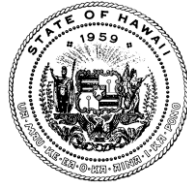


JOSH GREEN, M.D.  
GOVERNOR OF HAWAII  
KE KIA'AINA O KA MOKU'AINA 'O HAWAII



KENNETH S. FINK, MD, MGA, MPH  
DIRECTOR OF HEALTH  
KA LUNA HO'OKELE

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
KA 'OIHANA OLAKINO  
P. O. BOX 3378  
HONOLULU, HI 96801-3378

In reply, please refer to:  
File:

05009ERT.24

May 10, 2024

Mr. William Summerhays  
Executive Vice President  
Layton Construction Company LLC  
4633 Pahee Street, Suite 210  
Lihue, Hawaii 96766

Dear Mr. Summerhays:

**Subject: National Pollutant Discharge Elimination System (NPDES)  
Notice of General Permit Coverage (NGPC)  
Coco Palms Resort  
4-241 Kuhio Highway  
Kapaa, Island of Kauai, Hawaii  
File No. HIR10H353**

The Department of Health (DOH), Clean Water Branch (CWB), is notifying you of findings from a NPDES construction storm water inspection conducted on April 16, 2024, at the Coco Palms Resort construction site (Site), located at 4-241 Kuhio Highway, Kapaa, Island of Kauai. The inspection was conducted to determine the Site's compliance with the NPDES Permit, File No. HIR10H353. During the inspection, it was documented that Best Management Practices (BMPs) were in need of repair due to the heavy rainfall that occurred on April 12, 2024. Several potential violations and deficiencies observed include sediment controls that required repair or replacement, displaced or unsecured portable toilets, and improperly placed sediment perimeter controls.

Please note that during the inspection, inspectors were unable to fully understand activities and operations occurring at the Site as Site representatives were directed to not answer our questions verbally. Instead, answers to our questions were provided via email after the on-site inspection was completed.

Given the magnitude of the recent storm event that occurred just days prior to the inspection, the DOH will not be pursuing an enforcement action for the violations identified during the April 16, 2024, inspection. However, the DOH requires that you review the enclosed inspection report and take corrective actions necessary to return to compliance with your permit. Failure to do so may result in a formal enforcement action.

Mr. William Summerhays  
May 10, 2024  
Page 2

05009ERT.24

The enclosed inspection report (PA2142) is being sent to provide you with information and feedback that will assist in your efforts to comply with the issued NPDES Permit.

Please be aware that HRS §342D-30, provides for penalties of up to \$60,000 per violation, per day for any unresolved violations. The DOH reserves its right to seek full penalties for any violations of the HRS, Chapter 342D.

Should you have any questions, please contact Ms. Randee Tubal of the Enforcement Section, CWB, at (808) 586-4309.

Sincerely,



DARRYL LUM, P.E., CHIEF  
Clean Water Branch

RT:ph

Enclosure: Inspection Report (PA2142) conducted on April 16, 2024

c: Mr. Sean Rampton, Operations Superintendent, Layton Construction  
Company LLC [via e-mail [srampton@laytonconstruction.com](mailto:srampton@laytonconstruction.com) only]



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**Hawaii Department of Health  
Clean Water Branch  
National Pollutant Discharge Elimination System (NPDES)  
Construction Storm Water Inspection Report**

On April 16, 2024, I, Andrew Rimelman of Eastern Research Group (ERG), on behalf of the Department of Health (DOH), Clean Water Branch (CWB) along with Randee Tubal of DOH and Peter Reich of the United States Environmental Protection Agency (USEPA) Region 9 (hereinafter, the Inspection Team), conducted an inspection of the Coco Palms Resort construction project (hereinafter, Site) located west of Kuhio Highway in the town of Kapaa, on the Island of Kauai. The inspection was conducted to evaluate the Site's compliance with Hawaii's National Pollutant Discharge Elimination System (NPDES) Construction Storm Water General Permit and the Site's issued Notice of General Permit Coverage (NGPC), File No. HIR10H353 (hereinafter, Permit).

Findings documented in this report include the need for Best Management Practices to be repaired or replaced primarily in response to heavy rains of approximately 11 inches over a 24-hour period that occurred in the Kapaa area. The Inspection Team observed sections of perimeter straw wattles and straw wattles around the surface waters onsite were displaced by the storm event. Observations of water flowing through Wailua Coconut Grove Drainage Ditch to Wailua River were documented during the inspection. Additional findings documented in this report include a lack of maintaining a natural buffer or sediment controls for state waters within 50 feet, improperly placed perimeter controls and unsecured portable toilets. No evidence of polluted discharges was observed at the time of the inspection.

The inspection report documents observations noted by the inspector during the inspection of the Site. An exhibit log and annotated photograph log are included as a part of this inspection report.

### Site Information

**Site Name:** Coco Palms Resort

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**Site Address:** 4-241 Kuhio Highway. Kapaa, HI. 96746

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**Permittee:** Layton Construction Company LLC

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**File Number:** HIR10H353

**TMK:** (4) 4-1-003:5, (4) 4-1-003:7, (4) 4-1-003:11, (4) 4-1-003:17, (4) 4-1-005:14, (44) 4-1-005:17, (4) 4-1-003:4

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**Issuance Date:** March 8, 2024

**Expiration Date:** January 28, 2029

**Receiving Water(s):** Wailua River (Class 1 Inland Water), Wailua Bay (Class A Marine Water), Wailua Coconut Grove Drainage Ditch (Class 2 Inland Water), Coco Palms Lagoon (Class 2 Inland Water)

**Area to be Disturbed:** 19.231 acres

**Inspection Information**

**Inspection Date:** April 16, 2024

**Weather:** Overcast with evidence of recent precipitation

**Inspection Report Number:** PA2142

**Announced:** No

**Time In:** 8:55 AM

**Time Out:** 12:30 PM

**Inspection Team:**

Mr. Andrew Rimelman	Water Resources Engineer Eastern Research Group DOH Contract Inspector	(303) 968-4923
Ms. Randee Tubal	Environmental Health Specialist DOH	(808) 586-4309
Peter Reich	Inspector USEPA Region 9	(415) 972-3052

**Site Representatives and Title:**

Kent Amshoff - Project Manager, Layton Construction  
 Sean Rampton - Site Superintendent, Layton Construction  
 Mauna Kea Trask - Partner, Cades Schutte LLP

**Additional Site Information:**

Permittee Mailing Address:  
 4463 Pahee St.  
 Ste 210



---

Lihue, HI. 96766

Owner Name and Mailing Address:  
RP21 Coco Palms LLC  
2600 N. Ashton Boulevard Ste 200  
Lehi, UT 84043

### Facility/Site Description

The Site is located adjacent to the Kuhio Highway between the Kuamoo Road and Haleilio Road. The southern perimeter of the Site is located approximately 700 feet (ft) north of the Wailua River; and the eastern perimeter of the Site is located approximately 200 ft from the Wailua Bay (refer to [Attachment 1](#)). The Site is generally flat; however, the prevailing area slopes from northwest to southeast.

According to the Notice of Intent (NOI) submitted on January 17, 2024, storm water runoff from the Site drains into the Coco Palms lagoon and a state-owned Drainage Ditch (hereinafter, Drainage Ditch) located within the construction area. Water from the Coco Palms Lagoon and the Drainage Ditch flows south and enters the Wailua Coconut Grove Drainage Ditch south of the Site. The Wailua Coconut Grove Drainage Ditch runs south from the southern perimeter of the Site and feeds into the Wailua River.

On March 8, 2024, Layton Construction (hereinafter, Permittee) was issued NPDES, NGPC, File No. HIR10H353, under Hawaii Administrative Rules (HAR), Title 11, Chapter 55, Appendix C. The Site owners, RP21 Coco Palms LLC, authorized Layton Construction to obtain permit coverage on their behalf. The Permittee originally submitted a NOI for coverage on January 10, 2024; and submitted an abbreviated, renewal NOI on March 7, 2024. The NGPC authorizes discharges of storm water associated with construction activities from the Coco Palms Resort construction project to the four receiving waters identified in the NOI submitted on January 10, 2024:

- Wailua River (Class 1 Inland Water)
- Wailua Bay (Class A Marine Water)
- Wailua Coconut Grove Drainage Ditch (Class 2 Inland Water)
- Coco Palms Lagoon (Class 2 Inland Water)

As disclosed in the NOI submitted on January 10, 2024, the total area of the Site to be disturbed is 19.231 acres. Construction activities at the Site include demolition of the existing buildings, reconstruction of the resort buildings, removal of standing water in the garages and swimming pools, and renovation of onsite structures. At the time of the inspection, current construction activities included demolition of the existing structures, excavation, and stockpiling of scrap demolition material and rocks. Standing water from the reflection pool had been removed at



the time of the inspection and, according to Site representatives via email correspondence on 4/23/2024, had been disposed of via land application and an onsite infiltration pit.

Four days prior to the inspection, on April 12, 2024, approximately 11 inches of rain was recorded at the nearest NOAA rain gauge (Lihue 1.2 NNW, HI US, Station Number: US1HIKI0002). In response to this storm, the Governor issued an emergency proclamation on April 12, 2024 that suspended Hawaii's water pollution and nonpoint source pollution management statutes to the extent necessary for County and State agencies only, to respond to the emergency. The emergency proclamation was still in effect at the time of the inspection. Site representatives stated that parts of the Site were flooded by several feet of water and attributed several of the observations presented below to the storm event. At the time of the inspection, activities to repair and replace storm water best management practices (BMPs) that were damaged or displaced from the storm were underway.

Prior to arriving to the Site, the Inspection Team met at Wailua State Park located south of the Site on the southern side of Kuamoo Road and observed the Wailua Coconut Grove Drainage Ditch, which runs from the southern perimeter of the Site to the Wailua River (refer to [Photographs 2 through 6](#)). Water was actively flowing through the Wailua Coconut Grove Drainage Ditch from Kuamoo Highway to the Wailua River.

The Inspection Team proceeded to the Site's northeast entrance located off Apana Road (refer to [Photograph 1](#)) and were met by two Site representatives: Mr. Kent Amshoff (Project Manager) and Mr. Sean Rampton (Superintendent). Mr. Amshoff and Mr. Rampton contacted Mr. Mauna Kea Trask (an attorney with Cades Schutte LLP) who arrived approximately 10 minutes later. The Inspection Team introduced ourselves, explained the purpose of the inspection and presented a letter of authorization to perform inspections provided by the DOH. For approximately 30 minutes, Mr. Trask delayed the Inspection Team entry onto the Site, while he reviewed the Permit to verify that the Inspection Team had the right to enter and questioned whether the USEPA had jurisdiction to participate in the inspection due to recent case law regarding the definition of waters of the United States (WOTUS). Mr. Trask also verbally requested that DOH provide a copy of DOH's contract with ERG authorizing the inspection. Mr. Trask allowed the Inspection Team to enter after reviewing the Permit conditions and speaking via phone with an attorney from USEPA Region 9.

I requested and reviewed the following Permit-related documentation during the inspection:

- Storm water Pollution Prevention Plan (SWPPP), dated January 9, 2023
- Weekly inspection checklists (from 4/25/2022 through 4/14/2024)
- Training records
- BMP Plan
- NGPC, File No. HIR10H353



The SWPPP training log that was provided by Site representatives was only a template. Therefore, I requested that Site representatives provide the completed training logs via email. I also requested to view Site photographs taken during the most recent routine inspection conducted by Site personnel, prior to the April 12, 2024 storm event. Mr. Trask provided the training logs and photographs from the most recent weekly inspection that occurred prior to the storm event by email correspondence on April 17, 2024.

Mr. Trask and Mr. Amshoff accompanied the Inspection Team on a site walk to evaluate construction activities, BMPs, and the surface waters. During the inspection, some of the questions posed directly to Mr. Amshoff, the Site representative for Layton Construction, were deferred to Mr. Trask. On several occasions, the Site representatives did not provide answers to questions asked by the Inspection Team; and instead requested that these questions be answered via email correspondence to provide more accurate information. These questions were asked during the inspection and provided to the Site representatives via email correspondence on 4/19/2024. The Site representatives provided responses on 4/24/2024.

### Site Observations

At the time of inspection, the Site had demolished one of the buildings, performed dewatering to remove the standing water from the reflecting pool, and constructed an infiltration pit. The following findings were made either before, during, or after inspection of the Site. The findings are not a comprehensive list of all possible areas of non-compliance with Hawaii Water Pollution laws and NPDES permit conditions.

### Evidence of Discharge/Receiving Water

Before and during the Site walk, the Inspection Team inspected the Site's perimeter and made observations of Wailua River, Wailua Coconut Grove Drainage Ditch and the Coco Palms Lagoon, to determine if recent discharges from the Site had occurred.

1. Section 1.1 of HAR 11-5, Appendix C defines coverage under the general permit for discharges composed of entirely storm water runoff.
  - a. *Observation:* During the inspection, I did not observe evidence of non-storm water discharges from the Site.
  - b. *Observation:* I observed an uninterrupted flow of surface water in the Wailua Coconut Grove Drainage Ditch between the outlet located on the southern perimeter of the Site to Wailua River (refer to [Photographs 2 through 6](#)). I observed that water in the Wailua Coconut Grove Drainage Ditch flowed continuously underneath Kuamoo Road, adjacent to the Wailua State Park, and through a private residential property before entering the Wailua River.



- c. *Observation:* I observed turbid brown water located in the parking garage of the demolished building (refer to [Photograph 7](#)). When asked how the turbid water was going to be disposed, Mr. Trask stated via email (received on 4/24/24) that the water was going to be disposed via land application and infiltration.

### BMP Implementation and Maintenance

I observed BMP implementation and general site conditions during the site walk. Specific findings are as follows.

1. Section 5.1.2.2.1 of HAR 11-55, Appendix C requires the Permittee to “install sediment controls along those perimeter areas of the site that will receive storm water from earth-disturbing activities.”
  - a. *Potential Violation:* I observed that perimeter controls were not in place along sections of the northwestern perimeter (refer to [Photographs 8 through 12](#)), sections of the southern perimeter (refer to [Photograph 13](#)) and sections of the southwestern perimeter (refer to [Photographs 14 through 16](#)) of the earth disturbing areas of the Site. The SWPPP identified perimeter controls were installed in these locations. Mr. Amshoff stated that the straw wattles were installed but had been displaced during the storm event four days prior. On the Site walk, I observed displaced straw wattles throughout the Site.

Photographs taken by the Permittee during their April 9, 2024 weekly inspection showed straw wattles were installed along the southwest and northwest perimeters of the Site. However, it is unclear if the straw wattles were installed correctly and as prescribed in the SWPPP, as the photographs were done by drone and not closeup.

2. Section 5.1.2.1.1.2 of HAR 11-5, Appendix C states that “if the boundary of the disturbance area is within 50 feet of any receiving state water” then the Permittee must “Provide and maintain an undisturbed natural buffer that is less than 50 feet and double sediment control (e.g., double perimeter control) spaced a minimum of 5 feet apart.”
  - a. *Potential Violation:* I observed that sediment controls were not installed around the State Drainage Ditch (refer to [Photograph 18](#)) and sections of the Coco Palms Lagoon (refer to [Photographs 19 and 20](#)). Mr. Amshoff stated that the recent storm had displaced straw wattles that were in place and provided photographs collected via drone from the most recent inspection report prior to the storm event.







During the inspection, I requested to review weekly site inspection records. Specific findings regarding self-monitoring are as follows.

6. Section 9.1.3 of HAR 11-55, Appendix C requires the Permittee to conduct site inspections once every seven calendar days and within 24 hours of the occurrence of a storm event for discharges to impaired waters. Further, Section 9.1.7.3. of HAR 11-55, Appendix C states the Permittee is required to keep a current copy of all inspection records at the site or at an easily accessible location, so they can be made immediately available at the time of an onsite inspection or upon request by the department or EPA.
  - a. *Observation:* The Site's NOI dated 1/10/2024 identified the Wailua River as an impaired water. The Site's SWPPP specifies an inspection schedule of once every seven days and within 24 hours of storm events due to discharges to impaired waters.
  - b. *Observation:* I observed that the Site had records of inspections dated from April 22, 2022 through April 14, 2024. I observed that inspections were documented weekly and at the occurrence of storm events.
  - c. *Deficiency:* I observed that the photos taken during the inspection conducted on April 9, 2024 were taken from a drone at a distance. Mr. Trask stated in email correspondence that closer-up photographs were not taken during the inspection. The Permittee should take close-up photos of BMPs to ensure they are properly installed and are not in need of repairs or replacement. It is difficult to determine the BMPs effectiveness from photographs taken from a distance.
7. Section 9.1.7.2 of HAR 11-55, Appendix C states that each inspection report must be certified and signed by the Certifying Person or Authorized Representative.
  - a. *Observation:* I observed that the inspection report from the inspection on April 9, 2024 was certified by Mr. Mike Hayton. The renewal NOI lists the authorized representative as the "Operations – Superintendent". The inspection report does not list Mr. Hayton's position, and it is not clear whether Mr. Hayton holds the position of "Operations – Superintendent". It is the Permittee's responsibility to ensure the appropriate person is signing the inspection reports.

#### Record Keeping/Permit-Related Documents

Following the onsite inspection, I reviewed the Site SWPPP provided by the Permittee.

8. Section 7.2.13 of HAR 11-55, Appendix C requires that the SWPPP contain documentation of staff training. Section 7.2.13.2 states that personnel working on the



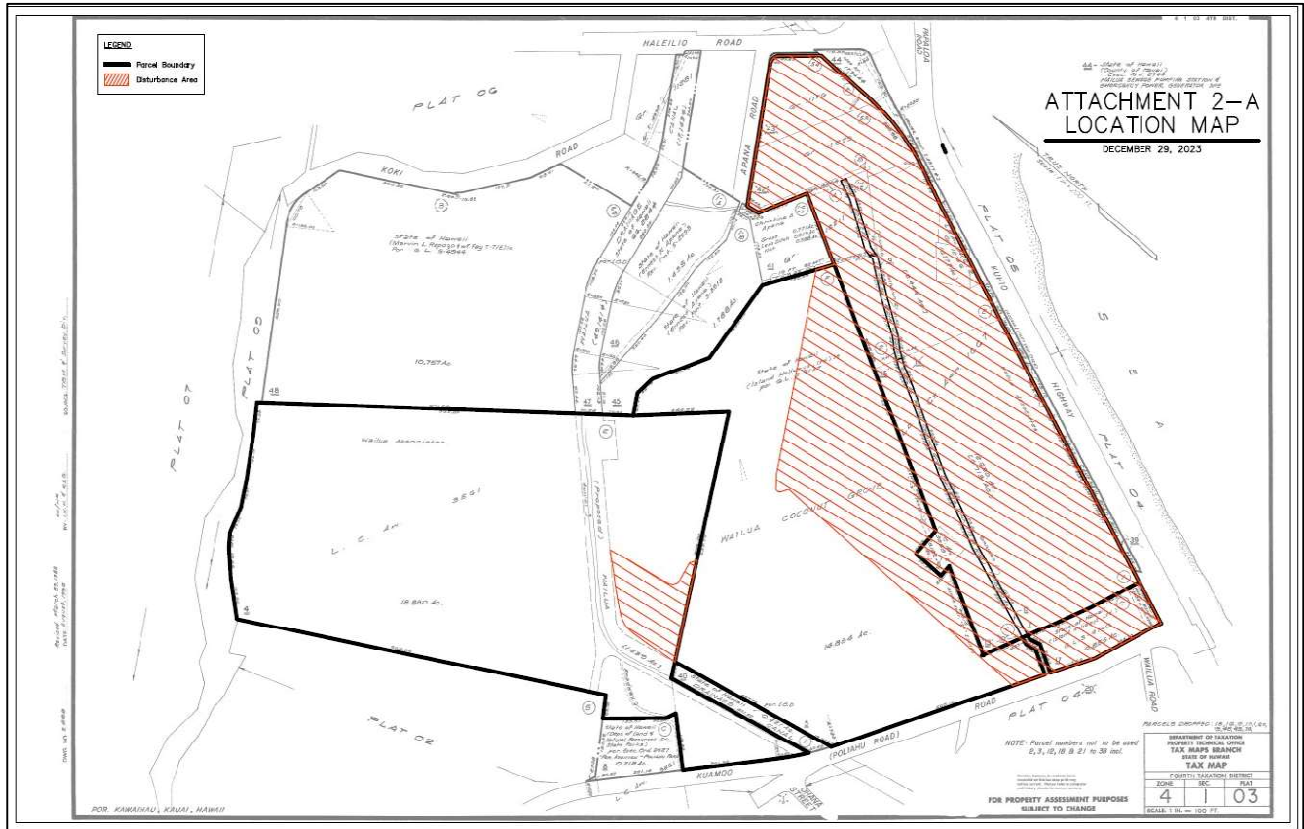
Site are responsible for understanding the Permit's pollution prevention requirements, how to conduct inspections, record findings, and take corrective actions.

- a. *Observation:* I observed that the Site's SWPPP located onsite did not contain documentation of training for the personnel working on the Site. Mr. Trask provided a separate training log documenting the names of Site personnel who completed training via email correspondence on April 17, 2024.
9. Section 7.3 of HAR 11-55, Appendix C requires the Permittee to keep a current hard or electronic copy of the SWPPP at the site or at an easily accessible location so that it can be made available at the time of an onsite inspection or upon request by the department.
- a. *Observation:* A physical copy of the SWPPP was kept onsite and available for review at the time of the inspection.
10. Section 7.2.17 of HAR 11-55, Appendix C requires the certifying person or duly authorized representative to certify, sign and date the SWPPP.
- a. *Observation:* I observed that the SWPPP was signed by Mr. William Summerhays. Mr. Summerhays is listed as the certifying person of the renewal NOI submitted on March 7, 2024.
11. Section 8.1 of HAR 11-55, Appendix C states that the Permittee shall design, operate, implement, and maintain the SWPPP to ensure that storm water discharges associated with construction activities will meet applicable state water quality standards.
- a. *Potential Violation:* The compliance option for complying with Section 5.1.2.1 of HAR 11-55 Appendix C that was selected in Section 3.2 of the Site's SWPPP was as follows: "It is infeasible to provide and maintain an undisturbed natural buffer of any size, the permittee shall provide and maintain double sediment control (e.g., perimeter control) spaced a minimum of 5 feet apart and complete stabilization within 7 calendar days of the temporary or permanent cessation of earth-disturbing activities."

I reviewed the Site's inspection report from April 11, 2024, and observed a single row of straw wattles installed around the Coco Palms Lagoon and the Wailua Coconut Grove Drainage Ditch (refer to [Attachments B through G](#)). I observed double straw wattles in the photographs along parts of western edge and the southern edge of the Coco Palms Lagoon (refer to [Attachments B, D, F and G](#)).



- b. *Deficiency:* I observed an infiltration basin installed north of the building identified in the BMP Plan (Appendix D of the SWPPP dated January 9, 2023) as “Lotus Restaurant/Flame Room Bar” and west of the building identified in the BMP plan “Alii Kai 1 Building” (refer to Photographs 32 and 33). The infiltration basin is not identified in the BMP plan.
  
- c. *Deficiency:* Page 2 of the Site’s BMP Plan states that straw wattles shall be staked down via wood stakes at four-foot intervals. It is unclear if the Permittee has staked down straw wattles as stated in their SWPPP as straw wattles were displaced throughout the Site. Additionally, straw wattles installed around the Coco Palms Lagoon and Wailua Coconut Grove Drainage Ditch were not staked down.



**Image 1:** Location map of the Site. Image taken from the Permittee’s NOI submittal package from January 10, 2024.





**Photograph 1.**

Date Photograph Taken: April 16, 2024

By: Andrew Rimelman

Description: View, facing southeast, of the Site entrance from Apana Street.



**Photograph 2.**

Date Photograph Taken: April 16, 2024

By: Andrew Rimelman

Description: View, facing southeast, of the outlet from the Wailua Coconut Grove Drainage Ditch into the Wailua River (red arrow). The Wailua Coconut Grove Drainage Ditch's outlet is located on private property.





**Photograph 3.**

Date Photograph Taken: April 16, 2024

By: Andrew Rimelman

Description: View, facing south, of the culvert (red arrow) where the Wailua Coconut Grove Drainage Ditch enters private property. Taken from the Wailua River State Park south of the Site. Flow direction indicated by blue dashed arrow.



**Photograph 4.**

Date Photograph Taken: April 16, 2024

By: Andrew Rimelman

Description: View, facing north, of the Wailua Coconut Grove Drainage Ditch upstream of the culvert where the Wailua Coconut Grove Drainage Ditch enters private property. Taken from the Wailua River State Park south of the Site. Flow direction indicated by blue dashed arrow.





**Photograph 5.**

Date Photograph Taken: April 16, 2024

By: Andrew Rimelman

Description: View, facing south, of the Wailua Coconut Grove Drainage Ditch at the control gate north of where the Wailua Coconut Grove Drainage Ditch enters private property. Flow direction indicated by blue dashed arrow.



**Photograph 6.**

Date Photograph Taken: April 16, 2024

By: Andrew Rimelman

Description: View, facing north of the Wailua Coconut Grove Drainage Ditch running from the southern perimeter of the Site underneath Kuamoo Avenue. Photograph taken from the control gate shown in Photograph 5. Flow direction indicated by blue dashed arrow.





**Photograph 7.**

Date Photograph Taken: April 16, 2024

By: Andrew Rimelman

Description: View, facing west, of the turbid water in the parking garage of the demolished building located on the southeastern side of the site.



**Photograph 8.**

Date Photograph Taken: April 16, 2024

By: Andrew Rimelman

Description: View, facing northwest, of the northwest perimeter of the Site near the Site entrance. Note the displaced straw wattle (red arrow).



**Photograph 9.**

Date Photograph Taken: April 16, 2024

By: Andrew Rimelman

Description: View, facing northwest, of the northwest perimeter of the Site near the rock storage piles. Note the displaced straw wattles (red arrows).



**Photograph 10.**

Date Photograph Taken: April 16, 2024

By: Andrew Rimelman

Description: View, facing northwest, of the northwest perimeter of the Site. Note that perimeter straw wattles were not installed along the perimeter.





**Photograph 11.**

Date Photograph Taken: April 16, 2024

By: Andrew Rimelman

Description: View, facing southwest, of the northwest perimeter of the Site. Perimeter straw wattles were not installed along the perimeter (red arrow). The Site representatives stated that the straw wattles in this Photo were displaced from the northwest perimeter during the storm event.



**Photograph 12.**

Date Photograph Taken: April 16, 2024

By: Andrew Rimelman

Description: View, facing north, of the northwest perimeter of the Site where the perimeter straw wattles had been displaced by the storm event.



**Photograph 13.**

Date Photograph Taken: April 16, 2024

By: Andrew Rimelman

Description: View, facing west, of the southern perimeter of the Site. Perimeter controls were not observed installed along this section of the perimeter.



**Photograph 14.**

Date Photograph Taken: April 16, 2024

By: Andrew Rimelman

Description: View, facing northwest, of the southwestern perimeter of the Site. Perimeter controls were not observed installed along this section of the perimeter.



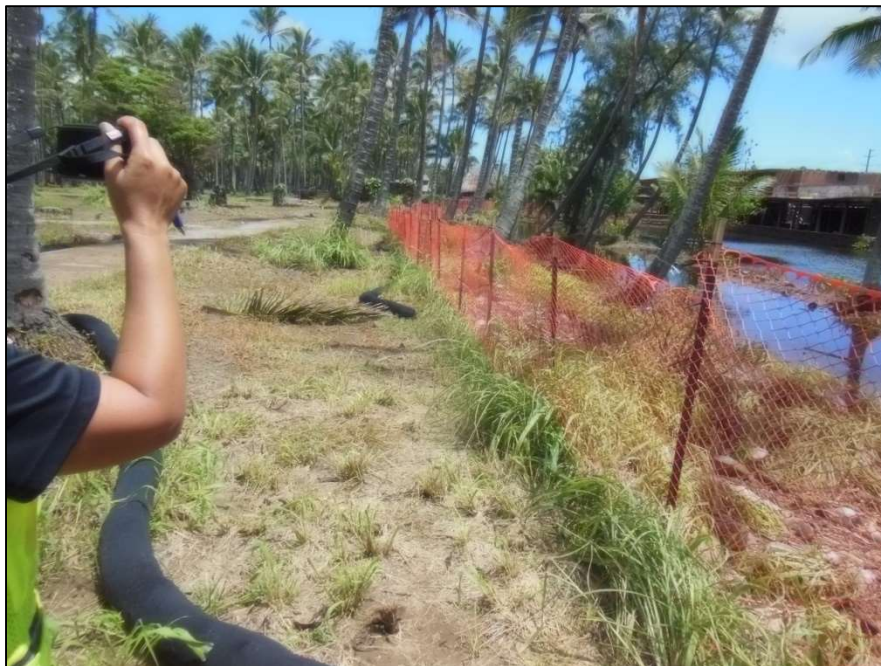


**Photograph 15.**

Date Photograph Taken: April 16, 2024

By: Andrew Rimelman

Description: View, facing southeast, of the southwestern perimeter of the Site. Perimeter controls were not observed installed along this section of the perimeter.



**Photograph 16.**

Date Photograph Taken: April 16, 2024

By: Andrew Rimelman

Description: View, facing north, of the southwestern side of the Coco Palms Lagoon. The Site representatives stated that the straw wattles shown were displaced by the storm event.



**Photograph 17.**

Date Photograph Taken: April 16, 2024

By: Andrew Rimelman

Description: View, facing south, of the storm water drainage channel exiting the Site. The blue dashed arrow notes the direction of storm water flow.



**Photograph 18.**

Date Photograph Taken: April 15, 2024

By: Andrew Rimelman

Description: View, facing north, of the State Ditch on the located on the western side of the Coco palms Lagoon. Sediment controls were not observed along the boundary of the State Ditch.





**Photograph 19.**

Date Photograph Taken: April 16, 2024

By: Andrew Rimelman

Description: View, facing north, of the southern edge of the Coco Palms Lagoon. The Site representatives stated that the displaced straw wattle had been installed around the Coco Palms Lagoon prior to the storm event.



**Photograph 20.**

Date Photograph Taken: April 16, 2024

By: Andrew Rimelman

Description: View, facing southeast, of the northern part of the Coco Palms Lagoon. Perimeter controls were not observed around this section of the Coco Palms Lagoon perimeter.



**Photograph 21.**

Date Photograph Taken: April 15, 2024

By: Andrew Rimelman

Description: View, facing west, of the southern part of the Coco Palms Lagoon. Note that a single straw wattle is installed along the Coco Palms Lagoon perimeter.



**Photograph 22.**

Date Photograph Taken: April 15, 2024

By: Andrew Rimelman

Description: View, facing southeast, of the northern part of the Coco Palms Lagoon. A single straw wattle was observed along this section of the Coco Palms Lagoon (red arrows).





**Photograph 23.**

Date Photograph Taken: April 16, 2024

By: Andrew Rimelman

Description: View, facing south, of the eastern perimeter on the north side of the Site. The perimeter straw wattle was observed positioned above the water supply hose at several points along the perimeter (red arrows).



**Photograph 24.**

Date Photograph Taken: April 16, 2024

By: Andrew Rimelman

Description: Additional view of the straw wattle along the eastern perimeter positioned above the water supply pipeline.



**Photograph 25.**

Date Photograph Taken: April 16, 2024

By: Andrew Rimelman

Description: View of a second section of straw wattle along the eastern perimeter positioned above the water supply pipeline.



**Photograph 26.**

Date Photograph Taken: April 16, 2024

By: Andrew Rimelman

Description: View of a third section of straw wattle along the eastern perimeter positioned above the water supply pipeline.



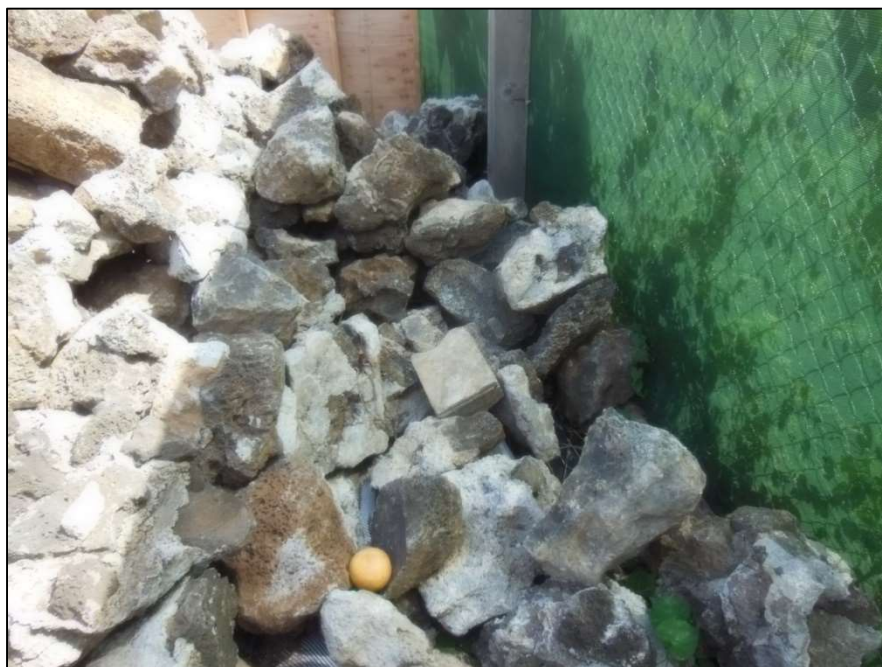


**Photograph 27.**

Date Photograph Taken: April 16, 2024

By: Andrew Rimelman

Description: View, facing west, of the northern perimeter of the Site. Note the rock stockpile overtopping the straw wattle (red arrow).



**Photograph 28.**

Date Photograph Taken: April 16, 2024

By: Andrew Rimelman

Description: Closer view of the rocks on top of the straw wattle shown in [Photograph 26](#).



**Photograph 29.**

Date Photograph Taken: April 16, 2024

By: Andrew Rimelman

Description: View of a second location where rocks were placed on top of the straw wattle along the northern perimeter straw wattle (red arrow).



**Photograph 30.**

Date Photograph Taken: April 16, 2024

By: Andrew Rimelman

Description: View, facing west, of two overturned portable toilets located in the southwest portion of the Site.





**Photograph 31.**

Date Photograph Taken: April 16, 2024

By: Andrew Rimelman

Description: View, facing north, of two portable toilets located north of the the northern edge of the Coco Palms Lagoon observed not staked or secured to the ground surface.



**Photograph 32.**

Date Photograph Taken: April 16, 2024

By: Andrew Rimelman

Description: View, facing north, of the infiltration pit (red arrow) and the building identified in the BMP plan as the "Alii Kai 1 Building". The infiltration pit was not identified in the BMP plan.



**Photograph 33.**

Date Photograph Taken: April 16, 2024

By: Andrew Rimelman

Description: View, facing south, of the infiltration pit and the building identified in the BMP plan as the "Lotus Restaurant/Flame Room Bar" (red arrow). The infiltration pit was not identified in the BMP plan.





**Attachment A.**

Date Photograph Taken: April 9, 2024

By: Site Personnel

Description: Aerial photograph of the southwest perimeter taken prior to the major storm event. Note the straw wattles installed along the perimeter (red arrow).



**Attachment B.**

Date Photograph Taken: April 9, 2024

By: Site Personnel

Description: Aerial photograph of the northern section of the Coco Palms Lagoon taken prior to the storm event. Note the straw wattle perimeter around the Coco Palms Lagoon, with a double straw wattle perimeter on the southeast side (red arrow).





**Attachment C.**

Date Photograph Taken: April 9, 2024

By: Site Personnel

Description: A second ariel photograph of the northern section of the Coco Palms lagoon taken prior to the storm event. Note the straw wattle along the perimeter of the western side of the Coco Palms lagoon (red arrow).



**Attachment D.**

Date Photograph Taken: April 9, 2024

By: Site Personnel

Description: Aerial photograph of the western edge of the Coco Palms Lagoon taken prior to the storm event. Note the double straw wattle perimeter located on the southwestern side of the lagoon (red arrow).





**Attachment E.**

Date Photograph Taken: April 9, 2024

By: Site Personnel

Description: Aerial photograph of the western edge of the northern section of the Coco Palms Lagoon taken by Site personnel prior to the storm event. Note the straw wattles along the perimeter of the Coco Palms Lagoon (red arrow), and the straw wattles along the northwest sight perimeter (blue arrow).



**Attachment F.**

Date Photograph Taken: April 9, 2024

By: Site Personnel

Description: Aerial photograph of the southern edge of the lagoon taken prior to the storm event. Note the double straw wattle along the southern perimeter of the Coco Palms Lagoon (red arrow).



**Attachment G.**

Date Photograph Taken: April 9, 2024

By: Site Personnel

Description: Aerial photograph of the southern perimeter of southern lagoon taken prior to the storm event. Note the double straw wattles along the perimeter of the Coco Palms Lagoon (red arrow).



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## Inspection Report Certification

I certify that the statements made in this inspection report are, to the best of my knowledge, a true and accurate representation of what was observed on 4/16/2024 at the Coco Palms construction site, Kapaa, Hawaii 96746.

I certify that the thirty-three (33) attached photographs described above were taken by the undersigned and are a true and accurate representation of what was observed on 4/16/2024 at the Coco Palms construction site, Kapaa, Hawaii 96746.

A handwritten signature in black ink, appearing to read "Andrew Rimelman", written over a horizontal line.

May 6, 2024

Andrew Rimelman  
Water Resources Engineer

Date