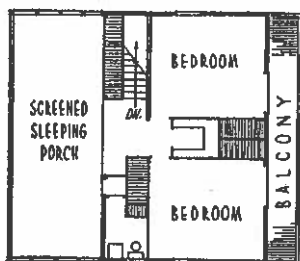
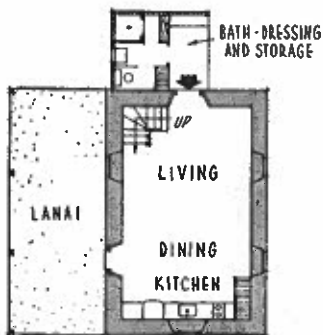




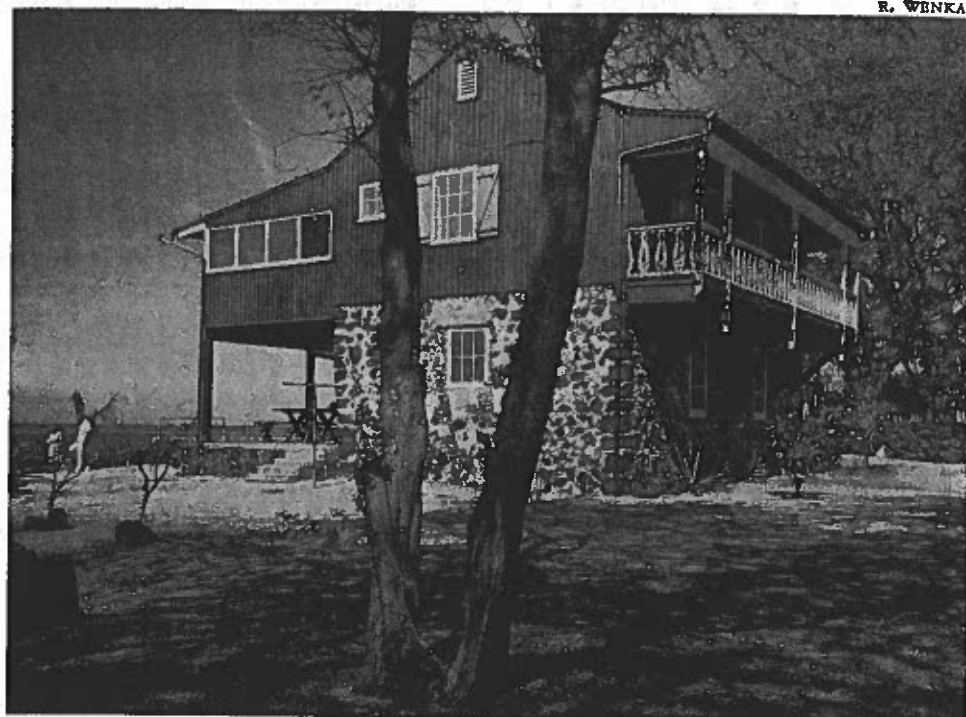
EXHIBIT 1



UPPER FLOOR



GROUND FLOOR



Stairs funnel dressing room traffic to upper level; bypass living room

Jaunty upper story has a sleeping porch on one side (left) and balcony off the bedrooms on the right. Decorative porch rail and the shape of the roof are typical in the Kona district

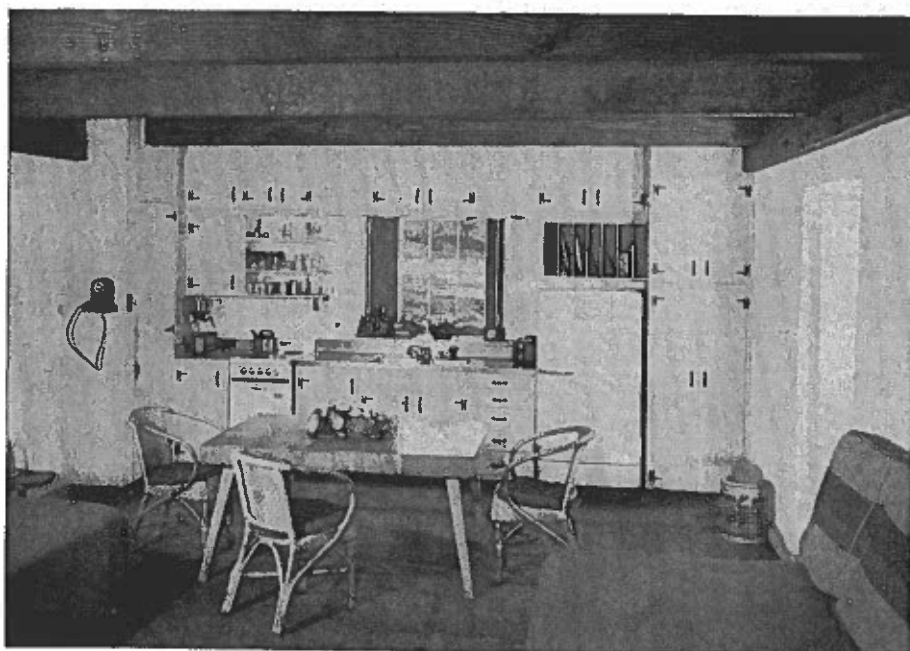
Beach house on the Kona Coast...

Lanai below, sleeping porch above

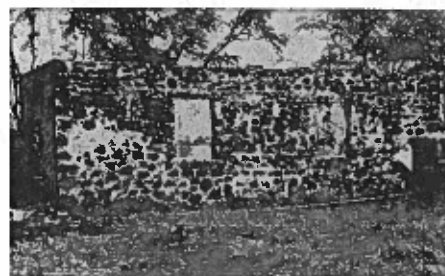
We realize few cabin builders are apt to have the good fortune of the W. Irving Hendersons. They found a ready-made foundation and lower floor, once a Hawaiian meeting house, in a beautiful location on the Kona Coast of the island of Hawaii. But there are certain features of

this delightful beach house worth the consideration of any cabin planner. The house is small but takes care of a large number of guests without crowding. Besides two bedrooms upstairs, Architect Vladimir Ossipoff designed a screened sleeping porch with space for seven beds

and a child's crib. The downstairs bathroom and dressing room for swimmers is a separate wing with outside entrance which helps reduce inside traffic.



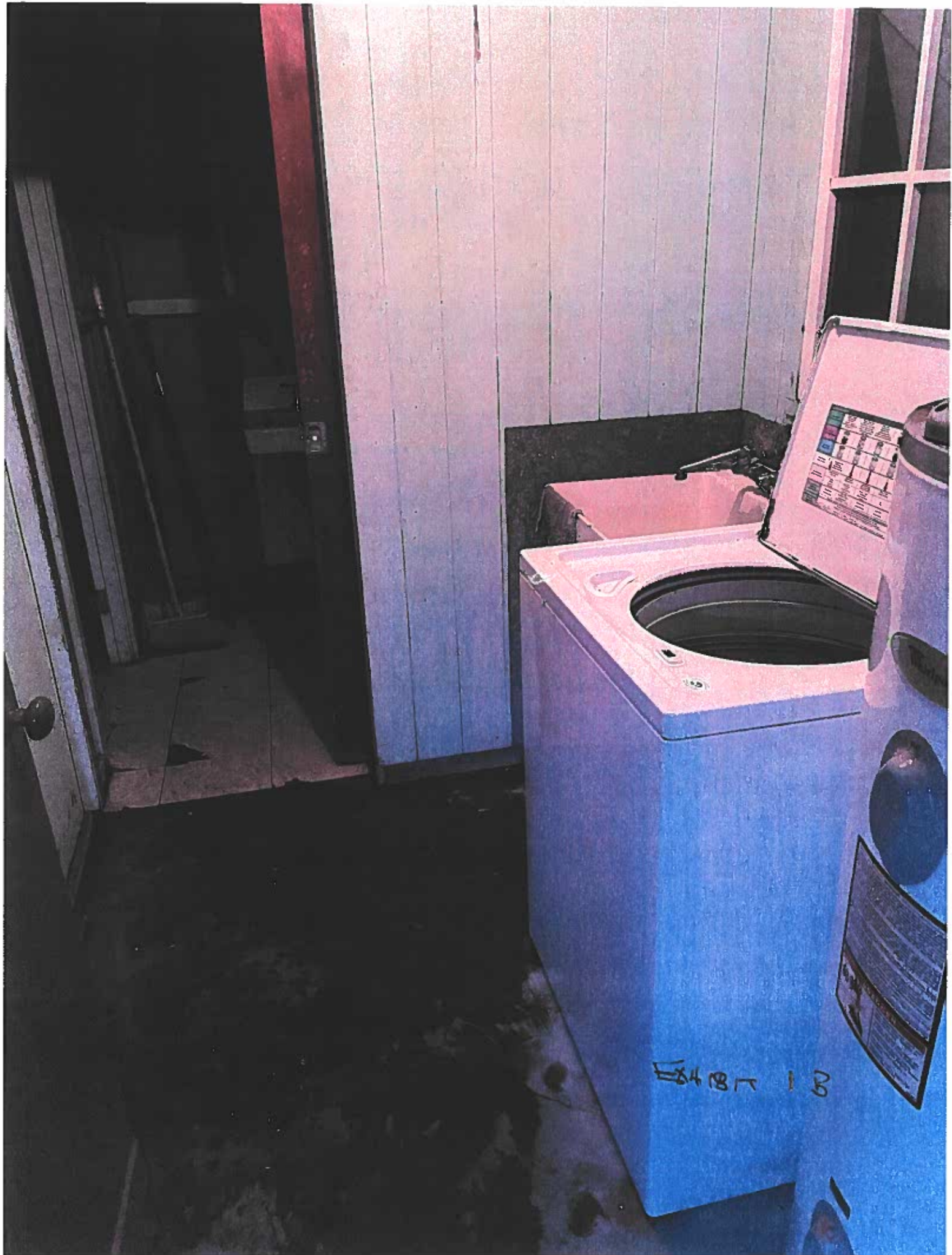
Ground floor of cottage is one large room with kitchen at one end and the living area at the other. Note generous kitchen storage. Lava walls are painted white on inside



Owners started with these remains of meeting house deeded in 1864 by King Kamehameha V. Lava walls are 2½ feet thick



Swimmers' dressing room-bath wing is to right of main entrance in the rock wall



29 L 15

David Y. Ige
GOVERNOR OF HAWAII



SUZANNE CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

KIKEOA KALUHEWA
FIRST DEPUTY

W. BOY HARDY
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAOHOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
KAKUHIHEWA BUILDING
601 KAMOKILA BLVD, STE 555
KAPOLEI, HAWAII 96707

DATE: May 18, 2015

LOG: 2015.01757

TO: Lesleigh Jones - via email
lj@masonarch.com

DOC: 1505AB23

SUBJECT: Walter Irving Henderson House Hawaii and National Registers Nomination

Dear Ms. Jones,

The State Historic Preservation Division (SHPD) was pleased to receive your nomination for the Walter Irving Henderson House on April 30, 2015. We concur that this site is a special place and look forward to seeing its story shared with the public through listing on the Hawaii Register of Historic Places. SHPD scheduled your nomination for the August Hawaii Historic Places Review Board (HHPRB) meeting. The board will take action and render a decision on the placement of the nomination onto the Hawaii Register of Historic Places at this time. The HHPRB may ask for additional information before the nomination is endorsed.

Please contact Anna Broverman at (808) 692-8028 or at Anna.E.Broverman@hawaii.gov for any questions regarding this letter.

Mahalo,

A handwritten signature in black ink, appearing to read "Alan Downer".

Alan Downer
Deputy State Historic Preservation Officer

EXHIBIT 2

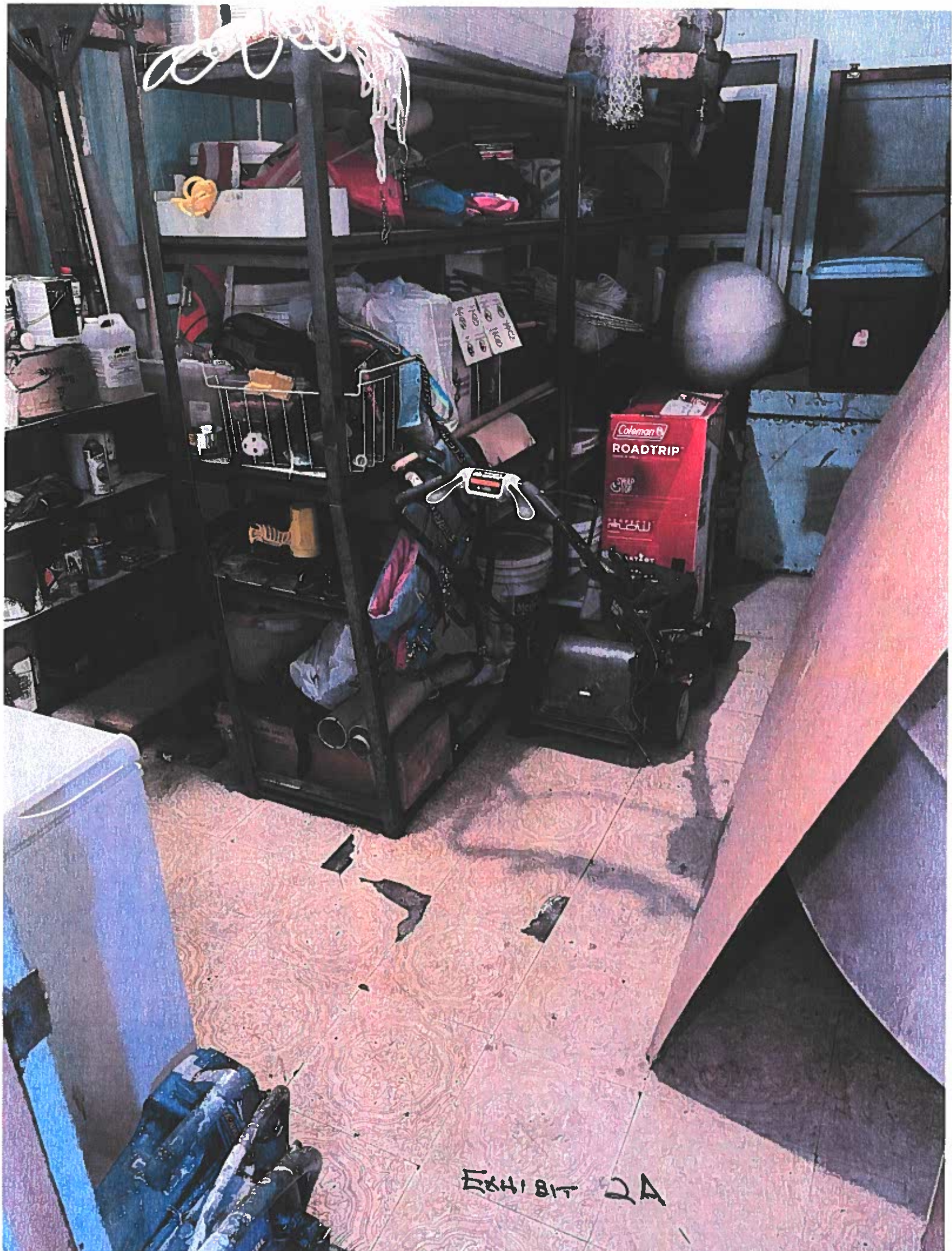


EXHIBIT 2A

Date	Account	Num	Description	Memo	Category	Tag	Tax Item	Clr	Amount
7/31/1998	FHB-CHECKING	897	Department of Public Works	Sewer fee	Utilities Sewer Fee		Schedule C:Utilities	R	-100.00
10/6/1998	FHB-CHECKING	910	Pubic Works Waste Water		Utilities Sewer Fee		Schedule C:Utilities	R	-100.00
12/12/1998	FHB-CHECKING	926	Department of Public Works	Sewer fee	Utilities Sewer Fee		Schedule C:Utilities	R	-100.00
2/9/1999	FHB-CHECKING	937	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-100.00
4/1/1999	FHB-CHECKING	948	Department of Public Works	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-100.00
6/8/1999	FHB-CHECKING	962	Department of Public Works	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-100.00
8/3/1999	FHB-CHECKING	973	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-100.00
10/2/1999	FHB-CHECKING	983	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-100.00
12/2/1999	FHB-CHECKING	989	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-100.00
2/5/2000	FHB-CHECKING	1006	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-100.00
4/5/2000	FHB-CHECKING	1019	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-100.00
6/2/2000	FHB-CHECKING	1028	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-100.00
7/31/2000	FHB-CHECKING	1040	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-100.00
10/2/2000	FHB-CHECKING	1050	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-100.00
12/16/2000	FHB-CHECKING	1062	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-104.00
2/26/2001	FHB-CHECKING	1079	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-104.00
4/10/2001	FHB-CHECKING	1090	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-104.00
6/13/2001	FHB-CHECKING	1102	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-104.00
9/17/2001	FHB-CHECKING	1116	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-104.00
10/29/2001	FHB-CHECKING	1130	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-104.00
12/24/2001	FHB-CHECKING	1144	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-104.00
3/6/2002	FHB-CHECKING	1157	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-104.00
5/15/2002	FHB-CHECKING	1173	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-104.00
7/1/2002	FHB-CHECKING	1183	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-104.00
8/19/2002	FHB-CHECKING	1195	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-104.00
10/4/2002	FHB-CHECKING	1204	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-104.00
12/17/2002	FHB-CHECKING	1217	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
2/11/2003	FHB-CHECKING	1231	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
4/17/2003	FHB-CHECKING	1244	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
6/11/2003	FHB-CHECKING	1261	County Director Of Finance		Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
8/20/2003	FHB-CHECKING	1274	County Director Of Finance		Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
10/9/2003	FHB-CHECKING	1282	County Director Of Finance		Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
1/19/2004	FHB-CHECKING	1304	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
3/17/2004	FHB-CHECKING	1313	Department of Public Works	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
5/11/2004	FHB-CHECKING	1323	County Director Of Finance		Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
7/9/2004	FHB-CHECKING	1332	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
8/27/2004	FHB-CHECKING	1348	County Director Of Finance		Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
11/1/2004	FHB-CHECKING	1359	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
1/14/2005	FHB-CHECKING	1373	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
3/11/2005	FHB-CHECKING	1385	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
5/6/2005	FHB-CHECKING	1401	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
8/22/2005	FHB-CHECKING	1426	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
10/20/2005	FHB-CHECKING	1434	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
12/29/2005	FHB-CHECKING	1455	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
4/3/2006	FHB-CHECKING	1486	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
5/10/2006	FHB-CHECKING	1493	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
6/14/2006	FHB-CHECKING	1501	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
7/24/2006	FHB-CHECKING	1512	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
9/8/2006	FHB-CHECKING	1524	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
10/20/2006	FHB-CHECKING	1534	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
12/18/2006	FHB-CHECKING	1548	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
2/16/2007	FHB-CHECKING	1564	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
4/16/2007	FHB-CHECKING	1581	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
6/18/2007	FHB-CHECKING	1596	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
8/14/2007	FHB-CHECKING	1610	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
10/17/2007	FHB-CHECKING	1627	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
12/17/2007	FHB-CHECKING	1644	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
2/15/2008	FHB-CHECKING	1661	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
4/16/2008	FHB-CHECKING	1679	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
6/24/2008	FHB-CHECKING	1697	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
8/18/2008	FHB-CHECKING	1711	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
10/27/2008	FHB-CHECKING	1731	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
12/19/2008	FHB-CHECKING	1743	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
2/16/2009	FHB-CHECKING	1758	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
4/22/2009	FHB-CHECKING	1775	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
6/19/2009	FHB-CHECKING	1785	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
8/14/2009	FHB-CHECKING	1799	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
10/16/2009	FHB-CHECKING	1814	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
12/16/2009	FHB-CHECKING	1828	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
2/15/2010	FHB-CHECKING	1843	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
4/16/2010	FHB-CHECKING	1856	Department of Public Works	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
6/16/2010	FHB-CHECKING	1871	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
8/13/2010	FHB-CHECKING	1887	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
10/18/2010	FHB-CHECKING	1903	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
12/16/2010	FHB-CHECKING	1920	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
2/17/2011	FHB-CHECKING	1937	Department of Public Works	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
4/14/2011	FHB-CHECKING	1948	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
6/13/2011	FHB-CHECKING	1963	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
8/23/2011	FHB-CHECKING	1983	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
10/21/2011	FHB-CHECKING	1994	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
12/19/2011	FHB-CHECKING	2006	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
2/16/2012	FHB-CHECKING	2022	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
4/18/2012	FHB-CHECKING	2039	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
6/18/2012	FHB-CHECKING	2054	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
7/13/2012	FHB-CHECKING	2064	Department of Public Works	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
8/28/2012	FHB-CHECKING	2074	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00
10/17/2012	FHB-CHECKING	2084	Wastewater Division	Sewer fee	Utilities:Sewer Fee		Schedule C:Utilities	R	-108.00

EXHIBIT 3
 page 1

12/24/2012	FHB-CHECKING	2100	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-108 00
2/16/2013	FHB-CHECKING	2114	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-108 00
4/18/2013	FHB-CHECKING	2130	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-108 00
6/21/2013	FHB-CHECKING	2153	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-108 00
8/16/2013	FHB-CHECKING	2168	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-108 00
10/16/2013	FHB-CHECKING	2182	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-108 00
12/16/2013	FHB-CHECKING	2197	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-108 00
2/18/2014	FHB-CHECKING	2213	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-108 00
4/17/2014	FHB-CHECKING	2230	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-108 00
6/20/2014	FHB-CHECKING	2248	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-108 00
8/27/2014	FHB-CHECKING	2264	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-108 00
10/17/2014	FHB-CHECKING	2275	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-108 00
12/17/2014	FHB-CHECKING	2284	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-108 00
2/19/2015	FHB-CHECKING	2302	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-108 00
4/20/2015	FHB-CHECKING	2316	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-108 00
6/19/2015	FHB-CHECKING	2327	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-108 00
8/19/2015	FHB-CHECKING	2343	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-108 00
10/19/2015	FHB-CHECKING	2356	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-108 00
12/17/2015	FHB-CHECKING	2365	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-108 00
3/24/2016	FHB-CHECKING	2387	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-108 00
4/18/2016	FHB-CHECKING	2393	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-108 00
6/21/2016	FHB-CHECKING	2406	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-108 00
8/18/2016	FHB-CHECKING	2421	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-108 00
10/18/2016	FHB-CHECKING	2433	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-108 00
12/19/2016	FHB-CHECKING	2445	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-108 00
1/18/2017	FHB-CHECKING	2458	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-108 00
4/17/2017	FHB-CHECKING	2473	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-108 00
6/19/2017	FHB-CHECKING	2486	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-108 00
8/23/2017	FHB-CHECKING	2501	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-108 00
10/19/2017	FHB-CHECKING	2519	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-108 00
12/19/2017	FHB-CHECKING	2530	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-108 00
2/17/2018	FHB-CHECKING	2542	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-108 00
4/18/2018	FHB-CHECKING	2556	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-108 00
6/21/2018	FHB-CHECKING	2573	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-108 00
8/27/2018	FHB-CHECKING	2588	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-108 00
10/20/2018	FHB-CHECKING	2600	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-108 00
12/17/2018	FHB-CHECKING	2615	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-108 00
2/19/2019	FHB-CHECKING	2628	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-108 00
4/18/2019	FHB-CHECKING	2639	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-108 00
6/19/2019	FHB-CHECKING	2650	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-140 00
8/20/2019	FHB-CHECKING	2672	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-140 00
10/21/2019	FHB-CHECKING	2686	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-140 00
12/19/2019	FHB-CHECKING	2698	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-140 00
2/18/2020	FHB-CHECKING	2718	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-140 00
5/4/2020	FHB-CHECKING	2736	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-140 00
6/19/2020	FHB-CHECKING	2746	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-160 00
8/17/2020	FHB-CHECKING	2761	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-160 00
10/19/2020	FHB-CHECKING	2771	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-160 00
12/17/2020	FHB-CHECKING	2783	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-160 00
2/18/2021	FHB-CHECKING	2797	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-160 00
4/19/2021	FHB-CHECKING	2808	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-160 00
8/23/2021	FHB-CHECKING	2836	Wastewater Division	Sewer fee	Utilities Sewer Fee	Schedule C:Utilities	R	-352 00
1/1/1998 - 8/31/2021								15,600 00
Amount of overcharge								\$7,800 00

Exhibit 3 page 2

Kai Ala Partner LLC
P O Box 655
Hilo, Hawaii 96721
June 2, 2021

Dora Beck
Division Chief
Wastewater Division
108 Railroad Avenue
Hilo, Hawaii 96720

Dear Ms. Beck,

Some time ago I spoke with your staff concerning the wastewater billing for my family residence at 75-5944 Alii Drive, Kailua-Kona. In the last month billing, there was enclosed a notice that there will be an increase in the sewer fee from \$40 to \$44. With this notice I realized that we have been billed for two unit on the property when there is only one residence on the property.

The wastewater division has billed our residence beginning in June of 1998 for two units on the property. In talking to your staff, I told them that the second building on the property was not a residence but a former building that housed the water catchment tank before there was County water available to the property, also in the building was the laundry sink and washing machine and bathroom with an outside shower. Once we connected to the County water system the tank house was converted into a storage area.

Based on my records, a copy of which is attached, I have paid a total of \$15,436.62, which is double of what I should have been charged. I asked that you check your records as to what I have paid and talk to your staff who recently made a physical inspection of the property. Based Section

EXHIBIT 4 page 1

21-31 of the County Code a laundry, storage area and bath do not meet the description of an unoccupied unit under that section.

Based on the above, please have your staff refund to Kai Ala Partners LLC the amount of the over charge that resulted from billing for two units when there is only one residential unit on the property.

Sincerely,



Richard Henderson
Managing Agent
808 936-2977

Attachments

Cc: Mayor Roth

EXHIBIT 4 Pg 2

Mitchell D. Roth
Mayor

Lee E. Lord
Managing Director



Ramzi I. Mansour
Director

Brenda D. Iokepa-Moses
Deputy Director

County of Hawai'i

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

345 Kekūanāo'a Street, Suite 41 · Hilo, Hawai'i 96720

Ph: (808) 961-8083 · Fax: (808) 961-8086

Email: cohdem@hawaiicounty.gov

June 10, 2021

Richard Henderson
75-5944 Ali'i Drive
Kailua-Kona, HI 96740

Subject: Sewer Charges
Tax Map Key No. 7-5-019:018
Site Address: 75-5944 Ali'i Drive
Owner: Kai Ala Partners, LLC

Dear Mr. Henderson:

In response to your correspondence in April 2021 to Council Member Aaron Chung who forwarded the matter to our attention, and your June 2, 2021 letter to Wastewater Division Chief Dora Beck, we are addressing your concerns of being charged for sewer fees for two residential units.

Wastewater Division staff received authorization to come onto the subject property to inspect on May 12, 2021. Inspection findings and photos for the subject property confirm one residential two-story building and separate unit with shower, sink, toilet and laundry area.

Sewer billing for the subject property has been in accordance with existing Hawai'i County Code (HCC), Chapter 21, Article 4, Section 21-31, Sewer user charges for residential customers: *"Sewer user charges for residential customers shall be assessed to all lots accessible to a public sewer or public gang cesspools whether connected or not. User charges for sewer service to residential customers, which include service for single-family dwellings, duplexes, housing projects, condominiums, townhouses, apartments, and dormitories shall be according to the schedule shown under section 21-36.1. Unoccupied units will be assessed a monthly maintenance fee equal to the current monthly sewer user fee."*

Article 1, Section 21-2 defines "Unoccupied units" as:
"Unoccupied unit means a unit that is not occupied but has accessibility to a sewer, plumbing fixtures located on it, and currently receives a water bill."

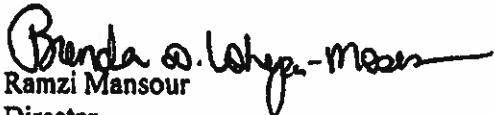
The basis for the sewer bill for the second unit is being serviced with potable water as the property is receiving a water bill. It is receiving sewer service as the public sewer system is receiving wastewater from the sink, toilet, shower, and washer.

If you wish not to be charged for the second unit, you can request second inspection of your property showing proof that the toilet, sink, and shower are no longer connected to our sewer line. Upon that proof we can consider not assessing charge for this second unit moving forward.

EXHIBIT 4A page 1

Please feel free to contact me if you have any questions or concerns at (808) 961-8177 or (808) 323-4413.

Sincerely,

for: 
Ramzi Mansour
Director

cc: Mayor
Council Member Aaron Chung
Business Services Section
Wastewater Division

EXHIBIT 4A page 2

CHAPTER 21

SEWERS

Article 1. General Provisions.

Section 21-1. Intent of chapter.

It is the intention of the sewer code to regulate the use of all public sewers. A further intent of this code is to fix the rates of installing lateral and service charge on lots furnished with sewer service.
(1983 CC, c 21, art 1, sec 21-1.)

Section 21-2. Definitions.

As used in this chapter, unless the context specifically indicates otherwise:

"Accessible to a sewer" means having a sanitary sewer with laterals available to the lot.

"B.O.D. (biochemical oxygen demand)" means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees centigrade, expressed in milligrams per liter by weight.

"Building or house sewer" means that portion of the sewer line extending from a building to the public sewer or private disposal system.

"Cesspool" means an individual wastewater system consisting of an excavation in the ground whose depth is greater than its widest surface dimension, which receives untreated wastewater and retains the organic matter and solids discharging therein, but permits the liquid to seep through the bottom or sides to gain access to the underground formation.

"Commission" means the environmental management commission of the County.

"Connection" means an opening in the public sewer to which the building sewer may be connected.

"Director" means the director of the department of environmental management, or the director's authorized representative.

"Equivalent population" means the calculated population which would normally contribute the same amount of suspended solids, biochemical oxygen demand or volume of flow per day as the daily wastes discharged by an industrial or commercial establishment, using as standard basis pounds of suspended solids or biochemical oxygen demand and one hundred gallons per capita per day.

"Extension" means the continuation of an existing public sewer through public or private property not owned, in whole or in part, by the applicant or owner of the particular property or subdivision to be served.

"Gang cesspool" means a cesspool designed to accept sewage from two or more sources.

EXHIBIT 5 page 1

"Garbage" means solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

"Garbage, properly shredded" means food wastes that have been properly shredded to such a degree that all particles will be carried freely under normal flow conditions in public sewers.

"Grease" means any material which is extractable from an acidified sample of a waste by hexane or other designated solvent and as determined by the appropriate procedure in Standard Methods. (Includes fats and oils.)

"Grease traps" means a pretreatment device designed and installed to separate fats, oils, and grease from wastewater.

"Industrial wastes" means the liquid wastes from industrial processes.

"Infiltration" means water other than wastewater that enters a sewer system (including sewer service connections and foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes. Infiltration does not include, and is distinguished from inflow.

"Inflow" means water other than wastewater that enters a sewer system (including sewer service connections) from sources such as, but not limited to, roof leaders, cellar drains, yard drains, area drains, drains from springs and swampy areas, manhole covers, cross connections between storm sewers and sanitary sewers, catch basins, cooling towers, storm waters, surface runoff, street wash waters, or drainage. Inflow does not include, and is distinguished from infiltration.

"Lateral" means a side sewer from a public branch or main sewer to the property line to serve one or more lots.

"Main" means a sewer to which several laterals or other branch sewer lines are connected.

"Natural outlet" means any natural outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

"pH" means the logarithm of the reciprocal of the weight of hydrogen ion in grams per liter of solution.

"Public sewer" means a sewer system, including a cesspool and a gang cesspool system, controlled by the County.

"Sanitary sewer" means a sewer which carries sewage and to which storm and surface waters and drainage are not intentionally admitted.

"Sewage" means a combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments.

"Sewage treatment plant" means any arrangement of devices and structures used for treating sewage.

"Sewage works," "sewer system," or "sewer," means all public facilities for collecting, pumping, treating and disposing of sewage.

"Subdivision" means a division of a piece of property into two or more lots.

EXHIBIT 5 page 2

"Suspended solids" means solids that are in suspension in sewage or waste waters, and which are removable by laboratory filtering.

"Unoccupied unit" means a unit that is not occupied but has accessibility to a sewer, plumbing fixtures located on it, and currently receives a water bill.

(1983 CC, c 21, art 1, sec 21-2; am 1985, ord 85-15, sec 1; am 1986, ord 86-119, sec 3; am 1987, ord 87-71, sec 1; am 1988, ord 88-7, sec 6; am 1989, ord 89-68, sec 2; am 1992, ord 92-77, secs 2 and 3; am 2000, ord 00-82, secs 1 and 2; am 2001, ord 01-108, sec 1; am 2002, ord 02-66, sec 8.)

Section 21-3. Tampering with public sewers.

A written permit from the director shall be required for any person to:

- (1) Obstruct or otherwise make inaccessible any portion of the public sewer;
- (2) Uncover or molest in any way, any public sewer; or
- (3) Throw anything into any sewer manhole.

(1983 CC, c 21, art 1, sec 21-3; am 2002, ord 02-66, sec 4.)

Section 21-4. Sealing disconnected sewers.

No person shall remove or demolish any building or structure with plumbing fixtures connected directly or indirectly with the public sewer without first notifying the director of such intention. All openings in the sewer line caused by the removal of any building or structures shall be sealed in such a manner as to prevent earth, debris, rain, surface, storm or other water from entering the public sewer system.

(1983 CC, c 21, art 1, sec 21-4; am 2002, ord 02-66, sec 4.)

Article 2. Public Sewers.

Section 21-5. Connection to sewer required.

- (a) Owners of all dwellings, buildings, or properties used for human occupancy, employment, recreation, or other purposes, which are accessible to a sewer are required at their expense to connect directly with the public sewer within one hundred eighty days after date of official notice.
- (b) If, due to rock, wastewater collection system depth, or other construction problems, a building cannot be practically served, the owner shall install, operate and maintain a residential pumping station.
- (c) The director may grant a variance/exemption of the foregoing connection requirements to owners of single-family dwellings existing at the time of installation of the public wastewater system, if the following is found:
 - (1) There are special or unusual circumstances applying to the subject real property which exist that render the ability to connect to a wastewater system an extreme physical or financial hardship; and
 - (2) There are no other reasonable alternatives; and
 - (3) The variance is consistent with the general purpose of the chapter and will not be materially detrimental to public health, safety, or welfare.

EXHIBIT 5 page 3

Article 4. Sewer Service Charges.**Section 21-29. Sewer user charges for nonresidential customers.**

Sewer user charges for nonresidential customers, including those connected to gang cesspools, shall be assessed to all lots accessible to a public sewer whether connected or not. User charges for sewer service to nonresidential customers, which include industrial, commercial, agricultural, governmental and miscellaneous services users, hotels, and service stations shall be based on water volume usage based on water meter reading and shall be assessed according to the schedule shown under section 21-36.1; provided that water consumed for the purpose of coolers or swimming pools shall not be included in water consumption totals on which these rates are based. No sewer charges shall be levied on water used for irrigation or other uses when the water is not discharged into the sewer system and a separate metering system is installed to provide a method of accounting for the amount of water which is or is not subject to the sewer use charges, as the case may be. A minimum monthly charge shall be applicable and shall be equal to the schedule under section 21-36.1. Unoccupied units will be assessed a monthly maintenance fee equal to the current minimum monthly charge.

(1983 CC, c 21, art 4, sec 21-29; am 1985, ord 85-15, sec 3; am 1986, ord 86-86, sec 1; am 1987, ord 87-71, sec 3; am 1989, ord 89-68, sec 6; am 1992, ord 92-77, sec 4; am 2000, ord 00-82, sec 3; am 2004, ord 04-157, sec 2.)

Section 21-29.1. Charges for private haulers discharging wastewater into a municipal facility.

- (a) A minimum charge according to the schedule shown under section 21-36.1 shall be made for the discharging of pumped waste into any municipal system. The hauler shall be responsible for notification of the receiving facility personnel of the type of waste and of the discharge schedule. Preliminary treatment of the wastewater may be required prior to disposing of the waste into the system.
- (b) "Pumped waste" shall include cesspool septage, chemical toilet waste, sludge, or any other waste not prohibited under section 21-9.
- (c) Private haulers are required to have a valid permit from the wastewater division to discharge wastewater into any municipal facility and shall maintain the following records and information:
 - (1) The number of cesspools and other types of wastewater facilities pumped;
 - (2) The name and address of the owner of each cesspool or other facility pumped;
 - (3) The date of pumping of each cesspool or other facility;
 - (4) The location of each cesspool or facility pumped;
 - (5) Volume of wastewater pumped at each cesspool or other facility; and
 - (6) Disposal site of each for pumped waste from each cesspool or other facility.

EXHIBIT 6

(d) Reports containing the tabulated information shall be submitted to the wastewater division no later than thirty days after the last day of the month. Failure to provide the requested information may lead to revocation of the permit.

(1983 CC, c 21, art 4, sec 21-29.1; am 1989, ord 89-68, sec 7; am 1992, ord 92-77, sec 5.)

Section 21-30. Sewer user charges based on flat rate.

The director may establish a flat rate for sewer services for sewer properties (residential and/or nonresidential) utilizing public or private water systems. The flat rates may be based upon the amount of water actually consumed and drawn through the water meters of the private system, or in the absence of meters, based upon a reasonable estimate of the water consumption with due consideration to the type and nature of the premises. This flat rate shall be reviewed annually.

(1983 CC, c 21, art 4, sec 21-30; am 1985, ord 85-15, sec 4; am 2002, ord 02-66, sec 4.)

Section 21-31. Sewer user charges for residential customers.

Sewer user charges for residential customers shall be assessed to all lots accessible to a public sewer or public gang cesspools whether connected or not. User charges for sewer service to residential customers, which include service for single-family dwellings, duplexes, housing projects, condominiums, townhouses, apartments, and dormitories shall be according to the schedule shown under section 21-36.1. Unoccupied units will be assessed a monthly maintenance fee equal to the current monthly sewer user fee.

(1983 CC, c 21, art 4, sec 21-31; am 1985, ord 85-15, sec 5; am 1986, ord 86-86, sec 2; am 1987, ord 87-71, sec 5; am 1989, ord 89-68, sec 8; am 1992, ord 92-77, sec 6; am 2000, ord 00-82, sec 4.)

Section 21-31.1. Rates based on ad valorem taxes.

Residential and nonresidential customers will be assessed a sewer charge based on the ad valorem charge system for any additional expenses not covered by the flat rate and/or flow rate system.

(1985, ord 85-15, sec 6.)

Section 21-31.2. Infiltration/inflow expenses.

The sewer service charge system will distribute the operational maintenance and replacement expenses for infiltration/inflow flows in the same manner as the ad valorem charges.

(1985, ord 85-15, sec 6.)

EXHIBIT 7

Kai Ala Partners LLC
P O Box 655
Hilo, Hawaii 96721

August 23, 2021

Ramzi I. Mansour, Director
Department of Environmental Management
345 Kekuanaoa Street Suite 42
Hilo, Hawaii 96720

Subject: Sewer Charges
Tax Map Key No.: 7-5-019:018
Site Address: 75-5944 Ali'i Drive
Owner: Kai Ala Partners, LLC

Dear Director Mansour,

I am in receipt of your letter of June 10, 2021, which was mailed to the Kona Street address of Kai Ala Partners and not the county's tax bill mailing address nor the address set forth in the header of my letter to Dora Beck which delayed my receipt of your response.

In your response you quote the definition under Article 1, Section 21-2 of an "Unoccupied unit" as:

"Unoccupied unit means a unit that is not occupied but has accessibility to sewer, plumbing fixtures located on it, and currently receives a water bill."

The use of "Unoccupied unit" obviously means a dwelling unit which is defined in the Hawaii County Code adopted by Ordinance No. 94 on July 19, 1967, as:

"Dwelling unit is a suite of two or more habitable rooms which are occupied, or which are intended or designed to be occupied by one family with facilities for living, sleeping, cooking and dining."

The ordinance further states that:

"Service room shall mean any room used for storage, bath or utility purposes, and not included in the definition of habitable rooms."

Section 21-31 of the Hawaii County Code states:

"Sewer user charges for residential customers
Sewer user charges for residential customers shall be assessed to all lots accessible to a public sewer or public gang cesspools whether connected or not. User charges for sewer service to residential customers, which

EXHIBIT 8 page 1

Director Ramzi I. Mansour
Subject: Sewer Charges
Tax Map Key No.: 7-5-019:018
August 23, 2021

include service for single-family dwellings, duplexes, housing projects, condominiums, townhouses, apartments, and dormitories shall be according to the schedule shown under 21-36.1. Unoccupied units will be assessed a monthly maintenance fee equal to the current monthly sewer user fee."

The above section of the Hawaii County Code does not include a service room used for storage, bath, and utility purposes, and nor is it in the definition of habitable rooms. Clearly, we are being improperly billed for and unoccupied unit as service rooms do not meet the definition of a habitable unit.

I also take exception to your statement that the unit is receiving a water bill, the water bill is for the residence, not the "service room".

With no water bill the storeroom and laundry facility again does not meet the Article 1, Section 21-2 definition of an "Unoccupied unit."

Further, with only one water bill there can only be one sewer charge, not the two the County Wastewater Division is charging.

Kindly refund the overpayment and correct your monthly billing to one unit.

Sincerely,



Richard Henderson
Managing Member

Cc: Mayor Mitchell D. Roth
Councilman Aaron Chung

Kai Ala Partners LLC
P O Box 655
Hilo, Hawaii 96721
September 23, 2021

Ramzi I. Mansour, Director
Department of Environmental Management
345 Kekuaaoa Street Suite 42
Hilo, Hawaii 96720

Dear Director Mansour,

On August 18, 2021, I sent you a letter asking you to correct the incorrect billing of sewer charges to the residence at 75-5944 Alii Drive, Kailua-Kona, Hawaii and to refund \$7,800 in the double billing of sewer charges from July 1998 to August 2021. As of this date, thirty-five days have passed with no response from you or the Wastewater Division.

If no response is received by October 15, 2021, I will file an appeal with the Environmental Management Commission.

A favorable response to my requests will be appreciated.

Sincerely,



Richard Henderson
Managing Member

Cc: Mayor Roth
Councilman Aaron Chung
Clifford D. Victorine III, Claims Investigator/Adjustor

EXHIBIT 10

Kai Ala Partners, LLC
P O Box 655
Hilo, Hawaii 96721

September 28, 2021

Environmental Management Commission
25 Aupuni Street
Hilo, Hawaii 96720

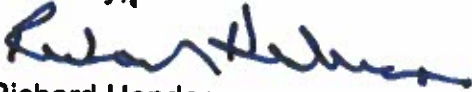
Re: Original and 10 copies of Kai Ala Partners LLC Appeal of Ramzi I. Mansour's Decision to not correct the incorrect billing of sewer charges to the residence at 75-5944 Alii Drive, Kailua-Kona 96740, and the refund of \$7,800 in over charges.

Peter Sur, Commission Secretary

Dear Peter,

Enclosed is the original and 10 copies of the above-mentioned appeal. Please advise when this appeal will be heard by the Commission?

Sincerely,,



Richard Henderson
Managing Member

EXHIBIT 11

Kai Ala Partners LLC
P O Box 655
Hilo, Hawaii 96721

October 12, 2021

Certified Mail 7019 0140 0000 0182 5118

Environmental Management Commission
25 Aupuni Street
Hilo, Hawaii 96720

Attention: Peter Sur, Commission Secretary:

Re: Appeal of Director Ramzi I. Mansour's Decision regarding double charging for sewer service to the residence at 75-5944 Alii Drive, Kailua-Kona, Hawaii.

In conformance with Part 7 Appeals of the County of Hawaii Environmental Management Commission Rules of Practice and Procedure Appellant states:

- 1) Appellant is Kai Ala Partners LLC, P O Box 655, Hilo, Hawaii 96720 and is represented by Richard Henderson, Managing Member, Kai Ala Partners, LLC, 1101 Waianuenue Avenue, Hilo, Hawaii 9620, Cell phone (808) 936-2977.
- 2) The property is located at 75-5944 Alii Drive, Kailua-Kona, Hawaii 96740, the tax map keys of the property are 3-7-5-019-018 and 3-7-5-019-026.
- 3) This is an appeal of Director Ramzi I. Mansour's Decision upholding the double charging for sewer service to the single residence at 75-5944 Alii Drive, Kailua-Kona, Hawaii.
- 4) The residence was constructed in 1952 on the remains of an old stone structure that was originally built as a Catholic Church in 1864. The property was designated as a Historical Site in 2017. When the structure was built there was no County Water service in Kona and all residences used catchment systems. When the Department of Water Supply provided domestic service on Alii Drive the water tank was removed and the area occupied by this tank was turned into a service room consisting of a storage room, laundry area and bathroom/shower. The unoccupied unit that Director Mansour is charging a sewer fee is a storage room, laundry area and bathroom.

Article 1, Section 21-31 of the Hawaii County Code states:

"Sewer user charges for residential customers

Sewer user charges for residential customers shall be assessed to all lots accessible to a public sewer or public gang cesspools whether connected or not. User charges for sewer service to residential customers, which include service for single-

EXHIBIT 12 page 1

family dwellings, duplexes, housing projects, condominiums, townhouses, apartments, and dormitories shall be according to the schedule shown under 21-36.1. Unoccupied units will be assessed a monthly maintenance fee equal to the current monthly sewer user fee."

In reading Section 21-31, it is apparent that the legislative intent was that an "unoccupied unit" referred to "*single family dwellings, duplexes, housing projects, condominiums, townhouses, apartments, and dormitory*" identified in this Section.

The Hawaii County Code's Article 1, Section 21-2 defines "Unoccupied units" as: "*Unoccupied unit means a unit that is not occupied but has accessibility to sewer, plumbing fixtures located on it, and currently receives a water bill.*"

The "unoccupied unit" that the Director is charging a separate sewer bill does not currently receive a water bill from the Department of Water Supply. A separate water bill is a requirement to being charged a sewer fee.

Further, the use of "Unoccupied unit" obviously means a dwelling unit which is defined in the Hawaii County Code adopted by Ordinance No. 94 on July 19, 1967, as: "*Dwelling unit is a suite of two or more habitable rooms which are occupied or which are intended or designed to be occupied by one family with facilities for living, sleeping, cooking and dining.*" The ordinance further states that: "Service room shall mean any room used for storage, bath or utility purposes, and not included in the definition of habitable rooms."

Section 21-31 of the Hawaii County Code does not include a service room used for storage, bath, and utility purposes, and is not the definition of habitable rooms. Clearly, we are being improperly billed for and unoccupied unit as service rooms do not meet the definition of a habitable unit.

The Commission should find that the double charge to the residence at 75-5944 Alii Drive has no basis in the Code and that the Director should be required to revert to a single sewer fee for the property going forward and that the erroneous double charge in the amount of \$7,800 be refunded to Kai Ala Partners, LLC.

Thank you for your favorable consideration of this appeal.

Kai Ala Partners, LLC



Richard Henderson, Managing Member

Attachments:

Letter to Dora Beck dated June 2, 2021

Letter from Director Mansour to Richard Henderson dated June 10, 2021

Letter to Director Mansour from Richard Henderson dated August 18, 2021

EXHIBIT 12 page 2

Letter to Director Mansour from Richard Henderson dated September 23, 2021
Filing fee check for \$50

Printout of Kai Ala ledger account of sewer paid from July 31, 1998 to August 21, 2021,
showing a total paid of \$15,600 and the double charge amount of \$7,800.

Cc: Mayor Roth
Ramzi I Mansour, Director of Department of Environmental Management
Clifford D. Victorine, Claims Investigator/Adjustor

EXHIBIT 12 page 3

Mitchell D. Roth
Mayor



Georjean Adams
Chair

Ramzi I. Mansour
Director, Department of
Environmental Management

Rick Gaffney
Vice Chair

County of Hawai'i

ENVIRONMENTAL MANAGEMENT COMMISSION

345 Kekūānāo'a St. Suite 41 • Hilo, Hawai'i 96720 • Ph: (808) 961-8083 • Fax: (808) 961-8086

October 14, 2021

Richard Henderson, Managing Member
Kai Ala Partners, LLC
P.O. Box 655
Hilo, Hawai'i 96721

Dear Mr. Henderson,

As the designated representative of the Environmental Management Commission, I am returning your petition¹ for an appeal of the Director's decision dated June 10, 2021. This appeal will not be placed on a future EMC agenda because it has failed to conform with the requirements of Part 7 of the attached Rules of Practice and Procedure of the EMC. Under Rule No. 7-9(a), the Commission may only hear appeals that are filed in conformance with the rules.²

Specifically, your petition was not accompanied by the \$50 filing fee as required by Rule No. 7-6. More significantly, Rule No. 7-3 requires that all appeals be filed "within thirty days after the decision (of the Director)." According to the documents submitted, the Director's decision was made on June 10, 2021. I received your packet on or about October 1, 2021, which is more than 30 days after the Director's decision.

Should you have any questions, please contact me at (808) 961-8099 or peter.sur@hawaiicounty.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Sur".

Peter Sur
Secretary, Environmental Management Commission

CC: Georjean Adams, Chair, EMC; Ramzi Mansour, Director, DEM

¹ Rule 2-4(d): "If any document filed in a proceeding is not in substantial conformity with the applicable rules of the Commission as to the contents thereof, or is otherwise insufficient, the Commission's designated representative shall return the document and require correction of the deficiency. If a document is returned, the document shall be effective as of the date of receipt of the corrected document."

² Rule 7-9(a): "Time Limit for Hearing. Upon proper filing of a petition for appeal, the Commission shall, within not more than ninety days, conduct a hearing on the appeal." (Emphasis added)

Kai Ala Partners, LLC
P O Box 655
Hilo, Hawaii 96721
October 19, 2021

Peter Sur, Secretary
Environmental Management Commission
345 Kekuaaoa Street, Suite 42
Hilo, Hawaii 96720

Dear Peter Sur,

In your letter covering the return of my petition, you cited two reasons for the return:

1. The petition was not accompanied by the \$50 filing fee.
2. Rule 7-3 requires that all appeals be filed within 30 days after the decision of the Director.

Enclosed is a xerox copy of the \$50 check, number 2851 payable to the County Director of Finance. The check was attached to the letter covering the filing.

The Director did not decide on the demands in my letter dated August 23, 2021, nor did he respond to my letter dated September 23, 2021. Additionally, the letter dated June 10, 2021, from the Department of Environmental Management was not signed by the Director.

Finally, I suggest that you read the U S Constitution's Article I and the Hawaii Constitution's Section 4, which provides in part, that "Congress shall make no law prohibiting the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

The Constitutions override Rule 7.

Based on the above, I am refiling 10 copies of the petition to correct the billing of the double charge for sewer fees for the residence at 75-5944 Alii Drive and the refund of the over charged amount of \$7,800.

Please advise when this petition will be heard by the Commission.

Kai Ala Partners, LLC



Richard Henderson, Managing Member

Enclosures Copy of original \$50 filing fee. Check #2851 and second \$50 filing fee, Check #2852

Cc: Mayor Mitch Roth
Ramzi I. Mansour, Director DEM
Georjean Adams, Chair EMC
Rick Gaffney, Kona Member EMC
Clifford D. Victorine III, Claims Investigator/Adjustor
Aaron Chung, Councilman

EXHIBIT 14 page 1

KAI ALA PARTNERS
PO BOX 655
HILO, HI 96721

NO. 2851

59-101
1213

Date. 10-12-01

Pay To The Order Of County Director of Finance \$ 50.00
Fifty and no
100 Dollars



First Hawaiian Bank.

HILO BRANCH
HILO, HAWAII

For deposit for deposit

Kelley H. Hester

⑈00285⑆⑈ ⑆12130⑆0⑆5⑆ 20⑈05363⑆⑈

KAI ALA PARTNERS
PO BOX 655
HILO, HI 96721

NO. 2852 59-101
1213

Date. 10-20-21

Pay To The Order Of County Director of Finance \$ 50.00
Fifty and no Dollars

 First Hawaiian Bank.

HILO BRANCH
HILO, HAWAII

FILE NO 506 FOR PETITION
TO EMC

[Signature]

⑈002852⑈ ⑆⑆⑆⑆30⑆0⑆5⑆⑆ 20⑈05363⑆⑈

Mitchell D. Roth
Mayor



Georjean Adams
Chair

Ramzi I. Mansour
Director, Department of
Environmental Management

Rick Gaffney
Vice Chair

County of Hawai'i

ENVIRONMENTAL MANAGEMENT COMMISSION

345 Kekuanāo'a St. Suite 41 • Hilo, Hawai'i 96720 • Ph: (808) 961-8083 • Fax: (808) 961-8086

December 2, 2021

Richard Henderson, Managing Member
Kai Ala Partners, LLC
P.O. Box 655
Hilo, Hawai'i 96721

Dear Mr. Henderson(Applicant/Appellant):

Subject: Contested Case Hearing Notice Regarding Kai Ala Partners LLC October 12, 2021 Appeal – TMK Nos. (3) 7-5-019-018 & (3) 7-5-019:026

The Environmental Management Commission (EMC) is in receipt of your October 12, 2021, Appeal of the Director of Environmental Management's Decision regarding the billing for sewer service at TMK Nos. (3) 7-5-019-018 & 7-5-019:026. This Notice of Hearing is made pursuant to Parts 3 and 7 of the EMC Rules of Practice and Procedure, and Chapter 91 of the Hawai'i Revised Statutes. A copy of this Notice of Hearing is also being sent to the Director of Environmental Management and his counsel.

In accordance with the EMC's Rules of Practice and Procedure, the contested case hearing has been set for:

DATE: Wednesday, December 29, 2021, and Thursday, December 30, 2021 (if a second day is necessary)

TIME: 9:00 a.m.

PLACE: Via web conferencing & in-person location at
Training Room, Aging and Disability Resource Center
Hawai i County Office of Aging
1055 Kino'ole Street, Hilo, Hawai'i 96720

ONLINE: Via Zoom
<https://www.zoomgov.com/j/16031058165>
(Meeting ID: 160 3105 8165)

PHONE: +1 669 254 5252 (Enter the meeting ID, see above, and the # sign)

The above hearing is to take place in accordance with Chapter 91 of the Hawai'i Revised Statutes and Part 3 and 7 of the Environmental Management Commission Rules of Practice and Procedure.

The issues involved in the above-referenced hearing will be Kai Ala Partners LLC's appeal of the Department of Environmental Management Director's decision regarding the billing of wastewater accounts for TMK No. (3) 7-5-019:018 and (3) 7-5-019:026.

Hawai'i County is an Equal Opportunity Provider and Employer

EXHIBIT 15 page 1

You may retain counsel to represent you at this hearing if you so desire or you may appear on your own behalf.

At the hearing, opportunities shall be afforded to all parties to present evidence and arguments on all issues involved.

Any oral or documentary evidence may be received; but the EMC may exclude irrelevant, immaterial, or unduly repetitious evidence.

Documentary evidence may be received in the form of copies or excerpts if the original is not readily available; provided that upon request, parties shall be given an opportunity to compare the copy with the original. If exhibits or evidence are presented to the Commission, the original and ten (10) copies shall be furnished to the Chairperson with a copy to each party to the proceeding other than the Commission.

In appeals from decisions made under the Refuse or Sewer chapters of the Hawai'i County Code, the entire record or file from the Director shall be part of the record on appeal and shall be reviewed by the Commission in the appeal.

Official notice may be taken of such matters as may be judicially noticed by the courts of the State of Hawai'i. Official notice may also be taken of generally recognized technical or scientific facts within the Commission's specialized knowledge when parties are given notice either before or during the hearing of the material so noticed and afforded the opportunity to contest the facts so noticed.

Every party shall have the right to conduct such cross-examination as may be required for a full and true disclosure of the facts and shall have the right to submit rebuttal evidence.

As the person initiating the proceeding, the applicant/appellant shall have the burden of proof, including the burden of producing evidence as well as the burden of persuasion. The degree or quantum of proof shall be a preponderance of the evidence.

Please note that all correspondence sent to the Commission shall be served upon all parties or their representatives.

Pursuant to EMC Rule 7-9(d), not less than twenty days prior to December 29, 2021, the applicant/appellant must mail a notice of the contested case hearing to all property owners within three hundred feet of the affected property. Prior to December 29, 2021, you shall file with the Commission proof of service or of good faith efforts to serve notice of the hearing on the designated property owners. Such proof may consist of certified mail receipts, affidavits, or the like.

A copy of the EMC's Rule of Practice and Procedure are available at:
<http://records.hawaiicounty.gov/Weblink/1/doc/64881/Page1.aspx>.

EXHIBIT 15 page 2

If you have any questions prior to the hearing, please feel free to contact Mr. Peter Sur, Secretary to the EMC, at (808) 961-8099.

Sincerely,



for Georjean Adams, Chairperson
Environmental Management Commission
Hawai'i County

cc: Malia Kekai, Deputy Corporation Counsel
Ramzi Mansour, Director, Department of Environmental Management

EXHIBIT 15 page 3

AFFIDAVIT OF SERVICE BY MAIL

I, Richard Henderson II, the undersigned mailer, being of sound mind and under no duress, do hereby certify, attest and affirm that the following facts are true and correct, to wit:

1. That on December 09, 2021, on behalf of KAI ALA PARTNERS LLC, the undersigned personally mailed the following document and transmitted it via United States Postal Service to wit:

Notice of Special Meeting – Environmental Management Commission, County of Hawaii (Exhibit 1, Pages 1-2)

Through the services of Cardinal Mailing Services, Ltd, at Honolulu, Hawaii (Exhibit 2, Pages 1-5) one complete copy of the document as described above properly enveloped and addressed to addressee(s) and address(es) as follows:

See Sample Attached – Envelop (Exhibit 2, Page 3)
Mailing List as provided by Peter Sur, Secretary of the Environmental Management Commission. (Exhibit 3.)

2. That I am at least 18 years of age.

I now affix my signature to these affirmations this 13th date of December, 2021 at Hilo, Hawaii.

Richard Henderson II

STATE OF HAWAII, COUNTY OF Hawaii, ss:

On this 13th day of December, 2021, before me personally appeared Richard Henderson II, to me known to be the person described in and who executed the foregoing Affidavit, and, being first duly sworn on oath according to law, deposes and says that he/she has read the foregoing Affidavit subscribed by him/her, and that the matters stated herein are true to the best of his/her information, knowledge and belief.

NOTARY CERTIFICATE, STATE OF HAWAII
Doc. Description/ID: Affidavit
Doc. Date: and Pages: 10
Notary Name: 37 Circuit
Notary Signature: [Signature] Cert. Date: 12-13-2021

[Signature]
Notary Public

MICHAEL I. NAGAI
EXPIRATION: January 21, 2023

Title (and Rank)

My commission expires 12-13-2021
MICHAEL I. NAGAI
EXPIRATION: January 21, 2023

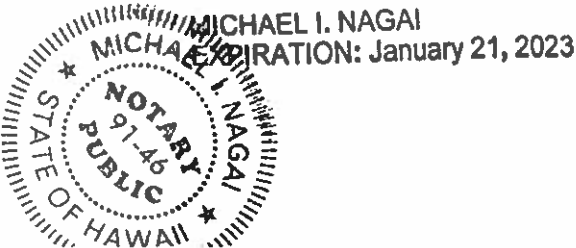


EXHIBIT 16

NOTICE OF SPECIAL MEETING

ENVIRONMENTAL MANAGEMENT COMMISSION, COUNTY OF HAWAI'I

Based on the Mayor's Proclamation regarding COVID-19, this meeting will be online with a location available to the public. This is to prevent the spread of COVID-19 and to maintain social distancing. The public may attend either in person, online, or by telephone.

DATE: December 29, 2021
(and if necessary, December 30, 2021, at the same time and place)
TIME: 9:00 a.m.
IN PERSON: Training Room, Aging and Disability Resource Center
Hawai'i County Office of Aging
1055 Kino'ole Street, Hilo
ONLINE: Via Zoom
<https://www.zoomgov.com/j/16031058165>
(Meeting ID: 160 3105 8165)
PHONE: +1 669 254 5252 (Enter the meeting ID, see above, and the # sign)

STATEMENTS FROM THE PUBLIC: Anyone wishing to provide written testimony on an agenda item may do so by submitting it in writing or by fax. To ensure timely delivery to commissioners prior to the meeting, written testimony must be submitted before 12:00 noon on the business day prior to the meeting by (1) email to peter.sun@hawaiicounty.gov or (2) facsimiles to (808) 961-8086. When submitting written testimony, please specify for which agenda item it is being submitted. All written testimony will be part of the permanent record. Oral testimony will be taken, subject to applicable statutes and rules of procedure.

1. **CALL TO ORDER**
2. **PUBLIC STATEMENTS ON ITEMS ON THE AGENDA**
3. **NEW BUSINESS**

CONTESTED CASE HEARING

Kai Ala Partners LLC appeal of the Director's decision to bill two wastewater accounts for TMK Nos. (3) 7-5-019:018 and (3) 7-5-019:026.

The above Contested Case Hearing is to take place in accordance with Chapter 91 of the Hawai'i Revised Statutes and Part 3 and 7 of the Environmental Management Commission Rules of Practice and Procedure.

The issues involved in the above-referenced hearing will be Kai Ala Partners LLC's appeal of the Department of Environmental Management Director's decision to bill two wastewater accounts for TMK No. (3) 7-5-019:018 and (3) 7-5-019:026.

This hearing is being set pursuant to Kai Ala Partners LLC's Appeal dated October 12, 2021.

EXHIBIT 16.1

page 1

The Commission anticipates convening an executive meeting regarding the above Contested Case Hearing matter, pursuant to Hawai'i Revised Statutes Section 92-5(a)(4), for the purpose of consulting with its attorney on questions or issues regarding the Commission's powers, duties, privileges, immunities, and liabilities. A two-thirds vote of the Commission's total membership is necessary to hold an executive meeting.

4. ADJOURNMENT

Note: A meeting held by interactive conference technology shall be automatically recessed for up to 30 minutes to restore communication when audiovisual communication cannot be maintained with all members participating in the meeting or with the "in person" location identified in this agenda. The meeting may reconvene when either audiovisual communication is restored, or audio-only communication is established after an unsuccessful attempt to restore audiovisual communication. If it is not possible to reconvene the meeting as provided in this subsection within 30 minutes after an interruption to communication, the meeting will be in recess and will attempt to reconvene at 9:00 a.m. on December 30, using the same meeting ID listed on Page 1 of this agenda. If at that time a quorum of remote members and the in-person members are unable to establish and maintain at least an audio-only connection, then the meeting shall be automatically terminated.

The special meeting place is accessible to persons with disabilities. To request an auxiliary aid or language translation, please call (808) 961-8083 five days prior to the meeting date. Comments may be sent to the Department of Environmental Management, 345 Kekūanāo'a Street, Suite 41, Hilo, Hawai'i 96720, or emailed to cohdem@hawaiicounty.gov.

Notice to lobbyists: If you are a lobbyist, you must register with the Hawai'i County Clerk within five days of becoming a lobbyist. [Chapter 2, Article 15, Section 2-91.3(b), Hawai'i County Code.] A lobbyist means "any individual engaged for pay or other consideration who spends more than five hours in any month or \$275 in any six-month period for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials." [Chapter 2, Article 15, Section 2-91.3(a)(6), Hawai'i County Code.] Registration forms and expenditure report documents are available at the Office of the County Clerk-Council, 25 Aupuni Street, Hilo, Hawai'i 96720.

Ritchie Henderson

From: Tonya Ponsiano <tonya@cardinalservicesltd.com>
Sent: Friday, December 10, 2021 9:03 AM
To: Ritchie Henderson
Cc: Richard Henderson
Subject: RE: Notice
Attachments: 20211210084714469.pdf

Here is the supporting paperwork and a copy of a metered letter with the date on it. Let me know if you need anything else.

*Tonya Ponsiano
Vice President of Sales
Cardinal Mailing Services LTD
Cardinal Presort Services LTD
Direct 808.792.8807
Cell 808.772.7453
Fax 808.521.1419*

From: Ritchie Henderson <ritchie.henderson@rinvest.com>
Sent: Friday, December 10, 2021 7:31 AM
To: Tonya Ponsiano <tonya@cardinalservicesltd.com>
Cc: Richard Henderson <richard.henderson@rinvest.com>
Subject: Re: Notice

Confirmed, thank you, Tonya.

Ritchie

Sent from my iPad
Ritchie Henderson (RB-17688)
RSM, Inc
(808) 443-6571 c

On Dec 9, 2021, at 4:37 PM, Tonya Ponsiano <tonya@cardinalservicesltd.com> wrote:

It mailed today. I will send paperwork over tomorrow.

*Tonya Ponsiano
Vice President of Sales
Cardinal Mailing Services LTD
Cardinal Presort Services LTD
Direct 808.792.8807
Cell 808.772.7453
Fax 808.521.1419*

EXHIBIT 16.2



Invoice for Postage

Cardinal Mailing Services - 187 Sand Island Access Rd. Unit A - Honolulu, HI 96818

Phone: (808) 538-3884 Fax: (808) 521-1419

Attn: Richard Henderson Realtor 159 Kekuaueoa St. Hilo, HI 98720	Job Details: Kai Ala Partners Meeting Notice Invoice Number: P52050 Customer Code: Rlc022 Invoice Date: 12/09/2021 PO #:
--	--

Invoice Details

Ref Num: 52050 - Kai Ala Partners Meeting Notice
Project: Kai Ala Partners Meeting Notice
Expected Qty: 157
Drop Date: 12/09/2021
Postage Affixed: Meter 1
Postage Amount: \$92.00
Postage Due In: 12/09/2021

Comments

If you are mailing on our permit account, please make your check payable to Cardinal Mailing Services. Please indicate on your check memo or description line that this check is for "Postage Pre-payment". Include a photocopy of this invoice with your payment.

KAI ALA PARTNERS PO BOX 655 HILO, HI 96721	NO. 2864 59-101 1213
	Date. 12-8-21
Pay To The Order Of	<i>Cardinal Mailing Services</i> \$ 92 ⁰⁰
	<i>Ninety-two and no/100</i> Dollars
First Hawaiian Bank.	
HILO BRANCH HILO, HAWAII	
H ⁰⁰ 00286411 ⁰ 1 ⁰ 2 1 30 10 1 5 1 20 ⁰⁰ 05363 11 ⁰	

EXHIBIT 16₂

Page 2

KAI ALA PARTNERS LLC
PO BOX 655
HILO, HI 96721-0655

WORLDMARK, THE CLUB
C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT
6277 SEA HARBOR DR
237
ORLANDO, FL 32821-8043

FIRST CLASS



U.S. POSTAGE
ZIP 96819 \$000.53⁰
02 4M
00003699860 DEC 09 2021



EXHIBIT 2-16

page 3

Meter Report

METER: 8 /4 12, 09, 21

CLIENT: RICHARD HENDERSON JOB: 52050

REALTOR "KAI AIA PARTNERS MEETING NOTICE"

PRESORT FIRST CLASS STANDARD ADDITIONAL POSTAGE

COUNT

POSTAGE VALUE

X Letters

Funds Report	Available:	\$1,728.271	PBP Account Number:	26290282
	Used:	\$127,058.729	Indicia Number:	0000369980
	Total Pieces:	251691	Meter Number:	0369980
	Control Sum:	\$128,787.00	Meter Name:	
	Resettable Piece Count:	126	Printed:	DEC 09 2021 3:55 PM
	Piece Count Value:	\$66.78		

 Flats =

 Certified =

 Parcels =

 Foreign =

 Other =

TOTAL: 126 = \$ 66.78

Pitney Bowes Business Manager

Dec 10 2021 7:58AM C

Date User Class Start Time End Time Pieces Postage Spec SVC Total Postage

Ka Ala Partners
52050

12/09/2021	kookie 1	CSPiece	12/09/2021	12/09/2021	126	66.780	0.000	66.780
3:55:46 PM			3:54:36 PM	3:55:46 PM				
Sub Sub Account Total					126	66.780	0.000	66.780
Sub Account Grand Total					126	66.780	0.000	66.780

EXHIBIT 16.2

page 5

ParcelId	OwnerName	UnitNo	OwnerAddress1	OwnerAddress2	OwnerCityStZip
750180040000	JONES,SCOTT FAMILY TRST		C/O JONES,SCOTT	1367 6TH AVE	SAN DIEGO CA 92101 4307
750180270000	ARGENTO BUSINESS PARK LLC			2363 N HILL FIELD RD STE 112	LAYTON UT 84041 6958
750180050001	LANE,JACK/SUE FAMILY TRST	Unit 101		1701 EL CAMINO REAL	SIERRA VISTA AZ 85635 4247
750180050002	MEYER, KERIN CECILE	Unit 102		9 BIRD LN	HICKSVILLE NY 11801 4508
750180050003	DAVIS, TROY E	Unit 103		607 E EDGEMONT DR	WENATCHEE WA 98801 9741
750180050004	CHRISTENSEN, MARILYN TR	Unit 104		75-123 LUNAPULE RD 104	KAILUA KONA HI 96740 2163
750180050005	SIMPSON, TRST	Unit 105		PO BOX 13	NAALEHU HI 96772 0013
750180050006	BEARD, MICHAEL D	Unit 106		7505 118TH AVE NE	KIRKLAND WA 98033 8120
750180050007	BEARD, MICHAEL D	Unit 107		7505 118TH AVE NE	KIRKLAND WA 98033 8120
750180050008	PETERSON, GREGORY R	Unit 108		1712 E SOUTH RIVERTON AVE APT 7	SPOKANE WA 99207 5114
750180050009	LEE, TERRELL WAYNE	Unit 201		27012 193RD CT SE	COVINGTON WA 98042 5099
750180050010	SHOLINE, JOHN ELSWORTH	Unit 202		PSC 80 BOX 20285	APO AP 96367 0000
750180050011	HILL, KEITH ALAN	Unit 203		75-123 LUNAPULE RD APT 203	KAILUA-KONA HI 96740 2163
750180050012	ICHIKAWA, COLIN M TR	Unit 204		PO BOX 6393	LONG BEACH CA 90806 0393
750180050013	MCHUGH, BRUCE TR	Unit 205		616 MCMINN RD	PORT TOWNSEND WA 98368 9004
750180050014	MARSOCCI, JULIE ANN	Unit 206		PO BOX 3313	KAILUA KONA HI 96745 3313
750190200000	FREY, GREGG WILLIAM			PO BOX 2767	ISSAQUAH WA 98027 0127
750190060000	KOMOMUA, ERNEST K DEC'D	ROADWAY,			
750190060000	KOMOMUA, HERBERT N	ROADWAY,			
750190060000	KOMOMUA, ARTHUR SR	ROADWAY,			
750190060000	KOMOMUA, ARTHUR SR	ROADWAY,			
750190060000	DANIEL K KOMOMUA DEC'D	ROADWAY,			
750190060000	HEIRS OF LYDIA K KAAHAAIN	ROADWAY,			
750190060000	HEIRS OF JOSEPH N KOMOM	ROADWAY,			
750180010000	ACE PARKING MANAGEMENT INC		C/O JONES,SCOTT	645 ASH ST	SAN DIEGO CA 92101
750180030000	BIG ISLAND LENDING GROUP INC			PO BOX 1900	KAILUA KONA HI 96740 1900
750190460001	WORLD MARK, THE CLUB	111	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460002	WORLD MARK, THE CLUB	112	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460003	WORLD MARK, THE CLUB	113	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460004	WORLD MARK, THE CLUB	114	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460005	WORLD MARK, THE CLUB	115	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460006	WORLD MARK, THE CLUB	116	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460007	WORLD MARK, THE CLUB	117	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460008	WORLD MARK, THE CLUB	118	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460009	WORLD MARK, THE CLUB	119	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460010	WORLD MARK, THE CLUB	120	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460011	WORLD MARK, THE CLUB	121	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460012	WORLD MARK, THE CLUB	122	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460013	WORLD MARK, THE CLUB	123	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460014	WORLD MARK, THE CLUB	124	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460015	WORLD MARK, THE CLUB	125	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460016	WORLD MARK, THE CLUB	126	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460017	WORLD MARK, THE CLUB	127	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460018	WORLD MARK, THE CLUB	128	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460019	WORLD MARK, THE CLUB	129	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460020	WORLD MARK, THE CLUB	130	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460021	WORLD MARK, THE CLUB	131	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460022	WORLD MARK, THE CLUB	132	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460023	WORLD MARK, THE CLUB	133	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460024	WORLD MARK, THE CLUB	134	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460025	WORLD MARK, THE CLUB	135	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460026	WORLD MARK, THE CLUB	136	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460027	WORLD MARK, THE CLUB	137	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460028	WORLD MARK, THE CLUB	138	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460029	WORLD MARK, THE CLUB	139	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460030	WORLD MARK, THE CLUB	140	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460031	WORLD MARK, THE CLUB	141	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460032	WORLD MARK, THE CLUB	142	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460033	WORLD MARK, THE CLUB	143	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460034	WORLD MARK, THE CLUB	144	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460035	WORLD MARK, THE CLUB	145	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460036	WORLD MARK, THE CLUB	146	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460037	WORLD MARK, THE CLUB	147	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460038	WORLD MARK, THE CLUB	148	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460039	WORLD MARK, THE CLUB	149	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460040	WORLD MARK, THE CLUB	150	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460041	WORLD MARK, THE CLUB	151	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460042	WORLD MARK, THE CLUB	152	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460043	WORLD MARK, THE CLUB	153	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460044	WORLD MARK, THE CLUB	154	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460045	WORLD MARK, THE CLUB	155	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460046	WORLD MARK, THE CLUB	156	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460047	WORLD MARK, THE CLUB	157	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460048	WORLD MARK, THE CLUB	158	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460049	WORLD MARK, THE CLUB	159	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460050	WORLD MARK, THE CLUB	160	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460051	WORLD MARK, THE CLUB	161	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460052	WORLD MARK, THE CLUB	162	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460053	WORLD MARK, THE CLUB	163	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460054	WORLD MARK, THE CLUB	164	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460055	WORLD MARK, THE CLUB	165	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460056	WORLD MARK, THE CLUB	166	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460057	WORLD MARK, THE CLUB	167	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460058	WORLD MARK, THE CLUB	168	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460059	WORLD MARK, THE CLUB	169	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460060	WORLD MARK, THE CLUB	170	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460061	WORLD MARK, THE CLUB	171	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043

750190460062	WORLD MARK, THE CLUB	246	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460063	WORLD MARK, THE CLUB	247	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190460064	WORLD MARK, THE CLUB	248	C/O WYNDHAM HOSPITALITY ACCOUNTING TAX DEPT	6277 SEA HARBOR DR	ORLANDO FL 32821 8043
750190470000	KONA HAWAIIAN VACATION OWNERSHIP LLC			520 ALEKA LP	KAPAA HI 96746 1452
750180560000	HAWAII REGIONAL COUNCIL OF CARPENTERS			1311 HOUGHTAILING ST	HONOLULU HI 96817 2759
750180570000	QUINN, JOSHUA NAINOA			PO BOX 390061	KEAUHOU HI 96739 0061
750180580000	NICHOLSON, CARRIE ANN N			75-6104 AKOA ST	KAILUA KONA HI 96740 3040
750180590000	FUJIWARA, DONALD MITSURU TRST			75-118 LUNAPULE RD	KAILUA KONA HI 96740
750180650000	DONOHUE, CATHERINE J TR			PO BOX 390156	KEAUHOU HI 96739 0156
110010040000	KAAWALOA, WILLIAM FAMIL	ROADWAYS		15-2996 MAKO WAY	PAHOA HI 96778 9746
110010040000	SAMPAIO, ALBERT S	ROADWAYS		1338 AKAHAI ST	KAILUA HI 96734 4115
110010040000	KAUHANE, SAM	ROADWAYS		2 REDFORD CT	MANSFIELD TX 76063 3316
110010040000	KAUHANE, PETER	ROADWAYS		960 E CHELSEA DR	SAN TAN VALLEY AZ 85140 5659
110010040000	SPARKS, HERMAN	ROADWAYS			
110010040000	KANEKO, RITA J	ROADWAYS		92-210 AWAAWAHEA WAY	KAPOLEI HI 96707 1602
110010040000	MAGNANI, MAXINE	ROADWAYS		PO BOX 625	MOUNTAIN VIEW HI 96771 0625
110010040000	TEIXEIRA, MILTON	ROADWAYS			
110010040000	KAMAUNU, DOLINA L K M	ROADWAYS			
110010040000	RAFAEL, ALFRED P	ROADWAYS			
110010040000	MORANTE, MILDRED	ROADWAYS		155 POHAKULANI ST	HILO HI 96720 3191
110010040000	MERSEBURGH, VICTORIA	ROADWAYS		816 LUNALILO ST APT 2	HONOLULU HI 96813 2137
110010040000	MERSEBURGH, FLORENCE	ROADWAYS		1031 WONG LN	HONOLULU HI 96817 2840
110010040000	SOUZA, STAR	ROADWAYS	C/O SOUZA, MARGIE	12683 PINE CONE CIR	GRASS VALLEY CA 95945 8800
110010040000	MERSEBURGH, MARTHA	ROADWAYS		816 LUNALILO ST APT 2	HONOLULU HI 96813 2137
110010040000	LOPES, JOANNA A K	ROADWAYS		PO BOX 383	ANAHOA HI 96703 0383
110010040000	AWAI, GLORIA TRST	ROADWAYS		87-480 FARRINGTON HWY	WAIANAE HI 96792 3121
110010040000	SMITH, DAVID H	ROADWAYS		640 N CHARLOTTE AVE	BREMERTON WA 98312 3504
110010040000	ITURRALDE, JOSEPH	ROADWAYS		378 BOND RD	ALTAMONT NY 12009 5900
110010040000	TUMBAGA, JERALDINE	ROADWAYS		PO BOX 31158	HONOLULU HI 96820 1158
110010040000	KAAWALOA, SAMUEL K	ROADWAYS			
110010040000	PUA-KAIPO, LILY K	ROADWAYS		PO BOX 10612	HILO HI 96721 5612
110010040000	PUA-KAIPO, KIM L	ROADWAYS			
110010040000	PUA-KAIPO, LIONEL K	ROADWAYS			
110010040000	PUA-KAIPO, ROY A	ROADWAYS			
110010040000	PUA-KAIPO, LILY U	ROADWAYS			
110010040000	POHA, WALTER J	ROADWAYS		537 AKALEI PL	HILO HI 96720 3107
110010040000	MACOMBER, MABEL	ROADWAYS			
110010040000	VEINCENTE, SHELLY L	ROADWAYS		PO BOX 1177	PAHOA HI 96778 1177
110010040000	MACOMBER, ARON	ROADWAYS	ATTN: KAIPO, MABEL A	PO BOX 1177	PAHOA HI 96778 1177
110010040000	KAIPO, ALVIN	ROADWAYS			
110010040000	KAIPO, BLAIR	ROADWAYS		1138 LARCH ST	INGLEWOOD CA 90301 4214
110010040000	KAIPO, COLIN	ROADWAYS		91-1001 NIHOPEKU ST	KAPOLEI HI 96707 1928
110010040000	BONILLA, ROBYN M	ROADWAYS		124 MARK CIR	SAVANNAH GA 31405 9401
110010040000	KAIPO, BOYSON	ROADWAYS		24860 RED RIVER RD	MORENO VALLEY CA 92557 5620
110010040000	KAAWALOA, AUSTIN	ROADWAYS		87-1074 HAKIMO RD	WAIANAE HI 96792 3520
110010040000	SAMPAIO, ALBERT	ROADWAYS			
110010040000	KAAWALOA, JUNIOR	ROADWAYS			
110010040000	KAMAUNU, JAMES P	ROADWAYS		91-1000 WAIMOMONA PL	EWA BEACH HI 96706 1864
110010040000	KAAWALOA, EDMOND	ROADWAYS			
110010040000	KEKAULA, VERNA E K	ROADWAYS		PO BOX 1931	HILO HI 96721 1931
110010040000	TOMSYCK, IVYLANI T M	ROADWAYS		26991 TAMSEN AVE NW	POULSBORO WA 98370 9557
110010040000	KEKAULA, WILLIAM K	ROADWAYS		PO BOX 1931	HILO HI 96721 1931
110010040000	MARTINEZ, VERNALISA K	ROADWAYS		PO BOX 1931	HILO HI 96721 1931
110010040000	MAKALII, PETER K JR	ROADWAYS		74-414 NAULU PL	KAILUA KONA HI 96740 3301
110010040000	COOPER, DEBRA K MAKALII	ROADWAYS			
110010040000	MAKALII, LESTER	ROADWAYS			
110010040000	MAKALII, CINDY MAE	ROADWAYS			
110010040000	AKOTEU, ESTHERLENE L - DE	ROADWAYS			
750210370000	AKO, LILY K	ROADWAYS			
750210370000	ODA, SHIGERU	ROADWAYS			
750180660000	AKO, LILY K	SR ROADWAY			
750180660000	KELIIOA, PAUL	ROADWAYS			
750180660000	COUNTY OF HAWAII	ROADWAYS			
750190040000	TRIVISONNO, FREDERICK MARK			20262 LIGHTHOUSE LN	HUNTINGTON BEACH CA 92646 4415
750190270000	CALIFORNIA PACIFIC INVESTMENT GROUP TR			105 CABIN PATH ST	SAN ANTONIO TX 78232 3701
750190280000	BDM SQUARED LLC			6 OLYMPIA HILLS CIR	LAS VEGAS NV 89141 6045
750190210001	MILLER, ROSEMARY M TR	1		75-5960 ALII DR	KAILUA KONA HI 96740 1324
750190210002	STONE, MARK KENNETH	2		234 PRAIRIE DR	SAN DIMAS CA 91773 1163
750190210003	STONE, MARK KENNETH	3		234 PRAIRIE DR	SAN DIMAS CA 91773 1163

Only Mail to Recipients with addresses.

To insure proper credit, please detach and return top portion with your remittance.
 Make checks payable to COUNTY DIRECTOR OF FINANCE.



Customer	KAI ALA PARTNERS
Address	PO BOX 655 · HILO, HI 96721

COUNTY OF HAWAII

Customer #	Billing Date	Due Date	Prev Balance	Pmts+Credits	Cur Activity	Amount Due
0017968	10/15/2021	11/14/2021	1.78	1.78	176.00	176.00

Date	Billing Cycle	Days	Service Description	Units	Cur Charges	Amount
09/20/21	Previous Balance					1.78
09/29/21	Payment - thank you		Document #: 00666796 Batch 09-30-21			1.78 CR
10/15/21	Billing		Document #: 00875295 Auto generated billing for document date October 2021			176.00
Account #: 850.01610.000 755944 ALII DR, TMK:750190180000						
08/01/21 - 09/30/21	60		Waste Water - Residential	2	176.00	

2854

****REMINDERS...REMINDERS...REMINDERS****

- Drop box payments are credited the next business day.
- Payments are applied towards the oldest portion of your outstanding balance.
- Current charges not received in our office by the due date, as well as any balance over 30 days, will incur interest charges at the rate of 1.0% per month.

Amount Due: 176.00

Current	31-60 days	61-90 days	91 and up
176.00	0.00	0.00	0.00

ALTERNATE PAYMENT SITE: Drop Boxes for payments by check only are located in front of the Department of Water Supply Offices, 345 Kekūanāo'a St. and on the exterior of the Motor Vehicle Registration Office, Aupuni Center Building, 101 Pauahi St., Hilo (facing Bank of Hawai'i & Longs)

Major Credit Cards (Visa, Mastercard, Discover) accepted at the Wastewater Accounting Office, 345 Kekūanāo'a St., Suite 41, Hilo.

WASTEWATER DIVISION - DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
 345 KEKŪANĀO'A STREET, SUITE 41 · HILO, HI 96720 · (808) 961-8338 · FAX (808) 961-8086
 Office hours 7:45 AM - 4:30 PM Monday through Friday (except Holidays)

Hawai'i County is an Equal Opportunity Provider and Employer

EXHIBIT 17

DEPARTMENT OF WATER SUPPLY
COUNTY OF HAWAII

Account Number
85001610-10

Name
KAI ALA PARTNERS

Service Address
75-5946 ALII DR

Meter Number	Read Dates		Billing Days	Meter Readings			Multiplier	Usage	Units
	Present	Previous		Code	Present	Previous			
WATER 0078714678	09-01-2021	07-01-2021	62	MR	2912	2902	1	10	GAL

BILLING SUMMARY	
Previous Balance as of 07-09-21	\$220.45
Payments & Adjustments as of 09-03-21	(\$220.45)
Balance Forward as of 09-03-21	\$0.00
Current Charges as of 09-03-21	\$75.06
Total Amount Due	\$75.06

PREVIOUS BALANCE	\$220.45
PAYMENT 07-19-2021	<CR> \$220.45
BALANCE FORWARD	\$0.00
STANDBY CHARGE	\$45.86
CONSUMPTION CHARGE	\$10.40
POWER COST CHARGE	\$18.50
ENERGY CIP CHARGE	\$0.50
CURRENT CHARGES	\$75.06
TOTAL AMOUNT DUE	\$75.06

CONSUMPTION HISTORY			
Bill Date	Days	Water Use (In 1,000 Gal.)	Charges \$
09-2021	62	10	75.06
07-2021	59	41	220.45
05-2021	63	14	89.78
03-2021	56	17	101.87
01-2021	61	5	54.57
11-2020	65	10	70.20
09-2020	61	1	43.27
07-2020	63	5	54.45
05-2020	58	8	63.36
03-2020	62	5	55.25
01-2020	62	23	122.88
11-2019	57	4	52.20
09-2019	64	4	52.12

\$2841

Bill Type	Account Type	Bill Date	Due Date	AMOUNT DUE
REGULAR	RESIDENTIAL	09-03-2021	10-08-2021	\$75.06

"Need help to pay water bill due to COVID-19" CALL: HOPE(808)935-3050; HFFFCU(808)933-6600; NPP (808)965-5550;HFHHI(808)843-0071;TSA(808)935-1277;HCEOC(808)932-2714 TO SEE IF THEY CAN HELP YOU."

EXHIBIT 18

COUNTY OF HAWAII STATE OF HAWAII

BILL NO. 595
(Draft 3)

ORDINANCE NO. 92 77

AN ORDINANCE AMENDING CHAPTER 21 OF THE HAWAII COUNTY CODE 1983,
RELATING TO SEWERS.

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF HAWAII:

SECTION 1. Purpose. In 1972, the Congress enacted the Federal Water Pollution Control Act (PL92-500) to restore and maintain the chemical, physical and biological integrity of the nation's water. As a result of this law and subsequent amendments, the federal government through the U.S. Environmental Protection Agency (EPA) has instituted a construction grants program that provides funding for the major portion of construction costs of municipal wastewater collection, treatment and disposal systems. In order to be eligible to receive these grants, a municipality must have an acceptable sewer user charge system to recover operation, maintenance, and replacement (O,M, & R) costs necessary to properly operate wastewater facilities funded by the program.

The sewer user charge system currently being utilized by the County is not in compliance with the federal guidelines. Updating

EXHIBIT 19 page 1

and revising the County's sewer user charge system to satisfy current requirements of the State of Hawaii Department (DOH) and EPA are conditions written into present federal grants.

The federal rules and regulations state that an acceptable sewer user charge system must be designed to produce adequate revenues required for operation and maintenance (including replacement). The system shall provide that each user which discharges pollutants that cause an increase in the cost of managing the effluent or sludge from the treatment works shall pay for such increased cost. In essence, the Federal regulations require that the system must collect sufficient revenues to insure that the Federally-funded treatment works are properly maintained and operated and that all users of the system shall pay their proportionate share based on the users' proportionate wastewater loading.

The purpose of this bill is the adoption of such a sewer charge system for the county which will conform to the rules and regulations promulgated by the U.S. Environmental Protection Agency under 40 CRF Part 35 "Grants for Construction of Treatment Works", Federal Register, Volume 49 no. 34, dated February 17, 1984, and satisfy DOH requirements.

SECTION 2. Chapter 21, article 1, section 21-2(a)(1), of the Hawaii County Code 1983, relating to definitions, is amended to read as follows:

"(1) "Accessible to a sewer" means having a sanitary sewer with [or without] laterals available to the lot."