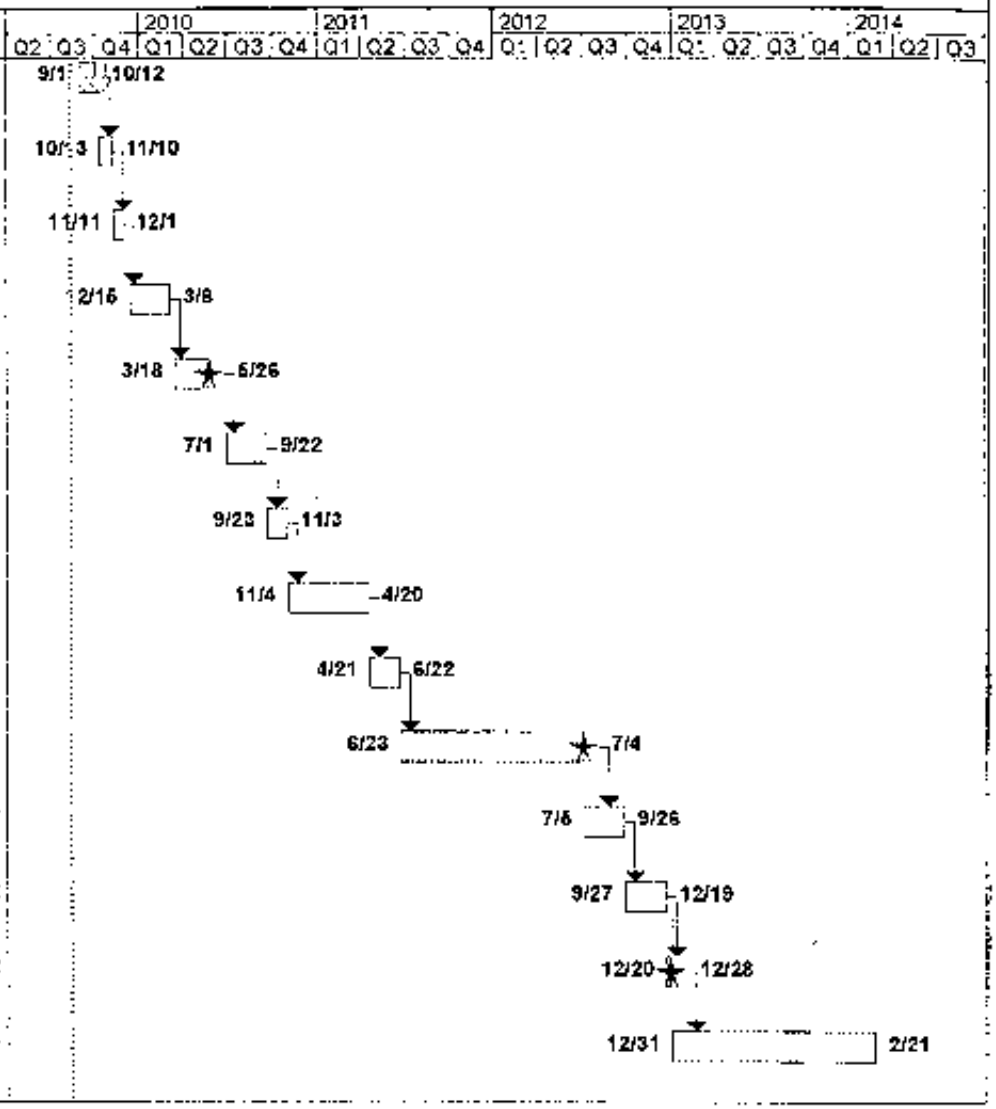


Project: Typical Design Project
Date: Mon 3/9/09

Task		Rolled Up Task		External Tasks	
Progress		Rolled Up Milestone		Project Summary	
Milestone		Rolled Up Progress		Group By Summary	
Summary		Split		Deadline	

Potential Nitrogen Reduction Project at Lahaina WWRF

ID	Task Name	Duration	Start	Finish
1	Project Description	30 days	Tue 9/1/09	Mon 10/12/09
2	Cost Estimate	21 days	Tue 10/13/09	Tue 11/10/09
3	CIP Project Listing	15 days	Wed 11/11/09	Tue 12/1/09
4	Approved by Mayor	60 days	Tue 12/15/09	Mon 3/8/10
5	Approval by County Council	50 days	Thu 3/18/10	Wed 5/26/10
6	PER Consultant Qual/Sel	60 days	Thu 7/1/10	Wed 9/22/10
7	PER Consultant Contract	30 days	Thu 9/23/10	Wed 11/3/10
8	PER Development/Review	120 days	Thu 11/4/10	Wed 4/20/11
9	Design Consultant Contract	45 days	Thu 4/21/11	Wed 6/22/11
10	Design and Permits	270 days	Thu 6/23/11	Wed 7/4/12
11	Construction Bid	60 days	Thu 7/5/12	Wed 9/26/12
12	Construction Contract	60 days	Thu 9/27/12	Wed 12/19/12
13	Notice to Proceed	7 days	Thu 12/20/12	Fri 12/28/12
14	Construction	300 days	Mon 12/31/12	Fri 2/21/14



Project: Nitrogen Reduction
Date: Wed 8/12/09

Task		Rolled Up Task		External Tasks	
Progress		Rolled Up Milestone		Project Summary	
Milestone		Rolled Up Progress		Group By Summary	
Summary		Split		Deadline	

West Maui Potential Recycled Water Users

Phase 1 - Elevated Storage -Pressurized System

Property	Estimated R-1 Water Demand (GPD)
Maui Kaanapali Villas	1,500
Royal Lahaina Resort	56,000
International Colony Club	5,200
Outrigger Maui Eldorado	16,100
Kaanapali Ocean Resort (North Beach Lot 1)	45,000
Kaanapali Ocean Resort (North Beach Lot 2)	35,000
Starwood (North Beach Lot 3)	43,000
Honua Kai (North Beach Lot 4)	185,000
Kaanapali Royal	19,200
County of Maui, Parks Dept. Shoreline Access	1,300
Total Phase 1	407,300

*Data from West Maui Reclaimed Water Master Plan w/exception of Honua Kai & Kaanapali Royal

Phase 2 - Pipe Line to Kaanapali Resort and Appertunances

Property	Estimated R-1 Water Demand (GPD)
Hyatt	93,000
Kaanapali Ali'i	60,000
Kaanapali Beach Hotel	36,000
Maui Marriott	36,000
Westin Maui	60,000
Whalers Village	5,000
Whaler	20,000
Sheraton	30,000
Total Phase 2	340,000

*Data from Kaanapali Operations Association w/exception of Whaler and Sheraton (estimates)

Phase 3 - Pipeline to Lower Hoonapiilani Road Condominiums and Appertunances

Property		Estimated R-1 Water Demand (GPD)
Papakea Resort	12.3	30,000
Resort Quest Kaanapali Shores	10.1	20,000
Kaanapali Beach Vacation Resort	7.6	25,000
Maui Kai	1.7	5,000
Mahana	5	10,000
Honokowai Shopping Center	3.5	4,000
Total Phase 2		94,000

**estimated esisting development

Phase 4 - Pipeline to Upper Kaanapali Condominiumsand Appertunances

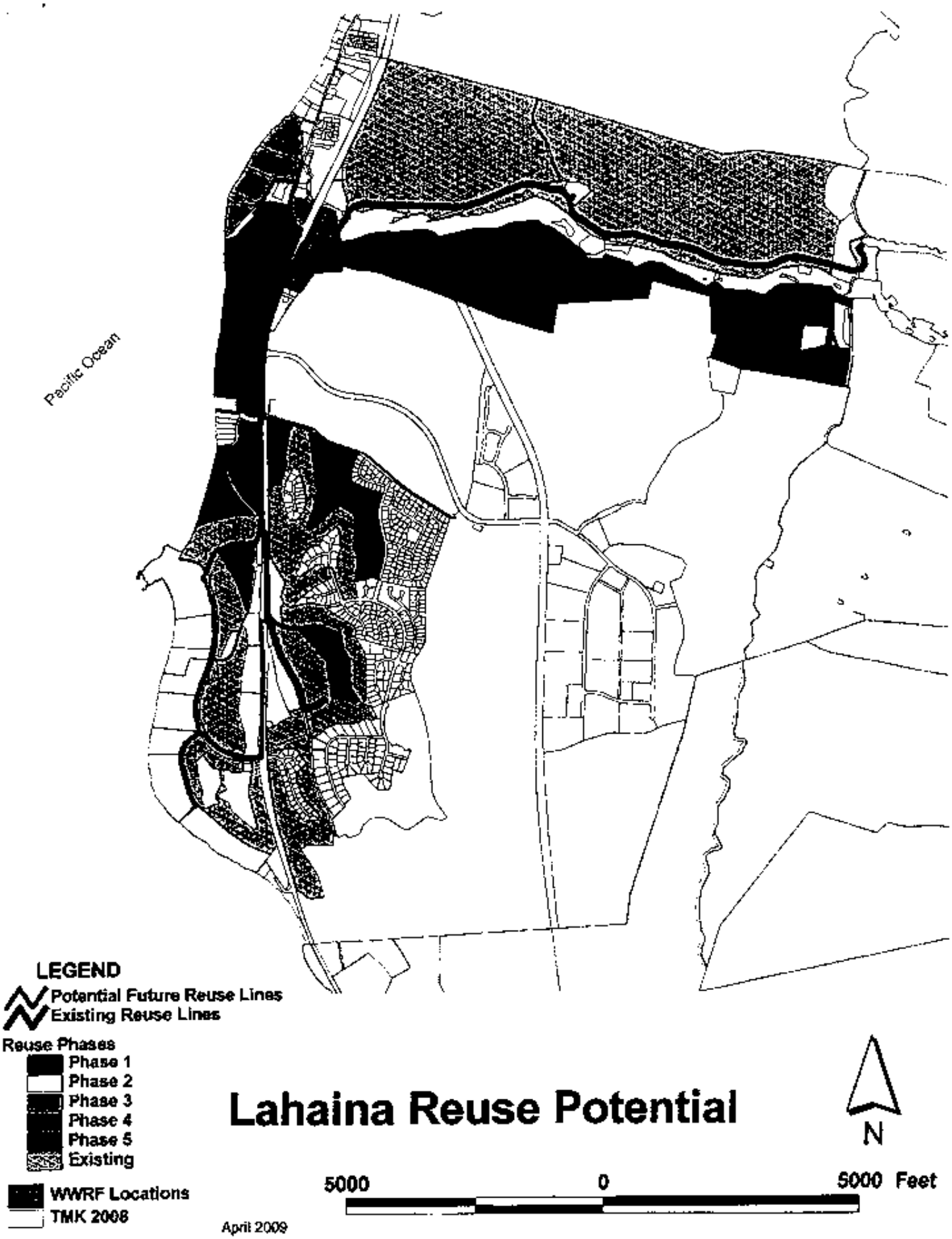
Property	Estimated R-1 Water Demand (GPD)
Kaanapali Plantation	63,000
Haanapali Hillside	16,000
The Vintage	50,000
	129,000

Phase 5 - Development of DHHL Commercial/Industrial Properties

Property	Estimated R-1 Water Demand (GPD)
DHHL Commercial - 50 acres (w/in 2 years)	110,000
DHHL Industrial - 40 acres (w/in 5 years)	25,000
Total Phase 3	135,000

SUMMARY

Total Phased\ R-1 Demand	
Phase	Estimated R-1 Water Demand (GPD
1	407,300
2	340,000
3	94,000
4	129,000
5	135,000
Total All Phases	1,105,300


Pacific Ocean
LEGEND
Potential Future Reuse Lines
Existing Reuse Lines
Reuse Phases
Phase 1
Phase 2
Phase 3
Phase 4
Phase 5
Existing
WWRF Locations
TMK 2008
Lahaina Reuse Potential
N
5000
0
5000 Feet
April 2009