

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BEFORE THE PLANNING COMMISSION
CITY AND COUNTY OF HONOLULU
STATE OF HAWAII

In the matter of the) File No. 2017/SUP-2
Application of)
DEPARTMENT OF DESIGN AND)
CONSTRUCTION, CITY AND)
COUNTY OF HONOLULU)
Ewa Beach, Oahu, State Special)
Use Permit - 2017/SUP-2)
Honouliuli Wastewater Treatment)
Plan Secondary Treatment)
and Support Facilities)
_____)

Taken at Mission Memorial Conference Room, Mission
Memorial Building, 550 South King Street, Honolulu, Hawaii,
96813, commencing at 1:30 p.m., on September 13, 2017,
pursuant to Notice.

1 APPEARANCES:

2 Commissioners present:

Dean I. Hazama, Chair

3

Cord D. Anderson

4

Kaiulani K. Sodaro

5

Steven S. C. Lim

6

Ken K. Hayashida

7

Gifford K. F. Chang

8

Commissioners excused:

Theresia G. McMurdo, Vice Chair

9

[prior notice given]

10

Arthur B. Tolentino

11

[prior notice given]

12

Wilfred A. Chang, Jr.

13

[prior notice given]

14

15

Deputy Corporation Counsel:

Rozelle A. Agag

16

(Advisory to the Planning

17

Commission)

18

19

Planning Commission Staff:

Gloria Takara,

20

Secretary-Hearings Reporter

21

22

DPP Representative:

Raymond Young, Staff

23

Planner, Community Planning

24

Branch

25

P R O C E E D I N G S

1
2
3 Chairman: Okay. Good afternoon and welcome to
4 the September 13th, 2017 meeting of the Planning Commission.
5 At this time I call the meeting to order. First up on our
6 agenda is approval of July 19th, 2017 meeting minutes, as
7 previously circulated. Commissioners, I understand we have
8 received a minor late change from the Department regarding
9 some modifications to the minutes. Any objections to
10 adopting the minutes as amended?

11 Member Sodaro: None.

12 Chairman: Seeing none, any abstentions? [no
13 response] Okay. Our minutes for July 19th, 2017 have been
14 adopted.

15 Next order of business on our agenda is public
16 hearing, Ewa Beach, Oahu, State Special Use Permit,
17 2017/SUP-2, Honouliuli Wastewater Treatment Plant Secondary
18 Treatment and Support Facilities. Department of Planning
19 and Permitting.

20 Mr. Young: Thank you, Mr. Chairman. Mr.
21 Chairman, members of the Planning Commission. My name is
22 Raymond Young for the record. I'm the staff planner that
23 worked on the project along with Mr. Jeffrey Lee behind me,
24 who also worked on the project. If I may turn your
25 attention to the map prepared by the DPP. The project is

1 basically consists of two pieces of land. It's basically
2 this one piece here, which is a portion of Parcel 3, and
3 this other piece here, which is all of Parcel 4. And as you
4 can see on this map the area is kind of like tinted in green
5 are the agriculture districts, where the rest of the area
6 clear is all in the urban district. So, it's pretty much
7 entirely surrounded by urban lands except for this area
8 here, which is partially vacant and partially developed with
9 a golf course. And that's all in the ag district.

10 Now, this red line here represents the Oahu
11 Railway right-of-way, which is right at the northern
12 boundary of the northern part of the petition area. And the
13 other roads in the area represent by this TMK lines s
14 Roosevelt Avenue here, which then turns into Geiger Road
15 around the treatment plant. So, you can see the treatment
16 plan on this area photo is existing here with all the
17 different processing facilities. And the expansion area,
18 mainly this one to the north is pretty much vacant. And
19 this piece down here to the east is already developed with a
20 pump station and other related facilities. This major road
21 up here is Kapolei Parkway, snakes around here. And we have
22 to the south future Industrial Mixed Use Development down in
23 this area, the Coral Creek Golf Course. Of course, Barbers
24 Point Naval Golf Course here and the Kalaeloa Community
25 Development District located here with the runways kind of

1 like off the map here.

2 Newly developed projects in the area include the
3 Ka Makana Ali'i shopping mall located right here. To the
4 north of that is Hawaiian Homelands and, of course, moving
5 on over just mauka beyond the Verona Village area is the Ewa
6 Villages area located in this section here. Access is being
7 provided off of Geiger located here. There's two existing
8 driveways. A third driveway provides access to the
9 convenience refuse center located here and, of course, the
10 applicant is proposing access across the railway
11 right-of-way through Malio Street, which then connects to
12 Renton Road and then gives access to the Kapolei Parkway
13 here.

14 Of course, if there's any questions just stop me
15 anytime. Okay. The Department of Planning and Permitting
16 recommends approval with conditions. But before I proceed,
17 I'd like to make a correction on the Director's report. On
18 page 10, paragraph 10, this is relating to odor control, I
19 believe. Right now the paragraph one states that covers are
20 intended to be used for their processing facilities so that
21 no open standing water bodies associated with the processing
22 of wastewater will occur. In other words, the report says
23 that pretty much they all covered. But after the report was
24 done, we had information clarifying that is not correct and
25 that there will be processing facilities, clarifiers,

1 aeration tanks, channels and that sort of thing that will
2 not be covered.

3 Okay. So, let me proceed with the basic
4 description of the project. The expansion area being
5 proposed by the petitioner, which is Department of Design
6 and Construction is to address the first amended consent
7 decree handed down by the courts and, of course, in
8 collaboration with the various parties that mandates that
9 the entire wastewater being discharged from Honouliuli
10 Wastewater Treatment Plant be of secondary water treatment
11 quality and that needs to be done by 2024.

12 Now, in addition to improvements for the full
13 secondary treatment, the petitioner also proposing support
14 facilities for island-wide wastewater treatment functions
15 including laboratory admin. support buildings, maintenance,
16 central shops, warehouses, operations building, odor control
17 and septic receiving structures and, of course, the increase
18 in the recycling facility, the amount of water being
19 recycled through the Honolulu Water Recycling Facility.

20 Now, Table 1 in the report kind of outlines what
21 all these various improvements and structures that are being
22 proposed for the petition area.

23 A bit of background, the wastewater treatment
24 plant was constructed in 1978. Upgrades took place in 1996.
25 The water treatment facility, the recycled water occurred in

1 2000, and the expansion area was acquired by the City in
2 2011. And, the entire plant including the expansion area
3 just about 100 acres, 72 of it is already urban. So, what's
4 remaining is basically 27 acres that are in ag divided
5 across two parcels, Parcel 3 and Parcel 4. Now, a portion
6 of Parcel 3, in this area here, is already reclassified to
7 the urban district and that was part of the Gentry
8 reclassification that occurred back in 1988. So, that
9 little piece had its own conditions of approval associated
10 with that boundary amendment. Now, the Petitioner proposes
11 to eventually file the request with the Land Use Commission
12 to remove that portion from that boundary amendment so that
13 the conditions that generally apply to housing and that
14 development that was proposed there would no longer apply to
15 the petitioner's wastewater treatment plan proposal.

16 Now, along with that boundary amendment or
17 whatever process they used before the Land Use Commission,
18 the Petitioner also plans to file for a boundary amendment
19 for the petitionary to take it out of ag and put it into
20 urban which ordinarily this is what we would've recommended
21 in the first place. But, unfortunately, the timing for a
22 boundary amendment which is months longer than an SUP may
23 not allow the applicant to complete their wastewater
24 treatment plant upgrades by the time the FACD or amended
25 consent decree deadline rolls around which is in 2024.

1 Final Environmental Impact Statement for this
2 project was published and that was back in April of this
3 year. The project will be constructed basically in two
4 phases. Now, Phase 1 will be the full secondary treatment
5 upgraded to be completed by 2023, and then Phase II will be
6 replacing all the existing secondary treatment facilities by
7 2035.

8 The applicant proposes various types of operations
9 at this facility including primary and secondary wastewater
10 treatment and also solid treatment from this wastewater, the
11 pelletizing of secondary solids for fertilizer use or
12 disposal at the Waimanalo Gulch Sanitary Landfill. The
13 hauling by trucks of solids from the wastewater treatment
14 plant to Waimanalo Gulch or H-Power. The treatment of
15 septage and liquid sludge from outside sources; increased
16 production of the recycled water, which is R-1 or some of it
17 being reverse osmosis water and continued operations of the
18 convenience refuse collection station. And finally the
19 treatment of sludge from other wastewater treatment plants
20 throughout the island including those located at Wahiawa,
21 North Shore, Waianae, Kailua, Waiamanalo and Laie.

22 Now, we received various agency comments, and I'll
23 just go through some of the significant ones. The City,
24 Department of Transportation Services and the State
25 Department of Transportation recommended an update to the

1 TIAR, which is the Traffic Impact Assessment Report.
2 And essentially the reason for that is when the original
3 TIAR is developed there was some improvements that occurred
4 to the roadways and that needs to be updated accordingly.
5 And DPP recommends that their suggestions be incorporated as
6 by part of the conditions of approval. We received comments
7 from the TOD Airports Division which recommends
8 implementation of safety measures associated with aircraft
9 and airport operations. There's Kalaeloa Airport and the
10 Daniel K. Inouye Airport formerly known as Honolulu
11 International are within a 5-mile range which then
12 implements the requirements under the FAA and the DOT
13 airports. And one of the comments related to the open bodies
14 of water and, of course, an aviation easement addressing
15 the potential for wildlife and associated safety concerns
16 with air traffic operations. And also that they be aware
17 that if any PV or photovoltaic panels are being proposed,
18 that they be aware of the requirements that are normally
19 associated with those especially with aircraft operations in
20 the area. That they be aware of a jet fuel line that occurs
21 on the site.

22 And, finally the DOT Traffic Division or Highways
23 Division mentioned that they are opposed to a crossing of
24 the railroad for the Malio street access. Again, as I
25 mentioned earlier right across here.

1 Now, the DPP analysis indicates that the SUP is a
2 reasonable permit provided that the petitioner be required
3 to seek a boundary amendment to urban district within a
4 reasonable time frame. And the plant be upgraded to address
5 odor concerns, such as enclosing odor sources. The new
6 Headworks project will be addressing some of the older
7 concerns that the area residents have experienced over the
8 past. The noise sources that does analyze by the agencies
9 are basically short term from construction purposes, and
10 both noise and odor concerns were requirements are
11 established by the Department of Health. So, the petitioner
12 need to comply with those.

13 Now, we analyze the views of the area, and they do
14 have a large setback and, of course, landscaping along the
15 fence line and so much of those structures or industrial
16 type structures associated with the plant will be screened
17 by landscaping and setbacks.

18 Now, the Land Use Ordinance limits the height that
19 structures can be up to, maximum of 60 feet. And distant
20 views of the Waianae mountains are not being significantly
21 obscured. There's already existing trees that do that.

22 Now, on-site drainage basins are handling the
23 stormwater and, of course, stormwater quality would have to
24 comply with the current rules regarding standards of water
25 quality in their discharge. And the applicant proposes

1 various traffic improvements to Geiger, including left turn
2 storage lanes, accel, decel lanes. And also they've
3 mentioned that their truck traffic will be normally handled
4 by driveways off of Geiger, and they don't intend to have it
5 accessed through Malio Street.

6 Now, the DPP also recommended a lighting plan,
7 pursuant to the recommendations of the Ewa Development Plan
8 to address environmental and potential wildlife in the area.
9 There are no historic properties on the site and the State
10 Historic Preservation Division already issued a
11 determination of no effect and that occurred back in
12 February of last year.

13 Now, regarding the DOT airport comments with
14 respect to air traffic regulations and operations. We felt
15 that there's no need for a separate condition for that
16 because our standard condition requires that the Applicant
17 or Petitioner comply with all of other governmental
18 approvals.

19 Now, I think you just received today is the letter
20 from the State Department of Transportation dated September
21 12th. It did mention that they want to work towards a
22 memorandum of agreement regarding wildlife. Of course, the
23 Department does not have any objections if you included it
24 in your Order today, language to address that. So, that
25 concludes my presentation. I'm open to questions.

1 Chairman: Okay. Thank you. Any questions,
2 Commissioners of DPP at this time? [no response] The
3 subsequent or the future recommended boundary amendment
4 because of the size does the Applicant go straight to LUC or
5 do they have to go to Council first?

6 Mr. Young: Yes. It's over 15 acres, so they will
7 apply directly to the Land Use Commission. The City
8 Department of Planning and Permitting is a party to that
9 proceeding.

10 Chairman: Okay. But they go straight?

11 Mr. Young: Yes, straight there.

12 Chairman: Okay. Any other questions,
13 Commissioners?

14 Member Sodaro: Can I ask a clarifying question of
15 staff. So, when they get the SLUD BA, the SUP note expires.
16 So the conditions that were attached to the SUP will those
17 roll into DPP's testimony at the SLUD BA or does the LUC
18 create all their own new conditions?

19 Mr. Young: Because the City Department of
20 Planning and Permitting is a party to the proceedings.
21 There's that possibility that some of these conditions may
22 still be applicable at that time and depending on the
23 position that DPP takes, they could recommend similar
24 conditions be applied at the boundary amendment. But the
25 intent is once the boundary amendment is approved, the

1 entire SUP and all its requirements become voided.

2 Chairman: I noticed that the Department's
3 recommendation didn't mention anything regarding a condition
4 for removal of the condition for that small urban Gentry
5 piece. I would assume, though, that the Applicant would go
6 in at the same time to remove those conditions and apply for
7 the SLUD BA as well, right?

8 Mr. Young: That's correct. They intend to do
9 that, so at this point there's no need for the Department to
10 make that recommendation since they will be already doing
11 that. Because it's really to their benefit to remove those
12 conditions that are applicable to the Gentry project and not
13 applicable to their wastewater treatment.

14 Chairman: But they need the property, though.
15 They need the land, right? That portion of properties
16 required for this project.

17 Mr. Young: Yes. That is correct. They already
18 acquired that piece. It's just a matter of clearing up the
19 land use approvals that are still affecting it.

20 Chairman: Okay. All right. Any other questions?

21 [no response] No. Okay. Thank you, Ray.

22 Mr. Young: All right. Thank you.

23 Chairman: Okay. Who is Applicant, ENV--Yeah,
24 come on up, together is fine. [referring to unknown males
25 in the audience] Kind of hard to tell because DDC is on

1 there. Good afternoon.

2 Mr. Niermann: Good afternoon, Chair, members of
3 the Planning Commission. I'm Jim Niermann. I'm a planner
4 with R.M. Towill Corporation, and we're assisting the City
5 with the application for the Special Use Permit. And with
6 me is Guy Inouye. He's the chief of the wastewater division.
7 Now, ENV when we started with DDC. That's one of the points
8 we wanted to discuss with you today too as far as process
9 and who will be defined as Petitioner.

10 So, we did prepare a presentation. So, thank you
11 to Raymond. I think he covered most of it. We do have a
12 couple of things we want to clarify. So, I could run
13 through some of the slides on that.

14 Chairman: Yes, go ahead.

15 [At this time Mr. Niermann does a PowerPoint
16 presentation]

17 Mr. Niermann: So, I'll skip over some of this
18 stuff at the beginning here. But essentially this is our
19 site again showing--Here's our site. Kind of go down
20 through these. This is just the background State Land Use
21 District and zoning. This is the existing site and then the
22 showing the perimeter of--The expansion area includes this
23 piece down here to it. This is all one parcel that extends
24 through and the highlighted areas are the State Land Use Ag
25 District, the subject of the petition. The consent decree,

1 there's another deadline that we're up against which is why
2 we're doing this kind of two-step process going from an SUP
3 first and then subsequent to the State Land Use Boundary
4 Amendment. And that's January 1st, 2019. The consent
5 decree requires that the City issue notice to proceed for
6 construction of secondary treatment facilities and backing
7 away from that date, that we would want to get into our
8 construction building permit process by the beginning of
9 2018, which is coming up next January or February and be
10 through the construction, the building permit and
11 construction plan approvals as well as bidding and
12 procurement for the construction, so we can be ready to
13 issue the NTP by that date.

14 And then 2024, by June 1, 2024, the facilities
15 have to be complete and operational. So, those are the two
16 deadlines we're working towards.

17 So, essentially this is the facility after
18 completion of the secondary treatment facilities. We have
19 all of the existing facility generally on this Parcel 7.
20 The portion that's in the State Land Use Ag piece here.
21 This is its own parcel, identified as Parcel 4. That's the
22 facility Headworks where all the fluid initially enters the
23 plant and then there is associated odor control system
24 there. But on this side down here, this is the BWS water
25 recycle facility. Currently, there is about 26 million

1 gallons that come through their facility a day, and about
2 half of it is treated to secondary. With the implementation
3 of 100% treatment that involves the construction of these
4 six additional tanks, these are secondary clarifier tanks
5 and then the other two here are also secondary clarifier
6 tanks but they would only be--that'll be a later future
7 phase, only if required.

8 But the main components that we're proposing to
9 construct up here is an aeration basin and then the
10 secondary clarifier tanks here. There's also proposed
11 improvements along the side here to put in a new septic
12 receiving facility. Drainage detention basin along the edge
13 here and that's kind of the overview. I'm trying to avoid
14 not, tripping into the rabbit hole and going into too much
15 detail. But any questions you have we can address them.

16 And the what we're also requesting in addition to
17 the secondary treatment, which is essentially the secondary
18 treatment I just described it as shown in this kind of gold
19 color. All these facilities in blue are the proposed support
20 facilities. Several of these are--they're tied to Sand
21 Island Wastewater Treatment Plant at present. And to make
22 space at Sand Island Wastewater Treatment Plant to
23 accommodate the consent decree improvements that are
24 required there for secondary treatment. There is a warehouse
25 basically storing the emergency back-up bumps and equipment

1 that's used to respond in emergency events. There's a
2 laboratory and then there's also SCADA control system at
3 Sand Island right now that have to be relocated. So, we're
4 proposing to relocate them also to this expansion area. And
5 those all proposed right now, and I think the proposed
6 budget would have those coming on-line in 2022.

7 In addition to that this isn't scheduled or
8 budgeted yet, but the administration building for ENV is
9 also being contemplated for this location as well. It's
10 shown in the program. It's covered in the EIS. As far as
11 the timing of that program, it's not yet determined.

12 Just really briefly. On this short-term,
13 long-term entitlement strategy, we met with the LUC. We're
14 going through the SUP application currently to address the
15 zoning concerns like the height, exceedance of the maximum
16 height. We're also coming in for a zoning waiver
17 application. Currently, there's only one building on site
18 that exceeds the 60-foot height limit. That's planned to be
19 demo in the future, but we will get a zoning waiver for that
20 at present. The future improvements are all well under the
21 height restriction.

22 Currently, both the height restriction both for
23 the industrial zoning as well as for the current
24 agricultural zoning. And the in addition what we plan to
25 do--I'll go back to the exhibit for this. We plan to do a

1 CUP minor and a joint development agreement. With the
2 secondary treatment, we'll have three separate parcels that
3 will comprise the overall facility. Parcel 7 here, Parcel
4 4, (inaudible) and then Parcel 3, which is the expansion
5 So, for this first step, we will are going to get a CUP/JDA
6 to combine those parcels into one zoning lot.

7 In the long run our second step on this, and this
8 in again in consultation both with DPP as well as with the
9 LUC. We will come in for State Land Use District Boundary
10 Amendments for the agricultural areas to bring those into
11 urban and then do a subdivision to combine these parcels.
12 Right now a portion of Geiger Road right here enters into
13 the property that's owned by the City that's part of the
14 wastewater treatment plant. So, we will subdivide that road
15 out into a separate road lot for the City. So, that's our
16 long-term.

17 And then finally on that we would change the
18 zoning. Right now the State Land Use Ag area is all zoned
19 AG-1. So, we go through a zone change, and that'll have
20 some other issues related to that.

21 I'll go to some of the issues, I think that
22 Raymond covered. We're happy to answer any questions on any
23 of these. But we're fine with the conditions as proposed by
24 DPP.

25 Completing the Traffic Impact Assessment. I'm

1 going to go the OR now. DOT recommended against this
2 crossing, Malio Street crossing, OR&L railway line. We
3 understand their concerns. It's going to require a pretty
4 involved federal regulatory process to get the approvals for
5 that. But we still would like to pursue that.

6 So, we're still intending to--ENV is still intending to
7 pursue this application and has already initiated that with
8 DOT.

9 I think the planning reviewers on this may not
10 have been aware of those that it had been initiated, and I
11 think they were certainly flagging a good cautionary note on
12 that because of those federal requirements.

13 But the benefit of having this back up is really
14 in an event of emergency. Right now we have--primary access
15 is right here off Geiger Road. We're also contemplating a
16 driveway. This location off of Roosevelt Avenue. But if in
17 the event of an emergency or where some condition where
18 Geigher Road would be shut down or Roosevelt, we would want
19 to have another access into the facility. So, that's the
20 focus of this location here. So, we're still planning or
21 ENV is still planing to pursue that.

22 The avigation and wildlife mitigation measure
23 that's what's reflected in that letter from DOT-Air. This
24 is to show how close we're to HNL and then we're about 9,000
25 feet or roughly off to the end of the runway at Kalaeloa,

1 about 32,000 feet off of HNL.

2 We're working cooperatively with DOT Airports on
3 making sure that the concerns about potential risk to
4 airflight from becoming a wild life attractant. Basically
5 attracting birds would be an airstrike that those could be
6 addressed.

7 We will--proposing to do that through an MOA with
8 DOT Airports. This is just showing where some of the other
9 solar farms and ponds are in the area.

10 This is what I wanted to focus on. The LUC docket
11 right now, this highlighted blue portion. This is the Urban
12 Industrial-2 area, within our expansion area. And because
13 it's still included in this docket, it's subject to all of
14 the conditions of the docket. So, in discussions with LUC,
15 they said in addition to the State Land Use District
16 Amendment petition they would like us to also include a
17 separate action to bifurcate that property from this docket.
18 So, the docket will remain but our property will be pulled
19 out of it. It's unclear if it will be subject to the
20 conditions imposed for the rest of the petition area with
21 the boundary amendment. But that will be determined as we go
22 through with that process.

23 Let' see, and one of the conditions. As far as
24 conditions within the current docket that may apply. Most
25 of them are not applicable but one of them is, the buffer

1 along the perimeter, and as part of the improvements. In
2 phases, as the various phases of the treatment plant are
3 developed, we would be incorporating the perimeter
4 landscaping.

5 The other is the unilateral agreement that's
6 attached to the zone change. It's a 2011 zone change it was
7 referenced. And there are couple conditions in there
8 they're also not applicable. They're applicable to
9 development of that site as an industrial park, but not the
10 wastewater treatment plant. So, as part of the zone change
11 in that second entitlement step, we will come back and
12 propose to either replace the current unilateral agreement
13 with conditions that are applicable to the wastewater
14 treatment plant. The conditions that are in there that we
15 are complying with so far. There were some comments from
16 BWS to improve the waterline on Geiger Road and ENV is still
17 working or is working with BWS on that, complying with that
18 and then also some comments from fire department on fire
19 protection. So, those are ongoing discussion as part of the
20 ongoing design for the facility improvements. So, these
21 past two items, the docket and UA would be picked up when we
22 get into that second step of entitlements.

23 And with that, I think--I don't know if for the
24 record if we need to clarify what is open and what is
25 covered or if Raymond's testimony was sufficient or his

1 report was sufficient. We're happy to go over any other
2 questions that you may have.

3 Member Lim: You know the FEMA flood zones for the
4 UA?

5 Mr. Niermann: Yeah. So none within the facility
6 itself, and outside of that I'm not as familiar but we know
7 that Coral Creek next door, right adjacent here, this is
8 essentially what's functioning as the flood, the drainage
9 system for the regional drainage system. How we're tying
10 into that, can start by saying there will be no net increase
11 leaving the site, per the City's standard. What's being
12 proposed--I don't want to go off answering questions you
13 didn't ask.

14 Member Lim: Is it zoned X?

15 Mr. Niermann: It's zoned X; yes.

16 Member Sodoro: Since you have the site plan up,
17 where's the RO facility?

18 Mr. Niermann: The RO facility is here. So they
19 actually produce both R1 and RO, and right now they're
20 producing approximately 12 million gallons per day, and
21 that's coming from the secondary treatment. So, overall
22 these are rough numbers but it's about 26 million gallons
23 per day of wastewater that comes in that's treated.
24 About half of that goes to secondary treatment and that
25 secondary treated F1 then goes to the water recycle

1 facility. Ten million gallons is R1, is my understanding,
2 about 2 million gallons is R0.

3 Member Lim: When the whole project is all
4 finished and producing secondary treatment, is that R2 or
5 R3?

6 Mr. Niermann: No. Actually that's still not at
7 that R--

8 Mr. Inouye: I believe it's secondarily treated
9 sewage. I believe it's classified R3, and if it's
10 disinfected then it might go to R2.

11 Member Lim: So, you have to get the entire
12 treatment plant to R2?

13 Mr. Niermann: To get it to a useable--Because R3
14 is not, wouldn't be suitable for process necessarily, right?
15 [referring to Mr. Inouye]

16 [colloquy between Mr. Niermann and Mr. Inouye]

17 Chairman: Okay. Any questions of Applicant,
18 further questions?

19 Member Lim: You talked a little bit about the
20 Coral Creek Golf Course being like the settling basin for
21 that area. The reason why I asked the question was you've
22 seen what happened in Houston and Florida, got all these
23 infrastructure facilities being inundated by big floods and
24 if there is a bigger flood, a 100-year storm that overcomes
25 the golf course. What's the elevation of our treatment

1 plant?

2 Mr. Niermann: If we get up to the treatment plant
3 we're all in a lot of trouble. So, we are in X. I don't
4 know the actual hydrology or how high it would go up. But
5 my understanding is the Oneula Beach Park where they have
6 essentially it's functioning as a forwarder [phonetic], a
7 wear [phonetic], that will disperse or will overtop that
8 well before it will reach the elevations back here or come
9 up to flood. That'll be my initial action. We can certainly
10 provide more information on that.

11 Member Lim: That's good. I just wanted to put
12 that on the record to consider this.

13 Mr. Niermann: Okay. It's a good point because
14 this is an essential facility handling third of the island's
15 population.

16 Member Sodaro: Could you show the timeline for
17 filing the SLUD BA.

18 Mr. Niermann: Okay. So, I guess it's a
19 recommended condition in here. Our intent is to prepare it
20 and get it underway immediately and file it within a year to
21 18 months. And 18 months we're comfortable with but we
22 would like to have a little breathing room. So, the
23 proposed condition is three years. Within three years of
24 the LUC action that we have that SLUD BA filed or the
25 petition filed.

1 Member Sodaro: In that same timeline it says that
2 for the full build out it would take to 2030, but the
3 consent decree has 2024. Does that comply with that or is
4 that above and beyond the issue that needs to be--

5 Mr. Niermann: Kind of above and beyond because by
6 that time we would expect to have the--the boundary
7 amendment would be in place, and then we we wouldn't have
8 anything hindering completion of those designs other than
9 our own. It'll be all on us. It wouldn't be with a third
10 party entitlement requirement.

11 Member Sodaro: Okay.

12 Member Lim: There's one issue that came out of
13 the September 12th, 2017 State Department of Transportation,
14 Airports Division letter. I think the agreement, the fact
15 that DPP wouldn't object to the additional condition to
16 address the concerns. Their concerns were basically that
17 they want to have an agreement that the Department of
18 Environmental Services would address the wildlife issues and
19 any allegation an avigation easement. This is a major
20 proposed condition so suggest you check it out to see if
21 that's acceptable to you guys.

22 Mr. Niermann: Okay.

23 Member Lim: It's basically following very
24 closely, the last sentence, page 1, Airports Division matter
25 AIR-EP 17.0101. The new condition would be, "the Petitioner

1 shall enter into a memorandum of agreement per MOA", between
2 the State of Hawaii, Department of Transportation, Airports
3 Division and the City and County of Honolulu, Department of
4 Environmental Services with respect to avigation and
5 wildlife management requirements to address safety concerns
6 that flight operations at Daniel K. Inouye International and
7 Kalaeloa Airports.

8 The MOA shall run with the land and shall be
9 recorded with the Bureau of Conveyances to the State of
10 Hawaii and if appropriate the office of the Assistant
11 Registrar, Land Court of the State of Hawaii.

12 Mr. Inouye: We understand those conditions, and
13 we have no objection.

14 Member Lim: That's all.

15 Chairman: Any other questions?

16 Mr. Niermann: May I just just one other question
17 so that we don't get into trouble later on. Just the issue
18 of the Petitioner is currently DDC but that has now become
19 ENV per the City Charter amendment. Does that present any
20 concerns or issues that we need to then--

21 Chairman: Still the City--So, I understand the
22 revision to the UA that you mentioned. I guess that's the
23 final--Kind of like the last step of this whole thing. But
24 you're also going in for a zone change. Why do you need to
25 do that, I guess, is my question.

1 Mr. Niermann: Well, I guess it would be
2 considered at that point, actually wouldn't need one, right.
3 That's a good point. Once we're in the public use-

4 Chairman: Once you're in the public district--

5 Mr. Niermann: Yeah, it's allowed in any of the
6 county zoning districts.

7 Chairman: The zone change is--I mean you still
8 have to do basically almost the same process with the UA
9 change.

10 Mr. Niermann: Yeah, the only--

11 Chairman: I'm just trying to find out why you
12 needed a zone change.

13 Mr. Niermann: I think the only reason is the
14 development standards probably for AG-1 versus the I-2. It
15 will still require a waiver is my understanding if we had
16 anything--

17 Chairman: Non-conforming structures.

18 Mr. Niermann: Yeah. Right now we're not expecting
19 any. I think the height limit in AG-1 is 25 feet, and all
20 of our structures are currently proposed to be below that.
21 Other than in the future, the admin. building would exceed
22 that height, most likely exceeded. That was what was being
23 proposed over in this area. So, it would require a height
24 waiver at that point. So, it was mainly just so that
25 everything was more consistent with the intent of the

1 underlying zoning for that use. More of an industrial, I
2 guess that would be an office function, that type of
3 function.

4 Chairman: Okay.

5 Member Sodaro: Can I ask another timeline
6 question. So, is ENV contemplating starting work while the
7 SUP is active. You're not going to wait for the boundary
8 change to then start work. It's all time to actual
9 improvements?

10 Mr. Niermann: Uh-hmm, that's correct.

11 And that's actually one of the reasons we're getting an SUP
12 first rather than a boundary amendment.

13 Member Sodaro: So you can move?

14 Mr. Niermann: Yes.

15 Member Sodaro: Okay. So, to Commissioner Lim's,
16 you know, question on the proposed MOA language, is that
17 with the SUP condition and that goes away or does the UTF to
18 come back at the boundary amendment or is the Applicant open
19 to make the MOA binding regardless of what permit or
20 boundary amendment it's operating under. I'm just trying to
21 think, does now make sense or does later?

22 Member Lim: Or we put it in now, take it up at
23 the LUC--

24 Member Sodaro: Roll it over--

25 Member Lim: Yeah, roll it over.

1 Mr. Niermann: We're anticipating it will be a
2 requirement at the boundary amendment as well, that it be
3 condition.

4 Member Sodaro: Okay.

5 Mr. Niermann: Yes. If it is not executed by then--

6 Member Sodaro: Can I ask ENV if--Are there any
7 educational tours of the plant now?

8 Mr. Inouye: Yes, there are.

9 Member Sodaro: Okay. Thank you.

10 Chairman: [inaudible]

11 Member Sodaro: I mean, this is a pretty
12 significant expansion. So, I wasn't familiar, but I do think
13 with such heavy infrastructure projects, you know, if you're
14 not doing open educational tours. I think it'll be really
15 good especially since you're trying to get the 100% R1
16 treatment. So, thanks.

17 Chairman: Okay. Any other questions at this
18 time, Commissioners? [no response] Okay. Staff, Gloria, we
19 have anybody signed up to testify?

20 Mr. Niermann: Just the two of us.

21 Chairman: Oh, okay. Okay. Thank you. Anybody
22 else wishing to testify on this matter before the Planning
23 Commission? [no response] Okay. Seeing none, can I get a
24 motion then to close public testimony.

25 Member Lim: So moved.

1 Member Sodaro: Second.

2 Chairman: Moved and seconded. Any objections?

3 [no response] Any abstentions? [no response] Seeing none,
4 public testimony has been closed.

5 Commissioners, any further discussion either with
6 Department or Applicant or anybody else? DPP.

7 One of the conditions, basically you giving them
8 three years once the SUP becomes active to, I guess file for
9 the boundary amendment, right. However, I guess you're
10 allowing them--There's a provision in here that the Director
11 can actually extend that for another three years.

12 Mr. Young: That's correct.

13 Chairman: What are you guys thinking or--

14 Mr. Young: Well, I guess this brings to mind what
15 happened in our last SUP where NRG took over, First Wind and
16 those guys--PV project, right. They went bankrupt, but I'm
17 not anticipating that to happen here, but unanticipated
18 events could occur in this case, and we we want to be
19 prepared for that so we don't end up going back to the Land
20 Use Commission to ask for an extension. If they want is
21 necessary and they still haven't got it squared away by
22 2023, then the Director, assuming the Land Use Commission
23 and the Planning Commission goes along with it, will have
24 that authority.

25 Chairman: Okay. So, they will still have to come

1 back to both LUC and Planning Commission for the extension?

2 Mr. Young: If this condition wasn't imposed as
3 worded. The intent is to try to avoid going back to the
4 Land Use Commission and the Planning Commission to allow an
5 extension. In this case it's a one time extension.

6 Member Lim: In other words, the Director can do it
7 by himself.

8 Mr. Young: But for unforeseen circumstances.

9 Chairman: They might override you on that one, but
10 they might not like that. Okay. So, it's a one time
11 extension for an additional three years?

12 Mr. Young: That's correct.

13 Chairman: Okay. Any other questions for the
14 Department? [no response] Okay. You mentioned--The
15 Department doesn't have any objections to entering into the
16 MOA with the Department of Transportation, correct?

17 Mr. Young: No objections.

18 Chairman: Okay. Thank you.

19 Mr. Young: Thank you.

20 Chairman: Okay. Any further discussions,
21 Commissioners? [no response] No. Okay. Do we have a
22 motion?

23 Member Lim: Okay. I move that the Special Use
24 Permit Application File NO. 2017/SUP-2 with the expansion of
25 Honouliuli Wastewater Treatment Plant on approximately

1 27.807 acres of land, the State Land Use Agricultural
2 District at Tax Map Key 9-1-069 portion of Parcel 003 and
3 Parcel 004 be approved subject to the nine conditions
4 proposed by the DPP with the addition of the new 10th
5 condition that I read earlier, which is, I'll try again.
6 Petitioner shall enter into a memorandum of agreement (MOA)
7 between the State of Hawaii, Department of Transportation,
8 Airports Division and the City and County of Honolulu,
9 Department of Environmental Services, is that the correct
10 agency?

11 Chairman: Yes.

12 Member Lim: With respect to avigation and wildlife
13 management requirements to address safety concerns for
14 flight operations at Dan K. Inouye International and
15 Kawaihoa Airports. The MOA shall run with the land and
16 shall be recorded with the Bureau of Conveyances of the
17 State of Hawaii and if appropriate the Office of the
18 Assistant Registrar of the Land Court of the State of
19 Hawaii.

20 Chairman: Okay. Do we have a motion.

21 Member G. Chang: Second.

22 Chairman: Moved and seconded. Any discussion,
23 Commissioners?


24 Member Sodaro: No.

25 Chairman: Okay. Seeing none--

1 I certify that the foregoing is
2 a true and correct transcription
3 of the proceedings, prepared to
4 the best of my ability, of the
5 meeting held on Wednesday.
6 September 13, 2017.

7

8



9 Gloria Takara

10 Secretary-Hearings Reporter

11

12 Adopted on September 27, 2017

13

14

15

16

17

18

19

20

21

22

23

24

25