HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

No. 24-287

RESOLUTION

URGING THE CITY ADMINISTRATION TO INITIATE DISCUSSIONS WITH THE U.S. ENVIRONMENTAL PROTECTION AGENCY, THE STATE OF HAWAIʻI DEPARTMENT OF HEALTH, AND OTHER PERTINENT PARTIES TO TERMINATE, MODIFY, OR EXTEND THE COMPLIANCE DEADLINES OF THE 2010 CONSENT DECREE RELATING TO THE CITY AND COUNTY OF HONOLULU WASTEWATER SYSTEM.

WHEREAS, the counties of the State of Hawai'i ("State") are responsible for the construction, operation, and maintenance of wastewater collection, treatment, and disposal systems for their respective counties; and

WHEREAS, county wastewater systems are regulated by the State Department of Health and the U.S. Environmental Protection Agency ("EPA"); and

WHEREAS, in the City and County of Honolulu ("City"), the Department of Environmental Services operates and maintains the City's wastewater system, which treats approximately 100 million gallons of wastewater daily and includes nine wastewater treatment plants and four pretreatment plants on O'ahu; and

WHEREAS, in 2010, the City entered into a consent decree in Civil No. 94-00765 DAE-KSC in the U.S. District Court for the District of Hawai'i ("2010 Consent Decree") among the City, the State, the U.S. EPA, and three environmental groups over claims regarding Clean Water Act compliance at the City's wastewater systems; and

WHEREAS, the terms of the 2010 Consent Decree include upgrading the Honouliuli wastewater treatment plant ("WWTP") to full secondary treatment by 2024, upgrading the Sand Island WWTP to full secondary treatment by 2035, with a possible extension to 2038, and improving the City's wastewater collection system; and

WHEREAS, at the meeting of the City Council ("Council") Committee on Public Infrastructure and Technology ("PIT") held on November 21, 2024, the Director of the Department of Environmental Services stated that the work on the City's wastewater collection system and the Honouliuli WWTP has been completed, and the work on upgrading the Sand Island WWTP to full secondary treatment is ongoing and will cost an estimated $2.5 billion; and

WHEREAS, at the November 21, 2024, PIT committee meeting, the Director of the Department of Environmental Services also indicated that the City proposes increasing sewer rates a total of 115 percent over a 10-year period, in part, to offset the

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costs of completing the upgrades to the Sand Island WWTP mandated under the 2010 Consent Decree; and

WHEREAS, the costs of upgrading the City's wastewater system are borne by the City's ratepayers; and

WHEREAS, the increases in sewer rates proposed by the City Administration would impose a significant economic hardship on the City's residents, many of whom are already facing such hardship due to the rising costs of housing, goods, and services, among other things; and

WHEREAS, the City of San Diego, California, has been successful in obtaining a waiver from the requirement that secondary treatment of wastewater be provided before discharging treated wastewater into the Pacific Ocean; and

WHEREAS, the Council believes that in view of the serious economic hardship on the City's ratepayers that completion of the projects mandated under the 2010 Consent Decree would entail, the City Administration should make efforts to seek relief from the strict and economically burdensome terms of the 2010 Consent Decree, particularly with respect to the requirement to upgrade the Sand Island WWTP to full secondary treatment by 2035; now, therefore,

BE IT RESOLVED that the Council of the City and County of Honolulu that the City Administration is urged to initiate discussions with the U.S. Environmental Protection Agency, the State of Hawai'i Department of Health, and other pertinent parties to terminate or modify the 2010 Consent Decree, particularly with respect to the requirement to upgrade the Sand Island WWTP to full secondary treatment, or at least to extend the compliance deadlines of the 2010 Consent Decree relating to the City and County of Honolulu wastewater system; and

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BE IT FINALLY RESOLVED that copies of this resolution be transmitted to the Mayor, the Managing Director, and the Director of the Department of Environmental Services.

INTRODUCED BY:

DATE OF INTRODUCTION:

DEC 5 2024

Honolulu, Hawai'i

Councilmembers

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

CERTIFICATE

RESOLUTION 24-287

Introduced: 12/05/24 By: CALVIN K.Y. SAY Committee: COUNCIL (CCL)

Title: URGING THE CITY ADMINISTRATION TO INITIATE DISCUSSIONS WITH THE U.S. ENVIRONMENTAL PROTECTION AGENCY, THE STATE OF HAWAI'I DEPARTMENT OF HEALTH, AND OTHER PERTINENT PARTIES TO TERMINATE, MODIFY, OR EXTEND THE COMPLIANCE DEADLINES OF THE 2010 CONSENT DECREE RELATING TO THE CITY AND COUNTY OF HONOLULU WASTEWATER SYSTEM.

Voting Legend: * = Aye w/Reservations

12/05/24	INTRO	Introduced.
12/11/24	CCL	Adopted. 5 AYES: KIA'ĀINA, OKIMOTO, SAY, TULBA, WATERS 4 ABSENT: CORDERO, DOS SANTOS-TAM, TUPOLA, WEYER

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.

GLEN I. TAKAHASHI, CITY CLERK

TOMMY WATERS, CHAIR AND PRESIDING OFFICER