

**Comprehensive Exemption List
for the
City and County of Honolulu
Department of Environmental Services**

FILE COPY

HISTORICAL NOTE

This exemption list for the Department of Environmental Services was reviewed and concurred upon by the Environmental Council on March 2, 2021.

GENERAL NOTE

Section 343 of the Hawaii 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, Chapter 200.1-8, all exemptions under subchapter 8 are inapplicable when the cumulative impact of planned successive actions 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.

Pursuant to HAR Section 11-200.1-15, the actions included in this exemption list will "individual and cumulatively probably have minimal or no significant effects, can be declared exempt from the preparation of an EA." However, "actions declared exempt from the preparation of an EA under this subchapter are not exempt from complying with any other applicable statute or rule."

Pursuant to the administrative rules promulgated under authority of Section 343-6(7) of the Hawaii Revised Statutes (HRS), specifically Section 11-200.1-15; the Department of

Environmental Services has determined that the following general types of actions, where they fall within the given general types of action, are eligible for exemption.

Pursuant to HAR Section 11-200.1-16, ENV has developed, through time and experience, the following exemption list consistent with both the letter and intent expressed in HAR Section 11-200, Subchapter 8 and in chapter 343, HRS.

The following exemption list was developed pursuant to HAR Section 11-200.1-16, subsection (a) (1), to "exempt a specific activity from the preparation of an EA and the requirements of section 11-200.1-17 because the agency considers the specific activity to be de minimis." These activities consist of:

"Routine activities and ordinary functions within the jurisdiction or expertise of the agency that by their nature do not have the potential to individually or cumulatively adversely affect the environment more than negligibility and that the agency considers to not rise to the level of requiring chapter 343, HRS, environmental review. Examples of routine activities and ordinary functions may include, among others: routine repair, routine maintenance, purchase of supplies, and continuing administrative activities involving personnel only, nondestructive data collection, installation of routine signs and markers, financial transactions, personnel-related matters, construction or placement of minor structures accessory to existing facilities; interior alternations involving things such as partitions, plumbing, and electrical conveyances"

Part One Exemption Types

Exemption Type #1:

Operations, repairs or maintenance of existing structures, facilities, equipment or topographic features involving minor expansion or minor change of use beyond that previously existing.

1. Clearing and grubbing
2. Construction staging areas, temporary
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 in parks and golf courses)
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
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. Refuse collection schedule changes
24. Reroofing or roofing
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, or a landfill
27. Security lighting for public 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 City vehicles on existing City, 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, waste-to-energy facilities, transfer stations, convenience centers, and disposal, processing or recycling facilities. "Municipal solid waste" is defined in accordance with Hawaii Revised Statutes section 342G-1. "Recyclable materials" are defined in accordance with Revised Ordinances of Honolulu section 9-1.2.

Exemption Type #2

Replacement or reconstruction of existing structures 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. Bridge replacement
3. Bollards and vehicular access barriers
4. Clearing, grading, and grubbing
5. Drainage structures (e.g., culverts, outlets, inlets)
6. Earth berms, drainage swales, and stream banks
7. 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
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. Footbridge
14. Fuel tank modification, repair or replacement in compliance with Federal and State regulations and with concurrence of the State Department of Health
15. Fueling stations
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
25. Roadways and right-of-way within the confines of a wastewater treatment plant, a wastewater pump station, 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 temporary bypass incidental to sewer line rehabilitation, modification, or replacement.
29. Security lighting for public grounds, structures, and parking lots; complying with HRS §201-8.5 Night sky protection strategy.
30. Signs, posts, flag/banner poles
31. Trash compactors
32. Trash enclosures and litter containers

33. Vegetated and/or lined swales, wet ponds, or other water quality features in parks, golf courses, or other recreational areas
34. Wastewater facility/structures (to include, but not be limited to, manholes, junction boxes, tanks, incinerators, etc.)

Exemption Type #3

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

- a. Single-family residences less than 3,500 square feet, as measured by the controlling law under which the proposed action is being considered, if not in conjunction with the building of two or more such units;
 - b. Multi-unit structures designed for not more than four dwelling units if not in conjunction with the building of two or more such structures;
 - c. Stores, offices, and restaurants designed for total occupant load of twenty individuals or fewer per structure, if not in conjunction with the building of two or more such structures; and
 - d. 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.
1. Accessible ramps and handrails
 2. Acquisition of utility easements
 3. Air conditioning enclosures
 4. Auxiliary generators for emergency use
 5. Bollards and vehicular access barriers
 6. Carports
 7. Cathodic protection of pipelines and equipment
 8. Clearing, grading, and grubbing
 9. Comfort facilities at public facility properties
 10. Community recycling bin program expansion, limited to not more than a total bin footprint of 1,000 square feet within the same site.
 11. Construction field offices, temporary
 12. Construction of ball wash facilities for golf courses
 13. Construction of concrete pads and roofs at existing fueling stations
 14. Construction of concrete pads and roofs for heavy equipment areas at selected maintenance facilities
 15. Construction of small vehicle wash equipment for recycling water at select City facilities
 16. Construction of roofs over existing outdoor showers at select park sites to allow connections to the wastewater system
 17. Construction of vehicle wash facilities for golf carts
 18. Construction or installation of an underground fuel tank with a maximum capacity of 4,000 gallons at fire and police stations
 19. Construction or installations of cesspools that require State Department of Health and Board of Water Supply approvals
 20. Creation of temporary staging areas during periods of City and County construction
 21. Drinking fountains
 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. Emergency generator structure
26. Expansion of existing groundwater monitoring wells
27. Expansion of existing landfill gas and leachate systems expansion (e.g., pipelines, flares, vacuumed/condensate/leachate pumps, monitoring wells, etc.)
28. Expansion of existing wastewater pump station and force main facilities (e.g. additional pumping equipment, pipe and appurtenances) within the existing footprint.
29. Exterior lighting; complying with HRS §201-8.5 Night sky protection strategy.
30. 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.)
31. Fencing, curbing, walls, and gates
32. Field office
33. Guard shack
34. Heating ventilation and air conditioning (HVAC) systems for existing wastewater treatment plant, pre-treatment plant, lift station, and pump station buildings
35. Hose bibbs
36. Installation and construction of flare screens, safety barriers, guardrails, energy attenuators, and other appurtenances designed to protect the motoring public
37. Interior alterations and renovations to wastewater treatment plant, pre-treatment plant, lift station, 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
38. Landscaping
39. Lighting of driveways, streets, and roadways
40. Loading areas
41. Maintenance/storage sheds
42. Minor street widening and improvements within existing or future City and County street rights-of-way
43. Minor modification of incinerator as directed by EPA or other authorized governmental agencies
44. Modifications of existing facilities to conform to Federal, State and local regulations or codes as directed by authorized governmental agencies
45. Modifications at energy facilities to comply with Federal and State requirements with concurrence with the State Department of Health (e.g., pollution control equipment)
46. Outdoor showers
47. Pavements (and striping, as needed), including but not limited to roadways, driveways, parking lots, walkways, bikeways, jogging paths, or multi-use pathways
48. Pedestrian bridges within public facility properties
49. Planter boxes
50. Portable buildings for temporary use of 5 years or less
51. Recycling collection bins
52. Relocation of buildings within existing facilities

53. Retaining walls, except within the shoreline area
54. Security lighting of public grounds, structures, and parking lots
55. Sewer Improvement District project
56. 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
57. Sewer manholes with or without concrete apron to accommodate pumper trucks (septage receiving station)
58. 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
 - 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
59. Sidewalks and covered walkways
60. Signs, posts, and flag/banner poles
61. Solar water heating system that include exterior solar collectors, nonreflective panels, and storage tanks not greater than 120 gallons each, and associated accessories
62. Steps and stairways
63. Storm drain line extensions within wastewater treatment plant, wastewater pump station, refuse transfer station, and landfill sites
64. Storm drain line modifications
65. Trash compactors
66. Trash enclosures and litter containers
67. Underground fuel storage tanks and dispensers, except where a State Department of Health permit is required
68. Utility connections (electrical, gas, water, wastewater)
69. Ventilation and odor control systems for existing wastewater treatment plant, pre-treatment plant, lift station, and pump station buildings
70. Water tanks, not more than 75,000 gallons in capacity, developed to serve individual public facility needs

Exemption Type #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 parks and public facility property boundaries
4. Ground improvements (e.g. driveways, parking areas, walls, sidewalks, etc.)
5. Landscaping and sprinkler system
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 Type #5

Basic data collection, research, experimental management, and resource and infrastructure testing and evaluation activities that 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, operation, and calibration; 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

Exemption Type #6

Demolition of structures, except those structures that are listed on the national register or Hawaii Register of Historic Places.

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

Exemption Type #7

Zoning variances except shoreline setback variances.

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

Exemption Type # 8

Continuing administrative activities.

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 City 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)

The following exemption list was developed pursuant to HAR Section 11-200.1-16, subsection (a) (2), are "types of actions that the agency considers to be included within the exempt general types listed" in HAR Section 11-200.1-15. This part two of the exemption list are actions that are exempt from preparation of an EA because the "agency determined to be included under the types of actions in its exemption list, provided that the agency fulfills the exemption notice requirements set forth" in HAR section 11-200.1-17 and chapter 343, HRS.

Part Two Exemption Types

Exemption Type #2

Replacement or reconstruction of existing structures 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. 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
2. 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 larger diameter pipe to service new facilities or structures is precluded.
3. 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.
4. 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.

Exemption Type #3

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

- a. Single-family residences less than 3,500 square feet, as measured by the controlling law under which the proposed action is being considered, if not in conjunction with the building of two or more such units;
- b. Multi-unit structures designed for not more than four dwelling units if not in conjunction with the building of two or more such structures;
- c. Stores, offices, and restaurants designed for total occupant load of twenty individuals or fewer per structure, if not in conjunction with the building of two or more such structures; and
- d. 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.

1. Construction and location of a single, new, small public facility structure, including but not limited to those intended for recreational, meeting, administration, maintenance, operations, and safety and protection (e.g., police, fire, emergency medical, and wastewater spill response) less than 3,500 square feet in floor area not in conjunction with the building of two or more such units