

Leslie Kurisaki

From: Scott Ezer
Sent: Tuesday, December 19, 2017 12:25 PM
To: Leslie Kurisaki
Subject: FW: Comment regarding Keālia Mauka Homesites EIS, on Kauai

FYI

From: Peard, Randall John [mailto:randall.peard@doh.hawaii.gov]
Sent: Tuesday, December 19, 2017 12:17 PM
To: Orodenker, Daniel E <daniel.e.orozenker@hawaii.gov>
Cc: Scott Ezer <sezer@hhf.com>; moana@mshkauai.com; Mow, Steven P <steven.mow@doh.hawaii.gov>; DOH.EPO <DOH.epo@doh.hawaii.gov>; Grange, Gabrielle Fenix <Gabrielle.Grange@doh.hawaii.gov>
Subject: Comment regarding Keālia Mauka Homesites EIS, on Kauai

To whom it may concern,

I recently saw information in the November 23, 2017 OEQC newsletter about the Subject proposed residential development project on Kaua'i. I want to recommend, if this has not already been recommended by the Dept. of Health, that any EIS approval or future residential development at this location be "conditioned" on the requirement that the applicant's environmental consultant conduct an assessment of the site for potential soil contamination from past sugarcane production activity on this site. This is a standard recommendation from the Department of Health for all new residential (or commercial) developments on former sugarcane or pineapple agricultural lands ... especially those that were in production after about 1912 when arsenic and subsequently pentachlorophenol (with dioxin contaminants) and possibly organochlorine pesticides were utilized for weed or insect control by the agriculture industry. These chemicals, now all generally banned due to unacceptable human or environmental health risks, are stable or persistent in the environment and sometimes still found decades after their use at levels that present unacceptable health risks ... especially for kids in a proposed residential land use. Levels of these chemicals will vary depending on the past practices of the plantation that was in that area, nature of the work/operations on the specific site, and these factors vary significantly from location to location. Hopefully, levels are low on this particular site and will not present a situation where remediation of the soil would be necessary before development, but only good representative soil sampling can answer that question.

If the proposed development area was only formerly used as sugarcane growing fields (based on best estimates from a quality Phase 1 ESA including aerial photos and other historical records, interviews, and a walkaround of the entire site) then the chemicals of potential concern to be evaluated in soils would be limited to only arsenic and the organochlorine pesticides. If the Phase 1 ESA reveals there were other associated sugarcane operations on a portion of the site (e.g. pesticide storage or mixing areas, former camp housing, drum disposal areas, equipment storage areas), then additional chemicals of concern would be required to be investigated for those areas. Target chemicals for assessing former sugarcane or pineapple lands as well as HDOH-approved sampling strategies and soil sampling methods are provided in the HDOH HEER Office's Technical Guidance Manual (TGM; www.hawaiidoh.org). Section 9.1 of the TGM includes specific guidance on selecting contaminants for the investigation of former sugarcane or pineapple lands, and Sections 3, 4, and 5 provide detailed guidance on soil sampling strategy and sampling methods that should be followed. I also suggest that any soil sampling plan developed for the site be first reviewed and approved by the HDOH HEER Office ... request for such as review can be made through contacting our main office in Pearl City on O'ahu, at 808-586-4249. Once results of the soil sampling data is available, the HEER Office can also provide a "closure letter" documenting "No Further Action" necessary if all soil contaminant concentrations are below applicable State Environmental Action Levels, or provide additional guidance regarding additional evaluation or remediation work if any contaminant(s) are detected above applicable Action Levels.

As I noted above, these are standard recommendations by the HDOH HEER Office for former sugarcane or pineapple agricultural lands being converted to residential or commercial use, so are applicable to any similar current or future request for environmental impact review or land use change by the Reviewing Authority, unless the applicant has already investigated the extent of historic soil contamination on the former agricultural lands and has documentation to prove the soil sampling methods used were representative and soil contaminant levels for chemicals of potential concern were below applicable HDOH HEER Office Environmental Action Levels for residential or commercial use (as applicable).

Thank you. I understand that the comment period for this site extends through Dec. 26, 2017, so please include these comments in the record for review and response. Also, please let me know if you have any questions regarding these comments. John

John Peard, Remediation Project Manager
Hawai'i Dept. of Health, Hazard Evaluation & Emergency Response Office (HEER Office)
Hawai'i District Health Office
1582 Kamehameha Ave., Hilo, HI 96720-4623
randall.peard@doh.hawaii.gov
(808) 933-9921 (office)

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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

JANET M. BERREMAN, M.D., M.P.H., F.A.A.P.
DISTRICT HEALTH OFFICER

December 22, 2017

Mr. Scott Ezer, Vice President
HHF Planners
733 Bishop Street, Suite 2590
Honolulu, HI 96813
Email: sezer@hhf.com

Dear Mr. Ezer,

SUBJECT: EISPN Kealia Mauka Homesites
Project: **Kealia Mauka (EPO 17-298)**
Applicant: Kealia Properties, LLC.

We have reviewed the subject Environmental Impact Statement Preparation Notice online and in addition to the comments submitted by the Environmental Planning Office of the Department of Health, we offer the following environmental health comments for consideration.

1. The subdivision consists of 50 lots/dwelling units or more. The use of individual wastewater systems is not allowed under the provisions of Title 11, Hawaii Administrative Rules (HAR), Chapter 11-62, "Wastewater Systems". Please have your engineer submit plans for a wastewater treatment works to the State Department of Health (DOH) Wastewater Branch (WWB) or produce a 'Will Serve' letter from the County of Kauai for connection to the county sewer system. This project appears to require significant infrastructure for any connection to the county sewer system and WWB supports any sewer infrastructure requirements made by the County for this project. The Wailua Wastewater Treatment Plant capacity appears be around 50% of the design capacity. However, there are other housing developments proposed that could substantially impact this available capacity.
2. The size of the proposed subdivision will modify the existing Kealia Water Company Holdings, LLC drinking water distribution system significantly. The applicant shall contact the Safe Drinking Water Branch of the Department of Health at 808-586-4258 to resolve this concern.
3. The property may harbor rodents which will disperse to the surrounding areas

when the site is cleared. In accordance with Title 11, 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.

4. Noise will be generated during the construction phase of this project. The applicable maximum permissible sound levels as stated in Title 11, HAR, Chapter 11-46, "Community Noise Control", shall not be exceeded unless a noise permit is obtained from the DOH.

5. 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, Hawaii Administrative Rules, 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.

6. 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.

7. The DOH, Clean Water Branch (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 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>

8. 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).

9. 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).

10. 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.

11. 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.

12. 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.

13. 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 bioengineering 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.

14. National Pollutant Discharge Elimination System (NPDES) permit coverage is required for pollutant discharges into State surface waters and for certain situations involving storm water (HAR, Chapter 11-55).

- a. Discharges into Class 2 or Class A State waters can be covered under an NPDES general permit only if all of the NPDES general permit requirements are met. Please see the DOH-CWB website (<http://health.hawaii.gov/cwb/>) for the NPDES general permits and instructions to request coverage.
- b. All other discharges into State surface waters (including discharges from Concentrated Animal Feeding Operations) and discharges into Class 1 or Class AA State waters require an NPDES individual permit. To request NPDES individual permit coverage, please see the DOH-CWB forms website located at: <http://health.hawaii.gov/cwb/site-map/clean-water-branch-home-page/forms/>

- c. NPDES permit coverage for storm water associated with construction activities is required if your project will result in the disturbance of one (1) acre or more 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. NPDES permit coverage is required before the start of the construction activities.

Land disturbance includes, but is not limited to clearing, grading, grubbing, uprooting of vegetation, demolition (even if leaving foundation slab), staging, stockpiling, excavation into pavement areas which go down to the base course, and storage areas (including areas on the roadway to park equipment if these areas are blocked off from public usage, grassed areas, or bare ground).

15. 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.

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

Sincerely,



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

GNT: DTT

DAVID Y. IGE
GOVERNOR OF HAWAII



VIRGINIA PRESSLER, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
SAFE DRINKING WATER BRANCH
2385 WAIMANO HOME ROAD
ULUAKUPU BLDG. 4
PEARL CITY, HI 96782

In reply, please refer to:
File: SDWB
Keālia Mauka01.docx

December 27, 2017

Mr. Scott Ezer
Vice President
HHF Planners
733 Bishop Street, Suite 2590
Honolulu, Hawaii 96813
[via sezer@hhf.com only]

Dear Mr. Ezer:

**SUBJECT: PROPOSED KEĀLIA MAUKA HOMESITES
ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE
KEĀLIA, KAWAIHAU, PUNA, ISLAND OF KAUAI
TMK: (4) 4-7-004: POR. 001**

The Safe Drinking Water Branch (SDWB) has reviewed the subject document and has the following comments:

1. Section 5.2.2.2 – Potable Water indicates the Keālia Mauka Homesites owner and the Keālia Water Company Holdings, LLC have signed a water agreement to provide 300,000 gallons per day of potable water to the future owners of 235 residential lots in the Project Area. A copy of the signed water agreement shall be submitted to SDWB for review when the construction plans are submitted.

This project qualifies as a substantial modification of the existing Keālia (PWS 423) water system.

2. Projects proposing substantial modifications to existing public water systems must receive approval by the Director prior to construction of the proposed system or modification in accordance with Hawaii Administrative Rules (HAR) Section 11-20-30, "New and modified public water systems." These projects include treatment, storage and distribution systems of public water systems.
3. All projects which propose the use of dual water systems or the use of a non-potable water system in proximity to an existing drinking water system to meet irrigation or other needs must be carefully designed and operated to prevent the cross-connection of these systems and prevent the possibility of backflow of water from the non-potable system to the drinking water system. The two (2)

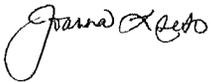
Mr. Scott Ezer
December 27, 2017
Page 2

systems must be clearly labeled and physically separated by air gaps or reduced pressure principle backflow prevention devices to avoid contaminating the drinking water supply. In addition, backflow devices must be tested periodically to assure their proper operation. Further, all non-potable spigots and irrigated areas should be clearly labeled with warning signs to prevent the inadvertent consumption on non-potable water. Compliance with HAR, Chapter 11-21, "Cross-Connection and Backflow Control" is also required.

4. All projects which propose the establishment of a potentially contaminating activity (as identified in the Hawai'i Source Water Assessment Plan) within the source water protection area of an existing source of water for a public water supply should address this potential and identify activities that will be implemented to prevent or reduce the potential for contamination of the drinking water source.

If there are any questions, please call Ms. Jennifer Nikaido of the SDWB Engineering Section at 586-4258.

Sincerely,



JOANNA L. SETO, P.E., CHIEF
Safe Drinking Water Branch

JN:cb

c: EPO 17298 [via email only]
Mr. Darren Tamekazu, Kauai DHO [via darren.tamekazu@doh.hawaii.gov only]
Mr. Greg Kingsley, Kealia Water Co. Holdings, LLC
[via gkingsley@cstoneholdings.com only]



UNIVERSITY
of HAWAII[®]
MĀNOA

Water Resources Research Center

December 7, 2017

Hawaii Management Services, LLC
PO Box 1630
Koloa, HI 96756
Attn: Ms. Moana Palama

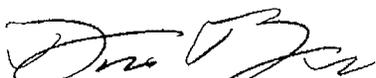
Ms. Palama:

This is to acknowledge receipt of your letter for review of an Environmental Impact Statement Preparation Notice for the Kealia Mauka Homesites, Kawaihau District, Island of Kauai.

Unfortunately, the Water Resources Research Center does not have the capacity to review the EISPN at this time due to the faculty position vacancy.

While we continue to explore filling the current vacancy, the Center will exclude itself from commentary on this specific environmental assessment study.

Sincerely,


Darren T. Lerner, PhD
Interim Director

2540 Dole Street, Holmes Hall 283
Honolulu, Hawai'i 96822
Telephone: (808) 956-7847
Fax: (808) 956-5044

An Equal Opportunity/Affirmative Action Institution

Leslie Kurisaki

From: Scott Ezer
Sent: Wednesday, December 20, 2017 11:39 AM
To: Leslie Kurisaki
Subject: FW: Kealia Mauka Homesites (4)4-7-004: por. 001 EISPN

FYI

From: Moana Palama [mailto:moana@mskauai.com]
Sent: Wednesday, December 20, 2017 4:16 AM
To: Scott Ezer <sezer@hhf.com>
Subject: FW: Kealia Mauka Homesites (4)4-7-004: por. 001 EISPN

From: Jeremy Lee [mailto:jlee@kauai.gov]
Sent: Monday, December 18, 2017 3:00 PM
To: moana@mskauai.com
Cc: Celia Mahikoa <cmahikoa@kauai.gov>; Lee Steinmetz <lsteinmetz@kauai.gov>; Michael Dahilig <mdahilig@kauai.gov>; Michael Moule <mmoule@kauai.gov>
Subject: Kealia Mauka Homesites (4)4-7-004: por. 001 EISPN

Ms. Palama,
If your rezoning is permitted.
The County of Kauai, Transportation Agency would like to be kept abreast of any development actions.
A residential development of this size and its proximate location to existing bus service would make coordination key.



Jeremy Kalawaia Lee
The Kauai Bus
Program Specialist III
3220 Hoolako Street
Lihue, HI 96766
(808)246-8112
jlee@kauai.gov

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Leslie Kurisaki

From: Lee Steinmetz <lsteinmetz@kauai.gov>
Sent: Monday, December 18, 2017 4:25 PM
To: moana@mskauai.com
Cc: Michael Dahilig; Celia Mahikoa; Lyle Tabata; Michael Moule; Leslie Kurisaki; Marie Williams; Lawrence.J.Dill@hawaii.gov; daniel.e.rogenker@hawaii.gov
Subject: RE: Kealia Mauka Homesites EISPN TMK (4) 4-7-004 por. 001

Sorry, resending, one of the email addresses was incorrect.

Thanks,
Lee

From: Lee Steinmetz
Sent: Monday, December 18, 2017 3:28 PM
To: 'moana@mskauai.com' <moana@mskauai.com>
Cc: Michael Dahilig <mdahilig@kauai.gov>; Celia Mahikoa <cmahikoa@kauai.gov>; Lyle Tabata <ltabata@kauai.gov>; Michael Moule <mmoule@kauai.gov>; 'daniel.e.rogenker@hawaii.gov' <daniel.e.rogenker@hawaii.gov>; 'lkurisaki@hhf.com' <lkurisaki@hhf.com>; Marie Williams <mwilliams@kauai.gov>; Lawrence.J.Dill@hawaii.gov
Subject: Kealia Mauka Homesites EISPN TMK (4) 4-7-004 por. 001

Dear Ms. Palama,

Thank you for the opportunity to review and comment on the Keālia Mauka Homesites EISPN. Related to 5.2.3, Roadways and Traffic, please include a multimodal analysis of the project to address the following:

- Bicycle and pedestrian access from the project area to Keālia Beach and Ke Ala Hele Makalae,
- Bicycle and pedestrian access from the project area to Kapa‘a Elementary School, Saint Catherine School, and Kapa‘a High School,
- Bicycle and pedestrian access from the project area to the Kaua‘i Bus mainline, and potential improvements to bus stops serving the project area,
- Onsite and offsite improvements that could support the mode shift goals found in the County of Kaua‘i Multimodal Land Transportation Plan

Regards,
Lee Steinmetz

Lee Steinmetz
County of Kauai Transportation Planner
808.241.4978
lsteinmetz@kauai.gov

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12-18-2017

Hawai'i Management Services, LLC

State of Hawai'i Land Use Commission

HHF Planners

I am a 25 year resident of Kauai, living on Kamole Road since I purchased my home in April, 2000.

The following are some of my concerns regarding the proposal of Kealia Mauka Homesites.

1. The proposed 53 acres to be divided into 235 house lots would be targeted for , but not restricted to, Kauai residents. These parcels could be purchased by anyone, from anywhere. This opens the door to another 1000-1500 people moving to Kauai, thereby stretching our resources even greater than they are stretched presently.
2. It is stated that this project is consistent with typical densities in the islands existing single-family residential communities. Are there any other 53 acres of gorgeous fertile agricultural land on Kauai that presently has 235 lots, ranging from 5600-7300 sf in size, each with a house and probable carport or garage and shed? If so, where is it located? What does it look like?
3. Why choose high rated "B" fertile agricultural land and build a very compact housing project?
4. The proposed housing project is planned to be accessed from Kealia Road. Presently attempting to access Kuhio Highway from Kealia Road is a real challenge. There is the North-South traffic on Kuhio Highway. There is the entrance to and exit from Kealia beach. There are turn lanes for Kealia beach and Kealia Road. There is a pedestrian crosswalk. There is already a high volume of traffic in this 40 mph area. With 235 houses planned, a conservative number of 500 additional cars would be expected to be using this intersection. If this project is granted then access to the subdivision should be considered to be located north of the project, across from Kealia Kai's entrance from Kuhio Highway.
5. The building of 235 houses and other structures would produce a significant amount of noise. It could be even worse if it's over 8 years.
6. An additional 1000-1200 people – adults and children- and their pets will naturally produce noise.
7. An additional 500 or more cars/trucks will add more traffic, more noise.
8. The visual impact will be devastating.
9. Under Section 7. Significant Criteria, this project does impact (although not deemed significant) 1,2,4,6,7,8,and 12.

I am grateful that an Environmental Impact Study has been determined necessary.

Aloha

Karen Gibbons

alohakareng@yahoo.com