

**BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.**

In re:

City & County of Honolulu
Sand Island Wastewater Treatment Plant
Honouliuli Wastewater Treatment Plant

NPDES Permit Nos. HI0020117 & HI0020877

NPDES Appeal No. 09-01

JOINT STATUS REPORT

The City and County of Honolulu (“CCH”) and United States Environmental Protection Agency, Region 9 (“Region 9” or “the Region”) respectfully submit this Status Report to apprise the Board of the ongoing status of the proceedings relating to approval of the consent decree.¹

Under 28 CFR §50.7, the 30-day period for public comment on the proposed consent decree closed on or about September 15, 2010. EPA is currently reviewing and preparing responses to the public comments, and so apprised Judge David A. Ezra at a September 20, 2010 status conference in the proceedings before the United States District Court for the District of Hawaii. EPA received five comments to which it has indicated it plans to respond. Three of those comments relate specifically to secondary treatment.

¹ The Board directed the parties to provide such status reports in its August 16, 2010 Order. On August 24, the United States Court of Appeals for the Ninth Circuit entered a stay of the Board’s proceedings, and on September 2, the Court of Appeals continued the stay. *See* Order to Show Cause, No. 10-72575 (9th Cir. Sept. 2, 2010). Nonetheless the Parties provide this joint report to inform the Board of the status of the process for approving the consent decree.

The State of Hawaii also opened a public comment period on the proposed consent decree. We understand that no comments were received.

DATED: October 1, 2010

Respectfully submitted,



David B. Salmons
Bingham McCutchen LLP
2020 K St. N.W.
Washington, DC 20006
Tel: (202) 373-6000
Fax: (202) 373-6001
David.Salmons@bingham.com

Carrie K.S. Okinaga
Kathleen Kelly
City and County of Honolulu
530 South King Street, Room 110
Honolulu, Hawaii 96813
Tel: (808) 768-5193
Fax: (808) 768-5105



Ann S. Nutt
Office of Regional Counsel
EPA Region IX (ORC-2)
75 Hawthorne St.
San Francisco, CA 94105
Tel: (415) 972-3930
Fax: (415) 947-3570
Nutt.Ann@epa.gov

Of Counsel:
Stephen J. Sweeney
Office of General Counsel (2355A)
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., N.W.
Washington, D.C. 20460

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the attached Joint Status Report was filed electronically with the Environmental Appeals Board and a copy was e-mailed to:

Mr. David Salmons
Bingham McCutchen LLP
2020 K Street, N.W.
Washington DC 20006
david.salmons@bingham.com

Ms. Carrie K.S. Okinaga, Corporation Counsel
Ms. Kathleen Kelley, Deputy Corporation Counsel
City and County of Honolulu
530 South King Street, Room 101
Honolulu, HI 96813
cokinaga@honolulu.gov
kkelly@honolulu.gov

October 1, 2010



Ann S. Nutt
Associate Regional Counsel
EPA Region 9