



6 February 2009

US Environmental Protection Agency
Clerk of the Board, Environmental Appeals Board (MC 1103B)
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

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ENVR. APPEALS BOARD

SUBJECT: Appeal No. NPDES 09-01 – City and County of Honolulu’s Sand Island Wastewater Treatment Plant; City and County of Honolulu’s Honouliuli Wastewater Treatment Plant

To Whom It May Concern:

I commented on the tentative denial of the 301(h) waiver application for the subject Appeal. I have received responses to the comments I made on the initial waiver and I have further comments to make on the responses received thereon.

My initial comments emphasized the data collected by the City and County of Honolulu (the City) in the early 1990s to assess their level of compliance with the National Pollutant Discharge Elimination System (NPDES) permit issued by the Hawaii State Department of Health. The analysis by the City determined that the operators of the Wastewater Treatment Plants in question were in total compliance with the permit conditions. The EPA contends that they did not consider the City’s “compliance assessment” in their review of the application; however, I strongly believe that all available data should be considered to identify all environmental impacts and make any informed decision. To deny the waiver application without a complete review of all scientific information is unjust and places a huge burden on the population of Oahu during these difficult economic times.

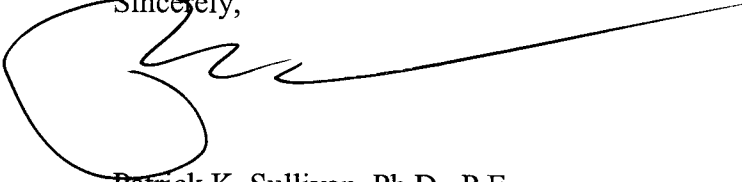
Additional investigations were carried out in Mamala Bay in 1996 and these were funded by the Office of Naval Research (ONR) and the Department of the Interior (DoI). The findings showed that the wastewater plume impacted the shoreline less than five percent of the time and, when these incidences did occur, the dilution and bacteria die-off were high enough to render the water safe. This has been substantiated by the fact that there have been no instances of widespread gastro-intestinal infections in the population using Mamala Bay for recreation. The EPA did not consider the City’s analysis or the results of the (ONR / DoI) investigation to be “adequate.” On the basis that not all of the scientific findings were considered during the permit evaluation process, I urge the EAB to reconsider the EPA’s decision to deny the waiver application.

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In my professional opinion, secondary treatment will improve biological criteria and total suspended solids, and will only have a marginal effect on toxic pollutants. Extending the outfall seaward to a sufficient depth to increase dilution is a more environmentally and economically acceptable solution. I trust the esteemed members of the EAB concur.

Thank you for the opportunity to comment on this important matter.

Sincerely,



Patrick K. Sullivan, Ph.D., P.E.
Chairman

cc: Mufi Hanneman, Mayor, City and County of Honolulu