

**C. Kimo Alameda, Ph.D.**  
*Mayor*



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### **EMERGENCY PROCLAMATION RELATING TO HILO WASTEWATER TREATMENT PLANT**

WHEREAS, Chapter 127A Hawai'i Revised Statutes ("HRS"), provides for the establishment of County organizations for emergency management and disaster relief with the Mayor having direct responsibility and authority over emergency management within the County; and

WHEREAS, HRS Chapter 127A and Chapter 7, Articles 1 and 2 of the Hawai'i County Code, establishes a Civil Defense Agency within the County of Hawai'i and prescribes its powers, duties, and responsibilities, and Section 13-23 of the Hawai'i County Charter empowers the Mayor of the County to declare emergencies; and

WHEREAS, the Hilo Wastewater Treatment Plant was constructed in 1994 and is the only major municipal treatment facility serving the sewered areas within the District of South Hilo, County of Hawai'i; and

WHEREAS, the Hilo Wastewater Treatment Plant (hereinafter referred to as "Plant") serves and treats domestic and commercial wastewater generated by approximately 30,000 residents, businesses and visitors; and

WHEREAS, the Hawai'i Department of Health issued NPDES Permit No. HI0021377 for the Plant, effective on May 1, 2020; and

WHEREAS, NPDES Permit No. HI0021377 authorizes the County of Hawai'i to discharge secondary treated wastewater through Outfall Serial No. 001 into the Pacific Ocean through a diffuser located within Puhī Bay in the District of South Hilo; and

WHEREAS, the advanced age of the Plant combined with deferred maintenance, plant location, and environmental conditions, have resulted in significant corrosion, deterioration, and disrepair of the Plant and its associated infrastructure; and

WHEREAS, the Plant's associated infrastructure, including but not limited to sewer pump stations, force mains, portable pumps, and the collection system, which contribute to the conveyance of wastewater to the Plant, also have deficiencies; and

WHEREAS, should failure of this critical infrastructure occur, it would pose an imminent risk of raw sewage spillage, endangering public health and safety; and

WHEREAS, an assessment of the Plant's condition was conducted in 2021, by consultant McGovern McDonald Engineers, to develop a report on the Repair/Replacement plan for the facility, which included a calculation of risks and risk rankings related to potential plant failure; and

WHEREAS, this report concluded there was structural deterioration of the Plant, extensive area-wide corrosion, loss of bearing wall integrity, significant mechanical defects affecting the Plant, and that several systems and their components are beyond repair and require immediate replacement; and

WHEREAS, the report concluded that the general state of the Plant is very poor to failing, with reliability and standby capacity compromised; and

WHEREAS, in March 2024, the County of Hawai'i entered into an Administrative Order on Consent with the Environmental Protection Agency to repair or replace the Plant, which included repair or replacement of all assets which are inoperable, corroded, deteriorated, and/or at risk of failure, to include the headworks, primary treatment train, and biosolids handling; and

WHEREAS, on December 20, 2024, the County of Hawai'i awarded the Contract for Phase One of the Hilo Wastewater Rehabilitation and Replacement Project to Nan, Inc., which is to be completed within 5 years from commencement of the repairs; and

WHEREAS, given the current state of the Plant, and the findings of McGovern McDonald Engineers there are concerns that the structures and components could fail imminently, and before the necessary repairs can be made; and

WHEREAS, the deteriorated condition of the Plant is in a state of failure, meaning there is imminent danger of an emergency impacting the County of Hawai'i, were such failure to occur, and raw sewage to be spilled into Puhi Bay and surrounding areas whereby water currents may allow raw sewage to be further disseminated with very limited mitigation options; and

WHEREAS, the current condition of the Plant poses substantial endangerment to public health and safety, and warrants preemptive and protective action in order to provide for the health, safety, and welfare of the people of the County of Hawai'i, who will be negatively impacted if the Plant fails and waters are polluted; and

WHEREAS, HRS §127A-14(b) empowers the Mayor to declare the existence of a local state of emergency in the county by proclamation if the Mayor finds that an emergency or a disaster has occurred or that there is imminent danger or threat of an emergency or a disaster in any portion of the county; and

WHEREAS, HRS §127A-2 defines an emergency as "any occurrence, or imminent threat thereof, which results or may likely result in substantial injury or harm to the population or substantial damage to or loss of property or substantial damage to or loss of the environment"; and

WHEREAS, pursuant to HRS §127A-12(a)(5), the Mayor may direct or control as may be necessary for emergency management: alerts, warnings, notifications, activations, warnings and signals for alerts and any type of warning device, system, or method to be used in connection therewith; partial or full mobilization of personnel in advance of or in response to an actual emergency or disaster; and the conduct of civilians and the movement and cessation of movement of pedestrians and vehicular traffic during, before, and after alerts, exercises, training emergencies, or disasters; and

WHEREAS, pursuant to HRS §127A-12(c)(6) the Mayor may “[p]urchase, make, produce, construct, rent, lease, or procure by condemnation or otherwise, transport, store, install, maintain, and insure, repair, renovate, restore, replace or reconstruct, and distribute, furnish or otherwise dispose of, with or without charges, materials and facilities for emergency management; and to procure federal aid therefor whenever feasible. Chapter 103D and sections 103-50, 103-53, 103-55, 105-1 to 105-10, and 464-4 shall not apply to any emergency management functions of and to the extent that the mayor finds that the provisions, in whole or in part, impede or tend to impede the expeditious discharge of the functions, or that compliance therewith is impracticable due to existing conditions; and

WHEREAS, pursuant to HRS § 127A-12(c)(14), the Mayor may “order and direct government agencies, officials, officers, and employees of the county, to take action and employ measures for law enforcement, medical, health, firefighting, traffic control, warnings and signals, engineering, rescue, construction, emergency housing, and other welfare, hospitalization, transportation, water supply, public information, training, and other emergency functions as may be necessary and utilize the services, materials, and facilities of the agencies and officers. All agencies and officers shall cooperate with and extend their services, materials, and facilities to the Mayor as the Mayor may request”; and

WHEREAS, pursuant to HRS § 127A-12(c)(17), the Mayor is authorized to take any and all steps necessary or appropriate to carry out the purposes of chapter 127A HRS, notwithstanding that the powers in § 127A-12 may only be taken during an emergency period; and

WHEREAS, pursuant to HRS §127A-13(b)(2) the Mayor is further authorized to “suspend any county law that impedes or tends to impede or be detrimental to the expeditious and efficient execution of, or to conflict with, emergency functions, including laws that by this chapter specifically are made applicable to emergency personnel”; and

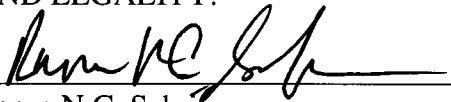
WHEREAS, due to the possibility of imminent disaster to the health, safety, and welfare of the people of Hawai‘i Island, and the need for government agencies and representatives from the private sector to mobilize and provide immediate services to our island residents, a Civil Defense state of emergency is authorized pursuant to Chapter 127A, Hawai‘i Revised Statutes, as amended, and Chapter 7, Hawai‘i County Code.


NOW, THEREFORE, I, C. KIMO ALAMEDA, Mayor of the County of Hawai‘i, do hereby proclaim and declare that a state of emergency exists due to the threat of imminent disaster on Hawai‘i Island, effective February 11, 2025, 9:30 a.m., Hawai‘i standard time and I hereby ORDER;

This Emergency Proclamation shall be effective February 11, 2025, and shall terminate in sixty (60) days unless terminated earlier or extended by a separate proclamation, whichever shall occur first.

This ORDER is effective at 9:30 a.m., this 11<sup>th</sup> day of February, 2025.

APPROVED AS TO FORM  
AND LEGALITY:

  
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Renee N.C. Schoen  
Corporation Counsel

  
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C. Kimo Alameda, Ph.D.  
Mayor  
County of Hawai'i