

## Timeline of Grove Farm Water Treatment Plant NPDES

On September 24, 2004, GF was issued a NPDES permit no. HI 00021824, expiring September 28, 2009. The permit authorized wastewater discharge associated with the production of potable water to the receiving waters (the Kapaia Reservoir).

August 2008: GF reports approximately 50% exceedance of discharge limitations for turbidity and a 10x exceedance for recoverable aluminum for July. GF regularly reports exceedances through June 2018. *See* "Exceedances reported for Grove Farm's Waiahi Water Treatment Facility 2009-2018." <http://cha-web.doh.hawaii.gov/wpc-viewer-static/permits/HI0021824/20080808%20DOH-CWB%20NPDES%20July%202008%20letter.pdf>

June 5, 2009: DOH's Clean Water Branch (CWB) files an investigation report noting GF's repeated exceedances and indicating it would act against GF's apparent violations. <http://cha-web.doh.hawaii.gov/wpc-viewer-static/permits/HI0021824/PA0801.PDF>

July 6, 2009: DOH issues a Notice of Apparent Violation (NAV) due to exceedances for Feb, Mar, Apr, and May 2009. <http://cha-web.doh.hawaii.gov/wpc-viewer-static/permits/HI0021824/20090706.Grove%20Farm%20NAV.PDF>

On December 9, 2009, DOH issued a second NAV. GF responded with a plan to hire a water quality specialist, Steve Duranceau, to develop a plan that GF would implement. <http://cha-web.doh.hawaii.gov/wpc-viewer-static/permits/HI0021824/20091208.Grove%20Farm%20NAV%20and%20response.PDF>

March 24, 2010: DOH proposed to renew GF's NPDES under a new permit. <http://cha-web.doh.hawaii.gov/wpc-viewer-static/permits/HI0021824/20100324.E-mail%20Confirmation%20-%20Draft%20Permit%20and%20Public%20Notice%20Date%20for%20the%20NPDES%20for%200HI%2000021824%20-%20Grove%20Farm%20Water%20Treatment%20Facility.pdf>

May 24, 2010: DOH acknowledges a compliance schedule update for GF. <http://cha-web.doh.hawaii.gov/wpc-viewer-static/permits/HI0021824/20100524.Compliance%20Schedule%20Update-05062PKP.10.pdf>

July 12, 2010: EPA comments on the proposed GF permit, noting that the compliance schedule did not comply with state rules and the Clean Water Act, the proposed permit may violate antibacksliding requirements, GF's proposed reduction in toxicity monitoring was not adequately supported, and a lack of information concerning effluent monitoring. [http://cha-web.doh.hawaii.gov/wpc-viewer-static/permits/HI0021824/FW\\_%2020100712.EPA%20comments%20on%20Grove%20Farm%20draft%20permit.pdf](http://cha-web.doh.hawaii.gov/wpc-viewer-static/permits/HI0021824/FW_%2020100712.EPA%20comments%20on%20Grove%20Farm%20draft%20permit.pdf)

May 23, 2011: DOH renewed the GF permit.

<http://eha-web.doh.hawaii.gov/wpc-viewer-static/permits/HI0021824/20110524.E-mail%20Confirmation%20-%20NPDES%20Permit%20Issuance%20for%20Permit%20No.%20HI%200021824%20-%20Grove%20Farm%20Water%20Treatment%20Facility.pdf>

On November 12, 2015, DOH filed its Compliance Evaluation Inspection. Over three months later on February 26, 2016, GF responded to DOH's inspection report acknowledging, amongst other things, that the aluminum in the discharged water is a "concern." GF further wrote:

It is Grove Farm's ultimate goal to be a non-charge facility and we are working with engineering consultants and irrigation specialists in an effort to re-use the discharge water. A highly probable option we are contemplating is pumping the discharge water into basins and flowing the water into agricultural fields. Grove Farm wishes to renew its permit as the planning and implementation of a solution will more than likely extend beyond the existing April 30, 2016 permit expiration date.

<http://eha-web.doh.hawaii.gov/wpc-viewer-static/permits/HI0021824/20160226.Response%20to%20CEI%20Transmittal-HI0021824.PDF>

Also on February 26, 2016, GF submitted a NPDES permit renewal application.

By letter dated March 15, 2016, GF notified DOH of its intent to eliminate its practice of discharging into Kapaia Reservoir by either: (1) working with KIUC to accept the discharge for its plant operations "as they are currently drawing water from the Kapaia Reservoir"; (2) reusing the WTF's discharge water for irrigation purposes in adjacent fields.

<http://eha-web.doh.hawaii.gov/wpc-viewer-static/permits/HI0021894/20160315.Update%20of%20Renewal%20Letter-HI%200021894.PDF>

On April 27, 2016, GF notified DOH that it planned to pursue the second option - "reuse for irrigation purposes into active agricultural fields." GF identified the Kaua'i Department of Water as a "partner" in this "alternative reuse plan."

<http://eha-web.doh.hawaii.gov/wpc-viewer-static/permits/HI0021894/20160502.Update%20on%20Grove%20Farm%20SWTP-HI0021824-HI0021894.PDF>

On April 29, 2016, GF sought an administrative extension for its new plan "to gravity flow the discharge stream to a newly built 2.0 million gallon irrigation storage pond . . . [an] transmit the water to active agricultural fields[.] GF consultants anticipated a one-year timeline for installation.

<http://eha-web.doh.hawaii.gov/wpc-viewer-static/permits/HI0021824/20160429%20email%20Grove%20Farm%20SWTP%20Letter%20for%20NPDES%20Extension%20Request.pdf>

On April 30, 2016, the NPDES permit for the Waiahi WTF expired and DOH terminated it on May 2, 2016 without granting the administrative extension.

By letter dated June 27, 2017, DOH reported on its review of preliminary engineering plans for proposed changes to the Waiahi WTF. DOH's comments included: (1) the plans failed to indicate how accumulated sediment in the detention basin would be disposed of; (2) GF had failed to "report key data on daily max flux and pressure decay tests"; (3) KDOW would need a Class 2 Water Treatment Plant Operator to assume ownership of the Waiahi WTF in 2019; (4) the plans did not

indicate whether GF obtained approval to dispose of residual solids in nearby fields; (5) Wastewater Branch would not approve pumping effluent into nearby fields for disposal; (6) GF's plans for "off-site disposal" were unclear and pumping effluent into nearby fields is prohibited; (7) Waiahi WTF had been operating without a permit since April 30, 2016; (8) further permits would be necessary if their construction involves an acre or more; (9) the sludge from Waiahi WTF would require a permit unless it is disposed at a permitted solid waste management facility.

<http://eha-web.doh.hawaii.gov/wpc-viewer-static/permits/HI0021894/20170628.msg-FW-%20PWS%20No.%20400,%20Lihue-Kapaa%20Waiahi%20WTF%20Upgrades-HI0021824-HI0021894.pdf>

By email dated October 2, 2017, GF wrote to DOH acknowledging that they would seek a NPDES permit that would integrate GF's planned "upgrades."

<http://eha-web.doh.hawaii.gov/wpc-viewer-static/permits/HI0021824/20171002%20email%20Grove%20Farm%20Water%20Treatment%20Plant%20-%202017%20September%20Mtg%20-%20NPDES%20Permit%20.pdf>

On November 17, 2017, DOH inspected the Waiahi WTF and noted at least thirteen areas of potential noncompliance.

<http://eha-web.doh.hawaii.gov/wpc-viewer-static/permits/HI0021824/HI0021824%20inspection%20report%2011-17-2017.pdf>

On May 14, 2018, GF responded to the inspection report. GF included a timeline indicating that it expected an Administrative Order of Consent would be drafted to allow GF to operate without a permit.

<http://eha-web.doh.hawaii.gov/wpc-viewer-static/permits/HI0021824/20180514.Comments%20to%20the%20Facility%20Inspection%20Report-EMD-CWB%200319ESM.18-HI%200021824.pdf>

At present, GF is operating without a NPDES permit.