

**COMPREHENSIVE EXEMPTION LIST
FOR THE COUNTY OF HAWAI'I
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
REVISED JUNE 25, 2018**

Environmental Council Concurrence: 01/08/2019

GENERAL NOTE

Section 343 of the Hawai'i Revised Statutes (HRS) authorizes the Environmental Council to establish procedures to exempt specific types of action from the need to prepare an environmental assessment because the action will have minimal or no significant effect on the environment.

The following types of projects will not be exempt:

1. Projects requiring detailed analysis as provided in an environmental assessment under §343-5. These include, but are not limited to, places listed on the Federal or State registers of historic places.
2. Projects in statutorily defined areas, including but not limited to: critical habitats, special management areas, special design districts, registered view planes or scenic corridors, wet lands, sanctuaries, special habitats, shoreline areas, tsunami inundation areas, or other designations; except where the work is eligible for exemption and there is no negative impact on the conditions that define these areas.
3. Major projects without an Environmental Impact Statement (EIS); an Environmental Assessment with a Finding of No Significant Impact (EA/FONSI); or major projects that were never presented at a public meeting concerning site selection, master plan report, or any phase of incremental construction.
4. Major projects without a program to encourage public input into the design or siting of the project.

Pursuant to HAR Section 11-200-8 (B), all exemptions under the classes in this section are inapplicable when the cumulative impact of planned, successive actions of the same type, in the same place, over time, is significant, or when an action that is normally insignificant in its impact on the environment may be significant in a particularly sensitive environment, as expressed in #2 above.

Pursuant to the administrative rules promulgated under the authority of Section 343-6(7) of the Hawai'i Revised Statutes (HRS), specifically Section 11-200-8, the County of Hawai'i Department of Environmental Management has determined that the following types of actions, where they

fall within the given classes of action, shall generally be exempt from the preparation of an environmental assessment.

Exemption Class 1

Operations, repairs or maintenance of existing structures, facilities, equipment or topographic features involving negligible or no expansion or change of use beyond that previously existing.

1. Clearing and grubbing.
2. Construction staging areas.
3. Drainage structures (e.g., culverts, outlets, inlets).
4. Earth berms, drainage swales, and stream banks.
5. Equipment installations, including but not limited to: pumps; motors; electrical transformers, cabinets, panels, and vaults; power, light, and telephone pole systems; heating, ventilation, and air conditioning (HVAC); supervisory control and data acquisition (SCADA); irrigation controllers; telephone stations; emergency electrical generators; and cathodic protection systems.
6. Essential utilities, including but not limited to: wastewater systems, drainage systems, water systems, electrical systems, communication systems, SCADA systems, and fuel systems, except where a State Department of Health permit is required.
7. Existing individual wastewater systems (cesspools, septic tanks, aerobic units).
8. Existing public facility structures, facilities, or equipment involving negligible or no expansion or change of use beyond that previously existing.
9. Existing topographical features involving negligible or no expansion or change or use beyond that previously existing (e.g., maintenance dredging including dewatering; stream bank restoration; maintenance of vegetated and/or lined swales, wet ponds, and/or other water quality features).
10. Exterior stems and stairways.
11. Fencing, curbing, walls, and gates.
12. Fumigation and treatment of buildings for termites, cockroaches, ants, vermin, and other pests using pesticides registered by the State Department of Agriculture and the United States Environmental Protection Agency (EPA).
13. Landfill erosion control.
14. Landfill gas and leachate system.
15. Landscaping.
16. Maintenance/storage sheds.
17. Minor underpinning.
18. On-site street cleaning.
19. Operations, repairs or maintenance actions for compliance with Occupational Safety and Health Administration (OSHA) requirements.
20. Painting of existing buildings and equipment.
21. Pavements (and striping, as needed), including but not limited to: roadways, driveways, parking lots, and walkways.

22. Planter boxes.
23. Refuse collection schedule changes.
24. Reroofing or roofing maintenance.
25. Retaining walls and embankment/slope and erosion repairs.
26. Roadways and right-of-way within the confines of a wastewater treatment plant, a wastewater pump station, a landfill, composting facility, mulching facility or transfer station.
27. Security lighting for facility grounds, structures, and parking lots.
28. Signs, posts, flag/banner poles.
29. Temporary storage of construction equipment and materials on street remnant properties.
30. Trash compactors.
31. Trash enclosures and litter containers.
32. Wastewater Force Mains (FMs) and associated appurtenances (including but not limited to: air relief valve, flow tube, gate valve, manual air relief valve or air bleeder, check valve, blow off valve, testing station).
33. Wastewater lines (mains and laterals).
34. Wastewater outfalls.
35. Wastewater Pump Stations (WWPSs).
36. Wastewater spills.
37. Wastewater Treatment Plants (WWTPs).
38. Operation of County vehicles on existing County, State and private roads and roadway easements, including cars, trucks and trailers, but excluding operations that result in significant traffic impacts.
39. Loading, delivery and unloading operations for liquid and solid materials to and from vehicles at existing wastewater treatment plants and pump stations, but excluding operations that add nuisance odors at the property lines.
40. Loading, delivery and unloading operations for municipal solid waste and/or recyclable materials to and from vehicles at landfills, sort station, transfer stations, convenience centers, and disposal, processing or recycling facilities. "Municipal solid waste" is defined in accordance with Hawai'i Revised Statutes Section 342G-1.
41. Abandoned vehicle impound lots.
42. Mulching facilities.
43. Compost facilities.
44. Sort stations.

Exemption Class 2

Replacement or reconstruction of existing structure and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, density, height, and dimensions as the structure replaced.

1. Accessible ramps and handrails.
2. Bollards and vehicular access barriers.

3. Clearing, grading, and grubbing.
4. Drainage structures (e.g., culverts, outlets, inlets).
5. Earth berms, drainage swales, and stream banks.
6. Equipment installations, including but not limited to: pumps; motors; electrical transformers, cabinets, panels, and vaults; power, light, and telephone pole systems; heating, ventilation, and air conditioning (HVAC); supervisory control and data acquisition (SCADA); irrigation controllers; telephone stations; emergency electrical generators; and cathodic protection systems.
7. Essential utilities, including but not limited to: wastewater systems, drainage systems, water systems, electrical systems, communication systems, SCADA systems, and fuel systems, except where a State Department of Health permit is required.
8. Existing individual wastewater systems (cesspools, septic tanks, aerobic units).
9. Existing public facility structures, facilities, or equipment involving negligible or no expansion or change of use beyond that previously existing.
10. Existing topographical features involving negligible or no expansion or change of use beyond that previously existing (e.g., reconfiguration of paved parking lots to redirect drainage flow to vegetated areas, demolition and/or regarding areas to provide storm water detention for water quality).
11. Exterior stems and stairways.
12. Fencing, curbing, walls, and gates.
13. Fuel tank modification, repair or replacement in compliance with Federal and State regulations and with concurrence of the State Department of Health.
14. Fueling stations.
15. Fumigation and treatment of buildings for termites, cockroaches, ants, vermin, and other pests using pesticides registered by the State Department of Agriculture and the United States Environmental Protection Agency (EPA).
16. Guardrails.
17. Landfill erosion control.
18. Landfill gas and leachate system.
19. Landscaping.
20. Maintenance/storage sheds.
21. Pavements (and striping, as needed), including but not limited to, roadways, driveways, parking lots, walkways, bikeways, jogging paths, or multi-use pathways.
22. Planter boxes.
23. Replacement or reconstruction actions for compliance with Occupational Safety and Health Administration (OSHA) requirements.
24. Retaining walls, embankment/slope, swale, and/or erosion control replacement and reconstruction. No seawalls will be exempted.
25. Roadways and right-of-way within the confines of a wastewater treatment plant, a wastewater pump station, transfer station, compost facility, mulching facility or a landfill.
26. Sanitary sewer line modification or replacement in generally the same alignment, or an adjacent parallel alignment, and with the same diameter pipe.

27. Sanitary sewer line rehabilitation, including linings, inserts and coatings applied to existing pipelines and manholes.
28. Sanitary sewer line replacement, with a pipe that is no larger than the next largest nominal diameter size than the existing pipe, in generally the same alignment, or an adjacent parallel alignment, due to the need to increase to a minimum diameter standard for maintenance purposes or to accommodate wet weather peak flows. For the purposes of this item, increasing to the next largest nominal diameter size is considered to be a minor change, and is substantially the same dimensions. Upsizing to a larger diameter pipe to service new facilities or structures is precluded.
29. Sanitary sewer relief line, in an adjacent parallel alignment, due to the need to accommodate wet weather peak flows or to restore flow capacity decreased by defect in the existing sewer.
30. Sanitary sewer relief line, in an adjacent parallel alignment, to restore flow capacity for a section of existing sewer that experienced loss of capacity from original design.
31. Sanitary sewer temporary bypass incidental to sewer line rehabilitation, modification, or replacement.
32. Security lighting for facility grounds, structures, and parking lots.
33. Signs, posts, flag/banner poles.
34. Trash compactors.
35. Trash enclosures and litter containers.
36. Vegetated and/or lined swales, wet ponds, or other water quality features in parks, golf courses, or other recreational areas.
37. Wastewater facility/structures (to include, but not be limited to, manholes, junction boxes, tanks, incinerators, etc.).
38. Abandoned vehicle impound lots.
39. Mulching facilities.
40. Composting facilities.
41. Sort stations.

Exemption Class 3

Construction and location of single, new, small facilities or structures and the alteration and modification of the same and installation of new, small, equipment and facilities and the alteration and modification of same, including but not limited to:

1. Single-family residences less than 3,500 square feet not in conjunction with the building of two or more such units.
2. Multi-unit structures designed for not more than four dwelling units if not in conjunction with the building of two or more such structures.
3. Stores, offices, and restaurants designed for total occupant load of 20 persons or less per structure, if not in conjunction with the building of two or more such structures.

4. Water, sewage, electrical, gas, telephone, and other essential public utility services extension to serve such structure or facilities; accessory or appurtenant structure including garages, carports, patios, swimming pools, and fences; and acquisition of utility easements.
5. Accessible ramps and handrails.
6. Acquisition of utility easements.
7. Auxiliary generators for emergency use.
8. Bollards and vehicular access barriers.
9. Carports.
10. Cathodic protection of pipelines and equipment.
11. Clearing, grading, and grubbing.
12. Comfort facilities at public facility properties.
13. Community recycling bin program expansion, limited to not more than a total bin footprint of 1,000 square feet within the same site.
14. Construction and location of a single, new, small public facility structure, including but not limited to those intended for educational, meeting, administration, maintenance, operations, and safety and protection (e.g., police, fire, emergency medical, and wastewater and solid waste spill response) less than 3,500 square feet in floor area not in conjunction with the building of two or more such units.
15. Construction of concrete pads and roofs at existing fueling stations.
16. Construction of concrete pads and roofs for heavy equipment areas at selected maintenance facilities.
17. Construction of small vehicle wash equipment for recycling water at select County facilities.
18. Construction of roofs over existing outdoor showers at select park sites to allow connections to the wastewater system.
19. Construction or installation of an underground fuel tank with a maximum capacity of 4,000 gallons.
20. Construction or installations of septic systems that require State Department of Health and Department of Water Supply approvals.
21. Creation of temporary staging areas during periods of County construction.
22. Earth berms and drainage swales.
23. Equipment installations, including but not limited to: pumps; motors; electrical transformers, cabinets, panels, and vaults; power, light, and telephone pole systems; heating, ventilation, and air conditioning (HVAC); supervisory control and data acquisition (SCADA); irrigation controllers; telephone stations; emergency electrical generators; and cathodic protection systems.
24. Essential utilities and new, small equipment, including but not limited to: wastewater systems, drainage systems, water systems, electrical systems, communication systems, and irrigation systems.
25. Expansion of existing groundwater monitoring wells.
26. Expansion of existing landfill gas and leachate systems expansion (e.g., pipelines, flares, vacuumed/condensate/leachate pumps, monitoring wells, etc.).

27. Expansion of existing wastewater pump station and force main facilities (e.g. additional pumping equipment, pipe and appurtenances) within the existing footprint.
28. Extensions, modifications, or additions to existing buildings and new, small equipment less than 3,500 square feet in floor area not in conjunction with the building of two or more such additions.
29. Facility improvements to comply with Federal and State requirements with concurrence with the State Department of Health (e.g., National Pollutant Discharge Elimination System (NPDES) requirements such as covered truck parking, surface water diversions swales, permanent structural Best Management Practices (BMPs), etc.).
30. Fencing, curbing, walls, and gates.
31. Field offices.
32. Installation and construction of flare screens, safety barriers, guardrails, energy attenuators, and other appurtenances designed to protect the motoring public.
33. Landscaping.
34. Loading areas.
35. Maintenance/storage sheds.
36. Minor street widening and improvements within existing or future County street rights-of-way.
37. Modifications of existing facilities to conform to Federal, State and local regulations or codes as directed by authorized governmental agencies.
38. Pavements (and striping, as needed), including but not limited to: roadways, driveways, parking lots, walkways, bikeways, jogging paths, or multi-use pathways.
39. Pedestrian bridges within public facility properties.
40. Planter boxes.
41. Recycling collection bins.
42. Retaining walls, except within the shoreline area.
43. Security lighting of public grounds, structures, and parking lots.
44. Sewer Improvement District project.
45. Sewer main extension within an easement or street right-of-way.
46. Sewer lateral extension, involving the extension of an existing lateral to a new property line for road improvement projects or for existing laterals that were inadvertently installed short of the property line.
47. Sewer manholes with or without concrete apron to accommodate pumper trucks (septage receiving station).
48. Sewer service installation for existing residential properties, including:
 - a. The construction of a sewer lateral from an existing sewer main located in an easement or street right-of-way to the abutting property line of lots without sewer service;
 - b. The construction of additional laterals or the replacement of existing laterals to accommodate other utility lines or to facilitate connections from house sewer connection on the premise to laterals; and

- c. The extension of an existing sewer main together with a lateral to serve lots without sewer service in areas where no significant environmental or historical resources exist.
- 49. Sidewalks and covered walkways.
- 50. Signs, posts, and flag/banner poles.
- 51. Steps and stairways.
- 52. Storm drain line extensions within wastewater treatment plant, wastewater pump station, refuse transfer station, and landfill sites.
- 53. Storm drain line modifications.
- 54. Trash compactors.
- 55. Trash enclosures and litter containers.
- 56. Utility connections (electrical, gas, water, wastewater).
- 57. Water tanks, not more than 75,000 gallons in capacity, developed to serve individual public facility needs.
- 58. Modifications of existing abandoned vehicle impound lots, mulching facilities, composting facilities, and sort stations.

Exemption Class 4

Minor alterations in the conditions of land, water, or vegetation.

- 1. Berms.
- 2. Chemical control of vegetation using herbicides and pesticides registered by the State Department of Agriculture and the EPA.
- 3. Clearing, grubbing, or grading of less than 100 cubic feet within existing public facility property boundaries.
- 4. Ground improvements (e.g. driveways, parking areas, walls, sidewalks, etc.).
- 5. Landscaping and sprinkler systems.
- 6. Lining short sections of stream banks for erosion control and slope stability.
- 7. Removal of unhealthy trees that endanger life or property and non-significant trees.
- 8. Shoulders.

Exemption Class 5

Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.

- 1. Basic data collection, research, experimental management, and resource evaluation activities that do not result in a serious or major disturbance to an environmental resource, including but not limited to, archaeological surveys, bioassays, biological and ecological studies and surveys, chemical and bacteriological laboratory analysis, fish surveys, fresh and saline water sampling and analysis, industrial waste sampling and analysis, monitoring device installation, oceanographic surveys, receiving water monitoring programs, recycling wastewater and wastewater reuse studies,

sediment studies and surveys, storm water runoff sampling and analysis, stream studies and surveys, topographical surveys, virus studies and surveys, exploratory soil boring, reconnaissance, testing, or data recovery. Construction of monitoring wells for data collection purposes. Geotechnical investigation involving excavating test pits.

Exemption Class 6

Construction or replacement of minor structures accessory to existing facilities.

1. Accessible ramps and handrails.
2. Air conditioning enclosures.
3. Construction field offices.
4. Drinking fountains.
5. Guard sheds.
6. Hose bibs.
7. Emergency generator structure.
8. Exterior lighting.
9. Heating ventilation and air conditioning (HVAC) systems for existing wastewater treatment plants, pre-treatment plants, lift stations, and pump station buildings.
10. Lighting of driveways, streets, and roadways.
11. Maintenance/storage sheds.
12. Outdoor showers.
13. Planter boxes.
14. Portable buildings for temporary use.
15. Relocation of buildings within existing facilities.
16. Retaining walls, except in shoreline areas.
17. Security lighting.
18. Signs.
19. Solar water heating systems that include exterior solar collectors, nonreflective panels, and storage tanks not greater than 120 gallons each, and associated accessories.
20. Steps and stairways.
21. Trash compactors.
22. Trash enclosures and litter containers.
23. Underground fuel tanks and dispensers, except where a State Department of Health permit is required.
24. Ventilation and odor control systems for existing wastewater treatment plants, pre-treatment plants, lift stations, and pump station buildings.
25. Water tanks, not more than 75,000 gallons in capacity, to serve existing facilities.

Exemption Class 7

Interior alterations involving things such as partitions, plumbing, and electrical conveyances.

1. Interior alterations and renovations to wastewater treatment plants, pre-treatment plants, lift stations, and pump station buildings, including but not limited to: partitions, doors, counters, cabinets, shelving, plumbing, electrical systems, heating ventilation and air conditioning (HVAC) systems, ventilation and odor control systems, and electrical conveyances.

Exemption Class 8

Demolition of structures, except those structures located on any historic site as designated in the national register or Hawai'i register as provided for in the National Historic Preservation Act of 1966, Public Law 89-665, 16 U.S.C. Sec. 470, as amended, or Chapter 6E, HRS.

1. Demolition of structures at wastewater treatment plants and pump station locations, except those structures located on any historic site.

Exemption Class 9

Zoning variances except shoreline setback variances.

1. Zoning variances of wastewater and solid waste facility properties, except shoreline setback variances.

Exemption Class 10

Continuing administrative activities including, but not limited to, purchase of supplies and personnel-related actions.

1. Acquisition, but not improvement of property, for public use (including easements) and minor subdivision and consolidation of parcels necessary for acquisition of property for public use (including rounding corners and minor street widening).
2. Subdivision/consolidation of public lands to facilitate their transfer between the County and State for continuing public use without change in existing land use.
3. Continuing government administrative activities, including but not limited to purchase of supplies and personnel-related actions.
4. Operation of initial or continuing public programs consistent with established land use (for example, but not limited to, stream debris clean-ups, storm drain stenciling, beach debris clean-ups).