

DAVID Y. IGE  
GOVERNOR OF HAWAII



VIRGINIA PRESSLER, M.D.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P. O. BOX 3378  
HONOLULU, HI 96801-3378


In reply, please refer to:  
File:

EPO 16-425  
EPO 16-159

January 12, 2017

MEMORANDUM:

TO: Leo Asuncion, AICP, Director  
Office of Planning

FROM: Laura McIntyre, AICP, Manager  
Environmental Planning Office (EPO) 

SUBJECT: Petition for Amendment of State Land Use District Boundaries  
Lima Ola Workforce Housing Development

Aloha,

We are in receipt of the Governors routing slip for Document 16-005711 Doc date 12/22/16 with comments due by 1/30/2017. We appreciate your letter and disk that was sent to EPO via DOH. In future we would appreciate receiving these documents and files electronically, if possible, via email to [doh.epo@doh.hawaii.gov](mailto:doh.epo@doh.hawaii.gov)

As you know DOH EPO, District Health Office (DHO) Kauai and our Clean Water Branch (CWB) all commented on the DEA under EPO ref # 16-159 based off of the document published in the OEQC notice on May 8<sup>th</sup>, 2016.

[http://oeqc.doh.hawaii.gov/Shared%20Documents/EA\\_and\\_EIS\\_Online\\_Library/Kauai/2010s/2016-05-08-KA-5B-DEA-Lima-Ola-Workforce-Development-Project.pdf](http://oeqc.doh.hawaii.gov/Shared%20Documents/EA_and_EIS_Online_Library/Kauai/2010s/2016-05-08-KA-5B-DEA-Lima-Ola-Workforce-Development-Project.pdf)

The DOH, DHO Kauai, our Clean Water Branch and EPO letters regarding the DEA are attached for your reference.


EPO reviewed the FEA (EPO ref # 16-244) via the OEQC notice but did not comment since it was an FEA-FONSI.

[http://oeqc.doh.hawaii.gov/Shared%20Documents/EA\\_and\\_EIS\\_Online\\_Library/Kauai/2010s/2016-07-08-KA-5B-FEA-Lima-Ola-Workforce-Housing-Development.pdf](http://oeqc.doh.hawaii.gov/Shared%20Documents/EA_and_EIS_Online_Library/Kauai/2010s/2016-07-08-KA-5B-FEA-Lima-Ola-Workforce-Housing-Development.pdf)

We understand that now the County of Kauai, Housing Agency is requesting the reclassification of approximately 75 acres of land situated at Eleele, Kawaii, Island and County of Kauai, to allow for a residential development on the property and to utilize the density for up to 550 residential units (single-family and multi-family) to provide needed affordable housing supply for Kauai. All units will be affordable as defined by Chapter 7A of the Kauai County Code. The proposed project is also anticipated to include a community park, a water storage tank, bike and pedestrian paths, and landscaped areas. We understand that the Petitioner is seeking exemption from State and County land use regulations and is proceeding under the fast tracking procedures provided under HRS 201H-38.

From the OEQC summary of the FEA for the project in the July 8, 2016 notice we understand the following:

8. [Lima Ola Work Force Housing Development FEA \(FONSI\)](#)

<b>HRS §343-5 Trigger(s)</b>	Use of County Lands	
<b>District(s)</b>	Kōloa	
<b>TMK(s)</b>	(4) 2-1-001:054	
<b>Permit(s)</b>	NPDES Construction Permit; Grading Permit; Grubbing Permit; Stockpiling permit; Building Permit; Road Permit; Electrical Permit, Plumbing Permit.	
<b>Proposing/ Determining Agency</b>	County of Kaua'i Housing Agency Kanani Fu, <a href="mailto:Kananifu@kauai.gov">Kananifu@kauai.gov</a> , (808) 241-4444 4444 Rice Street, Suite 330, Līhu'e, Kaua'i, HI 96766	
<b>Consultant</b>	Community Planning and Engineering, Inc. Frank Camacho, <a href="mailto:FCamacho@cpe-hawaii.com">FCamacho@cpe-hawaii.com</a> , (808) 531-4252, Ext. 1040	
<b>Status</b>	Finding of No Significant Impact (FONSI) determination. Comments are not taken on this action.	

The purpose of the proposed project is to satisfy the need for affordable housing on the island of Kaua'i. The Kaua'i County Housing Agency mission is to provide the much needed affordable housing to families on Kaua'i, as the population of Kaua'i residents is increasing. Facilitating affordable housing opportunities for Kaua'i residents is one of the county's top priorities. In order to address a housing shortage in the county, the Kaua'i County Council helped to pass a resolution in 2004 to acquire land for affordable housing. The proposed project site was acquired as a suitable location to provide the needed affordable housing to Kaua'i residents.

The County of Kaua'i Housing Agency is proposing to build an affordable housing project. The proposed project would include approximately 550 residential units (single family, multi-family and senior resident units) at final buildout. The project would be designed with roadways, green sustainable energy efficiency features, a park, vegetated drainage swales, landscaped areas, a water storage tank, and bike and pedestrian paths. The proposed development would be located directly mauka of the intersection of Halewili Road and Kaumuali'i Highway in the town of Ele'ele on the west side of Kaua'i.

We note that a NPDES Construction Permit will be required and our CWB will likely put conditions onto this permit.

If you need any additional information please let me know. Thank you for the opportunity to comment.

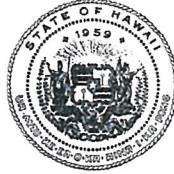
LM:nn

Attachments:

- DOH EPO 16-159 – DEA Lima Ola Work Force Housing Development, Kauai letter 5.26.2016 (nine (9) page letter)
- DOH Clean Water Branch, response letter May 19, 2016 (CWB ref # 05039PCTM.16 three (3) page letter)
- DOH – DHO Kauai, response letter June 8, 2016 (four (4) page letter)

- c: Scott Derrickson, AICP, Planner V, Land Use Commission (via email)
- DDEH, DHO Kauai, EMD, CWB, WWB, SDWB, HEER, CS (via email only)





STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P. O. BOX 3378  
HONOLULU, HI 96801-3378

In reply, please refer to:  
File:

EPO 16-159

May 26, 2016

Mr. Frank Camacho  
Project Manager  
Community Planning and Engineering, Inc.  
1286 Queen Emma Street  
Honolulu, Hawaii 96813  
Email: [FCamacho@cpe-hawaii.com](mailto:FCamacho@cpe-hawaii.com)

Dear Mr. Camacho:

**SUBJECT: Draft Environmental Assessment (DEA) for Lima Ola Work Force Housing Development, Eleele, Kauai  
TMK: (4) 2-1-001:054**

The Department of Health (DOH), Environmental Planning Office (EPO), acknowledges receipt of your DEA to our office via the OEQC link:

[http://oeqc.doh.hawaii.gov/Shared%20Documents/EA\\_and\\_EIS\\_Online\\_Library/Kauai/2010s/2016-05-08-KA-5B-DEA-Lima-Ola-Workforce-Development-Project.pdf](http://oeqc.doh.hawaii.gov/Shared%20Documents/EA_and_EIS_Online_Library/Kauai/2010s/2016-05-08-KA-5B-DEA-Lima-Ola-Workforce-Development-Project.pdf)

EPO strongly recommends that you review the standard comments and available strategies to support sustainable and healthy design provided at: <http://health.hawaii.gov/epo/landuse>. Projects are required to adhere to all applicable standard comments. EPO has recently updated the environmental Geographic Information System (GIS) website page. It now compiles various maps and viewers from our environmental health programs. The eGIS website page will be continually updated so please visit it regularly at: <http://health.hawaii.gov/epo/egis>.

EPO also encourages you to examine and utilize the Hawaii Environmental Health Portal at: <https://eha-cloud.doh.hawaii.gov>. This site provides links to our e-Permitting Portal, Environmental Health Warehouse, Groundwater Contamination Viewer, Hawaii Emergency Response Exchange, Hawaii State and Local Emission Inventory System, Water Pollution Control Viewer, Water Quality Data, Warnings, Advisories and Postings.

We suggest you review the requirements for the National Pollutant Discharge Elimination System (NPDES) permit. We recommend contacting the Clean Water Branch at (808) 586-4309 or [cleanwaterbranch@doh.hawaii.gov](mailto:cleanwaterbranch@doh.hawaii.gov) after relevant information is reviewed at:

1. <http://health.hawaii.gov/cwb>
2. <http://health.hawaii.gov/cwb/site-map/clean-water-branch-home-page/standard-npdes-permit-conditions>
3. <http://health.hawaii.gov/cwb/site-map/clean-water-branch-home-page/forms>

We advise that, if appropriate, the Hazard Evaluation and Emergency Response (HEER) Office's Site Discovery and Response (SDAR) Section be contacted. The SDAR section protects human health and the environment by identifying, investigating, and remediating sites contaminated with hazardous substances (non-emergency site investigations and cleanup). The HEER Office's SDAR Section can be contacted at: (808) 586-4249. For historical maps on lands where sugarcane was grown see: <http://health.hawaii.gov/epo/egis/sugarcane>

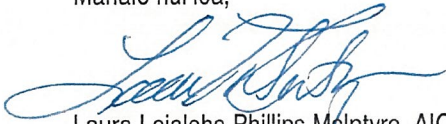
Mr. Frank Camacho  
Page 2  
May 26, 2016

You may also wish to review the draft Office of Environmental Quality Control (OEQC) viewer at: <http://eha-web.doh.hawaii.gov/oeqc-viewer>. This viewer geographically shows where some previous Hawaii Environmental Policy Act (HEPA) {Hawaii Revised Statutes, Chapter 343} documents have been prepared.

In order to better protect public health and the environment, the U.S. Environmental Protection Agency (EPA) has developed a new environmental justice (EJ) mapping and screening tool called EJSCREEN. It is based on nationally consistent data and combines environmental and demographic indicators in maps and reports. EPO encourages you to explore, launch and utilize this powerful tool in planning your project. The EPA EJSCREEN tool is available at: <http://www.epa.gov/ejscreen>.

We request that you utilize all of this information on your proposed project to increase sustainable, innovative, inspirational, transparent and healthy design. Thank you for the opportunity to comment.

Mahalo nui loa,



Laura Leialoha Phillips McIntyre, AICP  
Program Manager, Environmental Planning Office

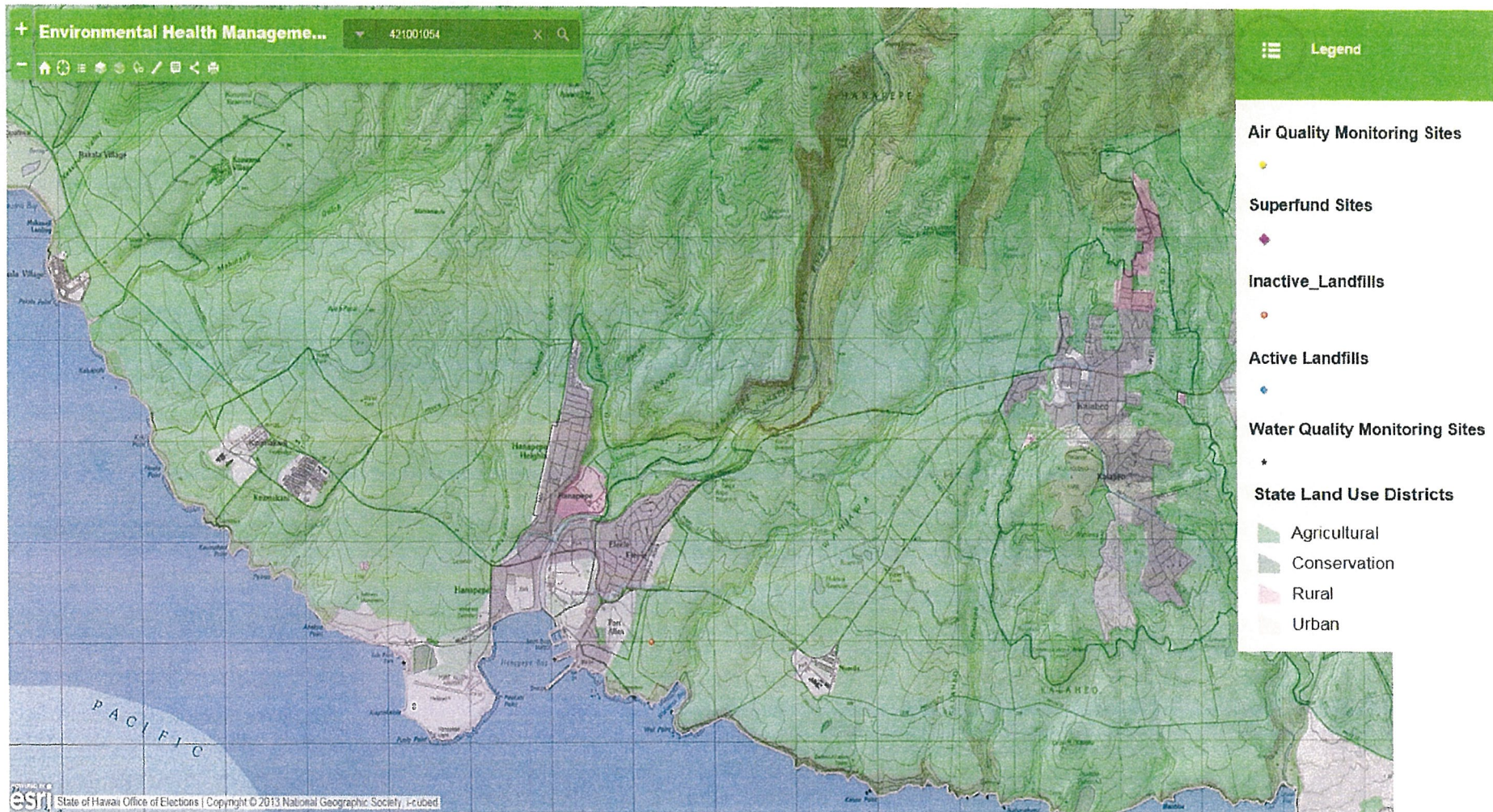
LM:nn

- Attachment 1: EPO Draft Environmental Health Management Map - Kauai
- Attachment 2: Clean Water Branch: Water Quality Standards Map - Kauai
- Attachment 3: Wastewater Branch: Recycled Water Use Map of Project Area
- Attachment 4: Historic Sugarcane Map of Project Area
- Attachment 5: OEQC Viewer Map of Project Area
- Attachment 6: U.S. EPA EJSCREEN Report for Project Area

c: Kanani Fu, County of Kauai Housing Agency {via email: [Kananifu@kauai.gov](mailto:Kananifu@kauai.gov)}  
DOH: DHO Kauai, CWB, HEER {via email only}



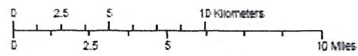
EPO Draft Environmental Health Management Map: <http://health.hawaii.gov/epo/egis>





Hawaii Department of Health  
**Water Quality Standards Map**

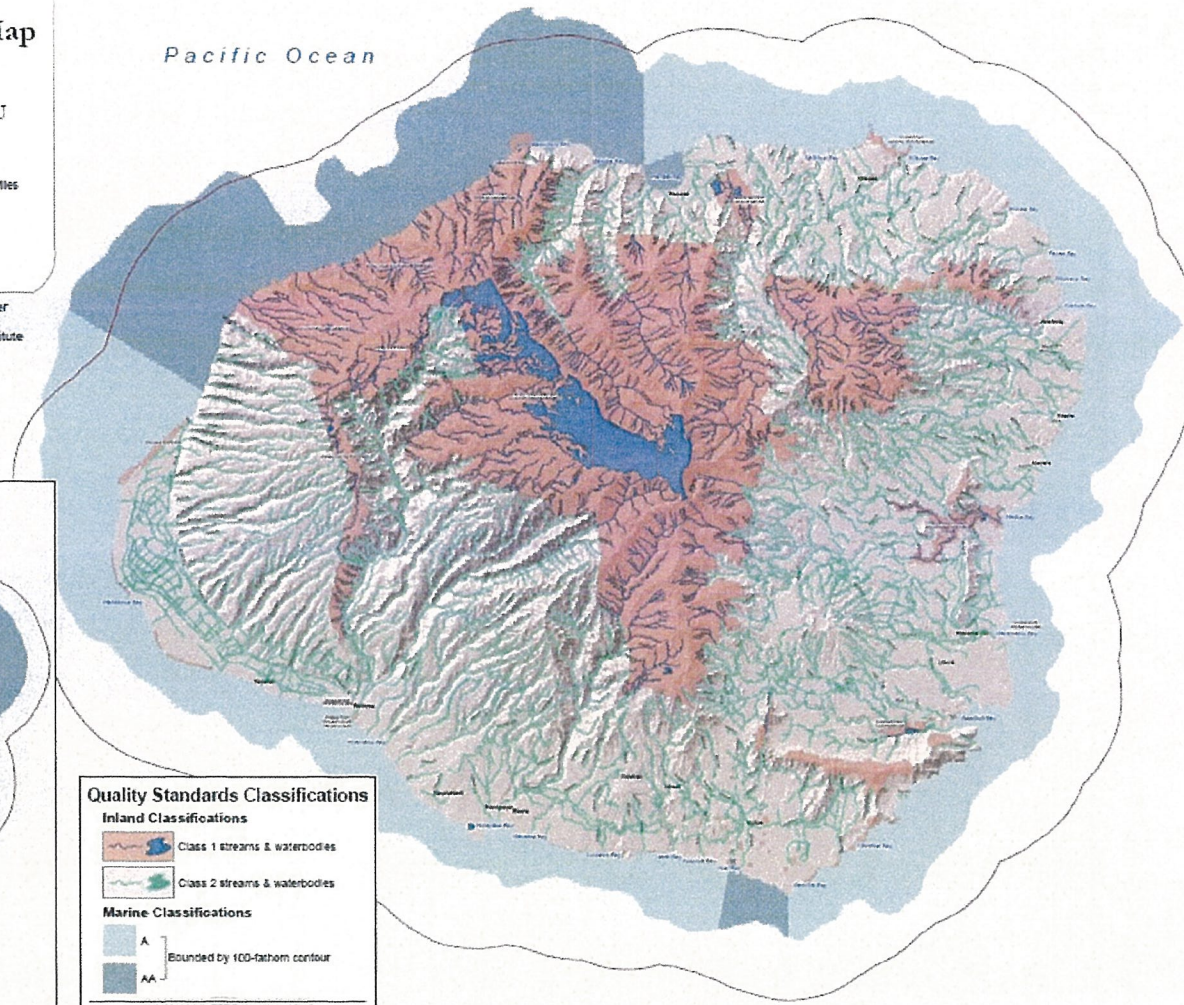
of the  
**ISLANDS OF KAUA'I & NI'HAU**



June 2014

This map is a geographic representation of Hawaii State Water Quality Standards as set forth in Hawaii Administrative Rules Chapter 11-64, but is intended for reference only, not to substitute for the governing language in the Water Quality Standards.

Pacific Ocean



**Quality Standards Classifications**

**Inland Classifications**

- Class 1 streams & waterbodies
- Class 2 streams & waterbodies

**Marine Classifications**

- A } Bounded by 100-fathom contour
- AA }

3 Mile Boundary Line: Areas studied within this line but outside of the 100-fathom contour are subject to Hawaii State Oceanic Water Quality Standards.

**DRAFT**







# HISTORIC SUGARCANE LANDS MAP VIEWER

Legend

Details

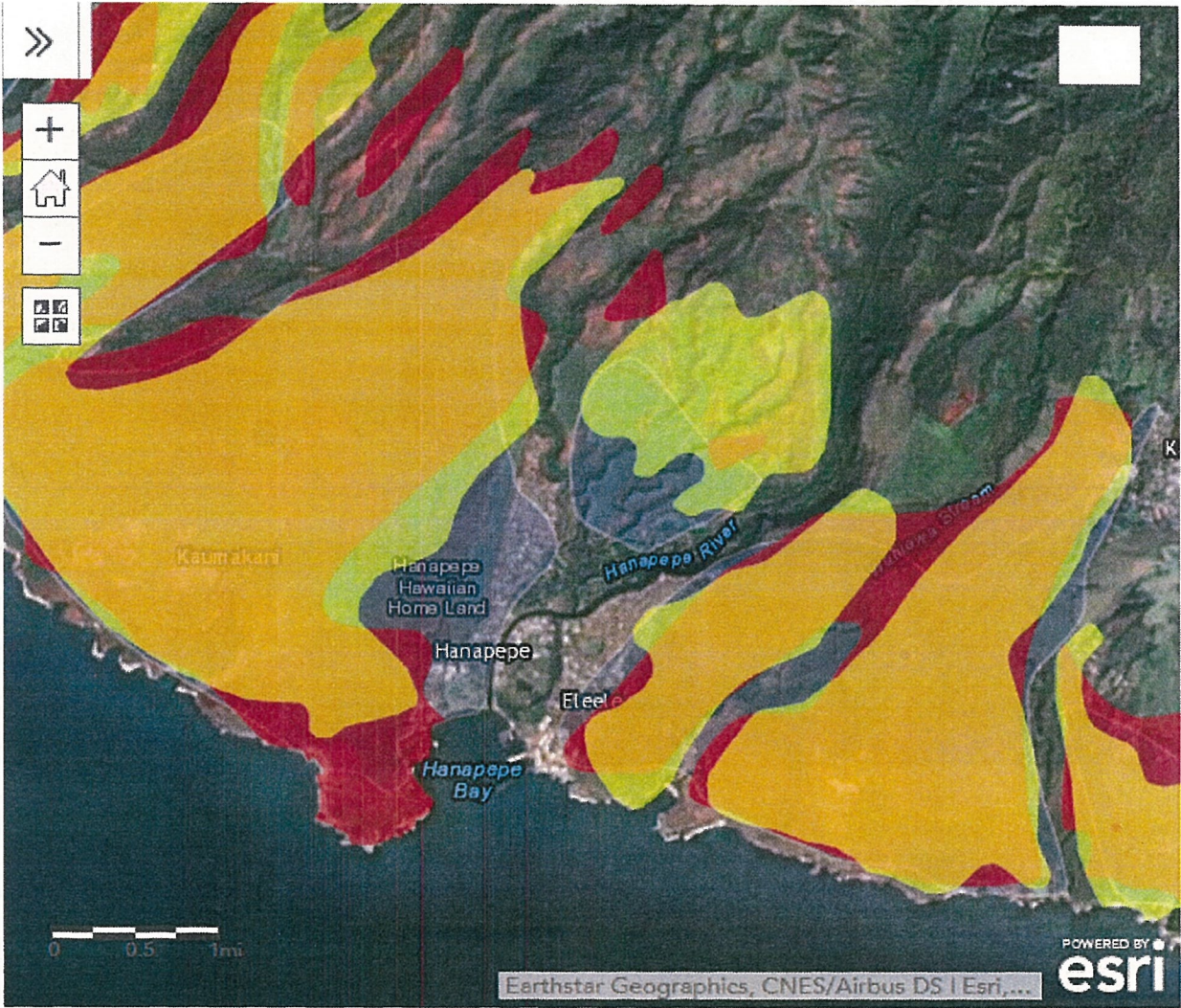
Sugarcane - Sugarcane\_1937



Sugarcane - Sugarcane\_1920



Sugarcane - Sugarcane\_1900





eleele 1 sites found

Results Filter

Eleele Facility Plan (FEA-FONS)  
Environmental Assessment (Agency)





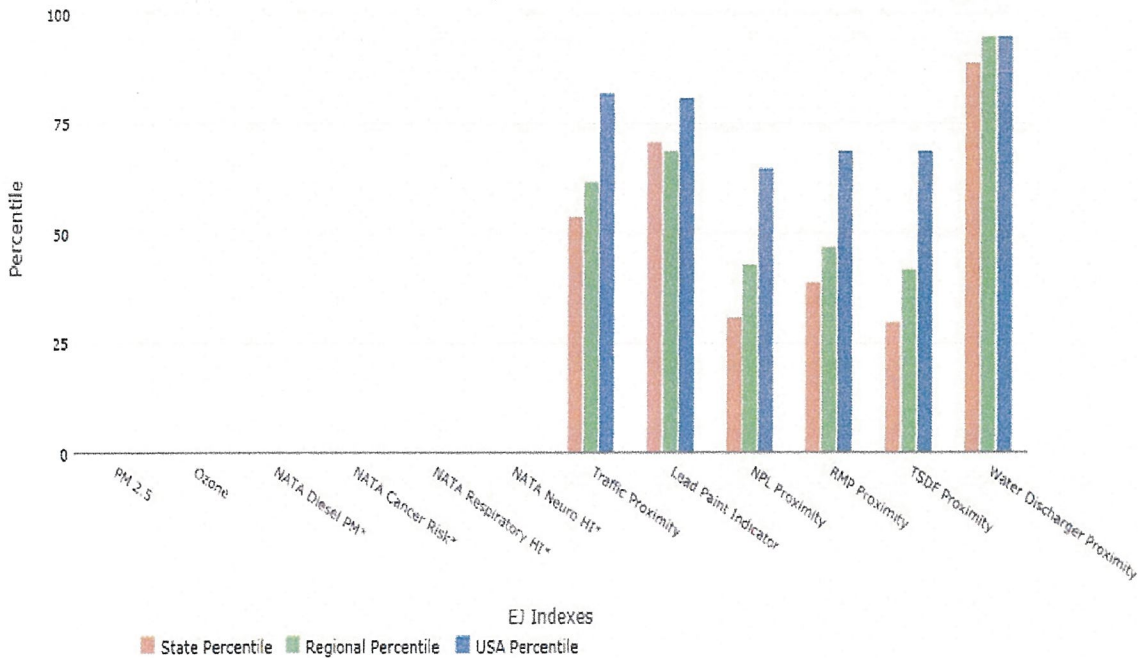


**1 mile Ring Centered at 21.911218,-159.586554**  
**HAWAII, EPA Region 9**  
**Approximate Population: 5400**  
 Lima Ola Work Force Housing Development



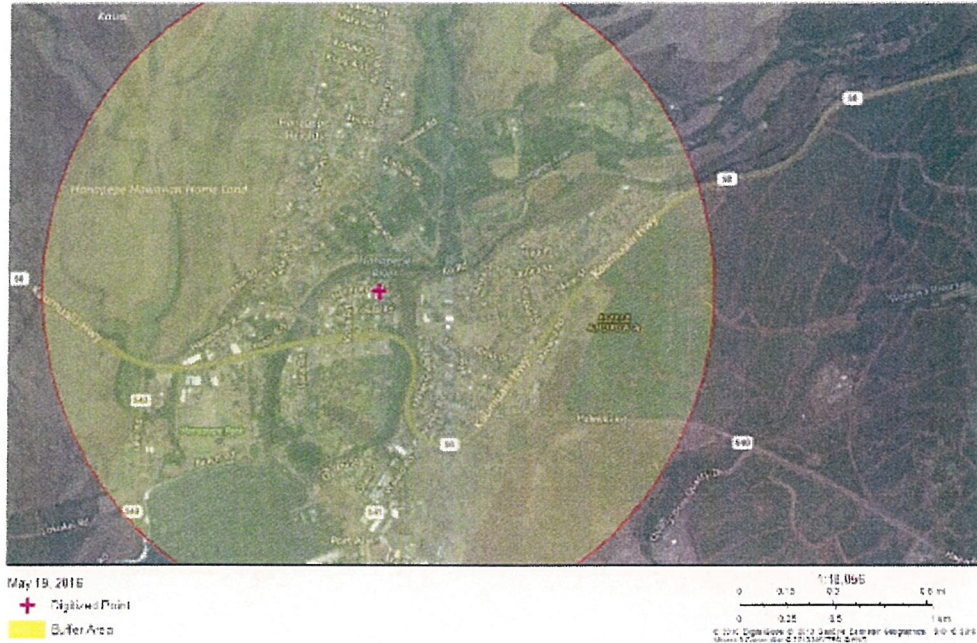
Selected Variables	Percentile in State	Percentile in EPA Region	Percentile in USA
<b>EJ Indexes</b>			
EJ Index for Particulate Matter (PM 2.5)	N/A	N/A	N/A
EJ Index for Ozone	N/A	N/A	N/A
EJ Index for NATA Diesel PM*	N/A	N/A	N/A
EJ Index for NATA Air Toxics Cancer Risk*	N/A	N/A	N/A
EJ Index for NATA Respiratory Hazard Index*	N/A	N/A	N/A
EJ Index for NATA Neurological Hazard Index*	N/A	N/A	N/A
EJ Index for Traffic Proximity and Volume	54	62	82
EJ Index for Lead Paint Indicator	71	69	81
EJ Index for NPL Proximity	31	43	65
EJ Index for RMP Proximity	39	47	69
EJ Index for TSDF Proximity	30	42	69
EJ Index for Water Discharger Proximity	89	95	95

EJ Index for the Selected Area Compared to All People's Block Groups in the State/Region/US



This report shows environmental, demographic, and EJ indicator values. It shows environmental and demographic raw data (e.g., the estimated concentration of ozone in the air), and also shows what percentile each raw data value represents. These percentiles provide perspective on how the selected block group or buffer area compares to the entire state, EPA region, or nation. For example, if a given location is at the 95th percentile nationwide, this means that only 5 percent of the US population has a higher block group value than the average person in the location being analyzed. The years for which the data are available, and the methods used, vary across these indicators. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EJSscreen documentation for discussion of these issues before using reports.





Selected Variables	Raw data	State Average	%ile in State	EPA Region Average	%ile in EPA Region	USA Average	%ile in USA
<b>Environmental Indicators</b>							
Particulate Matter (PM 2.5 in $\mu\text{g}/\text{m}^3$ )	N/A	N/A	N/A	9.85	N/A	9.78	N/A
Ozone (ppb)	N/A	N/A	N/A	49.7	N/A	48.1	N/A
NATA Diesel PM ( $\mu\text{g}/\text{m}^3$ )*	N/A	N/A	N/A	N/A	N/A	N/A	N/A
NATA Air Toxics Cancer Risk (risk per MM)*	N/A	N/A	N/A	N/A	N/A	N/A	N/A
NATA Respiratory Hazard Index*	N/A	N/A	N/A	N/A	N/A	N/A	N/A
NATA Neurological Hazard Index*	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Traffic Proximity and Volume (daily traffic count/distance to road)	55	280	42	190	40	110	60
Lead Paint Indicator (% pre-1960s housing)	0.22	0.17	65	0.25	57	0.3	51
NPL Proximity (site count/km distance)	0.0058	0.092	21	0.11	5	0.096	1
RMP Proximity (facility count/km distance)	0.045	0.18	11	0.41	6	0.31	11
TSDF Proximity (facility count/km distance)	0.0058	0.092	17	0.12	1	0.054	12
Water Discharger Proximity (count/km)	0.62	0.33	85	0.19	94	0.25	91
<b>Demographic Indicators</b>							
Demographic Index	56%	51%	65	48%	65	35%	79
Minority Population	89%	77%	65	57%	81	36%	89
Low Income Population	24%	25%	55	35%	38	34%	38
Linguistically Isolated Population	3%	6%	44	9%	32	5%	60
Population with Less Than High School Education	12%	10%	65	18%	45	14%	52
Population under Age 5	7%	6%	63	7%	55	7%	60
Population over Age 64	13%	14%	45	12%	65	13%	55

\*The National-Scale Air Toxics Assessment (NATA) environmental indicators and EJ indexes, which include cancer risk, respiratory hazard, neurodevelopment hazard, and diesel particulate matter will be added into EJSCREEN during the first full public update after the soon-to-be-released 2011 dataset is made available. The National-Scale Air Toxics Assessment (NATA) is EPA's ongoing, comprehensive evaluation of air toxics in the United States. EPA developed the NATA to prioritize air toxics, emission sources, and locations of interest for further study. It is important to remember that NATA provides broad estimates of health risks over geographic areas of the country, not definitive risks to specific individuals or locations. More information on the NATA analysis can be found at: <https://www.epa.gov/national-air-toxics-assessment>.

For additional information, see: [www.epa.gov/environmentaljustice](http://www.epa.gov/environmentaljustice)

EJSCREEN is a screening tool for pre-decisional use only. It can help identify areas that may warrant additional consideration, analysis, or outreach. It does not provide a basis for decision-making, but it may help identify potential areas of EJ concern. Users should keep in mind that screening tools are subject to substantial uncertainty in their demographic and environmental data, particularly when looking at small geographic areas. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EJSCREEN documentation for discussion of these issues before using reports. This screening tool does not provide data on every environmental impact and demographic factor that may be relevant to a particular location. EJSCREEN outputs should be supplemented with additional information and local knowledge before taking any action to address potential EJ concerns.



DAVID Y. IGE  
GOVERNOR OF HAWAII



VIRGINIA PRESSLER, M.D.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P. O. BOX 3378  
HONOLULU, HI 96801-3378

In reply, please refer to:  
EMD/CWB

05039PCTM.16

May 19, 2016

Mr. Frank Camacho  
Project Manager  
Community Planning and Engineering, Inc.  
1286 Queen Emma Street  
Honolulu, Hawaii 96813

Dear Mr. Camacho:

**SUBJECT: Comments on the Draft Environmental Assessment and Anticipated Finding of No Significant Impact (DEA-FONSI) for Lima Ola Work Force Housing Development  
TMKs: (4) 2-1-001:054  
Eleele, Island of Kauai, Hawaii**

The Department of Health (DOH), Clean Water Branch (CWB), acknowledges receipt of your letter, dated April 25, 2016. The DOH-CWB has reviewed the subject document and offers these comments. Please note that our review is based solely on the information provided in the subject document and its compliance with the Hawaii Administrative Rules (HAR), Chapters 11-54 and 11-55. You may be responsible for fulfilling additional requirements related to our program. We recommend that you also read our standard comments on our website at:

<http://health.hawaii.gov/epo/files/2013/05/Clean-Water-Branch-Std-Comments.pdf>

1. Any project and its potential impacts to State waters must meet the following criteria:
  - a. Antidegradation policy (HAR, Section 11-54-1.1), which requires that the existing uses and the level of water quality necessary to protect the existing uses of the receiving State water be maintained and protected.
  - b. Designated uses (HAR, Section 11-54-3), as determined by the classification of the receiving State waters.
  - c. Water quality criteria (HAR, Sections 11-54-4 through 11-54-8).
2. You may be required to obtain National Pollutant Discharge Elimination System (NPDES) permit coverage for discharges of wastewater, including storm water runoff, into State surface waters (HAR, Chapter 11-55).



For NPDES general permit coverage, a Notice of Intent (NOI) form must be submitted at least 30 calendar days before the commencement of the discharge. An application for a NPDES individual permit must be submitted at least 180 calendar days before the commencement of the discharge. To request NPDES permit coverage, you must submit the applicable form ("CWB Individual NPDES Form" or "CWB NOI Form") through the e-Permitting Portal and the hard copy certification statement with the respective filing fee (\$1,000 for an individual NPDES permit or \$500 for a Notice of General Permit Coverage). Please open the e-Permitting Portal website located at: <https://eha-cloud.doh.hawaii.gov/epermit/>. You will be asked to do a one-time registration to obtain your login and password. After you register, click on the Application Finder tool and locate the appropriate form. Follow the instructions to complete and submit the form.

3. If your project involves work in, over, or under waters of the United States, it is highly recommended that you contact the Army Corp of Engineers, Regulatory Branch (Tel: 835-4303) regarding their permitting requirements.

Pursuant to Federal Water Pollution Control Act [commonly known as the "Clean Water Act" (CWA)], Paragraph 401(a)(1), a Section 401 Water Quality Certification (WQC) is required for "[a]ny applicant for Federal license or permit to conduct any activity including, but not limited to, the construction or operation of facilities, which may **result** in any discharge into the navigable waters..." (emphasis added). The term "discharge" is defined in CWA, Subsections 502(16), 502(12), and 502(6); Title 40 of the Code of Federal Regulations, Section 122.2; and Hawaii Administrative Rules (HAR), Chapter 11-54.

4. Please note that all discharges related to the project construction or operation activities, whether or not NPDES permit coverage and/or Section 401 WQC are required, must comply with the State's Water Quality Standards. Noncompliance with water quality requirements contained in HAR, Chapter 11-54, and/or permitting requirements, specified in HAR, Chapter 11-55, may be subject to penalties of \$25,000 per day per violation.
5. It is the State's position that all projects must reduce, reuse, and recycle to protect, restore, and sustain water quality and beneficial uses of State waters. Project planning should:
  - a. Treat storm water as a resource to be protected by integrating it into project planning and permitting. Storm water has long been recognized as a source of irrigation that will not deplete potable water resources. What is often overlooked is that storm water recharges ground water supplies and feeds streams and estuaries; to ensure that these water cycles are not disrupted, storm water cannot be relegated as a waste product of impervious surfaces. Any project planning must recognize storm water as an asset that sustains and protects

natural ecosystems and traditional beneficial uses of State waters, like community beautification, beach going, swimming, and fishing. The approaches necessary to do so, including low impact development methods or ecological bio-engineering of drainage ways must be identified in the planning stages to allow designers opportunity to include those approaches up front, prior to seeking zoning, construction, or building permits.

- b. Clearly articulate the State's position on water quality and the beneficial uses of State waters. The plan should include statements regarding the implementation of methods to conserve natural resources (e.g. minimizing potable water for irrigation, gray water re-use options, energy conservation through smart design) and improve water quality.
- c. Consider storm water Best Management Practice (BMP) approaches that minimize the use of potable water for irrigation through storm water storage and reuse, percolate storm water to recharge groundwater to revitalize natural hydrology, and treat storm water which is to be discharged.
- d. Consider the use of green building practices, such as pervious pavement and landscaping with native vegetation, to improve water quality by reducing excessive runoff and the need for excessive fertilization, respectively.
- e. Identify opportunities for retrofitting or bio-engineering existing storm water infrastructure to restore ecological function while maintaining, or even enhancing, hydraulic capacity. Particular consideration should be given to areas prone to flooding, or where the infrastructure is aged and will need to be rehabilitated.

If you have any questions, please visit our website at: <http://health.hawaii.gov/cwb/>, or contact the Engineering Section, CWB, at (808) 586-4309.

Sincerely,



ALEC WONG, P.E., CHIEF  
Clean Water Branch

CTM:bk

- c: EPO # 16-159 [via e-mail only]  
Ms. Kanani Fu, County of Kauai Housing Agency [via e-mail [kananifu@kauai.gov](mailto:kananifu@kauai.gov) only]





EPO W-157  
JUN 17 2016

DAVID Y. IGE  
GOVERNOR OF HAWAII



VIRGINIA PRESSLER, M.D.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
KAUAI DISTRICT HEALTH OFFICE  
3040 UMI STREET  
LIHUE, HAWAII 96766

DILEEP G. BAL, M.D., M.S., M.P.H.  
DISTRICT HEALTH OFFICER

June 8, 2016

Mr. Frank Camacho  
Project Manager  
Community Planning and Engineering, Inc  
1286 Queen Emma Street  
Honolulu, Hawaii 96813  
Email: FCamacho@cpe-hawaii.com

Dear Mr. Camacho,

**SUBJECT: Draft Environmental Assessment**  
Project: **Lima Ola Work Force Housing Development**  
Applicant: **County of Kauai**

Based on our review, we offer the following environmental health concerns for your consideration, which needs to be addressed, prior to the Departments' approval:

1. The subject project is located within or near proximity to the County sewer system. All wastewater generated shall be disposed into the County sewer system.
2. The property may harbor rodents which will be dispersed to the surrounding areas when the site is cleared. In accordance with Title 11, Hawaii Administrative Rules (HAR), Chapter 11-26, "Vector Control", the applicant shall ascertain the presence or absence of rodents on the property. Should the presence of rodents be determined, the applicant shall eradicate the rodents prior to clearing the site.
3. Noise will be generated during the construction phase of this project. The applicable maximum permissible sound levels as stated in Title 11, Hawaii Administrative Rules (HAR), Chapter 11-46, "Community Noise Control" shall not be exceeded unless a noise permit is obtained from the State Department of Health (DOH).
4. Temporary fugitive dust emissions could be emitted when the project site is prepared for construction and when construction activities occur. In accordance with Title 11, HAR, Chapter 11-60.1, "Air Pollution Control", effective air pollution

control measures shall be provided to prevent or minimize any fugitive dust emissions caused by construction work from affecting the surrounding areas. This includes the off-site roadways used to enter/exit the project. The control measures include but are not limited to the use of water wagons, sprinkler systems, dust fences, etc.

5. The construction waste that will be generated by the project shall be disposed of at a solid waste disposal facility that complies with the applicable provisions of Title 11, HAR, Chapter 11-58.1, "Solid Waste Management Control", the open burning of any of these wastes on or off site prohibited.
6. The Department of Health, Clean Water Branch (CWB) has reviewed the subject document and offers these comments on your project. Please note that our review is based solely on the information provided in the subject document and its compliance with Chapters 11-54 and 11-55 Hawaii Administrative Rules (HAR). You may be responsible for fulfilling additional requirements related to our program. We recommend that you also read our standard comments on our website at <http://www.hawaii.gov/health/environmental/env-planning/landuse/CWB-standardcomment.pdf>.
  - I. Any project and its potential impacts to State waters must meet the following criteria:
    - a. Antidegradation policy (HAR, Section 11-54-1.1), which requires that the existing uses and the level of water quality necessary to protect the existing uses of the receiving State water be maintained and protected.
    - b. Designated uses (HAR, Section 11-54-3), as determined by the classification of the receiving State waters.
    - c. Water quality criteria (HAR, Sections 11-54-4 through 11-54-8).
  - II. Please call the Army Corps of Engineers at (808) 438-9258 to see if this project requires a Department of the Army (DA) permit. Permits may be required for work performed in, over, and under navigable waters of the United States. Projects requiring a DA permit also require a Section 401 Water Quality Certification (WQC) from our office.
  - III. You are required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for discharges of wastewater, including storm water runoff, into State surface waters (HAR, Chapter 11-55). For the following types of discharges into Class A or Class 2 State waters, you may apply for NPDES general permit coverage by submitting a Notice of Intent (NOI) form:
    - a. Storm water associated with industrial activities, as defined in Title 40, Code of Federal Regulations, Sections 122.26(b)(14)(i) through 122.26(b)(14)(ix) and 122.26(b)(14)(xi).



- b. Storm water associated with construction activities, including clearing, grading, and excavation, that result in the disturbance of equal to or greater than one (1) acre of total land area. The total land area includes a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under a larger common plan of development or sale. **An NPDES permit is required before the start of the construction activities.**
  - c. Treated effluent from leaking underground storage tank remedial activities.
  - d. Once through cooling water less than one (1) million gallons per day.
  - e. Hydrotesting water.
  - f. Construction dewatering effluent.
  - g. Treated effluent from petroleum bulk stations and terminals.
  - h. Treated effluent from well drilling activities.
  - i. Treated effluent from recycled water distribution systems.
  - j. Storm water from a small municipal separate storm sewer system.
  - k. Circulation water from decorative ponds or tanks.
7. You must submit a separate NOI form for each type of discharge at least 30 days prior to the start of the discharge activity, except when applying for coverage for discharges of storm water associated with construction activity. For this type of discharge, the NOI must be submitted 30 before to the start of construction activities. The NOI forms may be picked up at our office or downloaded from our website at:  
<http://www.hawaii.gov/health/environmental/water/cleanwater/forms/genl-index.html>.
8. For types of wastewater not listed in Item 3 above or wastewater discharging into Class 1 or Class AA waters, you must obtain an NPDES individual permit. An application for an NPDES individual permit must be submitted at least 180 days before the commencement of the discharge. The NPDES application forms may be picked up at our office or downloaded from our website at  
<http://www.hawaii.gov/health/environmental/water/cleanwater/forms/indiv-index.html>.
9. You must also submit a copy of the NOI or NPDES permit application to the State Department of Land and Natural Resources, State Historic Preservation Division (SHPD), or demonstrate to the satisfaction of the CWB that SHPD has or is in the process of evaluating your project. Please submit a copy of your



request for review by SHPD or SHPD's determination letter for the project along with your NOI or NPDES permit application, as applicable.

10. Please note that all discharges related to the project construction or operation activities, whether or not NPDES permit coverage and/or Section 401 WQC are required, must comply with the State's Water Quality Standards. Noncompliance with water quality requirements contained in HAR, Chapter 11-54 and/or permitting requirements, specified in HAR, Chapter 11-55 may be subject to penalties of \$25,000 per day per violation.

If you have any questions, please visit our website at <http://www.hawaii.gov/health/environmental/water/cleanwater/index.html>, or contact the Engineering Section, CWB, at (808) 586-4309.

Although we submit the previously mentioned concerns, the Environmental Planning Office is the Department of Health's authority for the review of environmental assessments and environmental impact statements.

Should you have any questions, please call me at 241-3323.

Sincerely,



Gerald N. Takamura, Chief  
District Environmental Health Program Kaua'i

GNT: DTT

Cc: Laura McIntyre, Manager, Environmental Planning Office