October 18, 2013

Dear Hawaii Kai Marina Community Association Members:

This letter provides an update on recent developments regarding the Hawaii Kai Marina dredging project. There has been considerable misinformation circulating publicly, and it is important to the HKMCA Board that we provide members with an accurate account of what has happened.

Decision to contract with American Marine Corporation
As you may know, maintenance dredging of the Marina and entrance channel should be performed about every fifteen years to ensure adequate navigable depths. More than five years ago HKMCA began preparing for another round of dredging operations, and American Marine Corporation, which performed the most recent dredging, was one of four companies that responded to our request for bids to handle the dredging, removal and disposal of sediment. In addition, various technical consultants performed condition surveys, planning, engineering, environmental studies, permitting applications, and related preparation over the past several years leading to the start of actual dredging earlier this year.

HKMCA’s agreement with American Marine clearly states that the contractor is legally responsible for securing a trucking company and a disposal location that comply with all applicable laws, including regulations requiring appropriate permitting for transportation and disposal of the silt.

Original plans called for silt to be deposited in Hawaii Kai within the Marina on islands created for that purpose. However, Rim Island 1 is nearly filled with deposits from past dredging and is now landscaped; Rim Island 2 (largely due to the fertile silt previously deposited) has extensive vegetation and is occasionally visited by an endangered bird species, which the Department of Land and Natural Resources determined precludes HKMCA from depositing more silt there and disturbing those birds.

With our first choice of sites off the table, disposal in appropriate ocean or upland sites were the remaining options allowable under the permits obtained by HKMCA. American Marine as the project contractor selected upland disposal, and the Rim Island or ocean disposal options were not selected. American Marine’s decision to use upland disposal required it to assure that the proper permits were in place and that its subcontractors were complying with the law.

Use of SER Trucking and improper dumping
Unfortunately, American Marine and the trucking company (SER Trucking), with which it subcontracted, decided to dispose of the dredged silt at a private property site in Waianae, which did not have the proper permits for upland disposal. On August 30, the trucking company spilled a load of silt onto the H-1 Freeway, causing a traffic jam and bringing to light the method and location of disposal, neither of which HKMCA approved or endorsed.
The Hawaii Kai Marina Community Association Board’s Response
HKMCA’s Board is extremely disappointed with the contractor’s decision and the manner in which removal and disposal of the silt had been carried out. At present, dredging operations are voluntarily on hold until HKMCA feels confident that work can proceed in a way that is in full compliance with all applicable laws and regulations, as well as being sensitive to the concerns of the public. We have engaged legal counsel to review all of the issues involved, and HKMCA recently sent a letter to American Marine notifying the contractor that its past and present breaches of contractual obligations (including compliance issues) must be promptly addressed so that the project can be completed in a timely and appropriate manner.

Separately, HKMCA has communicated with elected officials from the Waianae area who have voiced concern and with the Hawaii Kai Neighborhood Board at its last meeting. We have expressed our regret about the way recent events have unfolded and gave our assurances that we will exercise more oversight of the contractor as this process moves forward. We also invited the City Councilmember and the Neighborhood Board Chairperson representing the Waianae community to join us for a tour of the dredging work site if they are interested.

Analysis of Dredged Material
Lastly, please know that significant efforts have been dedicated to analyzing the silt to ensure it does not pose a health or safety threat. It is not “sludge”; rather, it is fertile material gradually washed down from the mountains surrounding Hawaii Kai. EKNA Services, Inc. prepared a Sampling and Analysis Plan (SAP) per State Dept. of Health requirements, took samples according to the SAP, and sent the samples to a qualified analytical laboratory for analysis. Laboratory results indicate that the material is acceptable for beneficial use at agricultural or other sites.

A small portion of material found in one area was determined to have some chromium content, unlike the other dredged areas. Because further analysis found the chromium to have very low potential to leach into the soil and groundwater, the material was classified as non-hazardous waste.

Silt removed in previous dredging work was used to create Duck Island and Rim Island 1 in the Marina, which are now landscaped and provide a home for ducks and other water fowl. If Rim Island 2 were available for placement of additional material, that would have been the ideal location, but it is not permitted by the state for reasons explained earlier. Many of our homes and the shopping centers were also built on dredged material. We hope to see the dredged silt material from the current project again recycled for a constructive use.

We know that HKMCA has not been portrayed publicly in a positive light recently. We hope that knowing the facts will provide a level of comfort in this regard. We thank you for your trust and patience, and we will continue to do everything we prudently and reasonably can to reach positive outcomes.

Mahalo,
Bob Clark, President
The Hawaii Kai Marina Community Association
Frequently Asked Questions

Q: Where will the silt go now?
A: We have voluntarily halted dredging operations until all practical options have been explored. American Marine is contractually responsible for disposal of the silt — including ensuring the transportation methods and disposal location(s) are fully compliant with federal, state and county rules and regulations.

Q: Will American Marine continue to do the dredging work when it resumes?
A: We have notified American Marine that it must address all breaches of its contractual obligations so that the project can be completed in a timely and appropriate manner. HKMCA will exercise oversight of American Marine and do everything within our control to ensure that the work proceeds in a way that is proper and sensitive to the concerns of the community.

Q: Why was the silt trucked to Waianae in the first place?
A: American Marine selected a trucking subcontractor which intended to use the silt on its Waianae yard. HKMCA did not approve or endorse American Marine’s retention of SER Trucking or the use of the Waianae property as a disposal site.

Q: Did you have the approvals and permits you needed or not?
Yes, it was always HKMCA’s intent to complete this dredging work in compliance with all applicable rules, regulations and laws. We obtained the required permits from a variety of state and federal agencies prior to starting work on the project. It was American Marine’s responsibility to ensure that it—and its subcontractors—had the necessary permits for the trucking and disposal of the material.

Q: With conflicting views being voiced, does the silt contain hazardous chemicals or not?
A: No, the dredge material is not hazardous. Also, the dredged material is not sludge; it is silt washed down from the mountains surrounding Hawaii Kai. Sediment from prior dredging activity was deposited on Duck Island and Rim Islands 1 & 2, and vegetation there has thrived. We hope to see the silt material used in a constructive manner, similar to past dredging operations. A small portion of material found in one area was determined to have some chromium content, unlike the other dredged areas. Because further analysis found the chromium to have very low potential to leach into the soil and groundwater, the material was classified as non-hazardous waste.

Q: The spill on H-1 exposed the dumping on Waianae, and that put HKMCA and the entire Hawaii Kai community in a bad light. What are you doing to fix that?
We understand that recent events have created some negative perceptions toward the project, and HKMCA is taking steps to correct this situation for the greater Hawaii Kai Marina community. HKMCA’s board president sent a message to Waianae community leadership expressing regrets and offering a site visit while American Marine addresses its contractual obligations and evaluates options on how best to proceed.

Check out the website for updates at hawaiikaimarina.com.