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January 3, 2024

Mr. Daniel E. Orodener, Executive Officer
State of Hawai'i Land Use Commission (LUC)
Department of Business, Economic Development & Tourism
P.O. Box 2359
Honolulu, Hawai'i 96804-2359

Dear Mr. Orodener:

**2023 Annual Report for LUC Docket No. SP17-409 / Expansion of Honouliuli Wastewater Treatment Plant for Secondary Treatment and Support Facilities
'Ewa, O'ahu, Hawai'i
Tax Map Key: [1] 9-1-069: 003 (por.) and 004**

On behalf of the City and County of Honolulu (CCH), Department of Environmental Services (ENV, Petitioner), the following information summarizes the Petitioner's progress in complying with conditions of State of Hawai'i Land Use Commission (LUC) Docket No. SP17-409, dated December 8, 2017. The LUC conditions are provided below (*in italics*) followed by the Petitioner's response:

1. *Prior to building permit approval for any new structures within the Petition Area or within 180 days of the LUC's Decision and Order, whichever occurs first, Petitioner shall submit to the DPP for review and approval, the following:*
 - a. *A survey map accompanied by a metes and bounds description of the approved SUP area. Both the metes and bounds survey map and description shall be signed and stamped by a registered professional land surveyor. A copy of the map and description shall also be provided to the LUC.*

Progress Report:

A survey map accompanied by a metes and bounds description of the approved SUP area was submitted to the LUC on March 1, 2018.

- b. *A Lighting Plan with catalog cuts showing exterior fixtures are fully shielded and that the level of lighting in lumens is appropriate for its intended use. The Lighting Plan will consider dimming controls or being turned off during off peak hours.*

Progress Report:

A Lighting Plan with catalog cuts showing specifications for exterior fixtures was submitted to CCH, DPP on August 17, 2017.

- c. *A timeline or phasing plan of the anticipated dates to obtain building permit(s) for demolition/construction work shall be prepared by Petitioner in a format acceptable to the DPP. The timeline should identify when the construction management plan, traffic management plan, and updated TIAR will be submitted for review and approval. Updates to the timeline may be required by the DPP as needed.*

Progress Report:

The project schedule has been revised since the 2022 project schedule included in the 2022 Annual Report. The 2023 project schedule indicates revised dates to obtain building permits, submit the Traffic Management Plan, and complete construction for Upgrade Phase 2 and Phases 1A, 1C, and 1D. A copy of the 2023 project schedule is included as an enclosure.

2. *Petitioner shall submit an updated TIAR that includes daily monitoring of hauling and delivery trucks on city roadways around the Petition Area and should be based on the projected staffing of the HWWTP in 2030. The TIAR shall be submitted to the DPP and the DOT for review and acceptance by 2021, with any recommended improvements provided at no cost to the State. Petitioner shall also submit a Construction Management Plan and a Traffic Demand Management Plan to the DPP for review and approval on a schedule acceptable to the DPP.*

Progress Report:

The original project TIAR was submitted to DPP on April 20, 2018. The Construction Management Plan was submitted to DPP on January 30, 2018, and approved by DPP Traffic Review Branch (TRB). The 2022 TIAR Update was submitted to TRB in August 2022.

3. *Petitioner shall apply for a State Land Use District Boundary Amendment for the 25.1-acre expansion area on Parcel 003 and the 2.702-acre Parcel 004 from the State Land Use Agricultural District to the State Land Use Urban District with the LUC within three years of the date of the LUC's Decision and Order approving the SUP. Requests for extension of this deadline shall be submitted to the Planning Commission prior to the expiration of the deadline. The Planning Commission with the approval of the LUC may grant a one-time extension to the deadline of up to three years for a total period of six years after the LUC's Decision and Order granting the SUP for Petitioner to apply for a State Land Use District Boundary Amendment due to unforeseen circumstances that were beyond the control of Petitioner. Concurrently with the filing of the Petition for State Land Use District Boundary Amendment, Petitioner shall file with the LUC a motion to amend the Findings of Fact, Conclusions of Law, and Decision and Order issued in Docket No. A88-627 to bifurcate the urbanized portion of TMK: 9-1-069: 003 from the docket.*

Progress Report:

On November 6, 2019, the Petitioner filed a petition with the LUC for a State Land Use District Boundary Amendment for the 25.1-acre expansion area on Parcel 003 and the 2.702-acre Parcel 004 *from the State Land Use Agricultural District to the State Land Use Urban District* and a Motion to Amend Docket No. A88-627. The Petition is assigned Docket No. A19-808. By letter dated December 2, 2019, the LUC requested additional information and clarifications to the petition. The Petitioner is working with the LUC and CCH Corporation Counsel to complete the requested information and anticipates filing an amended petition in 2024. In addition, the amended petition will include relevant information from the Final Environmental Assessment (Final EA) for the planned addition of a 'Ewa Refuse Convenience Center at the WWTP site and installation of waterline improvements that were not included in the project EIS, but that are located within the petition area. The Final EA for these additions was published in the Office of Planning and Sustainable Development, Environmental Notice on September 23, 2022.

4. *In the event that historic resources, including human skeletal remains, structural remains, cultural deposits, artifacts, sand deposits, or sink holes, are identified during demolition and/or construction activities, all work shall cease in the immediate vicinity of the find, the find shall be protected from additional disturbance, and the SHPD and O'ahu Island Burial Council shall be contacted immediately. Without any limitation to any other condition found herein, if any burials or archaeological or historic sites are discovered during the course of construction within the Petition Area, all construction activity in the vicinity of the discovery shall stop until the issuance of an archaeological clearance from the SHPD that mitigation measures have been implemented to its satisfaction.*

Progress Report:

The Petitioner acknowledges this condition.

5. *Petitioner shall establish the Project by June 1, 2022. Project establishment shall be defined as the date a contractor has mobilized on site and started construction activities within the Petition Area. Requests for extension of this deadline shall be submitted to the Planning Commission prior to the expiration of the deadline. The Planning Commission with the approval of the LUC may grant a one-time extension to the start deadline of up to three years, but not beyond June 1, 2025, due to unforeseen circumstances that were beyond the control of Petitioner.*

Progress Report:

The Petitioner acknowledges this condition.

6. *This SUP will automatically expire and become null and void once a State Land Use District Boundary Amendment to the State Land Use Urban District is approved by the LUC for the Petition Area.*

Progress Report:

The Petitioner acknowledges this condition.

7. *Major modifications to: (1) the approved site plan; (2) amendments to the conditions of approval; (3) change in approved uses stated herein, will be subject to the review and approval of the Planning Commission and if approved, subject to approval by the LUC. Minor modifications, including minor additions or relocations to accessory uses and structures in the approved area, are subject to review and approval by the Director of the DPP.*

Progress Report:

The Petitioner received minor modification approval for revisions to the project site plan by the DPP Director in a letter dated August 31, 2021 [2021/ELOG-1265(JL), 2061847]. No amendments to the conditions of approval and no changes to the approved uses were included in the approved modification.

Subsequently, the project phasing plan was updated in 2023. The updated phasing plan shows minor refinements to the Support Facilities area shown on the approved 2021 site plan, including showing an existing service road and telecommunication tower site, refining the planned driveway connection to Roosevelt Avenue, and showing a proposed retention basin (previously shown in the phasing plan included in the 2018 Annual Report). There are no major or minor additions or relocations of accessory uses or structures in the updated phasing plan. A copy of the updated 2023 phasing plan is included as an enclosure.

8. *Approval of this SUP does not constitute compliance with other Land Use Ordinance or governmental agencies' requirements, including building permit approval. They are subject to separate review and approval. Petitioner will be responsible for insuring that all final plans for the Project approved under this SUP comply with all applicable governmental agencies' provisions and requirements.*

Progress Report:

The Petitioner acknowledges this condition.

9. *On or before December 31 of each year that the SUP is in effect, Petitioner or its successor will file an Annual Report to the DPP and the LUC that demonstrates Petitioner's compliance with the conditions of the SUP.*

Progress Report:

The Petitioner acknowledges this condition.

10. *Enforcement of the conditions of the SUP shall be pursuant to the Rules of the Planning Commission, including the issuance of an order to show cause as to the reason the SUP should not be revoked if the Planning Commission has reason to believe that there has been a failure to perform the conditions imposed herein.*

Progress Report:

The Petitioner acknowledges this condition.

11. Petitioner shall enter into an MOA between the DOT, Airport Division, and the DES with respect to aviation and wildlife management requirements to address safety concerns for flight operations at the Daniel K. Inouye International and Kalaheo Airports. The MOA shall run with the land and shall be recorded, with the Bureau of Conveyances of the State of Hawai'i, and if appropriate, the Office of the Assistant Registrar of the Land Court of the State of Hawai'i.

Progress Report:

The Petitioner completed an avifauna hazard assessment of the facility in 2020 and is continuing to work with DOT Airports Division to comply with this condition. Representatives from the City and County of Honolulu Corporation Counsel and the State Attorney General's office continue to communicate on this matter.

Should there be any questions regarding this submittal, please contact the undersigned at (808) 842-1133.

Very truly yours,



James Niermann, AICP, LEED AP BD+C
Planning Project Coordinator

Enclosure

Enclosure 1 – 2023 Project Schedule for the Honouliuli WWTP Secondary Treatment and Support Facilities

Enclosure 2 – 2023 Phasing Plan for the Honouliuli WWTP Secondary Treatment and Support Facilities

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cc: Dawn Takeuchi Apuna, Director, CCH DPP
Raj Rath, P.E., CCH ENV
Jaime Nishikawa, P.E., RMTC