



Date: Monday, January 23, 2012 1:21 PM
 From: Pruder, Sina L <sina.pruder@doh.hawaii.gov>
 To: low1003@hawaii.rr.com
 Subject: RE: Lalamilo

Mr. Low,

I talked to our Attorney General and he said that the State Building Plumbing Code is not in effect since the Counties did not adopt Appendix K. He also stated that the State Building Plumbing Code only applies to State Buildings as of April 2010. The location of your aerobic treatment unit complies with our chapter 11-62, Hawaii Administrative Rules. We are concerned with the sizing of the seepage pit because it does not meet our chapter 11-62 requirements. DHHL only has to address that issue and not the relocation of your aerobic treatment unit. I will draft a letter stating that the seepage pit does not meet our chapter 11-62 requirements. Based on the information provided by our Deputy Attorney General, the aerobic treatment unit setback does meet our chapter 11-62, therefore, they are not required to relocate your tank.

Thanks,
 Sina

-----Original Message-----

From: low1003@hawaii.rr.com [low1003@hawaii.rr.com]
 Sent: Monday, January 23, 2012 8:53 AM
 To: Pruder, Sina L
 Subject: Re: Lalamilo

Aloha Sina,
 Since DHHL is waiting upon your confirmation from the Attorney General on the applicable building code regarding the state law on the location of our septic tank, I humbly ask that you expedite this request since I feel that this is a health issue to me and family. Reading your e-mail dated on November 17, 2011, you rescinded the Approval to Use letter of IWS system due to concerns with the seepage pit which I believe the seepage pit and septic tank is one whole system. That also means the septic tank is not approved. The septic tank is in violation of the Hawaii Administrative Rules Title 3 Department of Accounting and General Services State Building Code Council Chapter 183 State Plumbing Code adopted April 16, 2010. Subchapter 1 S3-183-4, Subchapter 2 S3-183-14. Table K-1, Building or structures note 1.
 The odor from this septic tank is getting very unbearable. With all this said I again humbly ask you to expedite this request as soon as possible.

Mahalo
 Leonard Low

---- "Pruder wrote:

> Mr. Low,
 >
 > I talked with Sandra today and she said that they will not proceed
 > with the construction until you sign the settlement agreement. I will
 need to get a decision in writing from our Attorney General regarding
 the applicability of the State Plumbing Code and if it would apply for
 your situation. As I mentioned to you, I discussed the applicability
 with the Chairperson of the State Building Council and he informed me

that the State Plumbing Code only applied to State Buildings. I will need to get a decision from our AG before I can make a statement that the location of the aerobic treatment unit tank is not in compliance with State rules. I don't know how long it will take for our AG to respond to my request. In either case, if and when we do send a letter to DHHL, it is most likely that they will also consult with their AGs to see if they are in compliance or not. When you have attorneys involved, the process can take months to resolve because it may go into litigation. This means that work on the relocation of your aerobic treatment may be delayed for months.

>
> I will not be in the office tomorrow or Friday. A letter won't be able to be sent out until our AG makes a decision and I'm not sure how long that will take.

>
> Sina Pruder
> Wastewater Branch
> 919 Ala Moana Blvd. Rm. 309
> Honolulu, Hi 96814
> Phone: (808) 586-4294
> Fax: (808) 586-4300

>
>
>
> -----Original Message-----
> From: low1003@hawaii.rr.com [low1003@hawaii.rr.com]
> Sent: Thu 11/17/2011 4:15 PM
> To: Pruder, Sina L
> Subject: Re: FW: Lalamilo

>
> Aloha Sina,
> Thank you very much for this e-mail and response. Not receiving a copy of the rescinded letter of approval of use was very disturbing to me as the homeowner living here without the approval of the Department of Health. This is the first copy of notification document I have received. I really appreciate all your help and understanding in this matter.

> For your information, I just got off of the phone with Sandy Pfund who is the Land Development Division Administrator for DHHL and was told that the relocation of the septic tank and leech field won't realistically untill early part of 2012.

> Mahalo Plenty!
> Leonard Low

>
>
>
> ---- "Pruder wrote:

> > Mr. Low,
> >
> > We rescinded the Approval to Use letter for your IWS in June.
> > Attached is a copy of the letter that was sent to Mr. Bruce Meyer
> > stating that the Department of Health would not be able to issue an
> > approval to use of the system due to our concerns with the seepage
> > pit. Also, below is a response that I received from Mr. Stewart
> > Matsunaga from DHHL. Based on his response, DHHL will be relocating
> your tank.

> >
> > Thanks,
> > Sina Pruder

> >
> > -----
> > From: Stewart.T.Matsunaga@hawaii.gov
> > [Stewart.T.Matsunaga@hawaii.gov]
> > Sent: Wednesday, November 16, 2011 9:31 AM
> > To: Pruder, Sina L
> > Cc: bmeyers@okahara.com; Sandra.S.Pfund@hawaii.gov;

> > Jeffrey.Y.Fujimoto@hawaii.gov
> > Subject: Lalamilo

> >
> >

> > Sina,

> >

> > this is in follow up to our discussion regarding the seepage pit at
> > Lot 1, in our Lalamilo Phase 1 subdivision.

> > We understand that Lot 1 did not have use approval and did not
> > meet the DOH standard for percolation rate and requires additional
> > seepage pit depth.

> > you had asked Bruce Meyers of Okahara and Associates about the
> > progress to test percolation at the subdivision and that you were
> > calling Leonard Low about this.

> >

> > DHHL will be reconstructing and installing a new septic tank and
> > seepage pit at Lot 1. The plans for the new septic tank and seepage

> > pit will be submitted to DOH for review.

> > Therefore, we will not at this time be directing Okahara and
> > Associates to conduct percolation testing at this subdivision.

> > Okahara and Associates will be submitting on behalf of DHHL the new
> > plans for a septic tank and seepage pit in a new location on Lot 1.

> > Okahara's plans will provide for a seepage pit that conforms with
> > the percolation requirements as provided in the DOH rules.

> >

> > We have discussed this with the homeowner, Leonard Low and he is
> > aware of this effort to relocate a new septic tank and seepage pit.

> >

> > mahalo for your assistance
> > stewart

> >

> >

