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Subject: Sierra Club Shrimp Farm testimony

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Nov 12, 2024

From; Kaua`i Group of Hawai`i Chapter of Sierra Club

To: Hawaii Department of Health
Clean Water Branch
2827 Waimano Home Road, Room 225
Pearl City, Hawaii 96782

Subject: NPDES Permit # HI 0021654

Docket # HI 0021654

Sunrise Capital, Inc seeking NPDES permit from DOH for their shrimp farm operation in Makaha that would violate the federal Clean Water Act.

Aloha Department of Health, Clean Water Branch,

Sunrise Capital's Shrimp Farm, located near Kekaha on Kaua`i, discharges into a developed estuary. If the discharge is polluted it is subject to regulation under HAR 11-54.5.2(d)(1).

Effluent limits provided for estuaries in the Clean Water Act are far lower than proposed in this draft permit. The draft permit removes Nitrate and Nitrite requirements, which the above rule does not allow.

The shrimp farm discharges continuously into canals running the length of the facility. They are unlined, allowing pollutants to seep into the ground.

HAR 11-54-5.1(A) describes the subterranean aquatic connection between waters in this area. Adjacent to the shrimp farm is the Kawai`ele bird sanctuary, home to native birds, some federally listed as endangered. The shrimp farm poses a threat to the sanctuary, and applicant must mitigate this threat by capturing the pollution at its source.

The applicant must submit plans prior to issuing the permit so the Clean Water Branch can make findings necessary to giving approval for the permit. This rather than granting the permit first then relying on the applicant to make good on promises to meet standards after getting the permit.

Discharge from the shrimp farm mixes with discharges from tenants of Agricultural Development Corporation, some of which are polluted, before entering near shore waters. When an adverse effect has occurred, a fish kill for example, in the past users of the waterways for discharge have laid blame on one another. The permit should anticipate this situation with specific steps that will be followed to ensure remediation and enforcement. Kaua`i Group believes this permit request should be combined with

permit requests at other outfalls on the west side of the Mana Plain.

The Clean Water Branch should impose effluent standards at the point of discharge.

The permit should include enforcement and remediation procedures, to replace the current "Department review" remedy.

The shrimp farm began as a family business selling its product locally.

The last EA for this action was in 1998. Since then, now owned by a multinational corporation, the size, scope, intensity and use of the action have changed dramatically but environmental safeguards have not kept pace.

An updated supplement EIS should be prepared. HAR 11-200.1-2: "If there is any change in any of these characteristics which may have a significant effect, the original EIS that was changed shall no longer be valid because an essentially different action would be under consideration and a supplemental EIS shall be prepared and reviewed as provided by this chapter."

With regards,
Kip Goodwin,
Sierra Club Kaua`i Group