



University of Hawai'i at Mānoa

Environmental Center

A Unit of Water Resources Research Center

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March 17, 1994

RR:0096

Ms. Muriel Roberts, Chairperson
Environmental Council
220 South King Street, Suite 400
Honolulu, Hawaii 96813

Dear Ms. Roberts:

Exemption List Department of Waste Water Management

We have undertaken a review of the exemption list for the Department of Waste Water Management (DWWM) as published in the OEQC Bulletin, February 8, 1994. The requested exemption list reflects actions undertaken by the DWWM, within certain specified classes, that would be exempt from the preparation of an environmental assessment in accordance with the Department of Health Administrative Rules 11-200-8.

We have been assisted in this review by Doak Cox, Emeritus Geophysicist; Peter Rappa, Sea Grant; and Chris Welch, Environmental Center.

The exemptions requested by the DWWM are generally appropriate with only a few exceptions. We offer the following comments on those exceptions for your consideration.

CLASS 1 EXEMPTIONS

Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing (HAR 11-200-8(a)(1)).

#4 - Chemical control of vectors

As presently stated, this exemption would permit unlimited use of chemicals to control vectors. Since chemical controls can be very damaging to sensitive environments, non-target species, and can result in non-point source pollution, the requested exemption seems inappropriate. We suggest that limiting qualifiers be added to the requested exemption to specify the types of chemicals to be employed, the vectors to be controlled, and the quantities, frequency, and general locations where chemical application is anticipated.

#10 - Roadside maintenance

We assume that this exemption will only apply to roads within the confines of waste water treatment plants. Maintenance by mechanical means or selective landscaping will likely be environmentally benign and should be exempt from environmental assessment. However, if this maintenance includes the use of herbicides, then the same concerns as in #4 need to be addressed. These concerns are damage to non-target species and sensitive environments, and creation of non-point source pollution. We suggest that the requested exemption be amended to clarify the general location, extent, and anticipated procedures that will be used to maintain roadsides.

CLASS 2 EXEMPTIONS

Replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, density, height and dimensions as the structure replaced (HAR 11-200-8(a)(2)).

#3 - Drainage structure replacement or reconstruction

#9 - Sanitary sewer line modification or replacement

#10 - Pump stations, force mains, outfalls modification or replacement

#12 - Storm drain line modification or replacement

Each of the above listed items appears to allow unlimited latitude in activity concerning the repair, reconstruction, modification or replacement of existing wastewater treatment structures and facilities. For example, in #9, a sanitary sewer line of any size and length could be modified or replaced without the need for an environmental assessment. This unlimited exemption is not appropriate. Significant impacts may occur during the reconstruction or replacement of existing sewer lines, outfalls, etc. We find the above cited exemptions under Class 2 to be much too broad and urge that the extent of their application be clearly defined as to location and magnitude.

CLASS 3 EXEMPTIONS

Construction and location of single, new, small facilities or structures and the alteration and modification of same installation of new, small, equipment and facilities and the alteration and modification of same including but not limited to: (A) single family residences not in conjunction with the building of two or more such units; (B) multi-unit structures designed for not more than four dwelling units if not in conjunction with the building of two or more such structures; (C) stores, offices and restaurants designed for total occupant load of twenty persons or less, if not in conjunction with the building of two or more such structures; (D) water, sewage, electrical, gas, telephone, and other essential public utility services extensions to serve such structures or facilities; and (E) accessory or appurtenant structures including garages, carports, patios, swimming pools, and fences (Har 11-200-8(a)(3)).

7 - Fencing

Although fencing for waste water treatment works is generally seen as environmentally innocuous, it can have significant social implications by isolating communities or creating visual barriers. The intended location and length issue should be clarified.

#9 - Minor modification of incinerator

#10 - Minor local sewage pump station

Both of these proposed exemptions refer to "minor" construction of new facilities. It would be helpful to define what is perceived as "minor" and the types of activities that would be exempt under this category.

#13 - Sewer improvement district

This is not an action. What "action" is intended by the phrase "sewer improvement district"?

#15 - Storm drain line modification

Although the Class 3 exemptions refers to small equipment and facilities, small is not specifically defined. The requested exemption for "Storm drain line modification", even if of modest extent, may have significant implications depending on the specific location of the

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drain line. Examples of the types of activities that would be permitted under this exemption should be included to assure that culturally or biologically sensitive environments are not jeopardized.

#17 - Wastewater facility or structure

This exemption appears to be inappropriate. Even moderately sized waste water treatment facilities can have a significant impact to neighborhoods and sensitive environments. If the facility is in fact benign, the environmental assessment should be extremely modest and of minimal expense. On the other hand, if significant impacts may be present, it would be a serious omission to proceed without an assessment. We suggest that this action be deleted from the requested exemption list or that very specific limitations be appended to the requested exempt action with reference to size and location.

CLASS 4 EXEMPTIONS

Minor alteration in the conditions of land, water, or vegetation (HAR 11-200-8(a)(4)).

#1 - Berm

The "action" to which this requested exemption would apply is unclear. The exemption should be modified to clarify the intended scope and purpose of the activities to be exempted from an environmental assessment.

#2 - Chemical control of vegetation

As presently drafted, this requested exemption is too broad. The use of chemicals in the environment can have a very detrimental effect on non-target species and sensitive environments depending on the type, location, concentration, quantity, and frequency of chemical use (i.e. near riparian habitats). This exemption should be amended to limit its application to specific sites, types, locations, concentrations, etc.

#3 - Drainage ditch

#6 - Seepage drain

#7 - Shoulder

Actions that would be exempt under items 3, 6, and 7 are unclear and need further explanation. None of these "actions" is an "action" per se. The requested exemption should indicate what types of activities within "Drainage Ditches", "Seepage drains" or "Shoulders"

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would be exempt from assessment. What kind of minor alterations to land, water, or vegetation are anticipated?

#8 - Wells

Construction of "wells", whether they be for potable or agricultural water supply or injection for waste water disposal, may result in significant environmental impacts. The exemption of "wells", without any further description, limitation or qualification, is not an appropriate "action" to be exempt from environmental assessment.

CLASS 5 EXEMPTIONS

Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource (HAR 11-200-8(a)(5)).

#4 - Coliform bacteria decay rate

What action does this represent. Is this a measurement? Clarification as to the intent and scope of the requested exemption is needed.

CLASS 6 EXEMPTIONS

Construction or placement of minor structures accessory to existing facilities (HAR 11-200-8(a)(6)).

#3 - Fuel tank and dispenser (underground and above ground)

This is not an appropriate action for exemption from environmental assessment. Construction of fuel tanks and dispensers, either above ground or underground, are subject to major environmental regulations at both the State and Federal level. Underground storage tanks are currently under severe federal scrutiny and any modification and removal of such tanks needs to be done under the proper guidelines and supervision. The significance of this action, in light of current environmental management concerns, dictates that construction or placement of fuel tanks or dispensers should not be exempt from environmental assessment.

CLASS 8 EXEMPTIONS

Demolition of structures, except those structures located on any historic site as designated in the National Historic Preservation Act of 1966, Public Law 89-665, or Chapter 6E, Hawaii Revised Statutes (HAR 11-200-8(a)(8)).

#2 - Demolition of sanitary sewer and storm drain and their appurtenances

#3 - Demolition of street improvements prior to street widening or adjustment

#4 - Demolition of abandoned building and structure

#5 - Demolition of wastewater treatment facilities

These demolition actions have the potential for creating significant environmental impacts. Furthermore, since these types of demolition actions are likely to be an adjunct to subsequent replacement construction, they represent perhaps the first stage in a larger, new development. HRS 343 and its accompanying rules (11-200-12(8) and 11-200-17(i) specifically call attention to the need for assessment of all phases of actions and their cumulative effects.

Abandoned buildings or structures (Item 4) may be of importance to the community for historic or cultural reasons, even if not listed on the Historic Register. Thus the demolition of these items seems inappropriately included in the requested exemption list. The environmental assessment process would serve to apprise the community of proposed demolition actions and provide an opportunity for the public to voice any concerns.

If the potential impacts of these four exemptions are really minimal, then the preparation and cost of an environmental assessment should be equally minimal. Given the potential magnitude and community concern for these actions, exemption from assessment does not seem appropriate.

CLASS 9 EXEMPTIONS

Zoning variances except: use, density, height, parking requirements and shoreline setback variances (HAR 11-200-8(a)(9)).

#1 - Building set-back

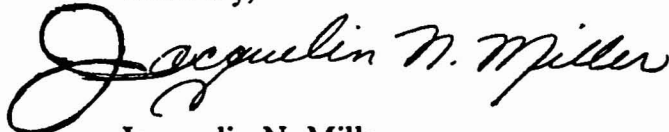
It is not clear if this requested exemption would apply to all waste water structures or just appurtenant "buildings". The requested exemption should be more specific as to the

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types of "buildings" to which it would apply and specific limitations as to their magnitude, use, etc. While modification of set-backs may generally be of limited environmental concern, there are situations where adjacent properties could be impacted by reductions in side yard set backs. Furthermore, no exemption should be permitted for actions that involve activities within the Shoreline Management Area.

We appreciate the opportunity to comment on this Notice and hope you will find our comments useful in evaluating the proposed exemption list from the City and County of Honolulu, Department of Waste Water Management.

Sincerely,

A handwritten signature in cursive script that reads "Jacquelin N. Miller". The signature is fluid and elegant, with a large initial 'J'.

Jacquelin N. Miller
Associate Environmental Coordinator

cc: OEQC
Roger Fujioka
Doak Cox
Peter Rappa
Chris Welch