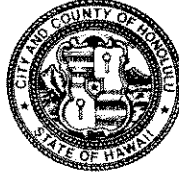


DEPARTMENT OF DESIGN AND CONSTRUCTION  
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 11<sup>TH</sup> FLOOR  
HONOLULU, HAWAII 96813  
Phone: (808) 523-4564 • Fax: (808) 523-4567  
Web site: [www.honolulu.gov](http://www.honolulu.gov)



MUFI HANNEMANN  
MAYOR

WAYNE M. HASHIRO, P.E.  
DIRECTOR

EUGENE C. LEE, P.E.  
DEPUTY DIRECTOR

WW.PDE 05-195

October 10, 2005

Ms. Genevieve Salmonson, Director  
Office of Environmental Quality Control  
235 South Beretania Street, Suite 702  
Honolulu, Hawaii 96813

RECEIVED  
OCT 13 P 3:42  
OFFICE OF ENVIRONMENTAL  
QUALITY CONTROL

Dear Ms. Salmonson:

Subject: Finding of No Significant Impact (FONSI) for Elevator Installation for the Control and Administration Building, Sand Island Wastewater Treatment Plant Primary Expansion, TMK (1) 1-5-041:005, Honolulu, Oahu, Hawaii

The Department of Design and Construction has reviewed the comments received during the 30-day public comment period, which began on September 8, 2005. The agency has determined that this project will not have significant environmental effects and has issued a FONSI. Please publish this notice in the next available Office of Environmental Quality Control (OEQC) Environmental Notice.

We have enclosed a completed OEQC Publication Form and four copies of the Final Environmental Assessment. Please call Jann Dacanay of my staff at 527-5152 should you have any questions.

Very truly yours,

  
WAYNE M. HASHIRO, P.E.  
Director

Enclosures

2005-10-23 OA FONSI SAND ISLAND WASTEWATER  
TREATMENT PLANT ELEVATOR INSTALLATION

OCT 23 2005

**FILE COPY**

**FINAL ENVIRONMENTAL ASSESSMENT**

*Prepared in Accordance with Hawaii Revised Statutes, Chapter 343*

***Sand Island Waste Water Treatment Plant  
Primary Expansion***

***Elevator Installation for  
the Control and  
Administration Building***

Tax Map Key (TMK): 1-5-041:005  
Honolulu, Oahu, Hawaii

October 10, 2005

***Prepared For:***  
Department of Design and Construction  
City & County of Honolulu  
650 South King Street  
Honolulu, Hawaii 96813

OFFICE OF ENVIRONMENTAL QUALITY CONTROL

05 OCT 13 P3:43

RECEIVED



**R. M. TOWILL CORPORATION**

SINCE 1930

420 Waiakamilo Road, Suite 411  
Honolulu, Hawaii 96817  
1-19933-20

*FINAL ENVIRONMENTAL ASSESSMENT*  
*Sand Island Waste Water Treatment Plant*  
*Primary Expansion*  
***Elevator Installation***  
***for the***  
***Control and Administration Building***

Tax Map Key (TMK): 1-5-041:005  
Honolulu, Oahu, Hawaii

October 2005

Prepared Pursuant to  
Hawaii Revised Statutes, Chapter 343

*Prepared for:*  
Department of Design and Construction  
City & County of Honolulu  
650 South King Street  
Honolulu, Hawaii 96813

*Prepared by:*  
R.M. Towill Corporation  
420 Waiakamilo Road, Suite 411  
Honolulu, Hawaii 96817

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## PROJECT SUMMARY

<b>Project</b>	Elevator Installation for the Control and Administration Building, Sand Island Waste Water Treatment Plant Primary Expansion
<b>Landowner/Applicant</b>	State of Hawaii (Land owner) City & County of Honolulu, Department of Design & Construction (Applicant)
<b>Accepting Agency</b>	Same as Applicant
<b>Agent</b>	R.M. Towill Corporation
<b>Location</b>	1350 Sand Island Parkway, Honolulu, Hawaii
<b>Tax Map Key</b>	(1) 1-5-041: Parcel 005
<b>Proposed Action</b>	Construction of a passenger elevator in the existing Administration and Control Building, Sand Island Waste Water Treatment Plant, Sand Island, Honolulu, Oahu, Hawaii.
<b>Land Area</b>	475 square feet
<b>Present Use</b>	Municipal Waste Water Treatment Facility
<b>State Land Use District</b>	Urban
<b>Primary Urban Center Development Plan Land Use Designation</b>	Industrial
<b>Present Zoning</b>	I-3, Waterfront Industrial
<b>Special Management Area</b>	Yes
<b>Permits Required</b>	Special Management Area Use Permit, Building Permit, Elevator Installation Permit
<b>Determination</b>	Finding of No Significant Impact (FONSI)

## SECTION 1 INTRODUCTION

### 1.1 INTRODUCTION

The City and County of Honolulu, Department of Design and Construction (DDC), Wastewater Division, proposes to construct a passenger elevator for the Control and Administration Building of the Sand Island Waste Water Treatment Plant. See **Figure 1, Project Location**.

The proposed facility improvement will involve construction of an elevator shaft abutting the northern portion of the existing two-story Control and Administration Building. See **Figure 2, Site Plan, Figure 3, Floor Plan and Figure 4, Elevation Plan**.

The applicant proposes to commence construction in March 2006 with construction lasting approximately 6 months. The project will cost approximately \$800,000 and will be funded by the City & County of Honolulu to meet compliance requirements of the federal Americans with Disabilities Act (ADA).

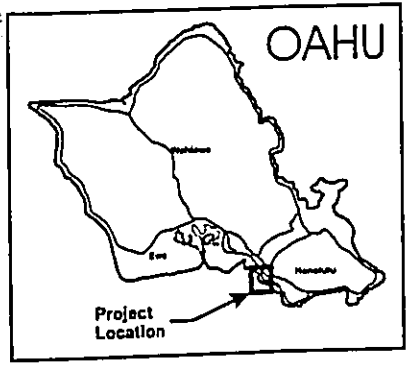
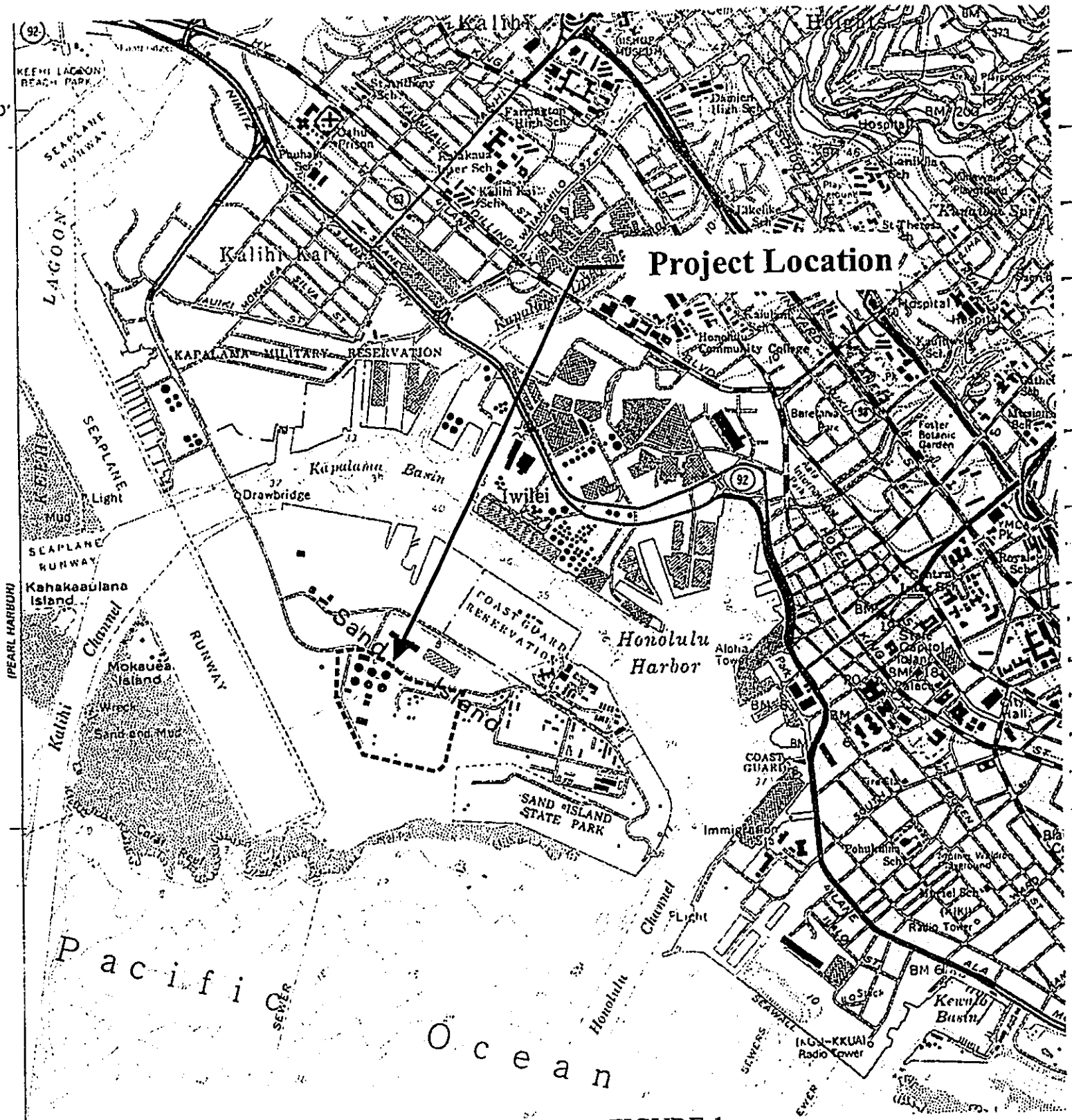
### 1.2 PROJECT LOCATION

The proposed activity is located at the Sand Island Waste Water Treatment Plant (SIWWTP), 1350 Sand Island Parkway, on Sand Island located along the south coast of the Island of Oahu. See **Figure 1, Project Location**.

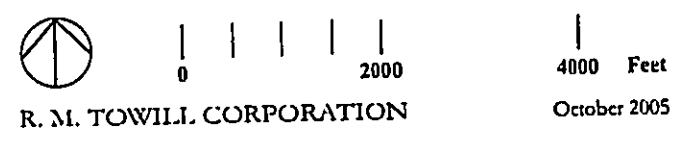
The site comprises an industrial lot, identified by Tax Map Key (TMK) (1) 1-5-041: Parcel 005, owned by the State of Hawaii.

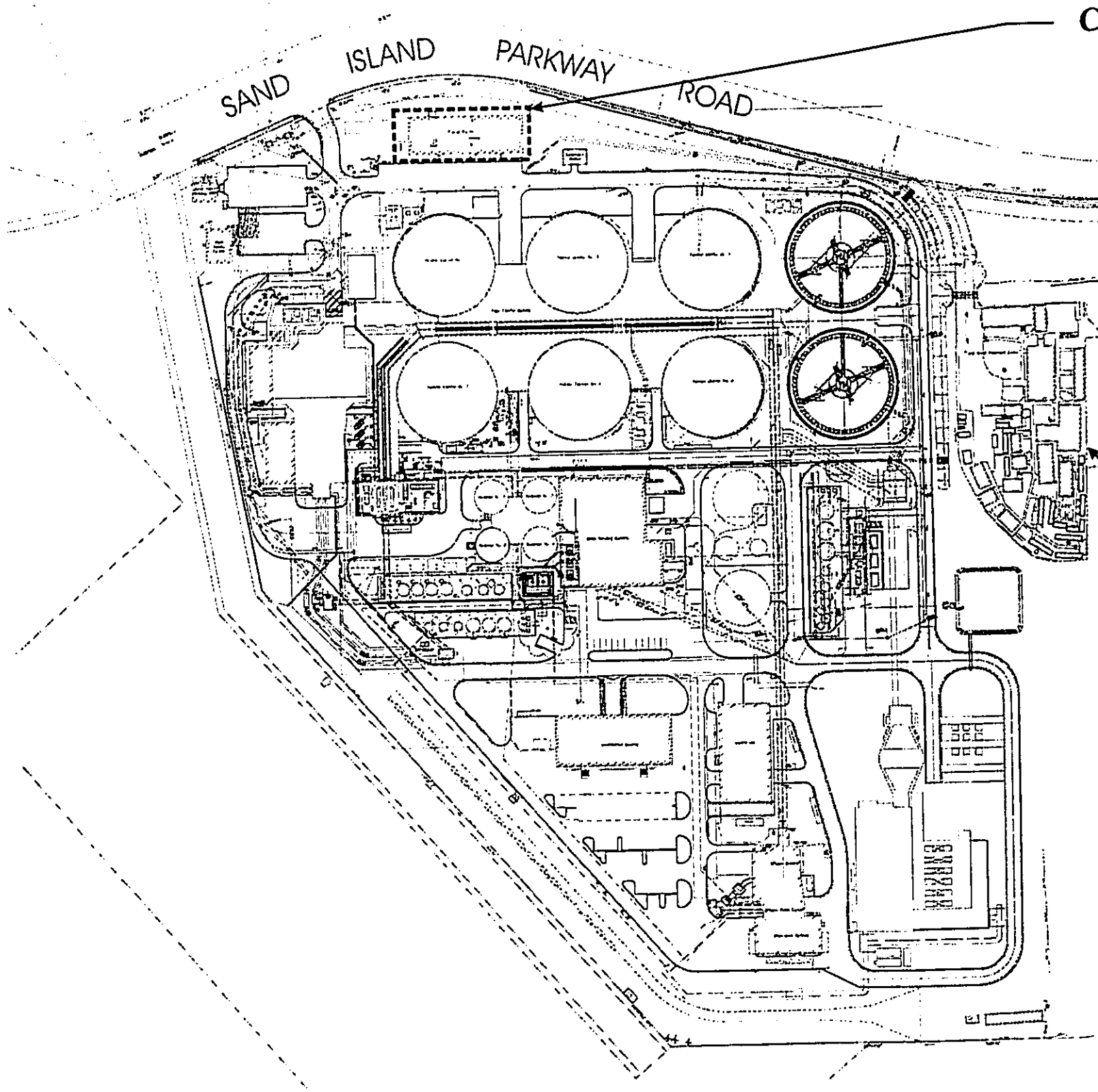
To the north are the Matson Navigation Company and the U.S. Coast Guard Station Honolulu. The Sand Island State Recreation Area is located to the southeast.

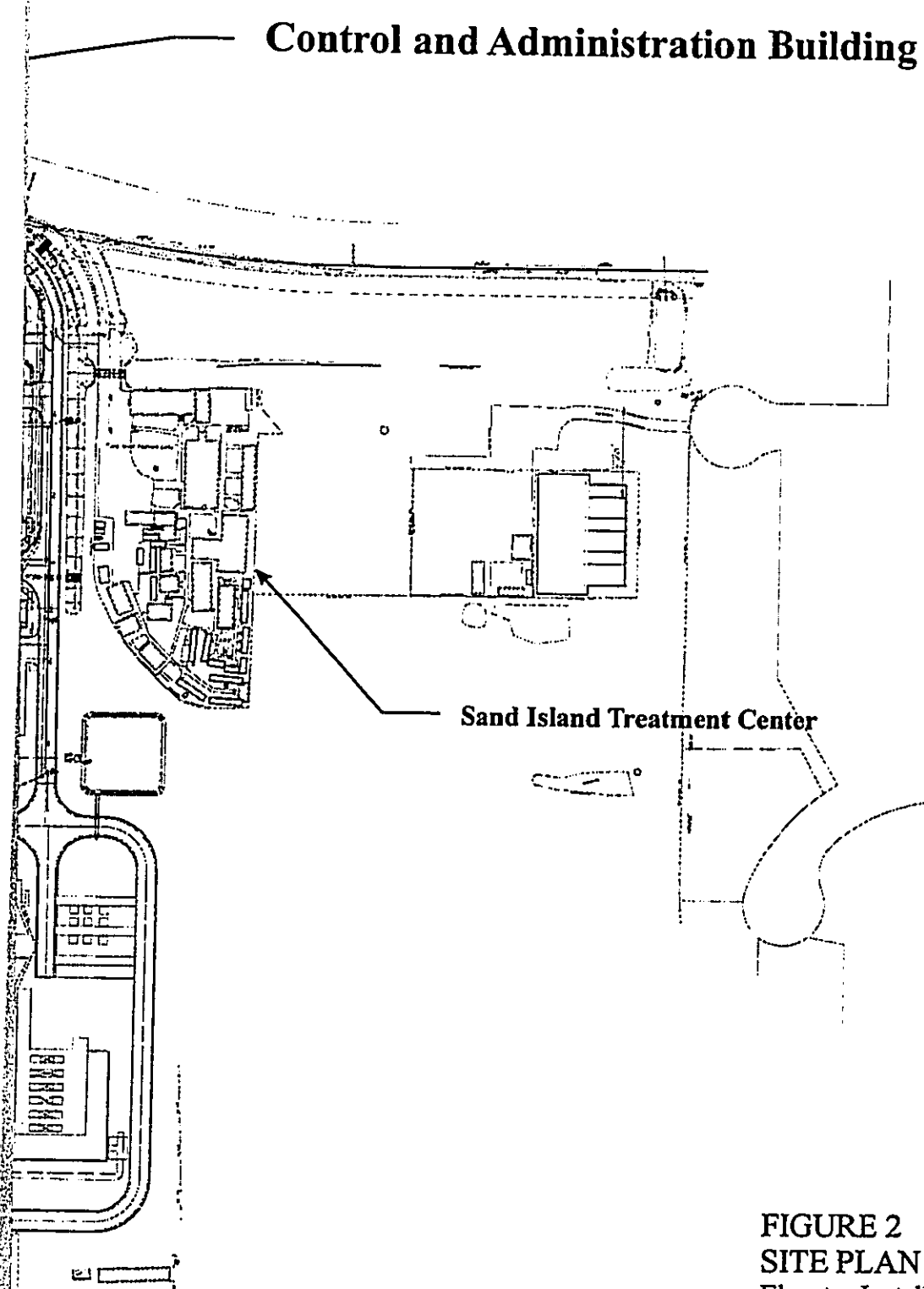




**FIGURE 1**  
**PROJECT LOCATION**  
 Elevator Installation for the Control and  
 Administration Building  
 SIWWTP Primary Expansion  
 Honolulu, Oahu, Hawaii



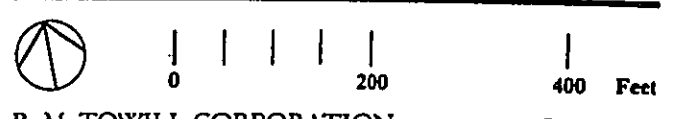




**Control and Administration Building**

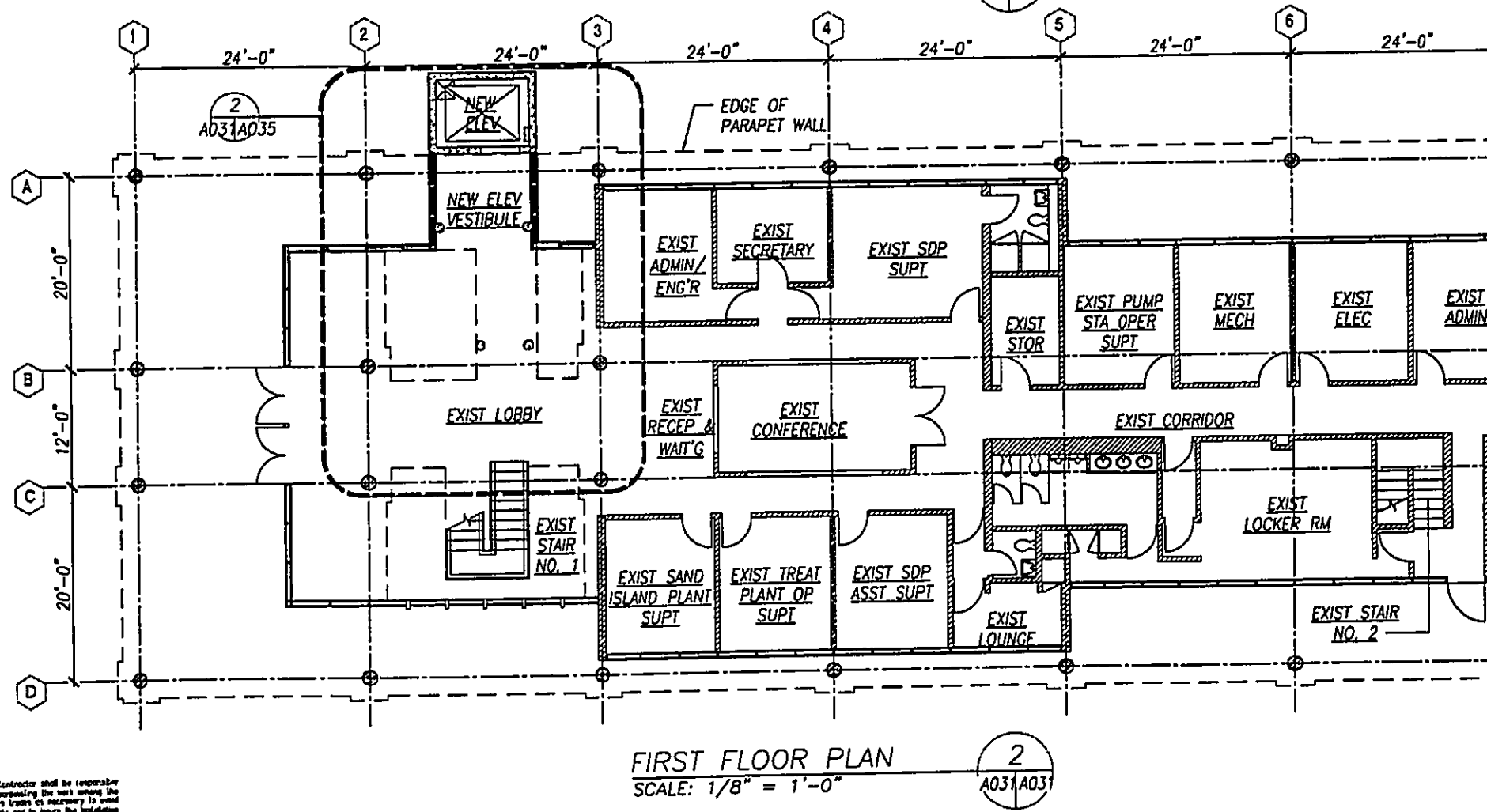
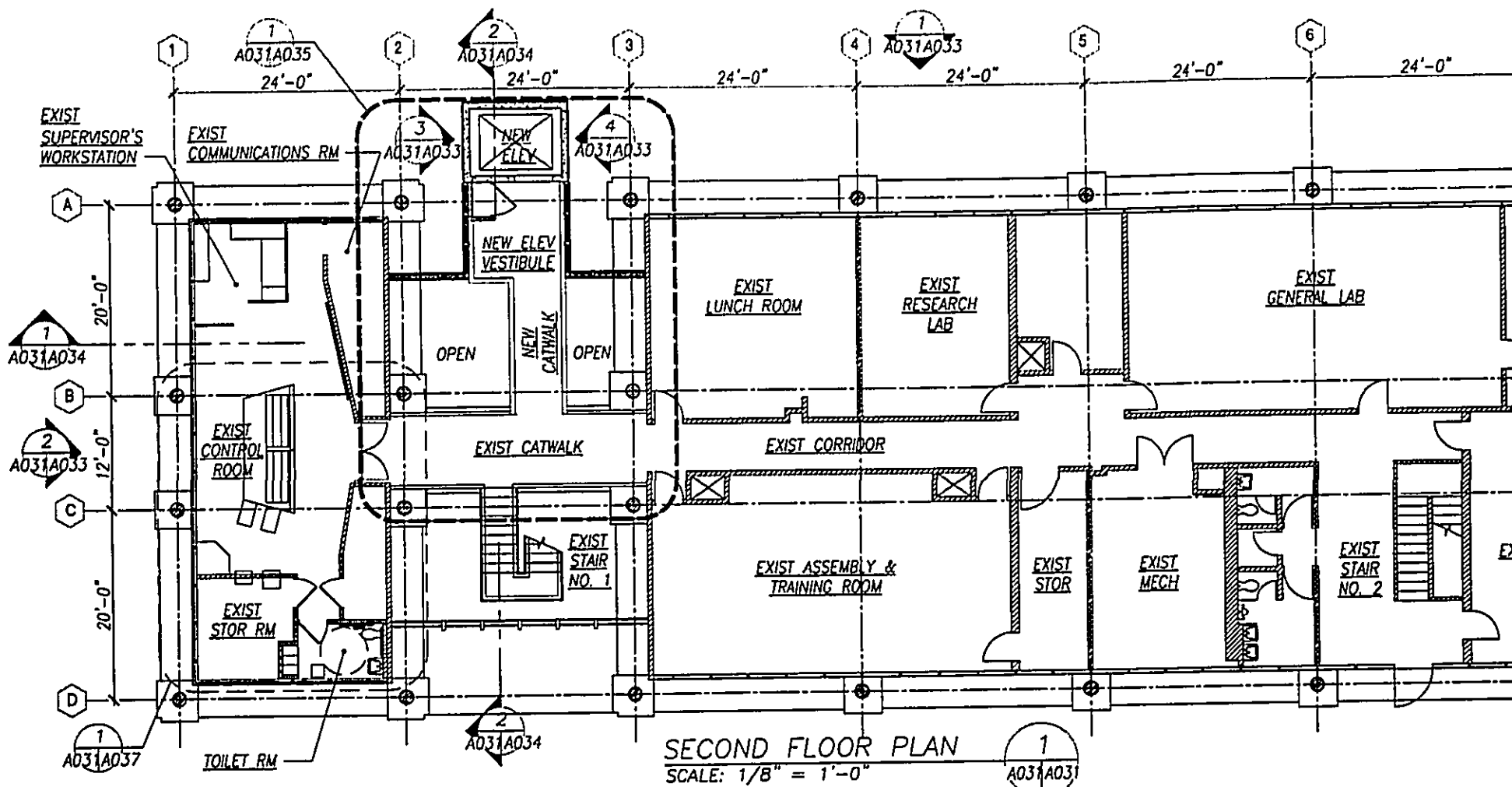
**Sand Island Treatment Center**

**FIGURE 2**  
**SITE PLAN**  
 Elevator Installation for the Control and  
 Administration Building  
 SIWWTP Primary Expansion  
 Honolulu, Oahu, Hawaii

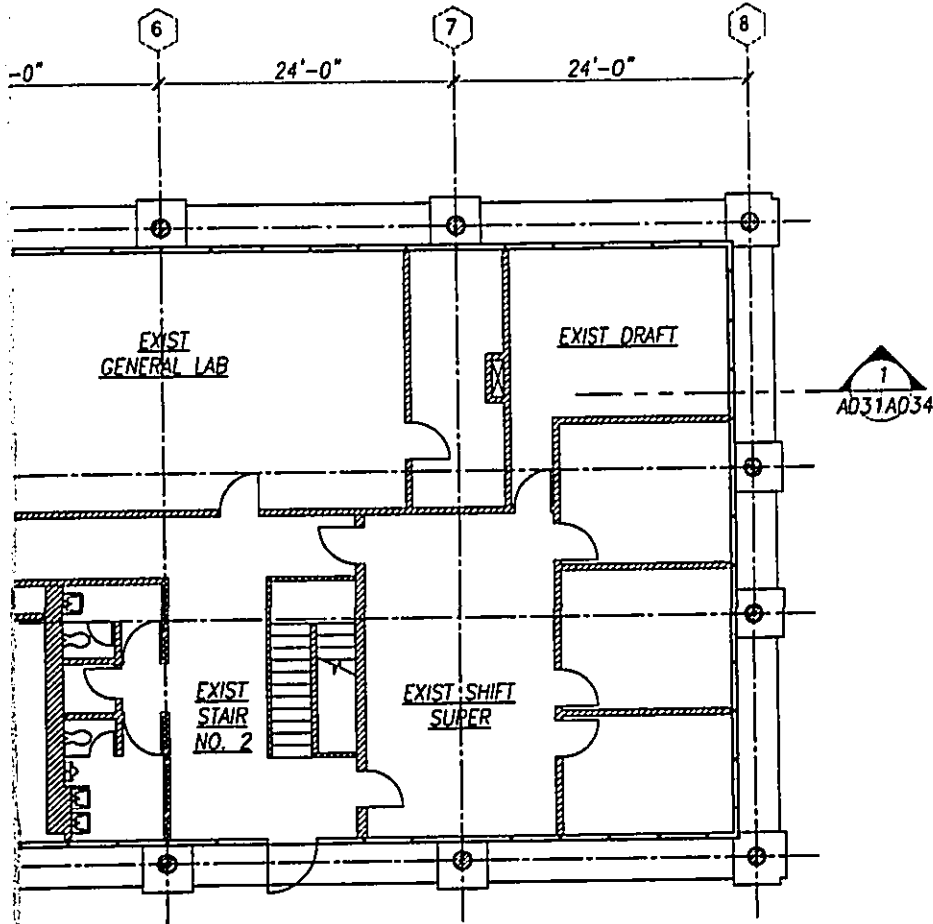



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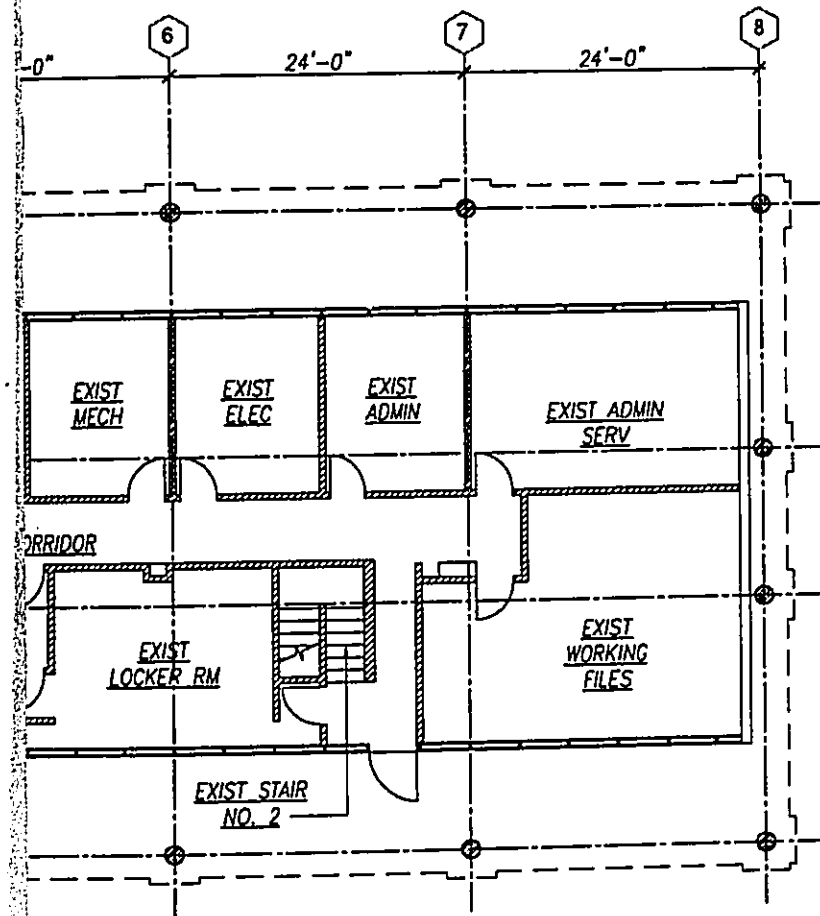
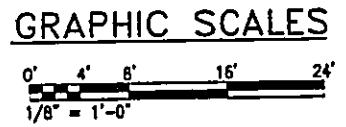



The Contractor shall be responsible for coordinating the work among the various trades as necessary to avoid conflicts and to insure the installation of all work within the available space.



 **Proposed Elevator Location**

**FIGURE 3**  
**FLOOR PLAN**  
 Elevator Installation for the Control and Administration Building  
 SIWWTP Primary Expansion  
 Honolulu, Oahu, Hawaii

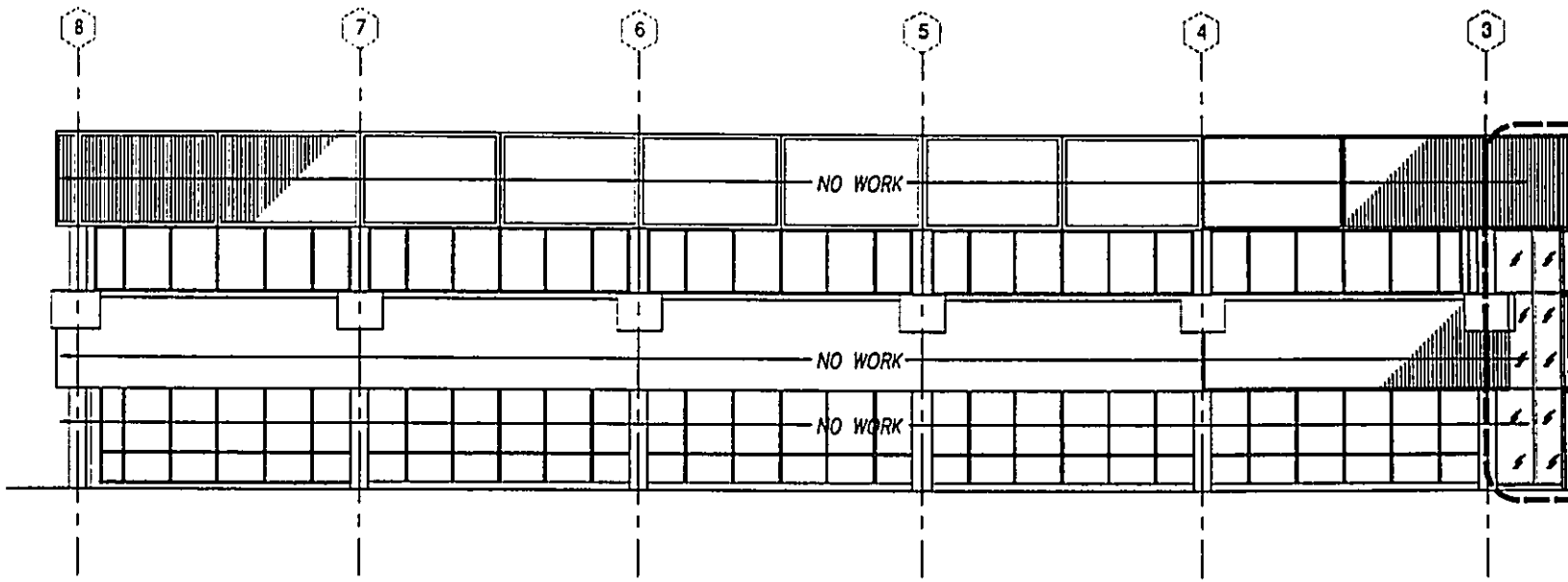


REVISION	DATE	BY	APPROVED
WASTEWATER DIVISION DEPARTMENT OF DESIGN AND CONSTRUCTION CITY AND COUNTY OF HONOLULU			
PROJECT: SAND ISLAND WWTP PRIMARY EXPANSION PHASE 1 - NEW ODOR CONTROL SYS. & GRAVITY THICKENER MODS. ARCHITECTURAL			
<b>CONTROL BUILDING</b> <b>FLOOR PLANS</b>			
OWNER: <u>  JA  </u>	SCALE: <u>  1/8"=1'-0"  </u>		
DRAWN BY: <u>  NY  </u>	CHECKED BY: <u>  JA  </u>		
SECTION MAN: <u>  </u>	BRANCH MAN: <u>  </u>		
APPROVED: <u>  </u>	DATE: <u>  </u>		
 <b>ARCHITECTS PACIFIC, INC.</b> 438-C Kapiolani Avenue, Honolulu, Hawaii 96818 Phone: (808) 737-8853, Fax: (808) 731-8853			

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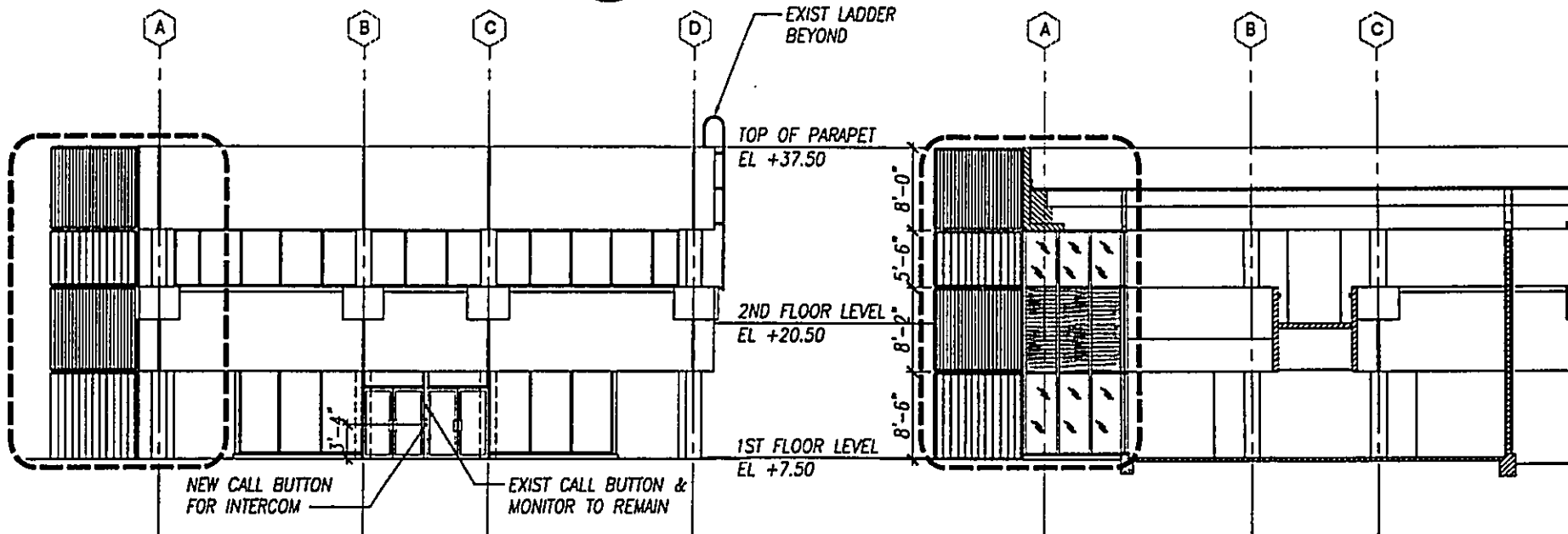
DWG. NO. **A031**      SHEET   0'  

JOB NO. **W2-04**



**NORTH ELEVATION**  
SCALE: 1/8" = 1'-0"

1  
A031/A033



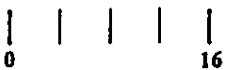
**WEST ELEVATION**  
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A031/A033

**WEST ELEVATION**  
SCALE: 1/8" = 1'-0"

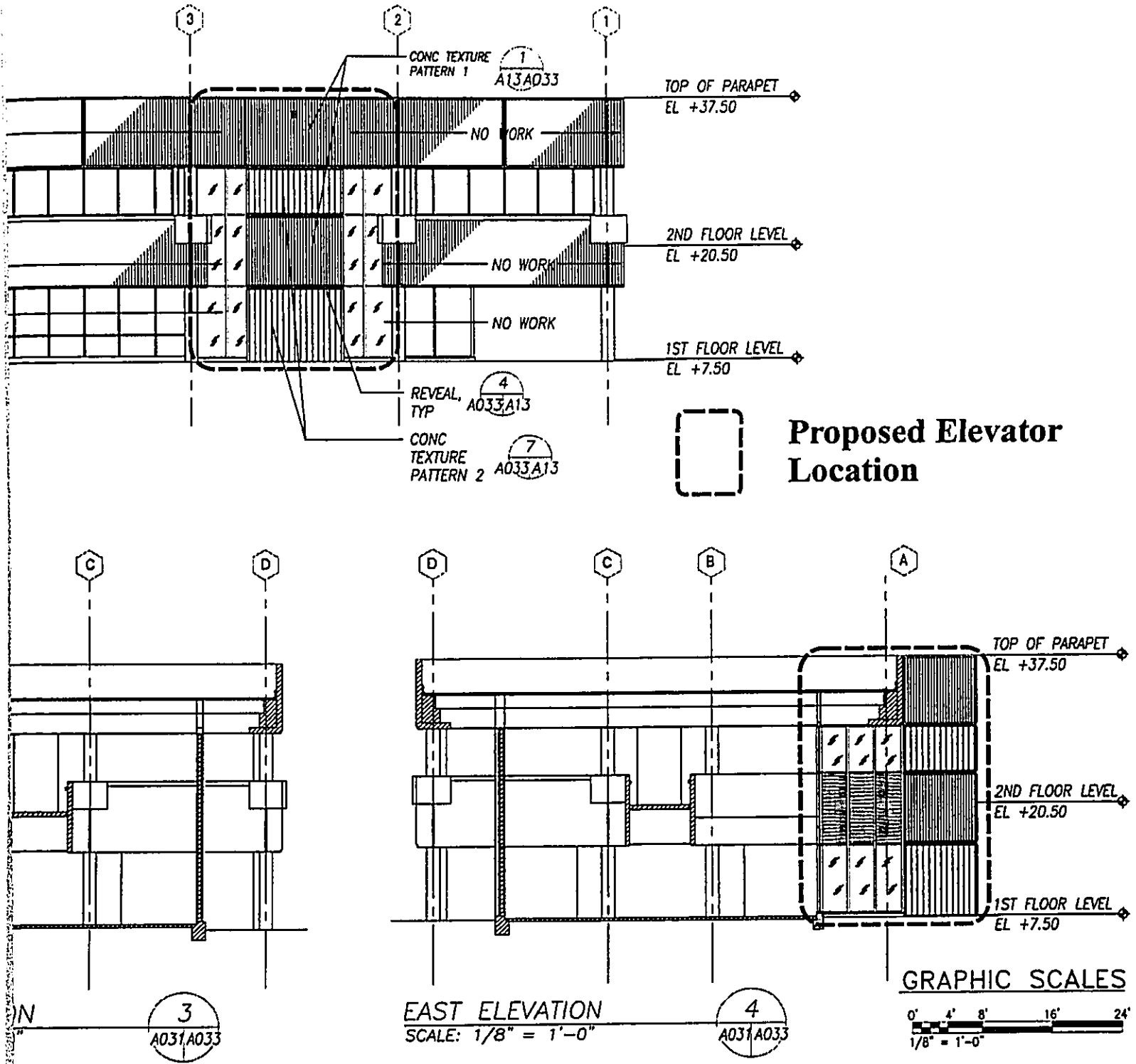
3  
A031/A033

**FIGURE 4**  
**ELEVATION PLAN**  
Elevator Installation for  
Administration Building  
SIWWTP Primary Expans  
Honolulu, Oahu, Hawaii



R. M. TOWILL CORPORATION

The Contractor shall be responsible for coordinating the work among the various trades as necessary to avoid conflicts and to insure the completion of all work within the contract period.

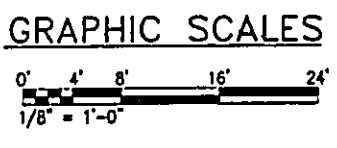


**FIGURE 4**  
**ELEVATION PLAN**  
 Elevator Installation for the Control and Administration Building  
 SIWWTP Primary Expansion  
 Honolulu, Oahu, Hawaii

0 16 32 Feet  
 R. M. TOWILL CORPORATION  
 October 2005

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DWG NO. **A033** SHEET \_\_\_ OF \_\_\_



REVISION	DATE	BY	APPROVED
WASTEWATER DIVISION DEPARTMENT OF DESIGN AND CONSTRUCTION CITY AND COUNTY OF HONOLULU			
PROJECT: SAND ISLAND WWTP PRIMARY EXPANSION PHASE 1 - NEW ODOR CONTROL SYS. & GRAVITY THICKENER MODS. ARCHITECTURAL			
CONTROL BUILDING EXTERIOR ELEVATIONS			
DESIGNED BY	SCALE	AS SHOWN	
DRAWN BY			
SECTION HEAD			
APPROVED	DATE	BY	
	04/30/05		
THE WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION AND CONSTRUCTION OF THIS PROJECT WILL BE UNDER MY SUPERVISION.			
SIGNATURE OF ARCHITECT OR ENGINEER IN CHARGE OF PREPARATION OF THESE PLANS (PRINT NAME, ADDRESS, CITY, STATE, ZIP, PHONE NUMBER, AND LICENSE NUMBER)			
<b>ARCHITECTS PACIFIC, INC.</b> 320-C KAPAHULUA AVENUE, HONOLULU, HAWAII 96816 PHONE (808) 737-8811, FAX (808) 736-8863			

JOB NO. W2-04

The Matson Navigation Company container yards and the U.S. Coast Guard Station Honolulu facility are located north of the site. The Sand Island State Recreational Area is located to the southeast at the terminus of the Sand Island Parkway Road. Vehicular access to the project site is from Sand Island Parkway Road, which connects to the Sand Island Access Road. See **Figure 1, Project Location**.

The project site is located entirely within the Special Management Area (SMA), administered by the City and County of Honolulu in accordance with Chapter 205A, Hawaii Revised Statutes (HRS), and Chapter 25, Revised Ordinances of Honolulu (ROH). See **Figure 5, SMA Boundary Map**.

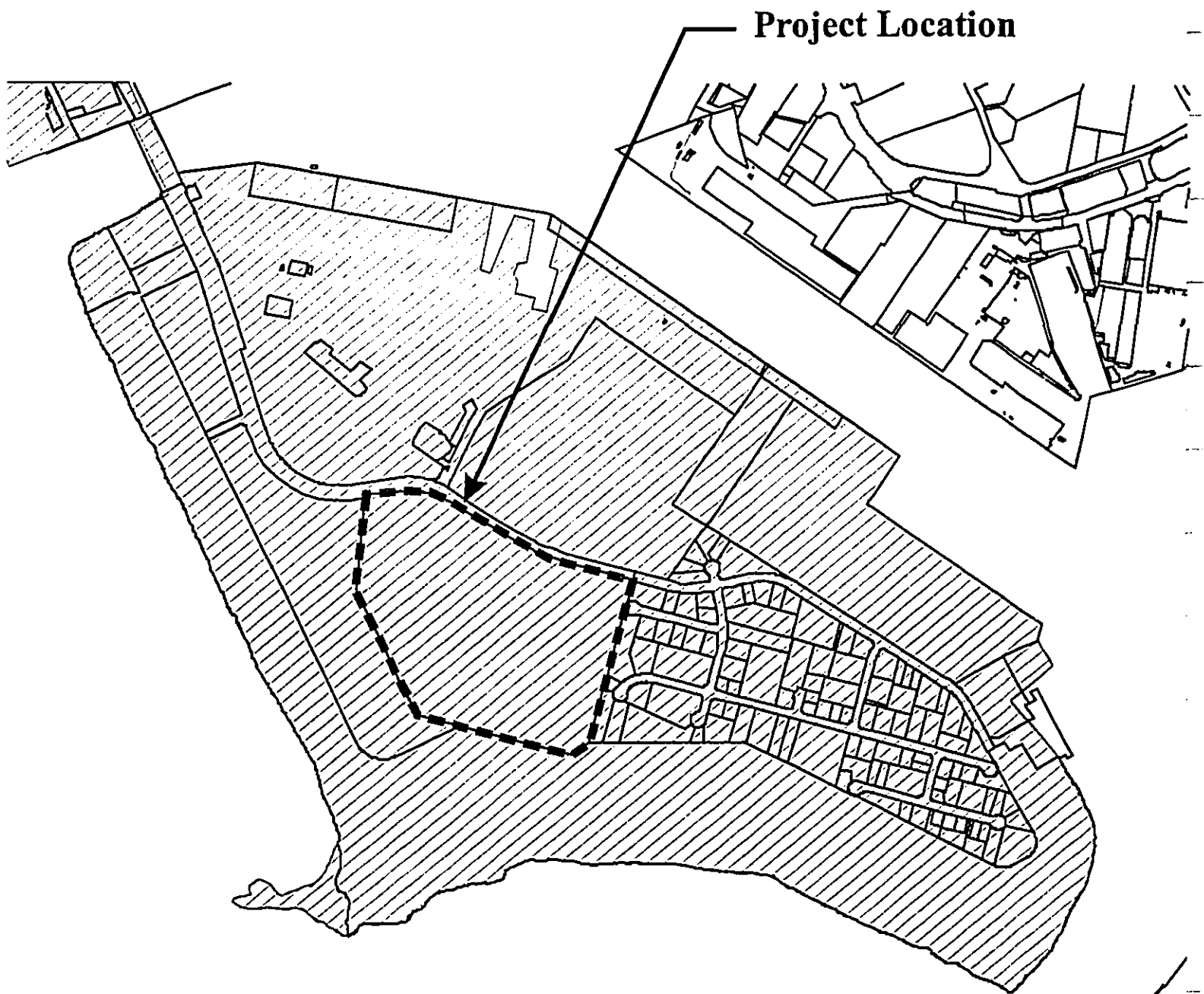
### **1.3 PURPOSE OF THE ENVIRONMENTAL ASSESSMENT**

This Final Environmental Assessment (FEA) complies with Chapter 343, HRS, Section 343-5-1, which requires the preparation of an environmental assessment for actions that “[P]ropose the use of state or county lands or the use of state or county funds, other than funds to be used for feasibility or planning studies for possible future programs or projects which the agency has not approved, adopted, or funded, or funds to be used for the acquisition of unimproved real property; provided that the agency shall consider environmental factors and available alternatives in its feasibility or planning studies.” The ownership of the subject property by the State of Hawaii and the use of City and County of Honolulu funds for construction of the project are the primary factors requiring preparation of this document.

A Draft Environmental Assessment was published for public review on the September 8, 2005 issue of the State Department of Health (DOH), Office of Environmental Quality Control (OEQC), Environmental Notice. Comments were received during the public comment period.

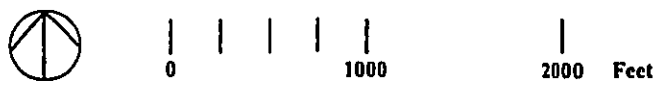
This FEA provides additional information based on the comments received that further describes the proposed project, the environmental conditions of the site, the potential for significant adverse impacts, and the application of mitigation measures as appropriate, to reduce the potential for significant environmental impacts.





 SPECIAL MANAGEMENT AREA BOUNDARY

**FIGURE 5**  
**SMA BOUNDARY MAP**  
 Elevator Installation for the Control and  
 Administration Building  
 SIWWTP Primary Expansion  
 Honolulu, Oahu, Hawaii



R. M. TOWILL CORPORATION

October 2005

## SECTION 2 PROJECT DESCRIPTION

### 2.1 PROPOSED ACTIVITIES

DDC, Wastewater Division, plans to construct a passenger elevator for the existing Control and Administration Building located at the SIWWTP. See **Figure 1, Project Location**.

The proposed improvement project will involve construction of an elevator shaft abutting the northern portion of the existing two-story Control and Administration Building. See **Figure 3, Floor Plan and Figure 4, Elevation Plan**.

The Control and Administration Building was constructed in 1975 and is a two-story structure with a building footprint of approximately 8,085 square feet (sf). See **Photo 1**. The first floor of the building has approximately 5,800 sf of floor space and provides administrative functions for the SIWWTP. The majority of the first floor space is devoted to office space. The second floor contains approximately 7,500 sf of floor space and houses the control functions of the waste water treatment plant. The second floor contains the control room, computer laboratory spaces, a training room, a lunch room and ancillary spaces necessary for daily operations. See **Figure 3, Floor Plan**.

The purpose for installation of the elevator is to provide public and employee access to a governmental facility to all persons regardless of physical disabilities in compliance with the Americans with Disabilities Act (ADA). When complete this project will facilitate the movement of people and equipment to and from the second floor in accordance with the ADA Accessibility Guidelines for Buildings and Facilities (ADAAG) (see **Appendix A**).

The ADA was signed into law in 1990 and "...prohibits discrimination on the basis of disability in employment, programs and services provided by state and local governments, goods and services provided by private companies, and in commercial facilities." The second floor of the Control and Administrative Building is currently only accessible by use of a stairwell. See **Figure 3, Floor Plan**.

The City and County of Honolulu proposes to commence construction of the elevator in March 2006 with construction lasting approximately 6 months. The proposed elevator construction will cost approximately \$800,000. The elevator construction is a small part of the Primary Expansion project.

The purpose of the Primary Expansion Project is to comply with the conditions of a consent decree, increase capacity to meet future wastewater demand, and replace equipment that are nearing the end of their useful service. The consent decree was entered on November 19, 1991 as a result of an action brought by the Sierra Club Legal Defense Fund and Hawaii's Thousand Friends. The Primary Expansion project is designed to improve the plant's hydraulic capacity, increase solids removal efficiency, increase solids handling capacity and provide auxiliary facilities to support the increased flows and accommodate the changes in process and operations.

The main improvements include converting the Primary Clarifiers from Dissolved Air Flootation to gravity mode; upgrading and modifying the influent channels; constructing new effluent lines; upgrading and refurbishing the gravity thickeners and wet sludge storage tanks; constructing a new solids chemical building and feed system; installing new odor control systems for the Headworks, Primary Clarifiers and Solids processes; Supervisory Control and Data Acquisition (SCADA) system upgrades; installation of new sewage, drainage, and water systems; and installation of new electrical facilities. Environmental permits required for the Primary Expansion project will include the following:

#### **FEDERAL**

Department of the Army Corps of Engineers

- Wetlands coordination, as required

#### **STATE OF HAWAII**

Department of Health

- NPDES Notice of Intent (NOI) Form C – Construction Storm water Discharges
- NPDES NOI Form F – Hydrotesting Discharges
- Underground Injection Control Permit
- Community Noise Permit/Community Noise Variance
- Construction Plan Review and Approval
- Air Quality Permit

Department of Transportation

- Right of Way Coordination

## **CITY AND COUNTY OF HONOLULU**

### **Department of Planning and Permitting**

- Special Management Area Use Permit
- Construction Plan Review and Approval
- Building Permit
- Grading, Grubbing and Stockpiling Permit
- Permit for (Clarifier) Tank Installation
- Flood District Certification (if required)

### **Honolulu Fire Department**

- Application for Tank Installation

(Final Environmental Assessment for the Sand Island Wastewater Treatment Plant Modifications and Expansion, R.M. Towill Corporation, 2001)

The Primary Expansion project will cost approximately \$190 million and will be funded by the City & County of Honolulu. The Primary Expansion project is expected to commence in mid-2006 with construction anticipated for a period of approximately 24 months.



Photo 1: View of Control and Administration Building facing East

## SECTION 3 ALTERNATIVES TO THE PROPOSED ACTION

### 3.1 INTRODUCTION

Three alternatives were identified for this proposed project: The No Action Alternative; Delayed Action; and the Preferred Alternative.

### 3.2 NO ACTION ALTERNATIVE

The No Action Alternative would involve no further changes or alteration of the Control and Administration Building to provide disabled persons access to the second floor. Because no new construction to modify the existing structure would be required: funds related to construction of the project would not be expended; the potential for environmental impacts disclosed in this EA would be precluded; and there would be no disruption to SIWWTP personnel for the temporary duration of work necessary to install the proposed elevator and accessory improvements.

The No Action Alternative would also not comply with the provisions of the ADA that require access for disabled persons. This continued situation involving nonconformity could subject the City and County of Honolulu to future liability based on the inability of disabled persons (public persons or employees) to access the second floor of the facility.

Because the No Action Alternative does not accomplish the stated purpose for this project, which is to comply with the regulatory requirements of the ADA, it is not considered a viable nor acceptable alternative.

### 3.3 DELAYED ACTION ALTERNATIVE

The Delayed Action Alternative is similar to the preferred alternative, but prolongs the start of construction for an indefinite period. This situation would:

- Delay conformity of the Control and Administration Building with ADA regulations;

- The second floor of the building would continue to be non-accessible to disabled persons;
- The potential for environmental impacts disclosed in this EA would be avoided until such time that the project is completed;
- There would be the continued potential liability for the City and County of Honolulu; and
- Project costs would be likely to be higher given increased costs for design and construction of the project.

The Delayed Action Alternative, like the No Action Alternative would fail to accomplish the purpose for the project which is to modify the Control and Administration Building to conform to ADA regulations.

Because the Delayed Action Alternative does not meet the purpose for this project it is similarly not considered a viable nor acceptable alternative.

### **3.4 PREFERRED ALTERNATIVE**

The Preferred Alternative involves the construction of a new elevator and accessory improvements to provide access to and from the second floor of the Control and Administration Building. The elevator would be located on the northern side of the Control and Administration Building and will meet the objective of conforming to ADA regulations. This will include providing a continuous path of travel and will accommodate ease of access to disabled persons. It will also facilitate the movement of heavy equipment and materials to and from the second floor of the building.

Because the Preferred Alternative will meet the purpose for this project and can be constructed in compliance with the provisions of Chapter 343, HRS, it is the desired and selected alternative.

**SECTION 4**  
**DESCRIPTION OF THE AFFECTED ENVIRONMENT,**  
**IMPACTS AND MITIGATION**

**4.1 PHYSICAL ENVIRONMENT**

**4.1.1 CLIMATE**

South Oahu has a mild semitropical climate which is characterized by abundant sunshine, persistent northeast tradewinds, relatively constant temperatures and moderate humidity. Severe storms are infrequent in this region of Oahu.

Mean monthly temperatures range from mid-80° Fahrenheit (F) in the summer months, to low-70° F during the winter. Annual average rainfall is less than 30 inches with most of the rainfall occurring between the months of October and March.

**Potential Impacts and Mitigation Measures**

The proposed project will have no impacts on the existing climate of the region. Mitigation measures will not be required.

**4.1.2 TOPOGRAPHY AND SOILS**

The Control and Administration Building is located at the northern boundary of the SIWWTP property. The SIWWTP is located in the approximate center of Sand Island (see Figures 1 & 2). The project site is relatively flat with ground elevations of between 5 to 10 feet relative to mean sea level (msl).

Information on soil type found at the site was obtained from the Soil Survey of Islands of Kauai, Oahu, Maui, Molokai, and Lanai, State of Hawaii, U.S. Department of Agriculture, 1972. According to the Soil Survey, the soil associations at the project site are classified as "Fill Land, mixed" (FL) and "Jaucas Sand, 0-15 percent slopes" (JaC), which consist of material dredged from the ocean or hauled from nearby areas.

Soil sampling was conducted at the project site in early December 2002 to assess the potential for soils contamination by toxic or hazardous constituents previously identified by Hawaiian Electric Company in November 2001. The Environmental Site Investigation, Additional Sampling Investigation, Sand Island Wastewater Treatment Plant, Environet, February 2003, did not identify any constituents of concern at the subject project site that would require further remedial action. According to the report the area fronting the Control and Administration Building was found to contain "...polychlorinated biphenyl soil concentrations less than the Environmental Protection Agency Region 9 Residential Preliminary Remediation Goal of 0.22 milligrams per kilogram. The re-use of soil excavated from these areas shall be considered as unrestricted and may be reused on- or off-site without restriction." The report further notes that soils found within this area, "contain PCB soil concentrations of less than the Hawaii State Department of Health Soil Action Level of 1.0 milligram per kilogram with over 95 percent of the soil in this area containing less than 0.22 milligrams per kilogram" (Executive Summary, p. 1). Please see **Appendix C, Environmental Site Investigation – Additional Sampling Investigation.**

#### Potential Impacts and Mitigation Measures

Earthwork will consist of minor excavation (approximately 20 cubic yards) to install the elevator foundation. It is the City and County's policy for this project that excavated material that cannot be reused or recycled for this project will be stockpiled on site. All soil material will remain on site. Excess soil stockpile location will be determined by the construction manager. The project contractor will handle the excess soil in accordance with State and City & County regulations.

Soils sampling at the project site was completed as part of the Environmental Site Investigation that was completed in February 2003. The finding of the report indicated no further adverse effects associated with contaminated soils.

During construction, silt fences and other necessary erosion control measures will be utilized to prevent construction storm water runoff from entering nearby existing drainage inlets. No further mitigation measures are anticipated or required.



#### 4.1.3 SURFACE WATER

There are no surface water resources nearby to the site that could be negatively affected by this project. Class "A" waters of Honolulu Harbor are located offshore of Sand Island (Department of Health, Clean Water Branch, Water Quality Standards Map of the Island of Oahu). However, the scope and scale of the proposed project will be sufficiently limited to avoid potential for impacts associated with storm water runoff (see Potential Impacts and Mitigation Measures).

##### Potential Impacts and Mitigation Measures

During construction, storm water may carry soil and sediment from the project site into nearby drainage inlets. Silt fences and other necessary erosion control measures will be utilized to prevent any construction storm water runoff from entering any nearby existing drainage inlets. No further mitigation measures in regards to surface water are anticipated.

#### 4.1.4 FLORA/FAUNA

The project site is within an urbanized industrial area of Honolulu. The area is composed of fill material and has been used for industrial activities for many decades. No threatened or endangered flora or fauna are known to inhabit the site.

Plants in the general vicinity of the project site are limited to introduced and exotic grasses and weedy species. The general area around the project site is sparsely vegetated consisting of Kiawe trees (*Prosopis pallida*), Castor Bean shrubs (*Ricinus communis*) Koa Haole (*Leucaena leucocephala*), Wild Tobacco (*Nicotiana glauca*) and Indian fleabane (*Pluchea indica*). Vegetation in the immediate vicinity of the Control and Administration Building are landscape species including St. Augustine grass (*Stenotaphrum secundatum*) and Macarthur palms (*Ptychosperma macarthurii*). Some of the landscaped plant may require temporary removal to allow construction of the elevator.

Several introduced fauna including the Common Indian Mynah (*Acridotheres tristis*), House Sparrow (*Passer domesticus*), Spotted or Lace-necked Dove (*Streptopelia chinensis*), Zebra Dove (*Geopelia striata*), and Cardinal (*Cardinalis cardinalis*) may be present at the project location.

#### Potential Impacts and Mitigation Measures

The proposed project site is located within the SIWWTP. Rare, threatened, or endangered flora or fauna are not known to utilize the site for habitat or foraging purposes. Potential for adverse impacts to such species are not anticipated.

Introduced and exotic avifauna may be temporarily disturbed during construction. However, no adverse impacts beyond the temporary loss of use of the area are expected. As required, vegetation may be replanted following completion of work to ensure soil stability and for aesthetic purposes.

#### 4.1.5 SCENIC AND VISUAL RESOURCES

The project area is located in an industrial area containing several large commercial/industrial buildings and other structures including fuel tanks and the tall gantry cranes associated with container yard operations. The SIWWTP has existing large clarifier, sludge dewatering and thickening equipment that are used in the treatment of waste water. North of the site and across from the Sand Island Parkway Road is the Sand Island Container Yard and Wharf, and the State Department of Transportation, maritime use area. The western boundary of the project area abuts uncleared public land. East of the project site is a general industrial subdivision with auto repair, metal recycling and waste reclamation, and related industrial and light industrial uses.

#### Potential Impacts and Mitigation Measures

The elevator shaft will be constructed to be at the same elevation as the existing height of the Control and Administration Building (see **Figure 4**). The proposed site improvement will be consistent with the surrounding industrial land uses and will not significantly alter existing views.

Due to the limited scope of the proposed project, no mitigation measures are proposed or recommended. As noted, vegetation surrounding the area of the elevator shaft may be replanted for stormwater control and aesthetic purposes.

#### **4.1.6 HISTORIC/ARCHAEOLOGICAL RESOURCES**

The proposed construction is within a heavily industrialized area and on land that is comprised entirely of fill material. The site has also been previously disturbed during construction of the existing SIWWTP. No historic or archaeological sites are known within the area and none are expected due to the constructed nature of Sand Island which was constructed primarily of fill material.

##### *Potential Impacts and Mitigation Measures*

The proposed project is not expected to result in potential for negative adverse impacts to historic or archaeological resources. It is highly unlikely that significant historic or archaeological resources are present at the project site. However, should any unidentified deposits be uncovered during construction, work will cease in the immediate area and the State Historic Preservation Office, Department of Land and Natural Resources, will be notified for further coordination and instructions. See also **Section 7, Cultural Impact Assessment**.

#### **4.1.7 BEACH EROSION AND SAND TRANSPORT**

The proposed project will take place entirely within the fast (dry) lands of the project boundary. The closest point along the coastline is located approximately 1,500 feet to the southwest. No activities will directly affect shoreline properties.

##### *Potential Impacts and Mitigation Measures*

The project is not expected to impact beach areas nor influence sand transport or beach/coastal processes. Mitigation measures to address beach erosion and sand transport are neither anticipated nor recommended.

#### **4.1.8 NOISE**

The project site is subject to noise generated from the existing SIWWTP. Other existing noise sources include aircraft overflights within the 70 DNLA noise contour of the Honolulu International Airport (DNL is a measure of noise, in decibels, within areas surrounding airports); industrial activities from light industrial parcels located east of the site involving auto repair,

metal recycling and recovery, and related activities; and traffic from the nearby Sand Island Parkway Road.

Construction equipment is expected to include, but not be limited to, a compactor, grader, bulldozer, concrete mixers, concrete delivery trucks, cranes, welders and powered hand tools.

#### Potential Impacts and Mitigation Measures

The Sand Island Treatment Center, run by the Hawaii Alcoholism Foundation is located approximately 800 feet from the project site. The facility provides care for citizens suffering from substance-related disorders. It is the closest facility that has full-time 24-hour residency. However, because of the distance and location of work on the far side of the SIWWTP from the Sand Island Treatment Center, construction generated noise is not expected to significantly impact the residents.

Although the project will involve some generation of noise, the work will be short in duration, located in a highly industrial area, and away from residential areas. All equipment will be muffled in accordance with standard engine operating practices. Upon construction completion, no further noise impacts will occur.

No further mitigation measures are proposed.

#### 4.1.9 AIR QUALITY

Hawaii lies within the Northern Hemisphere Hadley Cell, which is responsible for persistent northeast trade winds. Consequently, air quality is relatively good. The Sand Island area is located within an industrial area that generally receives favorable trades.

#### Potential Impacts and Mitigation Measures

During construction, fugitive dust could be generated. Where applicable, fugitive dust will be controlled with dust fences and regular wetting of soils disturbed areas by the contractor.

Construction activities are expected to have little or no impact since the project will be of limited duration and where engine exhausts may be a source of potential air pollution, all

internal combustion equipment will be governed in accordance with applicable Federal, State and City & County regulations. As required, all machinery and vehicles will be required to be in proper working order with appropriate use of mufflers.

No further mitigation measures with regards to air quality are anticipated.

#### **4.1.10 WATER QUALITY**

Potential for impacts to water quality will be limited to erosion and storm water runoff from the project site discharging into Honolulu Harbor.

##### **Potential Impacts and Mitigation Measures**

Construction activity will temporarily expose soils on the property, however silt fences, berms and other applicable erosion control measures including revegetation, will be utilized to prevent soil and other construction debris from washing into any existing drainage inlets. If required, exposed soils will be covered with PVC sheet plastic or similar material to prevent inadvertent contact and mixing with storm water. Additionally, construction will be done in such a manner as to minimize the exposure time of uncovered soils.

With the stated mitigation measures above, the proposed project will have minimal to no impact to water quality. No further mitigation measures are proposed.

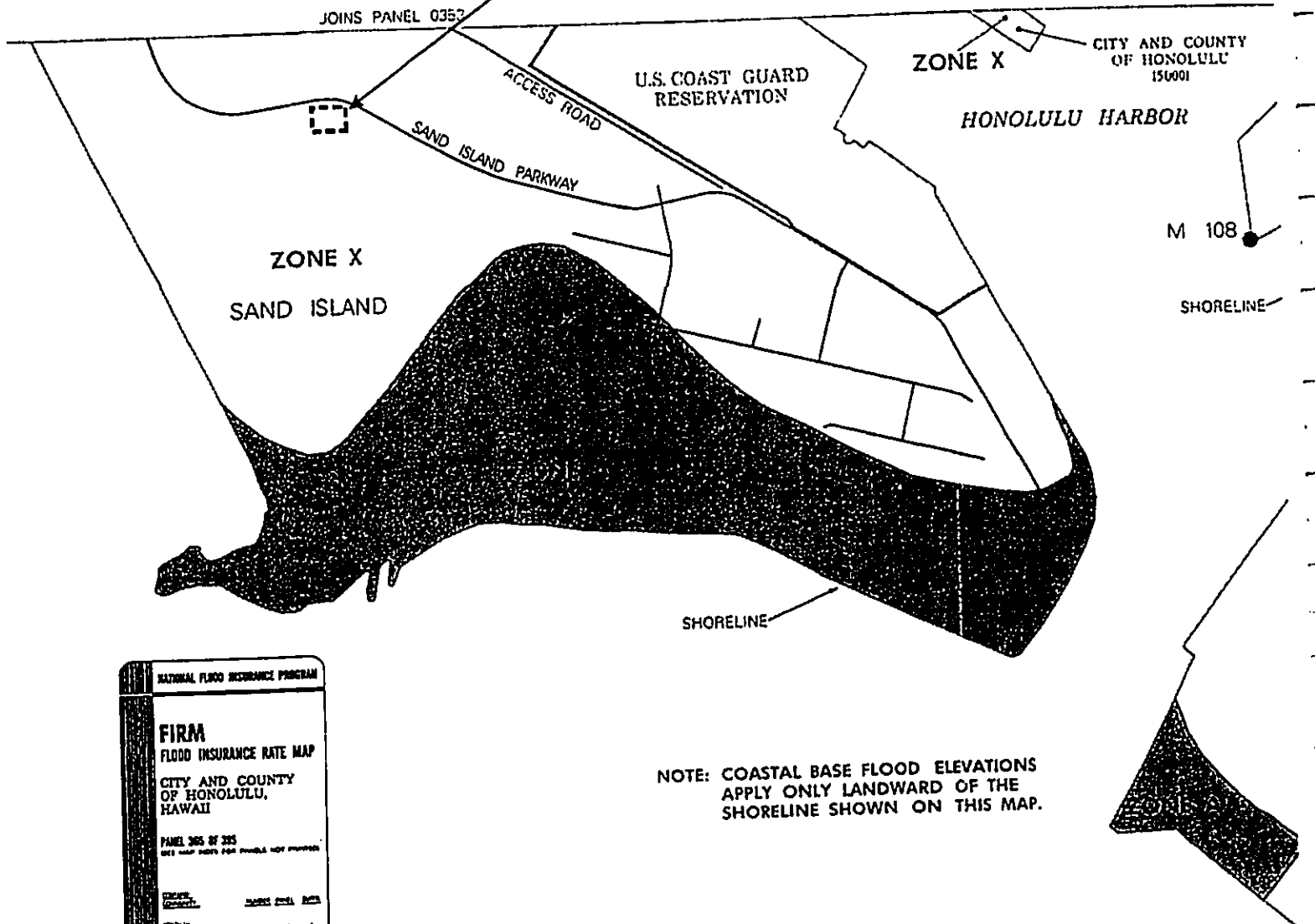
#### **4.1.11 FLOOD HAZARD**

The subject property is located on Sand Island. According to FEMA FIRM Map No. 15003C0365 E, dated November 20, 2000, the project site is in an area designated as Zone X. See **Figure 6, FEMA FIRM Map**. The Zone X designation is used for areas outside the 1-percent annual chance floodplain.

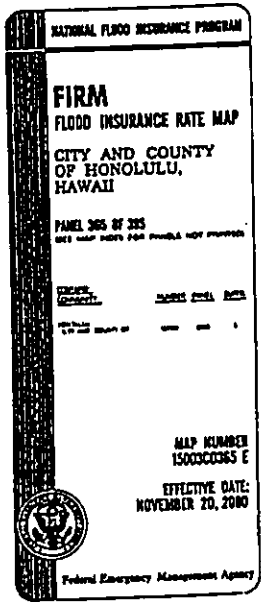
##### **Potential Impacts and Mitigation Measures**

The proposed facility improvement is not expected to have significant impacts on flood conditions therefore, no mitigation measures are proposed.

# Project Location

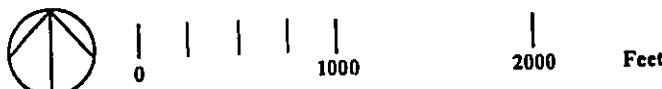


NOTE: COASTAL BASE FLOOD ELEVATIONS APPLY ONLY LANDWARD OF THE SHORELINE SHOWN ON THIS MAP.



Zone X is the flood insurance rate zone that corresponds to areas outside the 1-percent annual chance floodplain. No Base Flood Elevations or depths are shown within this zone. Insurance purchase is not required in these zones.

**FIGURE 6**  
**FEMA FIRM MAP**  
 Elevator Installation for the Control and Administration Building  
 SIWWTP Primary Expansion  
 Honolulu, Oahu, Hawaii



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## **4.2 PUBLIC FACILITIES**

### **4.2.1 ACCESS**

The SIWWTP is located at the approximate center of Sand Island and is not located adjacent to the shoreline. Existing shoreline access is provided by the Sand Island Parkway Road leading to Sand Island State Park located on the southern portion of Sand Island, and from various locations adjacent to the Parkway (see Figure 1). Construction activities will take place entirely within the project site. The facility is used as a major municipal waste water treatment plant serving the majority of urban Honolulu. Public access to the shoreline through the plant facility is therefore limited for security and public safety reasons. An existing perimeter fence restricts unauthorized access.

#### **Potential Impacts and Mitigation Measures**

The proposed project will not impact the public or the ability of the public to access the shoreline. Lateral access along the shoreline will not be affected by the project except through the gated SIWWTP property.

Because the proposed activities will be limited to work within the subject property, no significant adverse impacts to public access are anticipated and therefore no mitigation measures are proposed.

### **4.2.2 TRAFFIC AND ROADWAYS**

Sand Island Parkway Road is the major thoroughfare serving Sand Island. The majority of the traffic near the project site is generated by surrounding activities, including the transportation of shipping containers from Honolulu Harbor to other locations; the U.S. Coast Guard Station Honolulu; the Sand Island State Recreational Area; and a number of small businesses located in the area. No significant increase in traffic associated with the proposed elevator project is expected.

### Potential Impacts and Mitigation Measures

On a short-term basis construction-related work on the proposed project may impact traffic flow on Sand Island Access Road. However due to its limited scope, the proposed action is not expected to significantly alter the total volume of traffic on Sand Island Access Road during construction. Traffic volumes are expected to return to preconstruction conditions once construction is complete.



**SECTION 5**  
**RELATIONSHIP TO STATE AND COUNTY LAND USE**  
**PLANS AND POLICIES**

**5.1 STATE LAND USE DISTRICT**

The project site and the surrounding area are within the State Urban District.

**5.2 GENERAL PLAN**

The proposed facility improvement is consistent with the following objectives and policies of the City and County of Honolulu's General Plan:

*V. Transportation & Utilities*

*Objective C*

*To maintain a high level of service for all utilities.*

*Policy 3*

*Plan for the timely and orderly expansion of utility systems.*

The proposed project is part of a multi-phased improvement project that will expand and upgrade the SIWWTP.

*Objective D*

*To maintain transportation and utility systems which will help Oahu continue to be a desirable place to live and visit.*

*Policy 1*

*Give primary emphasis in the capital-improvement program to the maintenance and improvement of existing roads and utilities.*

As stated above, this proposed project is part of a multi-phased improvement project to expand and upgrade the SIWWTP.

*Policy 4*

*Evaluate the social, economic, and environmental impact of additions to the transportation and utility systems before they are constructed.*

The installation of the elevator at the Control and Administration Building will conform to ADA regulations to ensure adequate access to public facilities by people with disabilities. The current building lacks adequate access for the disabled and therefore creates a potential liability for the City and County of Honolulu. The proposed project will provide the necessary access requirements.

**5.3 PRIMARY URBAN CENTER DEVELOPMENT PLAN**

The project site is designated for Industrial use in the Primary Urban Center Development Plan Land Use Map (March 2004). See **Figure 7, PUC Development Plan**. The proposed project will maintain the existing industrial land use of the site.

**5.4 CITY AND COUNTY OF HONOLULU - ZONING**

The project site is designated I-3, Waterfront Industrial District. See **Figure 8, Zoning**. The intent of the I-3, Waterfront Industrial District, is to set apart and protect areas considered vital to the performance of port functions and to maintain their efficient operation. This zoning designation is intended to permit a full range of facilities necessary for the successful and efficient performance of port functions. It is also intended to exclude uses which are not only inappropriate but which could locate elsewhere (Chapter 21 - Land Use Ordinance, Section 21-3.130(f)).

The proposed activity will upgrade the existing Control and Administration Building located at the SIWWTP. SIWWTP, Oahu's largest waste water treatment facility serving the majority of the population in urban Honolulu, also receives waste water from port-related facilities as well as ships visiting Honolulu Harbor. The proposed project is consistent with supporting the designated land use.

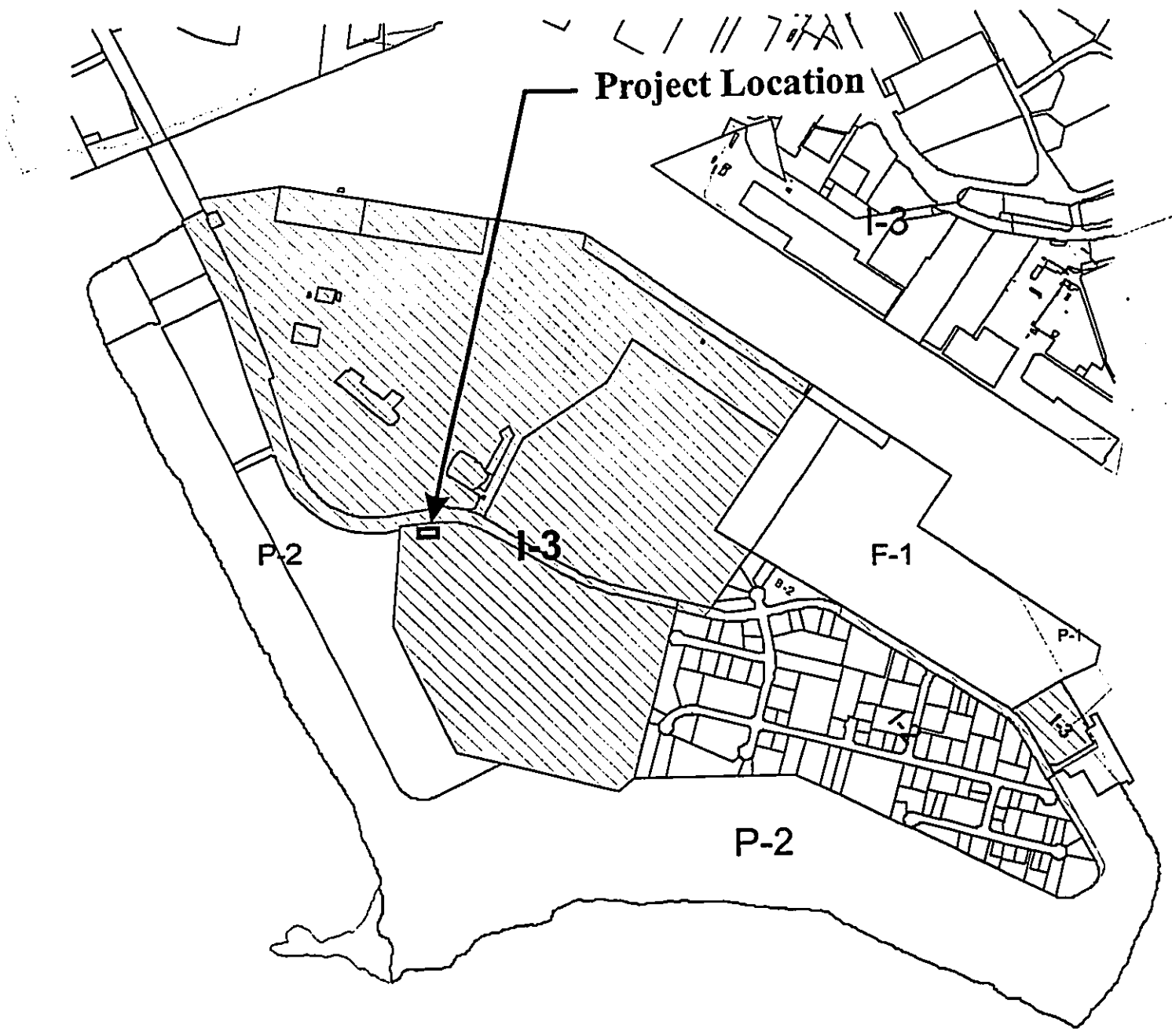


**FIGURE 7**  
**PRIMARY URBAN CENTER**  
**DEVELOPMENT MAP**  
 Elevator Installation for the Control and  
 Administration Building  
 SIWWTP Primary Expansion  
 Honolulu, Oahu, Hawaii

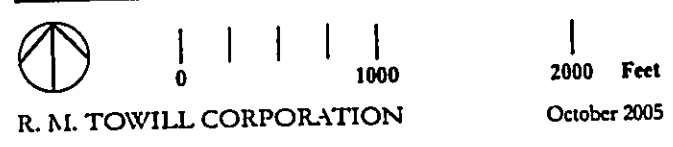


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**FIGURE 8**  
**ZONING**  
 Elevator Installation for the Control and  
 Administration Building  
 SIWWTP Primary Expansion  
 Honolulu, Oahu, Hawaii



## 5.5 SPECIAL MANAGEMENT AREA

The City and County of Honolulu has designated the shoreline and certain inland areas of Oahu as being within the Special Management Area (SMA). SMA areas are designated sensitive environments that should be protected in accordance with the State's Coastal Zone Management policies, as set forth in Revised Ordinances of Honolulu (ROH), Chapter 25, Shoreline Management, and Hawaii Revised Statutes (HRS), Section 205A, Coastal Zone Management.

As indicated in Figure 5, the entire project site is within the SMA area.

### 5.5.1 SPECIAL MANAGEMENT, SECTION 25, ROH

The potential effects of the proposed project were evaluated based on the review guidelines in Section 25-3.2 of the ROH. The following summarizes the applicability of the guidelines to the proposed improvement to the Sand Island Terminal project:

*(a) All development in the Special Management Area shall be subject to reasonable terms and conditions set by the Council to ensure that:*

*(a.1) Adequate access, by dedication or other means, to publicly owned or used beaches, recreation areas and natural reserves is provided to the extent consistent with sound conservation principles;*

The proposed project involves construction of an elevator in the existing Control and Administration Building at the SIWWTP on Sand Island in Honolulu, Oahu. The closest publicly owned and used beach park area is the Sand Island State Recreational Area to the southeast of the project site. Access to both the SIWWTP and the Sand Island State Recreational Area is along Sand Island Parkway Road. The proposed improvement will be entirely within the subject property and will not limit or restrict access to the Sand Island State Recreational Area.

The project will not affect access to publicly owned or used beaches, recreation areas or nature reserves.

*(a.2) Adequate and properly located public recreation areas and wildlife preserves are reserved;*

SIWWTP is a waste water treatment facility, and does not feature or support recreational activities or wildlife reserves. It is a secured facility because of its industrial use serving as an important public infrastructure facility.

The project site is within an urbanized industrial area of Honolulu. The site soils are composed primarily of fill material and the site has been in use for industrial activities for many decades. There is no critical plant habitat in the area, and none will be affected by proposed improvement or project activities.

*(a.3) Provisions are made for solid and liquid waste treatment disposition and management which will minimize adverse effects upon Special Management Area resources;*

*Solid waste.* Solid waste from the proposed project will be disposed of at an approved refuse facility. Materials to be disposed include construction-related debris and expended materials.

No further mitigation measures are anticipated.

*Liquid waste.* The proposed project is not expected to generate significant liquid waste. Construction activities will result in a temporary increase in waste water generation. Toilet facilities at the existing Control and Administration Building will be used during construction.

*(a.4) Alterations to existing land forms and vegetation; except crops, and construction of structures shall cause minimum adverse effect to water resources and scenic and recreational amenities and minimum danger of floods, landslides, erosion, siltation or failure in the event of an earthquake.*

The project lies on a relatively flat area with elevation ranging from 5-10 feet above MSL. The proposed improvement of the Control and Administration Building will involve alteration of the existing land in the form of minor excavation to allow for the foundation of the elevator shaft. A building permit and required approvals will be obtained prior to construction. Modifications to existing land forms that will result from this project will not create conditions that would adversely affect water resources, scenic resources, or recreational amenities.

The area surrounding the project site is zoned for waterfront industrial purposes and contains existing clarifier tanks and a recently constructed digester tank (a large onion shaped steel vessel), as well as other large industrial-related buildings nearby. Further, the proposed elevator shaft height will be at the same elevation as the existing Control and Administration Building. Therefore, the proposed project is not anticipated to significantly detract from existing scenic resources of the surrounding areas. See also **Section 4.1.5 Scenic and Visual Resources**.

According to FEMA FIRM Map No. 15003C0365 E, dated November 20, 2000, the project site is in an area designated as Zone X. See **Figure 6, FEMA FIRM Map**. The Zone X designation is used for areas outside the 1-percent annual chance floodplain.

No adverse impacts to water resources are anticipated from construction of this project. In the short-term, silt fences and other appropriate erosion control measures will be employed to prevent soil loss and sediment discharges from work site.

The Uniform Building Code (UBC) provides minimum design criteria to address potential for damages due to seismic disturbances. The UBC scale is rated from Seismic Zone 0 through 4, with 0 being the lowest level for potential seismic induced ground movement. The island of Oahu has been designated within Seismic Zone 2A. To mitigate the potential hazard from earthquakes, structural elements in this project will be built, at a minimum, in compliance with standards for UBC Seismic Zone 2A.

*(b) No development shall be approved unless the Council has first found that:*

*(b.1) The development will not have any substantial, adverse environmental or ecological effect except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health and safety, or compelling public interest. Such adverse effect shall include, but not be limited to, the potential cumulative impact of developments, each one of which taken in itself might not have a substantial adverse effect and the elimination of planning options;*

The proposed project is not anticipated to involve a substantial degradation of environmental quality. The scope of the project is to construct an elevator at the existing Control and Administration Building which is situated within an urban area zoned for waterfront industrial use. The proposed project will have minimal impact on environmental or ecological resources.

*(b.2) The development is consistent with the objectives and policies set forth in Section 25-3.1 and area guidelines contained in HRS Section 205A-26;*

The project is in compliance with the objectives and policies set forth in HRS 205A-2, and Special Management Area guidelines contained in HRS 205A-26. The project area is located approximately 1,500 feet from the shoreline and is not within the Shoreline Setback Area.

Section 5.5.2 of this Environmental Assessment, entitled "Coastal Zone Management, HRS 205(A)," references the project's compliance with the State's objectives and policies for the Coastal Zone.

*(b.3) The development is consistent with the County General Plan, Development Plans and Zoning.*

The current edition of the General Plan for the City and County of Honolulu was adopted in 1989 and last updated in 2003. The Plan is a comprehensive statement of objectives and policies for the County's future development. The proposed facility improvement is consistent with the following objectives and policies of the City and County of Honolulu's General Plan (See Section 5.2, General Plan for discussion):

*V. Transportation & Utilities*

*Objective C - To maintain a high level of service for all utilities.*

*Policy 3 - Plan for the timely and orderly expansion of utility systems.*

*Objective D - To maintain transportation and utility systems which will help Oahu continue to be a desirable place to live and visit.*

*Policy 1 - Give primary emphasis in the capital-improvement program to the maintenance and improvement of existing roads and utilities.*

*Policy 4 - Evaluate the social, economic, and environmental impact of additions to the transportation and utility systems before they are constructed.*

*(c) The Council shall seek to minimize where reasonable:*

*(c.1) Dredging, filling or otherwise altering any bay, estuary, salt marsh, river mouth, slough or lagoon;*



The project will not involve dredging, filling or alteration of the shoreline configuration.

*(c.2) Any development which would reduce the size of any beach or other area usable for public recreation;*

No beaches along the coastal shoreline will be reduced in size or obstructed from use by the proposed project. The proposed improvement will take place mauka of the 40-foot shoreline setback.

*(c.3) Any development which would reduce or impose restrictions upon public access to tidal and submerged lands, beaches, portions of rivers and streams within the Special Management Area and the mean high tide line where there is no beach;*

The project will not reduce or impose restrictions upon public access to tidal and submerged lands, beaches, portions of rivers and streams within the Special Management Area. The proposed project is well above the mean high tide line, does not involve submerged lands, and will not block access along the shoreline. Public access to shoreline areas will not be affected by the project.

*(c.4) Any development which would substantially interfere with or detract from the line of sight toward the sea from the state highway nearest the coast;*

The Control and Administration Building is located at the northern portion of the SIWWTP closest to the Sand Island Parkway Road. The Sand Island Parkway Road is under jurisdiction of the State Department of Transportation. The project area has existing large clarifier tanks and the recently constructed digester tank. Further, the project site is located in a waterfront industrial area and is adjacent to properties with large buildings and other industrial-related facilities. The proposed site improvement will be consistent with the surrounding industrial land uses.

Due to surrounding large buildings, structures and vegetation, there are no existing lines of sight towards the ocean from the Sand Island Parkway Road nearest the proposed project site. The proposed elevator shaft will also be built to be at the same elevation as the Control and Administration Building. See also **Section 4.1.5 Scenic and Visual Resources**.

*(c.5) Any development which would adversely affect water quality, existing areas of open water free of visible structures, existing and potential fisheries and fishing grounds, wildlife habitats, or potential or existing agricultural uses of land.*

The proposed improvement to the Control and Administration Building will not result in changes to the existing land use. No impacts are anticipated to water quality, open water, fisheries or fishing grounds, wildlife habitats, or potential or existing agricultural uses of land. As previously described, no adverse impact to water quality are expected to result from construction activities, or use of the elevator following project completion.

#### **5.5.2 COASTAL ZONE MANAGEMENT, HRS 205(A)**

The State of Hawaii designates the Coastal Zone Management Program (CZMP) to manage the intent, purpose and provisions of Chapter 205(A)-2 of the Hawaii Revised Statutes (HRS), as amended, and federal regulations for the areas from the shoreline to the seaward limit of the State's jurisdiction, and any other area which a lead agency may designate for the purpose of administering the Coastal Zone Management Program.

The following is an assessment of the project with respect to the CZMP objectives and policies set forth in Section 205(A)-2.

##### **1. Recreational resources**

*Objective: Provide coastal recreational opportunities accessible to the public.*

*Policies:*

*A) Improve coordination and funding of coastal recreational planning and management;  
and*

*B) Provide adequate, accessible, and diverse recreational opportunities in the coastal zone management area by:*

*(i) Protecting coastal resources uniquely suited for recreational activities that cannot be provided in other areas;*

*(ii) Requiring replacement of coastal resources having significant recreational value including, but not limited to, surfing sites, fishponds, and sand beaches, when such resources will be unavoidably damaged by development; or requiring reasonable*

*monetary compensation to the State for recreation when replacement is not feasible or desirable;*

*(iii) Providing and managing adequate public access, consistent with conservation of natural resources, to and along shorelines with recreational value;*

*(iv) Providing an adequate supply of shoreline parks and other recreational facilities suitable for public recreation;*

*(v) Ensuring public recreational uses of county, state, and federally owned or controlled shoreline lands and waters having recreational value consistent with public safety standards and conservation of natural resources;*

*(vi) Adopting water quality standards and regulating point and nonpoint sources of pollution to protect, and where feasible, restore the recreational value of coastal waters;*

*(vii) Developing new shoreline recreational opportunities, where appropriate, such as artificial lagoons, artificial beaches, and artificial reefs for surfing and fishing; and*

*(viii) Encouraging reasonable dedication of shoreline areas with recreational value for public use as part of discretionary approvals or permits by the land use commission, board of land and natural resources, and county authorities; and crediting such dedication against the requirements of section 46-6.*

**Discussion:**

The proposed project site is not adjacent to the shoreline areas of Sand Island. The closest shoreline is located approximately 1,500 feet to the southwest. The Sand Island State Recreation Area is located to the southeast and is serviced by the Sand Island Parkway Road. Access to recreational facilities will not be affected by the proposed construction. Water quality will not be impacted during construction based on the small and limited scope and scale of work.

2. *Historic resources*

*Objective: Protect, preserve, and, where desirable, restore those natural and manmade historic and prehistoric resources in the coastal zone management area that are significant in Hawaiian and American history and culture.*

*Policies:*

*(A) Identify and analyze significant archaeological resources;*

*(B) Maximize information retention through preservation of remains and artifacts or salvage operations; and*

*(C) Support state goals for protection, restoration, interpretation, and display of historic resources.*

**Discussion:**

No adverse impacts to historic resources resulting from construction of the proposed project are expected.

The proposed construction is within an existing industrialized area on land that is composed almost entirely of fill material. It is highly unlikely that significant historic or archaeological resources are present at the project site. However, should any unidentified deposits be uncovered during construction, work will cease in the immediate area and the State Historic Preservation Office will be contacted. As appropriate, mitigative measures will be proposed and coordinated with SHPD.

No impacts to cultural practices will result from the proposed improvement. The project site is dominated by common, introduced plant species not identified with traditional gathering practices. Project activities will not diminish the availability of any plant type for use in cultural practices. The proposed project will not interrupt access to coastal areas.

3. *Scenic and open space resources*

*Objective: Protect, preserve, and, where desirable, restore or improve the quality of coastal scenic and open space resources.*

*Policies:*

*(A) Identify valued scenic resources in the coastal zone management area;*

*(B) Ensure that new developments are compatible with their visual environment by designing and locating such developments to minimize the alteration of natural land forms and existing public views to and along the shoreline;*

*(C) Preserve, maintain, and, where desirable, improve and restore shoreline open space and scenic resources; and*

*(D) Encourage those developments that are not coastal dependent to locate in inland areas.*

**Discussion:**

The proposed improvement conforms to the Coastal Zone Management Program Objective 3, Scenic and Open Space, which encourages the protection, preservation and, where desirable, restoration or improvement of the quality of coastal scenic and open space resources.

The project area is located in a waterfront industrial area and is adjacent to large tanks used for waste water treatment. The proposed site improvement is consistent with the surrounding industrial land uses. Because of other large buildings, structures and vegetation surrounding the project site, there are no existing coastal views. The proposed elevator shaft will be built at the same elevation as the existing Control and Administration Building, therefore no impacts to existing views are anticipated. See also Section 4.1.5 Scenic and Visual Resources.

**4. Coastal ecosystems**

*Objective: Protect valuable coastal ecosystems, including reefs, from disruption and minimize adverse impacts on all coastal ecosystems.*

*Policies:*

*(A) Exercise an overall conservation ethic, and practice stewardship in the protection, use, and development of marine and coastal resources;*

*(B) Improve the technical basis for natural resource management;*

*(C) Preserve valuable coastal ecosystems, including reefs, of significant biological or economic importance;*

*(D) Minimize disruption or degradation of coastal water ecosystems by effective regulation of stream diversions, channelization, and similar land and water uses, recognizing competing water needs; and*

*(E) Promote water quantity and quality planning and management practices that reflect the tolerance of fresh water and marine ecosystems and maintain and enhance water quality through the development and implementation of point and nonpoint source water pollution control measures.*

**Discussion:**

The proposed project is not expected to have any adverse impacts on marine resources. Project activities do not involve alterations to stream channels or other water bodies or water sources. Improvement will not affect the marine and coastal resources of Honolulu Harbor and surrounding waters.

During construction, appropriate measures and use of vegetation/grassing will be employed by the contractor to prevent pollutant discharge in storm water runoff. Measures to prevent sediment discharge in storm water runoff during construction will be in place and functional before project activities begin and will be maintained throughout the construction period.

5. *Economic uses*

*Objective: Provide public or private facilities and improvements important to the State's economy in suitable locations.*

*Policies:*

*(A) Concentrate coastal dependent development in appropriate areas;*

*(B) Ensure that coastal dependent development such as harbors and ports, and coastal related development such as visitor industry facilities and energy generating facilities, are located, designed, and constructed to minimize adverse social, visual, and environmental impacts in the coastal zone management area; and*

*(C) Direct the location and expansion of coastal dependent developments to areas presently designated and used for such developments and permit reasonable long-term growth at such areas, and permit coastal dependent development outside of presently designated areas when:*

*(i) Use of presently designated locations is not feasible;*

*(ii) Adverse environmental effects are minimized; and*

*(iii) The development is important to the State's economy.*

**Discussion:**

Construction of the elevator facility at the existing Control and Administration Building is being proposed to meet access requirement of the ADA. This project will ensure that the City and County's is not susceptible to potential liability in not providing adequate access at the public facility to persons with disabilities. The proposed site improvement will also facilitate movement of people and equipment to and from the second floor of the building.

The project has been assessed for social, visual, and environmental impacts in accordance with Chapter 25 of the Revised Ordinances of Honolulu. The SIWWTP, initially built in the 1970s, is Oahu's largest waste water treatment facility serving the majority of the population in urban Honolulu. The proposed site improvement is consistent with the surrounding industrial land uses. With the implementation of mitigation measures outlined in this document, no adverse impacts are expected to result from this project.

6. *Coastal hazards*

*Objective: Reduce hazard to life and property from tsunami, storm waves, stream flooding, erosion, subsidence, and pollution.*

*Policies:*

*(A) Develop and communicate adequate information about storm wave, tsunami, flood, erosion, subsidence, and point and nonpoint source pollution hazards;*

*(B) Control development in areas subject to storm wave, tsunami, flood, erosion, hurricane, wind, subsidence, and point and nonpoint source pollution hazards;*

*(C) Ensure that developments comply with requirements of the Federal Flood Insurance Program; and*

*(D) Prevent coastal flooding from inland projects.*

**Discussion:**

According to FEMA FIRM Map No. 15003C0365 E, dated November 20, 2000, the project site is in an area designated as Zone X. See Figure 6, FEMA FIRM Map. The Zone X designation is used for areas outside the 1-percent annual chance floodplain.

The development of the project will be in compliance with the requirements of the Federal Flood Insurance Program, the City and County of Honolulu Drainage, Grading and Development standards for Flood Hazard Districts, and Land Use Ordinance, Section 21-9.10, Flood Hazard Districts.

7. *Managing development*

*Objective: Improve the development review process, communication, and public participation in the management of coastal resources and hazards.*

*Policies:*

*(A) Use, implement, and enforce existing law effectively to the maximum extent possible in managing present and future coastal zone development;*



*(B) Facilitate timely processing of applications for development permits and resolve overlapping or conflicting permit requirements; and*

*(C) Communicate the potential short and long-term impacts of proposed significant coastal developments early in their life cycle and in terms understandable to the public to facilitate public participation in the planning and review process.*

**Discussion:**

The project site lies within the state land use category "urban." Land uses within this designation are subject to regulation by the City and County of Honolulu. The City and County of Honolulu zoning designation is I-3, Waterfront Industrial.

All improvement activities will be conducted in compliance with State and City & County environmental rules and regulations. This EA document has been prepared to identify and, where necessary, propose mitigation measures to address impacts anticipated from the construction and operation of the project. This document will be published for public review in compliance with procedures set forth in HRS Chapter 343.

**8. Public participation;**

*Objective: Stimulate public awareness, education, and participation in coastal management.*

*Policies:*

*(A) Promote public involvement in coastal zone management processes;*

*(B) Disseminate information on coastal management issues by means of educational materials, published reports, staff contact, and public workshops for persons and organizations concerned with coastal issues, developments, and government activities; and*

*(C) Organize workshops, policy dialogues, and site-specific mitigation to respond to coastal issues and conflicts.*

**Discussion:**

Public involvement in the project will consist of public hearings before the Department of Planning and Permitting and the City Council that will be conducted as part of the SMA permit approval process. Additionally, public notice of the proposed action will be provided in the OEQC Bulletin. Please refer to Section 8, Agencies, Organizations, and Individuals Consulted for a list of agencies, organizations and individuals consulted. All written public comments will be addressed in written responses. Mitigation measures will be developed where appropriate to address issues and concerns raised during public review of the project.

9. *Beach protection;*

*Objective: Protect beaches for public use and recreation.*

*Policies:*

*(A) Locate new structures inland from the shoreline setback to conserve open space, minimize interference with natural shoreline processes, and minimize loss of improvements due to erosion;*

*(B) Prohibit construction of private erosion-protection structures seaward of the shoreline, except when they result in improved aesthetic and engineering solutions to erosion at the sites and do not interfere with existing recreational and waterline activities; and*

*(C) Minimize the construction of public erosion-protection structures seaward of the shoreline.*

**Discussion:**

The proposed improvement is located approximately 1,500 feet from the shoreline and is not within the Shoreline Setback Area. The proposed improvement will be within the property boundary and therefore will not interfere with any existing recreational or shoreline activities.

10. *Marine resources*

*Objective: Promote the protection, use, and development of marine and coastal resources to assure their sustainability.*

*Policies:*

*(A) Ensure that the use and development of marine and coastal resources are ecologically and environmentally sound and economically beneficial;*

*(B) Coordinate the management of marine and coastal resources and activities to improve effectiveness and efficiency;*

*(C) Assert and articulate the interests of the State as a partner with federal agencies in the sound management of ocean resources within the United States exclusive economic zone;*

*(D) Promote research, study, and understanding of ocean processes, marine life, and other ocean resources in order to acquire and inventory information necessary to understand how ocean development activities relate to and impact upon ocean and coastal resources; and*

*(E) Encourage research and development of new, innovative technologies for exploring, using, or protecting marine and coastal resources.*

**Discussion:**

The project will not impact marine resources and does not involve research, education, or technological development related to the coastal and marine environments.

**SECTION 6**  
**NECESSARY PERMITS AND APPROVALS**

**6.1 CITY AND COUNTY OF HONOLULU**

Special Management Area Use Permit

Building Permit

**6.2 STATE OF HAWAII**

Elevator Installation Permit

## SECTION 7 CULTURAL IMPACT ASSESSMENT

### 7.1 IMPACTS TO TRADITIONAL/CULTURAL RESOURCES

Impacts to traditional/cultural resources are not expected based on the nature of the proposed activity and the history of the land surrounding the project site. The following statements form the basis for such a conclusion:

The land on which the project area is located is comprised almost entirely of fill material;

The project site is within an area that has been in continual industrial use for several decades. Any potential cultural sites or remains that may have existed most likely would already have been discovered and recovered or destroyed. There are no known existing cultural sites or uses on the property;

Public access to the shoreline exists via Sand Island Parkway Road leading to the Sand Island State Recreational Area to the south of the subject parcel. Lateral access along the shoreline will not be affected by the project;

There are no plants on the property that are of significant importance for traditional or cultural uses. Plant cover in the project area is limited to introduced species; and

The project site is a waste water treatment facility not accessible to use by the public. This is to maintain public safety from daily industrial operations and is expected to continue for the foreseeable future.

Further, a 2001 Final Environmental Assessment for the Sand Island Waste Water Treatment Plant Modifications and Expansion documented consultation with the State Historic Preservation Division (SHPD) regarding any significant historical resources at the project property. SHPD concluded that a "review of our records shows that there are no known historical sites at the project location...Since modifications are proposed for the existing Sand Island WWTP, and the plant is built upon fill soils, we believe that this project will have "no effect" on historic sites."

A copy of the determination letter from SHPD is included in Appendix B – Comments and Responses to the Draft Environmental Assessment.

**SECTION 8**  
**AGENCIES AND ORGANIZATIONS CONSULTED**

The following agencies, organizations, and individuals will be contacted regarding the proposed project during this environmental assessment process.

**8.1 CITY AND COUNTY OF HONOLULU**

Board of Water Supply  
Department of Design and Construction  
Department of Environmental Services  
Department of Planning and Permitting  
Department of Transportation Services  
Honolulu Fire Department  
Honolulu Police Department

**8.2 STATE OF HAWAII**

Department of Health  
Department of Labor and Industrial Relations- Boiler and Elevator Inspection Branch  
Department of Land and Natural Resources  
Department of Transportation

**8.3 FEDERAL GOVERNMENT**

Environmental Protection Agency

**8.4 ELECTED OFFICIALS, ORGANIZATIONS AND INDIVIDUALS**

Honolulu City Councilmember Romy M. Cachola  
HECO  
Kalihi/Palama Neighborhood Board No. 15  
Sand Island Business Association  
Sand Island Treatment Center  
State Senator Suzanne Chun Oakland

## **SECTION 9**

### **SUMMARY OF IMPACTS AND SIGNIFICANCE DETERMINATION**

#### **9.1 SHORT TERM IMPACTS**

Short term impacts are expected to be minimal. The construction contractor will need to access the project site via Sand Island Parkway Road. Noise will be generated from construction and related mobilization of equipment.

Construction equipment is expected to include, but not be limited to, an excavator, concrete mixers, delivery trucks, cranes, welders and powered hand tools. All equipment will be muffled in accordance with standard engine operating practices. The work will be limited to weekday daylight hours and engine exhausts will be governed in accordance with applicable State and City and County regulations. Upon construction completion, noise levels will return to ambient levels.

Dust and associated nuisance problems are expected to be slight to insignificant due to the limited scope and scale of the project. Any fugitive dust will be controlled with regular wetting of the soil by the contractor, as required.

Construction activity will temporarily expose soils on the property. To minimize soil erosion, silt fences, berms and other applicable erosion control devices will be erected to prevent soil and other construction debris from washing into existing drainage inlets. If required, exposed soils will be covered with PVC sheet plastic or similar material to prevent inadvertent contact and mixing with storm water.

#### **9.2 LONG TERM IMPACTS**

Long term benefits derived from this project include ADA compliancy of the Control and Administration Building. The elevator will also aid in ensuring safe and efficient movement of people and equipment to and from the second floor of the building.



No long term adverse impacts are anticipated. Upon completion, all equipment used on-site will be demobilized and all debris and waste materials disposed of at an approved refuse facility. A permit to operate the elevator will be secured and retained on-site.

### **9.3 SIGNIFICANCE CRITERIA**

Based on significance criteria set forth in Hawaii Administrative Rules, Title 11, Department of Health, Chapter 200, "Environmental Impact Statement Rules," the proposed project is not expected to have a significant impact on the environment. As such, the recommended preliminary determination for the proposed project is a Finding of No Significant Impact (FONSI). The findings and reasons supporting this determination are discussed below.

**1. Involves an irrevocable commitment to loss or destruction of any natural or cultural resource**

The proposed project will not result in a loss of natural or cultural resources. There are no threatened or endangered species of plants or wildlife that inhabit the project site.

Given the history and industrial use of the subject property, historic or archaeological sites are not expected to be present.

**2. Curtails the range of beneficial uses of the environment**

Presently, the subject property is used as waste water treatment facility. The proposed project is an upgrade to the existing industrial activity and will be contained entirely within the subject property. The proposed action does not curtail beneficial uses of the environment.

**3. Conflicts with the State's long-term environmental policies or goals and guidelines as expressed in Chapter 343, HRS, and any revisions thereof and amendments thereto, court decisions, or executive orders**

The proposed project is consistent with the environmental policies, goals and guidelines expressed in Chapter 343, HRS. Potential sources of adverse impacts have been identified and appropriate measures have been developed to either mitigate or minimize potential impacts to negligible levels.

**4. Substantially affects the economic and social welfare of the community or state**

The project activity is to construct an elevator facility at the existing Control and Administration Building of the SIWWTP. The proposed project is expected to improve the social and economic environment of the City and County, by ensuring that this public facility is compliant with the provisions of the ADA.

**5. Substantially affects public health**

Factors affecting public health, including air quality, water quality, and noise levels, are expected to be only minimally affected, or unaffected by the proposed construction activity. Upon project completion, air and noise levels will return to preconstruction conditions. The proposed project is not expected to have any impacts to water quality.

Potential impacts will be mitigated in accordance with Federal, State and City and County of Honolulu regulations.

**6. Involves substantial secondary impact, such as population changes or effects on public facilities**

The proposed project is expected to have little or no substantial secondary or indirect impacts such as population changes or effects on public facilities. The proposed project is to install an elevator at an existing building at the SIWWTP. This is being done to comply with the regulations of the ADA.

**7. Involves a substantial degradation of environmental quality**

Impacts to air and water quality, noise levels, natural resources, and land use associated with the planned improvement are anticipated to be minimal. Mitigation measures will be employed as practicable to further minimize potentially detrimental effects to the environment resulting from project activities. The proposed project does not involve substantial degradation of environmental quality.

**8. Is individually limited but cumulatively has considerable effect upon the environment or involves a commitment for larger actions**

The proposed improvement is not expected to cause adverse cumulative impacts on the environment, nor does the proposed project involve a commitment for larger actions.

**9. Substantially affects a rare, threatened or endangered species**

There are no threatened or endangered plants or animal species on the subject property.

**10. Detrimentially affects air or water quality or ambient noise levels**

On a short-term basis, ambient air and noise conditions will be affected by construction activities related to the proposed facility improvement, but these are short-term impacts and can be controlled by mitigation measures as described in this Environmental Assessment. Once the project is completed, air and noise in the project vicinity will be allowed to return to preconstruction conditions. Erosion control measures will be employed to prevent any storm water runoff associated with construction activities from entering State waters.

**11. Affects or is likely to suffer damage by being located in an environmentally sensitive area such as a flood plain, tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal waters**

All work will be undertaken on an existing project site on land mauka of the high water mark. The closest body of water is located approximately 1,500 feet to the southwest. The project area is located within an area determined by the Federal Emergency Management Agency to be outside the 1-percent annual chance floodplains. The proposed action is not expected to have significant impacts on flood conditions

**12. Substantially affects scenic vistas and viewplanes identified in county or state plans or studies**

The Primary Urban Center Development Plan as well as the City and County of Honolulu's Coastal View Study (1987) identify important views to be protected. There are no existing views of the ocean from the portion of Sand Island Parkway Road adjacent to the project area. Views

of the ocean near the project site are blocked due to existing improvements and vegetation. The proposed height of the elevator shaft will be at the elevation as the existing Control and Administration Building.

The proposed project will not affect scenic vistas and viewplanes that have been identified in County or State plans or studies.

**13. Requires substantial energy consumption**

Construction and daily activities associated with the proposed site improvement will not require substantial amounts of energy.

**SECTION 10**  
**FINDINGS**

In accordance with the provisions set forth in Chapter 343, HRS, and the significance criteria in Section 11-200-12 of Title 11, Chapter 200, Hawaii Administrative Rules, it is anticipated that the project will have no significant adverse impact to water quality, air quality, existing utilities, noise levels, social welfare, archaeological sites, or wildlife habitat. All anticipated impacts will be temporary and will not adversely impact the environmental quality of the area. An Environmental Impact Statement (EIS) will not be required, and that a Finding of No Significant Impact (FONSI) has been issued for this project.

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Environet, Inc., February 2003. Environmental Site Investigation – Additional Sampling Investigation. Sand Island Wastewater Treatment Plant, Honolulu, Oahu, Hawaii. Department of Design and Construction, City and County of Honolulu.

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U.S. Department of Agriculture, 1972. Soil Survey of Islands of Kauai, Oahu, Maui, Molokai, and Lanai, State of Hawaii. U.S. Department of Agriculture, Soil Conservation Service and University of Hawaii Agriculture Experiment Station, Washington, D.C.

**Appendix A**

**Alterations Requirements  
Path of Travel Requirement  
(ADAAG 4.1.6(2))**

**ALTERATIONS REQUIREMENTS  
PATH OF TRAVEL REQUIREMENT**

**ADAAG 4.1.6(2) Alterations to an Area Containing a Primary Function states:**

"... an alteration that affects or could affect the usability of or access to an area containing a primary function shall be made so as to ensure that, to the maximum extent feasible, the path of travel to the altered areas and the restrooms, telephones, and drinking fountains serving the altered areas, are readily accessible to and usable by individuals with disabilities, unless such alterations are disproportionate to the overall alterations in terms of cost and scope (as determined by the Attorney General)."

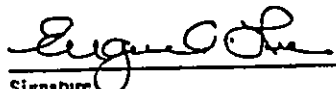
A **primary function** is a major activity for which the facility is intended. Primary function areas might include meeting rooms of an office, dining rooms in a cafeteria, etc. Storage rooms, closets, mechanical rooms, supply rooms, restrooms, etc. are not primary function areas.

A **path of travel** is a continuous, unobstructed way of pedestrian passage by means of which an altered area may be approached, entered, and exited; and which connects the altered area with an exterior approach (including sidewalks, streets, and parking areas), an entrance to the facility, and other parts of the facility.

In meeting its obligations to the "path of travel requirement" private places of public accommodation are not required to spend more than 20% of the cost of the original alteration on making the path of travel accessible, even if this cost limitation results in less than full accessibility. (28 CFR 36.403(f)). Although the same 20% limitation is not outlined in the regulations for State and local entities under Title II, the "path of travel obligation" nonetheless remains as a legal requirement.

Example of how this applies:

The State of Hawaii spends \$300,000 to renovate a school classroom building. Of the \$300,000, \$200,000 is spent on altering the classrooms (a primary function area) and 100,000 is spent on altering non-primary function areas such as the roof, electrical system, closets, janitorial rooms, etc. The "path of travel" obligation would require that up to \$40,000 (20% x \$200,000 = \$40,000) be spent to create a path of travel to the altered classroom.

<b>"PATH OF TRAVEL" STATEMENT</b>	
Relating to a project under review for §103-50, HRS	
Sand Island Wastewater Treatment Plant Expansion,	
Project Name: <u>Primary Treatment</u>	
Dept. Project Number: <u>W2-04</u>	DCAB Project Number: <u>2004-428</u>
<p><i>The Disability and Communication Access Board, under HRS 103-50 does not review plans for the requirements for an "accessible path of travel" as it would involve a financial analysis of the project. However, we are informing all State and county government entities of their obligation to comply with this requirement.</i></p>	
<p>State and county departments or agencies shall acknowledge their understanding of this obligation prior to receiving a completed final document review by the Board. This obligation may be met by the signature of the director, or his or her designee, of the State or County department overseeing the project.</p>	
for WAYNE M. HASHIRO, P.E., Director <small>Name (Print) of Director                      Title</small>	 <small>Signature</small>
Dept. of Design and Construction <small>Department / Agency</small>	7/14/05 <small>Date</small>



"minor changes such as painting or papering walls \* \* \* do not affect usability" (Education and Labor report at 111, Judiciary report at 64), and, therefore, are not alterations. The proposed rule was based on the existing MGRAD definition of "alteration." The language of the final rule has been revised to be consistent with ADAAG, incorporated as appendix A to this part.

Some commenters sought clarification of the intended scope of this section. The proposed rule contained illustrations of changes that affect usability and those that do not. The intent of the illustrations was to explain the scope of the alterations requirement; the effect was to obscure it. As a result of the illustrations, some commenters concluded that any alteration to a facility, even a minor alteration such as relocating an electrical outlet, would trigger an extensive obligation to provide access throughout an entire facility. That result was never contemplated.

Therefore, in this final rule paragraph (b)(1) has been revised to include the major provisions of paragraphs (b)(1) and (b)(2) of the proposed rule. The examples in the proposed rule have been deleted. Paragraph (b)(1) now provides that alterations include, but are not limited to, remodeling, renovation, rehabilitation, reconstruction, historic restoration, changes or rearrangement in structural parts or elements, and changes or rearrangement in the plan configuration of walls and full-height partitions. Normal maintenance, repainting, painting or wallpapering, asbestos removal, or changes to mechanical and electrical systems are not alterations unless they affect the usability of building or facility.

Paragraph (b)(2) of this final rule was added to clarify the scope of the alterations requirement. Paragraph (b)(2) provides that if existing elements, spaces, or common areas are altered, then each such altered element, space, or area shall comply with the applicable provisions of appendix A (ADAAG). As provided in §36.403, if an altered space or area is an area of the facility that contains a primary function, then the requirements of that section apply.

Therefore, when an entity undertakes a minor alteration to a place of public accommodation or commercial facility, such as moving an electrical outlet, the new outlet must be installed in compliance with ADAAG. (Alteration of the elements listed in §36.403(c)(2) cannot trigger a path of travel obligation.) If the alteration is to an area, such as an employee lounge or locker room, that is not an area of the facility that contains a primary function, that area must comply with ADAAG. It is only when an alteration affects access to or usability of an area containing a primary function, as opposed to other areas or the elements listed in

ccc

28 CFR Ch. I (7-1-94 Edition)

§36.403(c)(2), that the path of travel to the altered area must be made accessible.

The Department received relatively few comments on paragraph (c), which explains the statutory phrase "to the maximum extent feasible." Some commenters suggested that the regulation should specify that cost is a factor in determining whether it is feasible to make an altered area accessible. The legislative history of the ADA indicates that the concept of feasibility only reaches the question of whether it is possible to make the alteration accessible in compliance with this part. Costs are to be considered only when an alteration to an area containing a primary function triggers an additional requirement to make the path of travel to the altered area accessible.

Section 36.403(c) is, therefore, essentially unchanged from the proposed rule. At the recommendation of a commenter, the Department has inserted the word "virtually" to modify "impossible" to conform to the language of the legislative history. It explains that the phrase "to the maximum extent feasible" as used in this section applies to the occasional case where the nature of an existing facility makes it virtually impossible to comply fully with applicable accessibility standards through a planned alteration. In the occasional cases in which full compliance is impossible, alterations shall provide the maximum physical accessibility feasible. Any features of the facility that are being altered shall be made accessible unless it is technically infeasible to do so. If providing accessibility in conformance with this section to individuals with certain disabilities (e.g., those who use wheelchairs) would not be feasible, the facility shall be made accessible to persons with other types of disabilities (e.g., those who use crutches or who have impaired vision or hearing, or those who have other types of impairments).

Section 36.403 Alterations: Path of Travel

Section 36.403 implements the statutory requirement that any alteration that affects or could affect the usability of or access to an area of a facility that contains a primary function shall be made so as to ensure that, to the maximum extent feasible, the path of travel to the altered area, and the restrooms, telephones, and drinking fountains serving the altered area, are readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs, unless the cost and scope of such alterations is disproportionate to the cost of the overall alteration. Paragraph (a) restates this statutory requirement.

Paragraph (b) defines a "primary function" as a major activity for which the facility is intended. This paragraph is unchanged from the proposed rule. Areas that contain a primary function include, but are not limited to, the customer services lobby of a bank.

Department of Justice

the dining area of a cafeteria, the meeting rooms in a conference center, as well as offices and all other work areas in which the activities of the public accommodation or other private entities using the facility are carried out. The concept of "areas containing a primary function" is analogous to the concept of "functional spaces" in §3.5 of the existing Uniform Federal Accessibility Standards, which defines "functional spaces" as "[t]he rooms and spaces in a building or facility that house the major activities for which the building or facility is intended."

Paragraph (b) provides that areas such as mechanical rooms, boiler rooms, supply storage rooms, janitorial closets, entrances, corridors, and restrooms are not areas containing a primary function. There may be exceptions to this general rule. For example, the availability of public restrooms at a place of public accommodation at a roadside rest stop may be a major factor affecting customers' decisions to patronize the public accommodation. In that case, a restroom would be considered to be an "area containing a primary function" of the facility.

Most of the commenters who addressed this issue supported the approach taken by the Department, but a few commenters suggested that areas not open to the general public or those used exclusively by employees should be excluded from the definition of primary function. The preamble to the proposed rule noted that the Department considered an alternative approach to the definition of "primary function," under which a primary function of a commercial facility would be defined as a major activity for which the facility was intended, while a primary function of a place of public accommodation would be defined as an activity which involves providing significant goods, services, facilities, privileges, advantages, or accommodations. However, the Department concluded that, although portions of the legislative history of the ADA support this alternative, the better view is that the language now contained in §36.403(b) most accurately reflects congressional intent. No commenter made a persuasive argument that the Department's interpretation of the legislative history is incorrect.

When the ADA was introduced, the requirement to make alterations accessible was included in section 302 of the Act, which identifies the practices that constitute discrimination by a public accommodation. Because section 302 applies only to the operation of a place of public accommodation, the alterations requirement was intended only to provide access to clients and customers of a public accommodation. It was anticipated that access would be provided to employees with disabilities under the "reasonable accommodation" requirements of title I. However, during its consideration of

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the ADA, the House Judiciary Committee amended the bill to move the alterations provision from section 302 to section 303, which applies to commercial facilities as well as public accommodations. The Committee report accompanying the bill explains that:

New construction and alterations of both public accommodations and commercial facilities must be made readily accessible to and usable by individuals with disabilities \* \* \*. Essentially, [this requirement] is designed to ensure that patrons and employees of public accommodations and commercial facilities are able to get to, enter and use the facility \* \* \*. The rationale for making new construction accessible applies with equal force to alterations.

Judiciary report at 62-63 (emphasis added).

The ADA, as enacted, contains the language of section 303 as it was reported out of the Judiciary Committee. Therefore, the Department has concluded that the concept of "primary function" should be applied in the same manner to places of public accommodation and to commercial facilities, thereby including employee work areas in places of public accommodation within the scope of this section.

Paragraph (c) provides examples of alterations that affect the usability of or access to an area containing a primary function. The examples include: Remodeling a merchandise display area or employee work areas in a department store; installing a new floor surface to replace an inaccessible surface in the customer service area or an employee work area of a bank; redesigning the assembly line area of a factory; and installing a computer center in an accounting firm. This list is illustrative, not exhaustive. A change that affects the usability of or access to an area containing a primary function triggers the statutory obligation to make the path of travel to the altered area accessible.

When the proposed rule was drafted, the Department believed that the rule made clear that the ADA would require alterations to the path of travel only when such alterations are not disproportionate to the alterations to the primary function area. However, the comments that the Department received indicated that many commenters believed that even minor alterations to individual elements would require additional alterations to the path of travel. To address the concern of these commenters, a new paragraph (c)(2) has been added to the final rule to provide that alterations to such elements as windows, hardware, controls (e.g., light switches or thermostats), electrical outlets or signs will not be deemed to be alterations that affect the usability of or access to an area containing a primary function. Of course, each element that is altered must

comply with ADAAG (appendix A). The cost of alterations to individual elements would be included in the overall cost of an alteration for purposes of determining disproportionality and would be counted when determining the aggregate cost of a series of small alterations in accordance with §36.401(h) if the area is altered in a manner that affects access to or usability of an area containing a primary function.

Paragraph (d) concerns the respective obligations of landlords and tenants in the cases of alterations that trigger the path of travel requirement under §36.403. This paragraph was contained in the landlord/tenant section of the proposed rule, §36.201(b). If a tenant is making alterations upon its premises pursuant to terms of a lease that grant it the authority to do so (even if they constitute alterations that trigger the path of travel requirement), and the landlord is not making alterations to other parts of the facility, then the alterations by the tenant on its own premises do not trigger a path of travel obligation upon the landlord's authority that are not otherwise being altered. The legislative history makes clear that the path of travel requirement applies only to the entity that is already making the alteration, and thus the Department has not changed the final rule despite numerous comments suggesting that the tenant be required to provide a path of travel.

Paragraph (e) defines a "path of travel" as a continuous, unobstructed way of pedestrian passage by means of which an altered area may be approached, entered, and exited; and which connects the altered area with an exterior approach (including sidewalks, streets, and parking areas), an entrance to the facility, and other parts of the facility. This concept of an accessible path of travel is analogous to the concepts of "accessible route" and "circulation path" contained in section 3.5 of the current UFAS. Some commenters suggested that this paragraph should address emergency egress. The Department disagrees. "Path of travel" as it is used in this section is a term of art under the ADA that relates only to the obligation of the public accommodation or commercial facility to provide additional accessible elements when an area containing a primary function is altered. The Department recognizes that emergency egress is an important issue, but believes that it is appropriately addressed in ADAAG (appendix A), not in this paragraph. Furthermore, ADAAG does not require changes to emergency egress areas in alterations.

Paragraph (e)(2) is drawn from section 3.5 of UFAS. It provides that an accessible path of travel may consist of walks and sidewalks, curb ramps and other interior or exterior pedestrian ramps; clear floor paths through lobbies, corridors, rooms, and other im-

proved areas; parking access aisles; elevators and lifts; or a combination of such elements. Paragraph (e)(3) provides that, for the purposes of this part, the term "path of travel" also includes the restrooms, telephones, and drinking fountains serving an altered area.

Although the Act establishes an expectation that an accessible path of travel should generally be included when alterations are made to an area containing a primary function, Congress recognized that, in some circumstances, providing an accessible path of travel to an altered area may be sufficiently burdensome in comparison to the alteration being undertaken to the area containing a primary function as to render this requirement unreasonable. Therefore, Congress provided, in section 303(a)(2) of the Act, that alterations to the path of travel that are disproportionate in cost and scope to the overall alteration are not required.

The Act requires the Attorney General to determine at what point the cost of providing an accessible path of travel becomes disproportionate. The proposed rule provided three options for making this determination.

Two committees of Congress specifically addressed this issue: the House Committee on Education and Labor and the House Committee on the Judiciary. The reports issued by each committee suggested that accessibility alterations to a path of travel might be "disproportionate" if they exceed 30% of the alteration costs (Education and Labor report at 113; Judiciary report at 64). Because the Department believed that smaller percentage rates might be appropriate, the proposed rule sought comments on three options: 10%, 20%, or 30%.

The Department received a significant number of comments on this section. Commenters representing individuals with disabilities generally supported the use of 30% (or more); commenters representing covered entities supported a figure of 10% (or less). The Department believes that alterations made to provide an accessible path of travel to the altered area should be deemed disproportionate to the overall alteration when the cost exceeds 20% of the cost of the alteration to the primary function area. This approach appropriately reflects the intent of Congress to provide access for individuals with disabilities without causing economic hardship for the covered public accommodations and commercial facilities.

The Department has determined that the basis for this cost calculation shall be the cost of the alterations to the area containing the primary function. This approach will enable the public accommodation or other private entity that is making the alteration to calculate its obligation as a percentage of a clearly ascertainable base cost, rather than as a percentage of the "total" cost, an amount that will change as accessibility alterations to the path of travel are made.

Paragraph (f)(2) (paragraph (f)(2) in the proposed rule) is unchanged. It provides examples of costs that may be counted as expenditures required to provide an accessible path of travel. They include:

- Costs associated with providing an accessible entrance and an accessible route to the altered area, for example, the cost of widening doorways or installing ramps;
- Costs associated with making restrooms accessible, such as installing grab bars, enlarging toilet stalls, insulating pipes, or installing accessible faucet controls;
- Costs associated with providing accessible telephones, such as relocating telephones to an accessible height, installing amplification devices, or installing telecommunications devices for deaf persons (TDD's);
- Costs associated with relocating an inaccessible drinking fountain.

Paragraph (f)(1) of the proposed rule provided that when the cost of alterations necessary to make the path of travel serving an altered area fully accessible is disproportionate to the cost of the overall alteration, the path of travel shall be made accessible to the maximum extent feasible. In response to the suggestion of a commenter, the Department has made an editorial change in the final rule (paragraph (f)(1)) to clarify that if the cost of providing a fully accessible path of travel is disproportionate, to the extent that it can be made accessible without incurring disproportionate costs.

Paragraph (g)(2) (paragraph (f)(2) in the NPRM) establishes that priority should be given to those elements that will provide the greatest access, in the following order: An accessible entrance; an accessible route to the altered area; at least one accessible restroom for each sex or a single unisex restroom; accessible telephones; accessible drinking fountains; and, whenever possible, additional accessible elements such as parking, storage, and alarms. This paragraph is unchanged from the proposed rule.

Paragraph (h) (paragraph (g) in the proposed rule) provides that the obligation to provide an accessible path of travel may not be evaded by performing a series of small alterations to the area served by a single path of travel if those alterations could have been performed as a single undertaking. If an area containing a primary function has been altered without providing an accessible path of travel to serve that area, or a different area on the same path of travel, are undertaken within three years of the original alteration, the total cost of alterations to primary function areas on that path of travel during the preceding three year period shall be considered in determining whether the cost of making the path of travel serving that area accessible is disproportionate. Only alter-

ations undertaken after January 26, 1992, shall be considered in determining if the cost of providing accessible features is disproportionate to the overall cost of the alterations.

Section 36.404 Alterations: Elevator Exemption

Section 36.404 implements the elevator exemption in section 303(b) of the Act as it applies to altered facilities. The provisions of section 303(b) are discussed in the preamble to §36.401(d) above. The statute applies the same exemption to both new construction and alterations. The principal difference between the requirements of §36.401(d) and §36.404 is that, in altering an existing facility that is not eligible for the statutory exemption, the public accommodation or other private entity responsible for the alteration is not required to install an elevator if the installation in cost and scope to the cost of proportionate in cost and scope to the cost of the overall alteration as provided in §36.403(f)(1). In addition, the standards referenced in §36.406 (ADAAG) provide that installation of an elevator in an altered facility is not required if it is "technically infeasible."

This section has been revised to define the terms "professional office of a health care provider" and "shopping center or shopping mall" for the purposes of this section. The definition of "professional office of a health care provider" is identical to the definition included in §36.401(d).

It has been brought to the attention of the Department that there is some misunderstanding about the scope of the elevator exemption as it applies to the professional office of a health care provider. A public accommodation, such as the professional office of a health care provider, is required to remove architectural barriers to its facility to the extent that such barrier removal is readily achievable (see §36.304), but it is not otherwise required by this part to undertake new construction or alterations. This part does not require that an existing two story building that houses the professional office of a health care provider be altered for the purpose of providing elevator access. If, however, alterations to the area housing the office of the health care provider are undertaken for other purposes, the installation of an elevator might be required, but only if the cost of the elevator is not disproportionate to the cost of the overall alteration. Neither the Act nor this part prohibits a health care provider from locating his or her professional office in an existing facility that does not have an elevator.

Because of the unique challenges presented in altering existing facilities, the Department has adopted a definition of "shopping center or shopping mall" for the purposes of this section that is slightly different from the definition adopted under §36.401(d). For the purposes of this section, a "shopping cen-

ter or shopping mall" is (1) a building housing five or more sales or rental establishments, or (2) a series of buildings on a common site, connected by a common pedestrian access route above or below the ground floor, either under common ownership or common control) or developed either as one project or as a series of related projects, housing five or more sales or rental establishments. As is the case with new construction, the term "shopping center or shopping mall" only includes floor levels housing at least one sales or rental establishment, or any floor level that was designed or intended for use by at least one sales or rental establishment.

The Department believes that it is appropriate to use a different definition of "shopping center or shopping mall" for this section than for § 36.401, in order to make it clear that a series of existing buildings on a common site that is altered for the use of sales or rental establishments does not become a "shopping center or shopping mall" required to install an elevator, unless there is a common means of pedestrian access above or below the ground floor. Without this exemption, separate, but adjacent, buildings that were initially designed and constructed independently of each other could be required to be retrofitted with elevators, if they were later renovated for a purpose not contemplated at the time of construction.

Like § 36.401(d), § 36.404 provides that the exemptions in this paragraph do not obviate or limit in any way the obligation to comply with the other accessibility requirements established in this subpart. For example, alterations to floors above or below the ground floor must be accessible regardless of whether the altered facility has an elevator. If a facility that is not required to install an elevator nonetheless has an elevator, that elevator shall meet, to the maximum extent feasible, the accessibility requirements of this section.

**Section 36.405 Alterations: Historic Preservation**

Section 36.405 gives effect to the intent of Congress, expressed in section 504(c) of the Act, that this part recognize the national interest in preserving significant historic structures. Commenters criticized the Department's use of descriptive terms in the proposed rule that are different from those used in the ADA to describe eligible historic properties. In addition, some commenters criticized the Department's decision to use the concept of "substantially impairing" the historic features of a property, which is a concept employed in regulations implementing section 504 of the Rehabilitation Act of 1973. Those commenters recommended that the Department adopt the criteria of "adverse effect" published by the Advisory

Council on Historic Preservation under the National Historic Preservation Act (36 CFR 800.9) as the standard for determining whether an historic property may be altered.

The Department agrees with these comments to the extent that they suggest that the language of the rule should conform to the language employed by Congress in the ADA. Therefore, the language of this section has been revised to make it clear that this provision applies to buildings or facilities that are eligible for listing in the National Register of Historic Places under the National Historic Preservation Act (16 U.S.C. 470 *et seq.*) and to buildings or facilities that are designated as historic under State or local law. The Department believes, however, that the criteria of adverse effect employed under the National Historic Preservation Act are inappropriate for this rule because section 504(c) of the ADA specifies that special alterations provisions shall apply only when an alteration would "threaten or destroy the historic significance of qualified historic buildings and facilities."

The Department intends that the exception created by this section be applied only in those very rare situations in which it is not possible to provide access to an historic property using the special access provisions in ADAAG. Therefore, paragraph (a) of § 36.405 has been revised to provide that alterations to historic properties shall comply to the maximum extent feasible, with section 4.1.7 of ADAAG. Paragraph (b) of this section has been revised to provide that if it has been determined, under the procedures established in ADAAG, that it is not feasible to provide physical access to an historic property that is a place of public accommodation in a manner that will not threaten or destroy the historic significance of the property, alternative methods of access shall be provided pursuant to the requirements of Subpart C.

**Section 36.406 Standards for New Construction and Alterations**

Section 36.406 implements the requirements of sections 306(b) and 306(c) of the Act, which require the Attorney General to promulgate standards for accessible design for buildings and facilities subject to the Act and this part that are consistent with the supplemental minimum guidelines and requirements for accessible design published by the Architectural and Transportation Barriers Compliance Board (ATBCB or Board) pursuant to section 504 of the Act. This section of the rule provides that new construction and alterations subject to this part shall comply with the standards for accessible design published as appendix A to this part.

Appendix A contains the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG) which is

being published by the ATBCB as a final rule elsewhere in this issue of the FEDERAL REGISTER. As proposed in this Department's proposed rule, § 36.406(a) adopts ADAAG as the accessibility standard applicable under this rule.

Paragraph (b) was not included in the proposed rule. It provides, in chart form, guidance for using ADAAG together with subparts A through D of this part when determining requirements for a particular facility. This chart is intended solely as guidance for the user; it has no effect for purposes of compliance or enforcement. It does not necessarily provide complete or mandatory information.

Proposed § 36.406(b) is not included in the final rule. That provision, which would have taken effect only if the final rule had followed the proposed Option Two for § 36.401(a), is unnecessary because the Department has chosen Option One, as explained in the preamble for that section.

Section 504(a) of the ADA requires the ATBCB to issue minimum guidelines to supplement the existing Minimum Guidelines and Requirements for Accessible Design (MGRAD) (36 CFR part 1190) for purposes of title III. According to section 504(b) of the Act, the guidelines are to establish additional requirements, consistent with the Act, "to ensure that buildings and facilities are accessible, in terms of architecture and design, . . . and communication, to individuals with disabilities." Section 306(c) of the Act requires that the accessibility standards included in the Department's regulations be consistent with the minimum guidelines, in this case ADAAG.

As explained in the ATBCB's preamble to ADAAG, the substance and form of the guidelines are drawn from several sources. They use as their model the 1984 Uniform Federal Accessibility Standards (UFAS) (41 CFR part 101, subpart 101-19.6, appendix), which are the standards implementing the Architectural Barriers Act. UFAS is based on the Board's 1982 MGRAD. ADAAG follows the numbering system and format of the private sector American National Standard Institute's ANSI A117.1 standards. (American National Specifications for Making Buildings and Facilities Accessible to and Usable by Physically Handicapped People (ANSI A117-1990) and American National Standard for Buildings and Facilities—Providing Accessibility and Usability for Physically Handicapped People (ANSI A117.1-1986).) ADAAG supplements MGRAD. In developing ADAAG, the Board made every effort to be consistent with MGRAD and the current and proposed ANSI Standards, to the extent consistent with the ADA.

ADAAG consists of nine main sections and a separate appendix. Sections 1 through 3 contain general provisions and definitions. Section 4 contains scoping provisions and

technical specifications applicable to all covered buildings and facilities. The scoping provisions are listed separately for new construction of sites and exterior facilities; new construction of buildings; additions; alterations; and alterations to historic properties. The technical specifications generally reprint the text and illustrations of the ANSI A117.1 standard, except where differences are noted by italics. Sections 5 through 9 of the guidelines are special application sections and contain additional requirements for restaurants and cafeterias, medical care facilities, business and mercantile facilities, libraries, and transient lodging. The appendix to the guidelines contains additional information to aid in understanding the technical specifications. The section numbers in the appendix correspond to the sections of the guidelines to which they relate. An asterisk after a section number indicates that additional information appears in the appendix.

ADAAG's provisions are further explained under Summary of ADAAG below.

**GENERAL COMMENTS**

One commenter urged the Department to move all or portions of subpart D, New Construction and Alterations, to the appendix (ADAAG) or to duplicate portions of subpart D in the appendix. The commenter correctly pointed out that subpart D is inherently linked to ADAAG, and that a self-contained set of rules would be helpful to users. The Department has attempted to simplify use of the two documents by deleting some paragraphs from subpart D (e.g., those relating to work areas), because they are included in ADAAG. However, the Department has retained in subpart D those sections that are taken directly from the statute or that give meaning to specific statutory concepts (e.g., structural impracticability, path of travel). While some of the subpart D provisions are duplicated in ADAAG, others are not. For example, issues relating to path of travel and disproportionality in alterations are not addressed in detail in ADAAG. (The structure and contents of the two documents are addressed below under Summary of ADAAG.) While the Department agrees that it would be useful to have one self-contained document, the different focuses of this rule and ADAAG do not permit this result at this time. However, the chart included in § 36.406(b) should assist users in applying the provisions of subparts A through D, and ADAAG together.

Numerous business groups have urged the Department not to adopt the proposed ADAAG as the accessibility standards, because the requirements established are too high, reflect the "state of the art," and are inflexible, rigid, and impractical. Many of these objections have been lodged on the basis that ADAAG exceeds the statutory

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mandate to establish "minimum" guidelines. In the view of the Department, these commenters have misconstrued the meaning of the term "minimum guidelines." The statute clearly contemplates that the guidelines establish a level of access—a minimum—that the standards must meet or exceed. The guidelines are not to be "minimal" in the sense that they would provide for a low level of access. To the contrary, Congress emphasized that the ADA requires a "high degree of convenient access." Education and Labor report at 117-18. The legislative history explains that the guidelines may not "reduce, weaken, narrow or set less accessibility standards than those included in existing MGRAD" and should provide greater guidance in communication accessibility for individuals with hearing and vision impairments. Id. at 139. Nor did Congress contemplate a set of guidelines less detailed than ADAAG; the statute requires that the ADA guidelines supplement the existing MGRAD. When it established the statutory scheme, Congress was aware of the content and purpose of the 1982 MGRAD; as ADAAG does with respect to ADA, MGRAD establishes a minimum level of access that the Architectural Barriers Act standards (i.e., UFAS) must meet or exceed, and includes a high level of detail.

Many of the same commenters urged the Department to incorporate as its accessibility standards the ANSI standard's technical provisions and to adopt the proposed scoping provisions under development by the Council of American Building Officials' Board for the Coordination of Model Codes (BCMC). They contended that the ANSI standard is familiar to and accepted by professionals, and that both documents are developed through consensus. They suggested that ADAAG will not stay current, because it does not follow an established cyclical review process, and that it is not likely to be adopted by non-federal jurisdictions in State and local codes. They urged the Department and the Board to coordinate the ADAAG provisions and any substantive changes to them with the ANSI All17 committees in order to maintain a consistent and uniform set of accessibility standards that can be efficiently and effectively implemented at the State and local level through the existing building regulatory processes.

The Department shares the commenters' goal of coordination between the private sector and Federal standards, to the extent that coordination can lead to substantive requirements consistent with the ADA. A single accessibility standard, or consistent accessibility standards, that can be used for ADA purposes and that can be incorporated or referenced by State and local governments, would help to ensure that the ADA requirements are routinely implemented at the de-

A few commenters, citing the Senate report (at 70) and the Education and Labor report (at 119), asked the Department to include in the regulations a provision stating that departures from particular technical and scoping requirements of the accessibility standards will be permitted so long as the alternatives will be permitted to provide substantially equivalent or greater access to and utilization of the facility. Such a provision is found in ADAAG 2.2 and by virtue of that fact is included in these regulations.

Comments on specific provisions of proposed ADAAG

During the course of accepting comments on its proposed rule, the Department received numerous comments on ADAAG. Those areas that elicited the heaviest responses included assistive listening systems, automated teller machines, work areas, parking, areas of refuge, telephones (scoping for TDD's and volume controls) and visual alarms. Strenuous objections were raised by some business commenters to the proposed provisions of the guidelines concerning check-out aisles, counters, and scoping for hotels and nursing facilities. All these comments were considered in the same manner as other comments on the Department's proposed rule and, in the Department's view, have been addressed adequately in the final ADAAG.

Largely in response to comments, the Board made numerous changes from its proposal, including the following:

- Generally, at least 50% of public entrances to new buildings must be accessible, rather than all entrances, as would often have resulted from the proposed approach.

- Not all check-out aisles are required to be accessible.

- The final guidelines provide greater flexibility in providing access to sales counters, and no longer require a portion of every counter to be accessible.

- Scoping for TDD's or text telephones was increased. One TDD or text telephone, for speech and hearing impaired persons, must be provided at locations with 4, rather than 6, pay phones, and in hospitals and shopping malls. Use of portable (less expensive) TDD's is allowed.

- Dispersal of wheelchair seating areas in theaters will be required only where there are more than 300 seats, rather than in all cases. Seats with removable armrests (i.e., seats into which persons with mobility impairments can transfer) will also be required.

- Areas of refuge (areas with direct access to a stairway, and where people who cannot use stairs may await assistance during a emergency evacuation) will be required, as proposed, but the final provisions are based on the Uniform Building Code. Such areas are not required in elevators.

- Rather than requiring 5% of new hotel rooms to be accessible to people with mobility impairments, between 2 and 4% accessibility (depending on total number of rooms) is required. In addition, 1% of the rooms must have roll-in showers.

- The proposed rule reserved the provisions on alterations to homeless shelters. The final guidelines apply alterations requirements to homeless shelters, but the requirements are less stringent than those applied to other types of facilities.

- Parking spaces that can be used by people in vans (with lifts) will be required.

- As mandated by the ADA, the Board has established a procedure to be followed with respect to alterations to historic facilities.

SUMMARY OF ADAAG

This section of the preamble summarizes the structure of ADAAG, and highlights the more important portions.

• Sections 1 Through 3

Sections 1 through 3 contain general requirements, including definitions.

• Section 4.1.1. Application

Section 4 contains scoping requirements. Section 4.1.1, Application, provides that all areas of newly designed or newly constructed buildings and facilities and altered portions of existing buildings and facilities required to be accessible by §4.1.6 must comply with the guidelines unless otherwise provided in §4.1.1 or a special application section. It addresses areas used only by employees as work areas, temporary structures, and general exceptions.

Section 4.1.1.3 preserves the basic principle of the proposed rule: Areas that may be used by employees with disabilities shall be designed and constructed so that an individual with a disability can approach, enter, and exit the area. The language has been clarified to provide that it applies to any area used only as a work area (not just to areas "that may be used by employees with disabilities"), and that the guidelines do not require that any area used as an individual work station be designed with maneuvering space or equipped to be accessible. The appendix to ADAAG explains that work areas must meet the guidelines' requirements for doors and accessible routes, and rec-ommends, but does not require, that 5% of individual work stations be designed to permit a person using a wheelchair to maneuver within the space.

Further discussion concerning proposed in the preamble concerning proposed §36.401(b).

Section 4.1.1.6(e) includes an exception for structural impracticability that corresponds to the one found in §36.401(c) and discussed in that portion of the preamble.

• Section 4.1.2, Accessible Sites and Exterior Facilities: New Construction

This section addresses exterior features, elements, or spaces such as parking, portable toilets, and exterior signage. In new construction, interior elements and spaces are covered by 4.1.3.

The final rule retains the UFAS scoping for parking but also requires that at least one of every eight accessible parking spaces be designed with adequate adjacent space to deploy a lift used with a van. These spaces must have a sign indicating that they are served exclusively for van users.

• Section 4.1.3, Accessible Buildings: New Construction

This section establishes scoping requirements for new construction of buildings and facilities.

Sections 4.1.3 (1) through (4) cover accessible routes, protruding objects, ground and floor surfaces, and stairs.

Section 4.1.3(5) generally requires elevators to serve each level in a newly constructed building, with four exceptions included in the subsection. Exception 1 is the "elevator exception" established in §36.401(d), which must be read with this section. Exception 4 allows the use of platform lifts under certain conditions.

Section 4.1.3(6), Windows, is reserved. Section 4.1.3(7) applies to doors.

Under 4.1.3(8), at least 50% of all public entrances must be accessible. In addition, if a building is designed to provide access to enclosed parking, pedestrian tunnels, or elevated walkways, at least one entrance that serves each such function must be accessible. Each tenancy in a building must be served by an accessible entrance. Where local regulations (e.g., fire codes) require that a minimum number of exits be provided, an equivalent number of accessible entrances must be provided. (The latter provision does not require a greater number of entrances than otherwise planned.)

ADAAG Section 4.1.3(9), with accompanying technical requirements in Section 4.3, requires an area of rescue assistance (i.e., an area with direct access to an exit stairway and where people who are unable to use stairs may await assistance during an emergency evacuation) to be established on each floor of a multi-story building. This was one of the most controversial provisions in the guidelines. The final ADAAG is based on current Uniform Building Code requirements and retains the requirement that areas of refuge (renamed "areas of rescue assistance") be provided, but specifies that this requirement does not apply to buildings that have a supervised automatic sprinkler system. Areas of refuge are not required in alterations.

each new space or element must comply with the applicable scoping provisions of sections 4.1.1 to 4.1.3 for new construction, the applicable technical specifications of sections 4.2 through 4.34, and any applicable special provisions in sections 5 through 10. For instance, if a restroom is provided in the addition, it must comply with the requirements for new construction. Construction of an addition does not, however, create an obligation to retrofit the entire existing building or facility to meet requirements for new construction. Rather, the addition is to be regarded as an alteration and to the extent that it affects or could affect the usability of or access to an area containing a primary function, the requirements in section 4.1.6(2) are triggered with respect to providing an accessible path of travel to the altered area and making the restrooms, telephones, and drinking fountains serving the altered area accessible. For example, if a museum adds a new wing that does not have a separate entrance as part of the addition, an accessible path of travel would have to be provided through the existing building or facility unless it is disproportionate to the overall cost and scope of the addition as established in §36.403(f).

• Section 4.1.6, Alterations

An alteration is a change to a building or facility that affects or could affect the usability of or access to the building or facility or any part thereof. There are three general principles for alterations. First, if any existing element or space is altered, the alteration requirements (section 4.1.6(1)(b)). Second, if alterations to the elements in a space when considered together amount to an alteration of the space, the entire space must meet new construction requirements (section 4.1.6(1)(c)). Third, if the alteration affects or could affect the usability of or access to an area containing a primary function, the path of travel to the altered area and the restrooms, drinking fountains, and telephones serving the altered area must be made accessible unless it is disproportionate to the overall alterations in terms of cost and scope as determined under criteria established by the Attorney General (§4.1.6(2)).

Section 4.1.6 should be read with §36.402 through 36.405. Requirements concerning alterations to an area serving a primary function are addressed with greater detail in the latter sections than in section 4.1.6(2). Section 4.1.6(1)(j) deals with technical inflexibility. Section 4.1.6(3) contains special technical provisions for alterations to existing buildings and facilities.

• Section 4.1.7, Historic Preservation

This section contains scoping provisions and alternative requirements for alterations

to qualified historic buildings and facilities. It clarifies the procedures under the National Historic Preservation Act and their application to alterations covered by the ADA. An individual seeking to alter a facility that is subject to the ADA guidelines and to State or local historic preservation statutes shall consult with the State Historic Preservation Officer to determine if the planned alteration would threaten or destroy the historic significance of the facility.

• Sections 4.2 Through 4.35

Sections 4.2 through 4.35 contain the technical specifications for elements and spaces required to be accessible by the scoping provisions (sections 4.1 through 4.1.7) and special application sections (sections 5 through 10). The technical specifications are the same as the 1980 version of ANSI A117.1 standard, except as noted in the text by italics.

• Sections 5 Through 9

These are special application sections and contain additional requirements for restaurants and cafeterias, medical care facilities, business and mercantile facilities, libraries, and transient lodging. For example, at least 5 percent, but not less than one, of the fixed tables in a restaurant must be accessible.

In section 7, Business and Mercantile, paragraph 7.2 (Sales and Service Counters, Teller Windows, Information Counters) has been revised to provide greater flexibility in new construction than did the proposed rule. At least one of each type of sales or service counter where a cash register is located shall be made accessible. Accessible counters shall be dispersed throughout the facility. At counters such as bank teller windows or ticketing counters, alternative methods of compliance are permitted. A public accommodation may lower a portion of the counter, provide an auxiliary counter, or provide equivalent facilitation through such means as installing a folding shelf on the front of the counter at an accessible height to provide a work surface for a person using a wheelchair.

Section 7.3, Check-out Aisles, provides that, in new construction, a certain number of each design of check-out aisle, as listed in a chart based on the total number of check-out aisles of each design, shall be accessible. The percentage of check-outs required to be accessible generally ranges from 20% to 40%. In a newly constructed or altered facility with less than 5,000 square feet of selling space, at least one of each type of check-out aisle must be accessible. In altered facilities with 5,000 or more square feet of selling space, at least one of each design of check-out aisle must be made accessible when altered, until the number of accessible aisles

of each design equals the number that would be required for new construction.

• **Section 9. Accessible Transient Lodging**

Section 9 addresses two types of transient lodging: hotels, motels, inns, boarding houses, dormitories, resorts, and other similar places (sections 9.1 through 9.4); and homeless shelters, halfway houses, transient group homes, and other social service establishments (section 9.5). The interplay of the ADA and Fair Housing Act with respect to such facilities is addressed in the preamble discussion of the definition of "place of public accommodation" in §36.104.

The final rule establishes scoping requirements for accessibility of newly constructed hotels. Four percent of the first hundred rooms, and roughly two percent of rooms in excess of 100, must meet certain requirements for accessibility to persons with mobility or hearing impairments, and an additional identical percentage must be accessible to persons with hearing impairments. An additional 1% of the available rooms must be equipped with roll-in showers, raising the actual scoping for rooms accessible to persons with mobility impairments to 5% of the first hundred rooms and 3% thereafter. The final ADAAG also provides that when a hotel is being altered, one fully accessible room and one room equipped with visual alarms, notification devices, and amplified telephones shall be provided for each 25 rooms being altered until the number of accessible rooms equals that required under the new construction standard. Accessible rooms must be dispersed in a manner that will provide persons with disabilities with a choice of single or multiple-bed accommodations.

In new construction, homeless shelters and other social service entities must comply with ADAAG; at least one type of amenity in each common area must be accessible. In a facility that is not required to have an elevator, it is not necessary to provide accessible amenities on the inaccessible floors if at least one of each type of amenity is provided in accessible common areas. The percentage of accessible sleeping accommodations required is the same as that required for other places of transient lodging. Requirements for facilities altered for use as a homeless shelter parallel the current MGRAD accessibility requirements for leased buildings. A shelter located in an altered facility must have at least one accessible entrance, accessible sleeping accommodations in a number equivalent to that established for new construction, at least one accessible toilet and bath, at least one accessible common area, and an accessible route connecting all accessible areas. All accessible areas in a homeless shelter in an altered facility may be located

on one level

**Department of Justice**

Individuals with disabilities is mandatory" under this standard. H.R. Rep. No. 485, 101st Cong., 2d Sess., pt. 4, at 64 (1990). Also, injunctive relief shall include, where appropriate, requiring the provision of an auxiliary aid or service, modification of a policy, or provision of alternative methods, to the extent required by title III of the Act and this part.

Section 36.502 is based on section 308(b)(1)(A)(i) of the Act, which provides that the Attorney General shall investigate alleged violations of title III and undertake periodic reviews of compliance of covered entities. Although the Act does not establish a comprehensive administrative enforcement mechanism for investigation and resolution of all complaints received, the legislative history notes that investigation of alleged violations and periodic compliance reviews are essential to effective enforcement of title III, and that the Attorney General is expected to engage in active enforcement and to allocate sufficient resources to carry out this responsibility. Judiciary Report at 67.

Many commenters argued for inclusion of more specific provisions for administrative resolution of disputes arising under the Act and this part in order to promote voluntary compliance and avoid the need for litigation. Administrative resolution is far more efficient and economical than litigation, particularly in the early stages of implementation of complex legislation when the specific requirements of the statute are not widely understood. The Department has added a new paragraph (c) to this section authorizing the Attorney General to initiate a compliance review where he or she has reason to believe there may be a violation of this rule.

Section 36.503 describes the procedures for suits by the Attorney General set out in section 308(b)(1)(B) of the Act. If the Department has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights granted by title III or that any person or group of persons has been denied any of the rights granted by title III and such denial raises an issue of general public importance, the Attorney General may commence a civil action in any appropriate United States district court. The proposed rule provided for suit by the Attorney General "or his or her designee." The reference to a "designee" has been omitted in the final rule because it is unnecessary. The Attorney General has delegated enforcement authority under the ADA to the Assistant Attorney General for Civil Rights, 55 FR 40653 (October 4, 1990) (to be codified at 28 CFR 36.501).

Section 36.504 describes the relief that may be granted in a suit by the Attorney General under section 308(b)(2) of the Act. In such an action, the court may grant any equitable relief it considers to be appropriate, including granting temporary, preliminary, or per-

manent relief, providing an auxiliary aid or service, modification of policy or alternative method, or making facilities readily accessible to and usable by individuals with disabilities, to the extent required by title III. In addition, a court may award such other relief as the court considers to be appropriate, including monetary damages to persons aggrieved, when requested by the Attorney General.

Furthermore, the court may vindicate the public interest by assessing a civil penalty against the covered entity in an amount not exceeding \$50,000 for a first violation and not exceeding \$100,000 for any subsequent violation. Section 36.504(b) of the rule adopts the standard of section 308(b)(3) of the Act. This section makes it clear that, in counting the number of previous determinations of violations for determining whether a "first" or "subsequent" violation has occurred, determinations in the same action that the entity has engaged in more than one discriminatory act are to be counted as a single violation. A "second violation" would not accrue to that entity until the Attorney General brought another suit against the entity and the entity was again held in violation. Again, all of the violations found in the second suit would be cumulatively considered as a "subsequent violation."

Section 36.504(c) clarifies that the terms "monetary damages" and "other relief" do not include punitive damages. They do include, however, all forms of compensatory damages, including out-of-pocket expenses and damages for pain and suffering.

Section 36.504(a)(3) is based on section 308(b)(2)(C) of the Act, which provides that, "to vindicate the public interest," a court may assess a civil penalty against the entity that has been found to be in violation of the Act in suits brought by the Attorney General. In addition, §36.504(d), which is taken from section 308(b)(5) of the Act, further provides that, in considering what amount of civil penalty, if any, is appropriate, the court shall give consideration to "any good faith effort or attempt to comply with this part." In evaluating such good faith, the court shall consider "among other factors it deems relevant, whether the entity could have reasonably anticipated the need for an appropriate type of auxiliary aid needed to accommodate the unique needs of a particular individual with a disability."

The "good faith" standard referred to in this section is not intended to imply a willful or intentional standard—that is, an entity cannot demonstrate good faith simply by showing that it did not willfully, intentionally, or recklessly disregard the law. At the same time, the absence of such a course of conduct would be a factor a court should weigh in determining the existence of good faith.

Section 36.505 states that courts are authorized to award attorneys fees, including litigation expenses and costs, as provided in section 505 of the Act. Litigation expenses include items such as expert witness fees, travel expenses, etc. The Judiciary Committee Report specifies that such items are included under the rubric of "attorneys fees" and not "costs" so that such expenses will be assessed against a plaintiff only under the standard set forth in *Christiansburg Garment Co. v. Equal Employment Opportunity Commission*, 434 U.S. 412 (1978). (Judiciary report at 73.)

Section 36.506 restates section 513 of the Act, which encourages use of alternative means of dispute resolution. Section 36.507 explains that, as provided in section 506(e) of the Act, a public accommodation or other private entity is not excused from compliance with the requirements of this part because of any failure to receive technical assistance.

**Section 36.305 Effective Date**

In general, title III is effective 18 months after enactment of the Americans with Disabilities Act, i.e., January 26, 1992. However, there are several exceptions to this general rule contained throughout title III. Section 36.508 sets forth all of these exceptions in one place.

Paragraph (b) contains the rule on civil actions. It states that, except with respect to new construction and alterations, no civil action shall be brought for a violation of this part that occurs before July 26, 1992, against businesses with 25 or fewer employees and gross receipts of \$1,000,000 or less; and before January 26, 1993, against businesses with 10 or fewer employees and gross receipts of \$500,000 or less. In determining what constitutes gross receipts, it is appropriate to exclude amounts collected for sales taxes.

Paragraph (c) concerns transportation services provided by public accommodations not primarily engaged in the business of transporting people. The 18-month effective date applies to all of the transportation provisions except those requiring newly purchased or leased vehicles to be accessible. Vehicles subject to that requirement must be accessible to and usable by individuals with disabilities if the solicitation for the vehicle is made on or after August 26, 1990.

**Subpart F—Certification of State Laws or Local Building Codes**

Subpart F establishes procedures to implement section 308(b)(1)(A)(ii) of the Act, which provides that, on the application of a State or local government, the Attorney General may certify that a State law or local building code or similar ordinance meets or exceeds the minimum accessibility requirements of the Act. In enforcement proceed-

ings, this certification will constitute rebuttable evidence that the law or code meets or exceeds the ADA's requirements.

Three significant changes, further explained below, were made from the proposed subpart, in response to comments. First, the State or local jurisdiction is required to hold a public hearing on its proposed request for certification and to submit to the Department, as part of the information and materials in support of a request for certification, a transcript of the hearing. Second, the time allowed for interested persons and organizations to comment on the request filed with the Department (§36.505(a)(1)) has been changed from 30 to 60 days. Finally, a new §36.608, Guidance concerning model codes, has been added.

Section 36.601 establishes the definitions to be used for purposes of this subpart. Two of the definitions have been modified, and a definition of "model code" has been added. First, in response to a comment, a reference to a code "or part thereof" has been added to the definition of "code." The purpose of this addition is to clarify that an entire code need not be submitted if only part of it is relevant to accessibility, or if the jurisdiction seeks certification of only some of the portions that concern accessibility. The Department does not intend to encourage "piecemeal" requests for certification by a single jurisdiction. In fact, the Department expects that in some cases, rather than certifying portions of a particular code and refusing to certify others, it may notify a submitting jurisdiction that cures those deficiencies, so that the entire code can be certified eventually. Second, the definition of "submitting official" has been modified. The proposed rule defined the submitting official to be the State or local official who has principal responsibility for administration of a code. Commenters pointed out that in some cases more than one code within the same jurisdiction is relevant for purposes of certification. It was also suggested that the Department allow a State to submit a single application on behalf of the State, as well as on behalf of any local jurisdictions required to follow the State accessibility requirements. Consistent with these comments, the Department has added to the definition language clarifying that the official can be authorized to submit a code on behalf of a jurisdiction.

A definition of "model code" has been added in light of new §36.608.

Most commenters generally approved of the proposed certification process. Some approved of what they saw as the Department's attempt to bring State and local codes into alignment with the ADA. A State agency said that this section will be the backbone of the intergovernmental cooperation essential

if the accessibility provisions of the ADA are to be effective.

Some comments disapproved of the proposed process as time-consuming and laborious for the Department, although some of these comments pointed out that, if the Attorney General certified model codes on which State and local codes are based, many perceived problems would be alleviated. (This point is further addressed by new §36.608.)

Many of the comments received from business organizations, as well as those from some individuals and disability rights groups, addressed the relationship of the ADA requirements and their enforcement, to existing State and local codes and code enforcement systems. These commenters urged the Department to use existing code-making bodies for interpretations of the ADA, and to actively participate in the integration of the ADA into the text of the national model codes that are adopted by State and local enforcement agencies. These issues are discussed in preamble section 36.406 under General comments.

Many commenters urged the Department to evaluate or certify the entire code enforcement system (including any process for hearing appeals from builders of denials by the building code official of requests for variances, waivers, or modifications). Some urged that certification not be allowed in jurisdictions where waivers can be granted, unless there is a clearly identified decision-making process, with written rulings and notice to affected parties of any waiver or modification request. One commenter urged establishment of a dispute resolution mechanism, providing for interpretation (usually through a building official) and an administrative appeals mechanism (generally called Boards of Appeal, Boards of Construction Appeals, or Boards of Review), before certification could be granted.

The Department thoroughly considered these proposals but has declined to provide for certification of processes of enforcement or administration of State and local codes. The statute clearly authorizes the Department to certify the codes themselves for equivalency with the statute; it would be ill-advised for the Department at this point to inquire beyond the face of the code and written interpretations of it. It would be inappropriate to require those jurisdictions that grant waivers or modifications to establish certain procedures before they can apply for certification, or to insist that no deviations can be permitted. In fact, the Department expects that many jurisdictions will allow slight variations from a particular code, consistent with ADAAG itself. ADAAG includes in §2.2 a statement allowing departures from particular requirements where substantially equivalent or greater access and usability is provided. Several sections specifically allow

for alternative methods providing equivalent facilitation and, in some cases, provide examples. (See, e.g., section 4.31.9, Text Telephones; section 7.2(2) (iii), Sales and Service Counters.) Section 4.1.6 includes less stringent requirements that are permitted in alterations, in certain circumstances.

However, in an attempt to ensure that it does not certify a code that in practice has been or will be applied in a manner that defeats its equivalence with the ADA, the Department will require that the submitting official include, with the application for certification, any relevant manuals, guides, or any other interpretive information issued that pertain to the code. (§36.603(c)(1).) The requirement that this information be provided is in addition to the NPRM's requirement that the official provide any pertinent formal opinions of the State Attorney General or the chief legal officer of the jurisdiction.

The first step in the certification process is a request for certification, filed by a "submitting official" (§36.603). The Department will not accept requests for certification until after January 26, 1992, the effective date of this part. The Department received numerous comments from individuals and organizations representing a variety of interests, urging that the hearing required to be held by the Assistant Attorney General in Washington, DC, after a preliminary determination of equivalency (§36.605(a)(2)), be held within the State or locality requesting certification, in order to facilitate greater participation by all interested parties. While the Department has not modified the requirement that it hold a hearing in Washington, it has added a new subparagraph 36.603(b)(3) requiring a hearing within the State or locality before a request for certification is filed. The hearing must be held after adequate notice to the public and must be on the record; a transcript must be provided with the request for certification. This procedure will insure input from the public at the State or local level and will also insure a Washington, DC, hearing as mentioned in the legislative history.

The request for certification, along with supporting documents (§36.603(c)), must be filed in duplicate with the office of the Assistant Attorney General for Civil Rights. The Assistant Attorney General may request further information. The request and supporting materials will be available for public examination at the office of the Assistant Attorney General and at the office of the State or local agency charged with administration and enforcement of the code. The submitting official must publish public notice of the request for certification.

Next, under §36.604, the Assistant Attorney General's office will consult with the ATBCB and make a preliminary determination to either (1) find that the code is equivalent

(make a "preliminary determination of equivalency") or (2) deny certification. The next step depends on which of these preliminary determinations is made.

If the preliminary determination is to find equivalency, the Assistant Attorney General, under § 36.605, will inform the submitting official in writing of the preliminary determination and publish a notice in the FEDERAL REGISTER informing the public of the preliminary determination and inviting comment for 60 days. (This time period has been increased from 30 days in light of public comment pointing out the need for more time within which to evaluate the code.) After considering the information received in response to the comments, the Department will hold a hearing in Washington. This hearing will not be subject to the formal requirements of the Administrative Procedure Act. In fact, this requirement could be satisfied by a meeting with interested parties. After the hearing, the Assistant Attorney General's office will consult again with the ATFCB and make a final determination of equivalency or a final determination to deny the request for certification, with a notice of the determination published in the FEDERAL REGISTER.

If the preliminary determination is to deny certification, there will be no hearing (§ 36.606). The Department will notify the submitting official of the preliminary determination, and may specify how the code could be modified in order to receive a preliminary determination of equivalency. The Department will allow at least 15 days for the submitting official to submit relevant material in opposition to the preliminary denial. If none is received, no further action will be taken. If more information is received, the Department will consider it and make either a final decision to deny certification or a preliminary determination of equivalency. If at that stage the Assistant Attorney General makes a preliminary determination of equivalency, the hearing procedures set out in § 36.605 will be followed.

Section 36.607 addresses the effect of certification. First, certification will only be effective concerning those features or elements that are both (1) covered by the certified code and (2) addressed by the regulations against which they are being certified. For example, if children's facilities are not addressed by the Department's standards, and the building in question is a private elementary school, certification will not be effective for those features of the building to be used by children. And if the Department's regulations addressed equipment but the local code did not, a building's equipment would not be covered by the certification.

In addition, certification will be effective only for the particular edition of the code that is certified. Amendments will not automatically be considered certified, and a sub-

mitting official will need to reapply for certification of the changed or additional provisions.

**PART 39—ENFORCEMENT OF NON-DISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES CONDUCTED BY THE DEPARTMENT OF JUSTICE**

**Sec.**

- 39.101 Purpose.
- 39.102 Applications.
- 39.103 Definitions.
- 39.104—39.109 [Reserved]
- 39.110 Self-evaluation.
- 39.111 Notice.
- 39.112—39.123 [Reserved]
- 39.130 General prohibitions against discrimination.
- 39.131—39.139 [Reserved]
- 39.140 Employment.
- 39.141—39.148 [Reserved]
- 39.149 Program accessibility: Discrimination prohibited.
- 39.150 Program accessibility: Existing facilities.
- 39.151 Program accessibility: New construction and alterations.
- 39.152—39.159 [Reserved]
- 39.160 Communications.
- 39.161—39.169 [Reserved]
- 39.170 Compliance procedures.

Authority: 29 U.S.C. 794.

Source: Order No. 1065-84, 49 FR 35734, Sept. 11, 1984, unless otherwise noted.

**§ 39.101 Purpose.**

This part effectuates section 119 of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, which amended section 504 of the Rehabilitation Act of 1973 to prohibit discrimination on the basis of handicap in programs or activities conducted by Executive agencies or the U.S. Postal Service.

**§ 39.102 Application.**

This part applies to all programs or activities conducted by the agency.

**§ 39.103 Definitions.**

For purposes of this part, the term—  
**Agency** means the Department of Justice.  
**Assistant Attorney General** means the Assistant Attorney General. **Civil**

Rights Division, U.S. Department of Justice.

**Auxiliary aids** means services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in, and enjoy the benefits of, programs or activities conducted by the agency. For example, auxiliary aids useful for persons with impaired vision include readers, Brailled materials, audio recordings, telecommunications devices and other similar services and devices. Auxiliary aids useful for persons with impaired hearing include telephone handset amplifiers, telecommunication devices for deaf persons (TDD's), interpreters, notetakers, written materials, and other similar services and devices.

**Complaint Adjudication Officer** means the Complaint Adjudication Officer appointed by the Assistant Attorney General for Civil Rights.

**Complete complaint** means a written statement that contains the complainant's name and address and describes the agency's alleged discriminatory action in sufficient detail to inform the agency of the nature and date of the alleged violation of section 504. It shall be signed by the complainant or by someone authorized to do so on his or her behalf.

**Facility** means all or any portion of buildings, structures, equipment, roads, walks, parking lots, rolling stock or other conveyances, or other real or personal property.

**Handicapped person** means any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. As used in this definition, the phrase:

(1) *Physical or mental impairment* includes—

- (i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: Neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or



**Appendix B**

**Comments and Responses  
to the  
Draft Environmental Assessment**

FILE

EDUARD J. CAYETANO  
GOVERNOR OF HAWAII  
C O O P E R A T I O N  
C O O P E R A T I O N



GILBERT S. COLOMA-AGARAN, CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES

DEPUTIES  
JANET E. KAWALO  
LINNIE HISHIOKA

01 MAR 15 PM 1:16

STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

HISTORIC PRESERVATION DIVISION  
Kakuhikawa Building, Room 556  
601 Kamokila Boulevard  
Kapolei, Hawaii 96707

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
COMMISSION ON WATER RESOURCE  
MANAGEMENT  
CONSERVATION AND RESOURCES  
ENFORCEMENT  
CONVEYANCES  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
LAND  
STATE PARKS

March 5, 2001

Rae M. Loui, Acting Director  
Department of Design and Construction  
City & County of Honolulu  
650 South King Street, 11<sup>th</sup> floor  
Honolulu, Hawaii 96813

LOG NO: 27043 ✓  
DOC NO: 0102ELL5

Dear Ms Loui:

SUBJECT: Chapter 6E-8 Historic Preservation Review - Draft Environmental  
Assessment for the Sand Island Wastewater Treatment Plant,  
Modifications and Expansion  
Honolulu, Kona, O'ahu  
TMK:1-5-041:005

RECEIVED  
MAR 15 2 37 PM '01  
DIV. OF SURVEY  
AND ACQUISITION

Thank you for the opportunity to comment on the DEA for the Sand Island Wastewater Treatment Plant Modifications and Expansion. Our review is based on historic reports, maps, and aerial photographs maintained at the State Historic Preservation Division; no field inspection was made of the project areas.

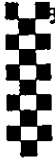
The DEA is correct in stating that the project site is comprised of fill lands and mixed fill lands. A review of our records shows that there are no known historic sites at the project location. This area of Sand Island has been in-filled to enlarge the shoreline. Since modifications are proposed for the existing Sand Island WWTP, and the plant is built upon fill soils, we believe that this project will have "no effect" on historic sites.

If you have any questions please call Elaine Jourdane at 692-8027.

Aloha,

Don Hibbard, Administrator  
State Historic Preservation Division

EJ:jk



LINDA LINGLE  
GOVERNOR OF HAWAII



GENEVIEVE SALMONSON  
DIRECTOR

STATE OF HAWAII  
OFFICE OF ENVIRONMENTAL QUALITY CONTROL

235 SOUTH BERETANIA STREET  
SUITE 702  
HONOLULU, HAWAII 96813  
TELEPHONE (808) 586-4185  
FACSIMILE (808) 586-4186  
E-mail: oeqc@health.state.hi.us

September 8, 2005

Wayne Hashiro, Acting Director  
Department of Design & Construction  
650 South King Street, 11<sup>th</sup> floor  
Honolulu, Hawaii 96813

Attn: Jann Dacanay

Dear Mr. Hashiro:

Subject: **Draft Environmental Assessment (EA), Sand Island Wastewater Treatment Plant Elevator**

We have the following comments to offer:

**Cultural impacts assessment:** Your opening sentence in section 7 states that an assessment will not be required. Act 50 was passed by the legislature in April 2000, mandating an assessment of impacts to current cultural practices by every project that undergoes an environmental review. You have actually completed the assessment in this section. Please correct your opening sentence in the final EA. If you have done any consultations with organizations or individuals prior to the assessment, list them in the final EA also.

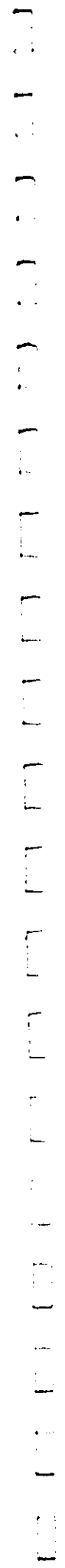
**Preconsultation:** In the final EA list organizations and individuals you contacted during this phase, and enclose copies of any correspondence.

If you have any questions, call Nancy Heinrich at 586-4185.

Sincerely,

*Genevieve Salmonson*  
GENEVIEVE SALMONSON  
Director

c: Brian Takeda



420 Waiakamilo Road  
Suite 411  
Honolulu Hawaii 96817-4950  
Telephone 808 842 1133  
Fax 808 842 1937  
eMail rmtowill@hawaii.rr.com



R. M. TOWILL CORPORATION  
SINCE 1930

Planning  
Engineering  
Environmental Services  
Photogrammetry  
Surveying  
Construction Management

October 6, 2005

Ms. Genevieve Salmonson, Director  
State of Hawaii  
Office of Environmental Quality Control  
235 South Beretania Street, Suite 702  
Honolulu, Hawaii 96813

Dear Ms. Salmonson:

**Elevator Installation for the Control and Administration Building,  
Sand Island Waste Water Treatment Plant Primary Expansion  
Draft Environmental Assessment**

On behalf of the Department of Design and Construction, City and County of Honolulu, thank you for your letter dated September 8, 2005, concerning the subject project. We have prepared the following in response to your comments (*italicized* for reference):

*Cultural impacts assessment: Your opening sentence in Section 7 states that an assessment will not be required. Act 50 was passed by the legislature in April 2000, mandating an assessment of impacts to current cultural practices by every project that undergoes an environmental review. You have actually completed the assessment in this section. Please correct your opening sentence in the final EA. If you have done any consultations with organizations or individuals prior to the assessment, list them in the final EA also.*

**Response:**

Section 7, Cultural Impact Assessment of the Final EA will be revised per your comments.

*Preconsultation: In the final EA list the organizations and individuals you contacted during this phase, and enclose copies of any correspondence."*

**Response:**

A 2001 environmental assessment for the Sand Island Wastewater Treatment Plant Modifications and Expansion consulted with the State Historic Preservation Division (SHPD) regarding any significant historical resources at the project property. SHPD concluded that a "review of our records shows that there are no known historical sites at the project location...Since modifications are proposed for the existing Sand Island WWTP, and the plant is built upon fill soils, we believe that this project will have "no effect" on historic sites."

A copy of the determination letter from SHPD will be included in Appendix B -- Comments and Responses to the Draft Environmental Assessment in the Final EA.

We appreciate the time you have taken to review the Draft EA. Should you have additional comments, please contact the undersigned at 842-1133.

Sincerely,



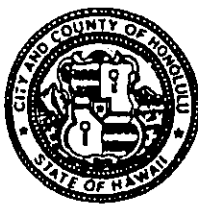
Brian Takeda  
Planning Project Coordinator

cc: Mr. Wayne M. Hashiro, Director, Department of Design and Construction



DEPARTMENT OF TRANSPORTATION SERVICES  
**CITY AND COUNTY OF HONOLULU**

650 SOUTH KING STREET, 3RD FLOOR • HONOLULU, HAWAII 96813  
TELEPHONE: (808) 523-4529 • FAX: (808) 523-4730 • INTERNET: www.co.honolulu.hi.us



MUFI HANNEMANN  
MAYOR

ALFRED A. TANAKA, P.E.  
ACTING DIRECTOR

TPD05-00492

October 5, 2005

MEMORANDUM

TO: WAYNE M. HASHIRO, P.E., DIRECTOR  
DEPARTMENT OF DESIGN AND CONSTRUCTION

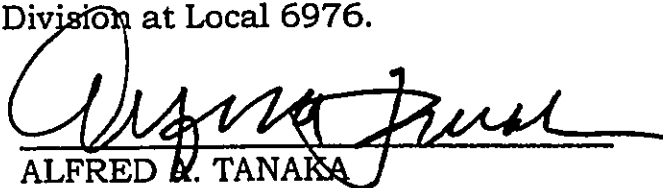
ATTN: JANN DACANAY

FROM: ALFRED A. TANAKA, ACTING DIRECTOR

SUBJECT: ELEVATOR INSTALLATION FOR THE CONTROL AND  
ADMINISTRATION BUILDING, SAND ISLAND WASTEWATER  
TREATMENT PLANT PRIMARY EXPANSION

Thank you for the letter from R.M. Towill Corporation, requesting our review of and comments on the draft environmental assessment for the subject project. We reviewed the document and do not have any comments to submit for your consideration.

Should you have any questions regarding this matter, please contact Faith Miyamoto of the Transportation Planning Division at Local 6976.

  
ALFRED A. TANAKA

cc: Ms. Genevieve Salmonson  
Office of Environmental Quality Control

✓ Mr. Brian Takeda  
R.M. Towill Corporation

420 Waiakamilo Road  
Suite 411  
Honolulu Hawaii 96817-4950  
Telephone 808 842 1133  
Fax 808 842 1937  
eMail rmtowill@hawaii.rr.com



**R. M. TOWILL CORPORATION**  
SINCE 1930

Planning  
Engineering  
Environmental Services  
Photogrammetry  
Surveying  
Construction Management

October 6, 2005

Mr. Alfred A. Tanaka, Acting Director  
Department of Transportation Services  
City and County of Honolulu  
650 South King Street, 3<sup>rd</sup> Floor  
Honolulu, Hawaii 96813

Dear Mr. Tanaka:

**Elevator Installation for the Control and Administration Building,  
Sand Island Waste Water Treatment Plant Primary Expansion  
Draft Environmental Assessment**

On behalf of the Department of Design and Construction, City and County of Honolulu, thank you for your letter dated October 5, 2005, concerning the subject project. We acknowledge that you do not have any comments on the proposed project.

We appreciated the time you have taken to review the Draft EA. Should you have additional comments, please contact the undersigned at 842-1133.

Sincerely,

Brian Takeda  
Planning Project Coordinator

cc: Mr. Wayne M. Hashiro, Director, Department of Design and Construction

**BOARD OF WATER SUPPLY**

CITY AND COUNTY OF HONOLULU  
630 SOUTH BERETANIA STREET  
HONOLULU, HI 96843



September 12, 2005

MUFI HANNEMANN, Mayor

RANDALL Y. S. CHUNG, Chairman  
HERBERT S. K. KAOPUA, SR.  
SAMUEL T. HATA  
ALLY J. PARK

RODNEY K. HARAGA, Ex-Officio  
LAVERNE HIGA, Ex-Officio

DONNA FAY K. KIYOSAKI  
Deputy Manager and Chief Engineer

Ms. Jann Dacanay  
Department of Design and Construction  
City and County of Honolulu  
650 South King Street  
Honolulu, Hawaii 96813

Dear Ms. Dacanay:

Subject: The Draft Environmental Assessment for the Elevator Installation for the  
Control and Administration Building, Sand Island Wastewater Treatment Plant  
Primary Expansion, TMK: 1-5-41:5

Thank you for the opportunity to comment on the proposed project.

We do not have any comment on the proposed project.

If you have any questions, please contact Joseph Kaakua at 748-5442.

Very truly yours,

KEITH S. SHIDA  
Principal Executive  
Customer Care Division

cc: Office of Environmental Quality Control  
Brian Takeda - R.M. Towill Corporation



420 Waiakamilo Road  
Suite 411  
Honolulu Hawaii 96817-4950  
Telephone 808 842 1133  
Fax 808 842 1937  
eMail rmtowill@hawaii.rr.com



R. M. TOWILL CORPORATION  
SINCE 1930

Planning  
Engineering  
Environmental Services  
Photogrammetry  
Surveying  
Construction Management

October 6, 2005

Mr. Keith S. Shida, Principal Executive  
Customer Care Division  
Board of Water Supply  
City and County of Honolulu  
630 South Beretania Street  
Honolulu, Hawaii 96843

Dear Mr. Shida:

**Elevator Installation for the Control and Administration Building,  
Sand Island Waste Water Treatment Plant Primary Expansion  
Draft Environmental Assessment**

On behalf of the Department of Design and Construction, City and County of Honolulu, thank you for your letter dated September 12, 2005, concerning the subject project. We acknowledge that you do not have any comments on the proposed project.

We appreciated the time you have taken to review the Draft EA. Should you have additional comments, please contact the undersigned at 842-1133.

Sincerely,

Brian Takeda  
Planning Project Coordinator

cc: Mr. Wayne M. Hashiro, Director, Department of Design and Construction

STATE OF HAWAII  
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS  
(HIOSH)  
Boiler & Elevator Inspection Branch

---

September 09, 2005

To: R.M.Towill Corporation  
Attention: Brian Takeda

From: Leslie Kuratsu  
Elevator Inspector Supervisor

We have no comments at this time until a contractor have been awarded the project.

Yours Truly

*Leslie Kuratsu*

Leslie Kuratsu  
Elevator Inspector Supervisor

420 Waiakamilo Road  
Suite 411  
Honolulu Hawaii 96817-4950  
Telephone 808 842 1133  
Fax 808 842 1937  
eMail rmtowill@hawaii.rr.com



**R. M. TOWILL CORPORATION**  
SINCE 1930

Planning  
Engineering  
Environmental Services  
Photogrammetry  
Surveying  
Construction Management

October 6, 2005

Mr. Leslie Kuratsu  
Elevator Inspector Supervisor  
Boiler & Elevator Inspection Branch  
Hawaii Occupational Safety & Health Division  
Department of Labor & Industrial Relations  
State of Hawaii  
830 Punchbowl Street, Room 425  
Honolulu, Hawaii 96813

Dear Mr. Kuratsu:

**Elevator Installation for the Control and Administration Building,  
Sand Island Waste Water Treatment Plant Primary Expansion  
Draft Environmental Assessment**

On behalf of the Department of Design and Construction, City and County of Honolulu, thank you for your letter dated September 9, 2005, concerning the subject project. We acknowledge that you do not have any comments at this time and that you will reserve your comments for the review of the application for installation of the proposed elevator.

We appreciate the time you have taken to review the Draft EA. Should you have additional comments, please contact the undersigned at 842-1133.

Sincerely,

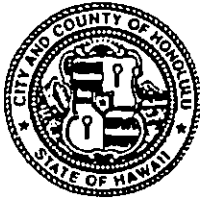
Brian Takeda  
Planning Project Coordinator

cc: Mr. Wayne M. Hashiro, Director, Department of Design and Construction

POLICE DEPARTMENT  
**CITY AND COUNTY OF HONOLULU**

801 SOUTH BERETANIA STREET  
HONOLULU, HAWAII 96813 - AREA CODE (808) 529-3111  
<http://www.honolulu.gov>  
<http://www.honolulupd.org>  
[www.honolulu.gov](http://www.honolulu.gov)

MUFI HANNEMANN  
MAYOR



BOISSE P. CORREA  
CHIEF

GLEN R. KAJIYAMA  
PAUL D. PUTZULU  
DEPUTY CHIEFS

OUR REFERENCE BS-KP

September 9, 2005

TO: WAYNE M. HASHIRO, P.E., DIRECTOR  
DEPARTMENT OF DESIGN AND CONSTRUCTION

FROM: BOISSE P. CORREA, CHIEF OF POLICE  
HONOLULU POLICE DEPARTMENT


SUBJECT: ELEVATOR INSTALLATION FOR THE CONTROL AND  
ADMINISTRATION BUILDING, SAND ISLAND WASTEWATER  
TREATMENT PLANT PRIMARY EXPANSION, TMK: 1-5-041: 005

Thank you for the opportunity to review and comment on the subject project.

This project should have no significant impact on the facilities or operations of the Honolulu Police Department.

If there are any questions, please call Major Susan Ballard of District 5 at 529-3156 or Mr. Brandon Stone of the Executive Bureau at 529-3644.

BOISSE P. CORREA  
Chief of Police

By   
KARL GODSEY  
Assistant Chief of Police  
Support Services Bureau

cc: ✓ Mr. Brian Takeda  
R.M. Towill Corporation  
Ms. Genevieve Salmonson  
OEQC

*Serving and Protecting with Aloha*

420 Waiakamilo Road  
Suite 411  
Honolulu Hawaii 96817-4950  
Telephone 808 842 1133  
Fax 808 842 1937  
eMail rmtowill@hawaii.rr.com



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Construction Management

October 6, 2005

Boisse P. Correa  
Chief of Police  
Honolulu Police Department  
City and County of Honolulu  
801 South King Street, Ste. H425  
Honolulu, Hawaii 96813

Dear Chief Correa:

**Elevator Installation for the Control and Administration Building,  
Sand Island Waste Water Treatment Plant Primary Expansion  
Draft Environmental Assessment**

On behalf of the Department of Design and Construction, City and County of Honolulu, thank you for your letter dated September 9, 2005, concerning the subject project. We acknowledge that the proposed project should have no impact on the facilities or operations of the Honolulu Police Department.

We appreciate the time you have taken to review the Draft EA. Should you have additional comments, please contact the undersigned at 842-1133.

Sincerely,

Brian Takeda  
Planning Project Coordinator

cc: Mr. Wayne M. Hashiro, Director, Department of Design and Construction

122817

FIRE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

3375 KOAPAKA STREET, SUITE 425 • HONOLULU, HAWAII 96819-3657  
TELEPHONE: (808) 831-7751 • FAX: (808) 821-7750 • INTERNET: www.honolulu.gov



Post-it* Fax Note	7671.	Date	9/14/05	# of pages	1
To	Kevin Polloi	From	J. Dacanay		
Co./Dept.		Co.			
Phone #		Phone #	527-5152		
Fax #	842-1937	Fax #			

LUFI HANNEMANN  
MAYOR

September 30, 2005

TO: WAYNE M. HASHIRO, P. E., DIRECTOR  
DEPARTMENT OF DESIGN AND CONSTRUCTION

VIA: JANN K. DACANAY, CIVIL ENGINEER  
WASTEWATER DIVISION, PLANT DESIGN EAST

FROM: ATTILIO K. LEONARDI, FIRE CHIEF

SUBJECT: DRAFT ENVIRONMENTAL ASSESSMENT (DEA)  
PROJECT: SAND ISLAND WASTEWATER TREATMENT PLANT  
PRIMARY EXPANSION  
ELEVATOR INSTALLATION FOR THE CONTROL AND  
ADMINISTRATION BUILDING

OWNER: STATE OF HAWAII  
APPLICANT: CITY AND COUNTY OF HONOLULU  
DEPARTMENT OF DESIGN AND CONSTRUCTION

LOCATION: 1350 SAND ISLAND PARKWAY  
TAX MAP KEY: 1-5-041: 005

We received a letter from Mr. Brian Takeda of R. M. Towill Corporation requesting that our comments on the above-mentioned DEA be submitted to you.

The Honolulu Fire Department has no objections to the above-mentioned project.

Should you have any questions, please call Battalion Chief Lloyd Rogers of our Fire Prevention Bureau at 831-7778.

ATTILIO K. LEONARDI  
Fire Chief

AKL/DL:jl

cc: Ms. Genevieve Salmonson, Director  
State of Hawaii, Department of Health, Office of Environmental Quality Control  
Mr. Brian Takeda, R. M. Towill Corporation

420 Waiakamilo Road  
Suite 411  
Honolulu Hawaii 96817-4950  
Telephone 808 842 1133  
Fax 808 842 1937  
eMail rmtowill@hawaii.rr.com



R. M. TOWILL CORPORATION  
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Environmental Services  
Photogrammetry  
Surveying  
Construction Management

October 6, 2005

Attilio K. Leonardi  
Fire Chief  
Fire Department  
City and County of Honolulu  
3375 Koapaka Street, Ste. H425  
Honolulu, Hawaii 96819

Dear Chief Leonardi:

**Elevator Installation for the Control and Administration Building,  
Sand Island Waste Water Treatment Plant Primary Expansion  
Draft Environmental Assessment**

On behalf of the Department of Design and Construction, City and County of Honolulu, thank you for your letter dated September 30, 2005, concerning the subject project. We acknowledge that you do not have any objections to the proposed project.

We appreciate the time you have taken to review the Draft EA. Should you have additional comments, please contact the undersigned at 842-1133.

Sincerely,

Brian Takeda  
Planning Project Coordinator

cc: Mr. Wayne M. Hashiro, Director, Department of Design and Construction

LINDA LINGLE  
GOVERNOR



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

RECEIVED

5 SEP 26 P3:35

1-21820  
RODNEY K. HARAGA  
DIRECTOR

Deputy Directors  
BRUCE Y. MATSUI  
BARRY FUKUNAGA  
BRENNON T. MORIOKA  
BRIAN H. SEKIGUCHI

IN REPLY REFER TO:

STP 8.1891

September 20, 2005

Mr. Wayne Hashiro  
Director  
Department of Design and Construction  
City and County of Honolulu  
650 South King Street  
Honolulu, Hawaii 96813

Attention: Jann Dacanay

Dear Mr. Hashiro:

Subject: Elevator Installation at Sand Island Wastewater Treatment Plant  
Draft Environmental Assessment

Thank you for your transmittal requesting our review on the subject project.

The proposed elevator installation is not expected to have any adverse impact to any of our harbor or highway facilities.

We appreciate the opportunity to provide our comments.

Very truly yours,

Handwritten signature of Rodney K. Haraga in black ink.  
RODNEY K. HARAGA  
Director of Transportation



420 Waiakamilo Road  
Suite 411  
Honolulu Hawaii 96817-4950  
Telephone 808 842 1133  
Fax 808 842 1937  
eMail rmtowill@hawaii.rr.com



**R. M. TOWILL CORPORATION**  
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Surveying  
Construction Management

October 6, 2005

Rodney K. Haraga  
Director  
Department of Transportation  
State of Hawaii  
869 Punchbowl Street  
Honolulu, Hawaii 96813

Dear Director Haraga:

**Elevator Installation for the Control and Administration Building,  
Sand Island Waste Water Treatment Plant Primary Expansion  
Draft Environmental Assessment**

On behalf of the Department of Design and Construction, City and County of Honolulu, thank you for your letter dated September 20, 2005, concerning the subject project. We acknowledge that the proposed project is not expected to have any adverse impact to any of your harbor or highway facilities.

We appreciate the time you have taken to review the Draft EA. Should you have additional comments, please contact the undersigned at 842-1133.

Sincerely,

Brian Takeda  
Planning Project Coordinator

cc: Mr. Wayne M. Hashiro, Director, Department of Design and Construction

OCT 07 '05 09:52AM

P.2



**CITY COUNCIL**  
CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII 96813-3065 / TELEPHONE 547-7000

ROMY M. CACHOLA  
COUNCILMEMBER  
(808) 547-7007  
(808) 523-4220 (fax)  
e-mail: rcachola@honolulu.gov

October 6, 2005

Mr. Wayne M. Hashiro, P.E., Director  
Department of Design and Construction  
City and County of Honolulu  
650 South King Street, 11<sup>th</sup> Floor  
Honolulu, HI 96813

Dear Mr. Hashiro:

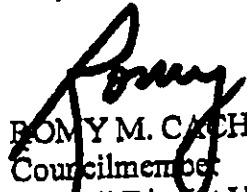
Re: Elevator Installation of the Control and Administration Building, Sand Island Wastewater Treatment Plant, Primary Expansion, Project No. W2-04

Thank you for the opportunity to provide comments on the Draft Environmental Assessment (EA) for the above-referenced site improvement project at the Sand Island Wastewater Treatment Plant.

Upon review of the Draft EA, I have no comments at this time.

My warmest mahalo and aloha.

Very truly yours,

  
ROMY M. CACHOLA  
Councilmember  
Council District VII

cc: Office of Environmental Quality Control (OEQC)  
Brian Takeda, R.M. Towill Corporation

420 Waiakamilo Road  
Suite 411  
Honolulu Hawaii 96817-4950  
Telephone 808 842 1133  
Fax 808 842 1937  
eMail rmtowill@hawaii.rr.com



R. M. TOWILL CORPORATION  
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Planning  
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Environmental Services  
Photogrammetry  
Surveying  
Construction Management

October 7, 2005

Councilmember Romy M. Cachola  
City Council  
City and County of Honolulu  
530 S. King Street, Room 202  
Honolulu, Hawaii 96813

Dear Councilmember Cachola:

**Elevator Installation for the Control and Administration Building,  
Sand Island Waste Water Treatment Plant Primary Expansion  
Draft Environmental Assessment**

On behalf of the Department of Design and Construction, City and County of Honolulu, thank you for your letter dated October 6, 2005, concerning the subject project. We acknowledge that you do not have any comments at this time on the proposed project.

We appreciated the time you have taken to review the Draft EA. Should you have additional comments, please contact the undersigned at 842-1133.

Sincerely,

Brian Takeda  
Planning Project Coordinator

cc: Mr. Wayne M. Hashiro, Director, Department of Design and Construction

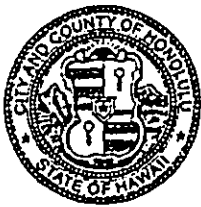
DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**

650 SOUTH KING STREET, 7<sup>TH</sup> FLOOR • HONOLULU, HAWAII 96813  
TELEPHONE: (808) 523-4432 • FAX: (808) 527-6743  
DEPT. INTERNET: www.honolulu.gov • INTERNET: www.honolulu.gov

RECEIVED

12344

MUFT HANNEMANN  
MAYOR



5 OCT -7 P12:16

HENRY ENG, FAICP  
DIRECTOR

DESIGN AND CONSTRUCTION  
WASTEWATER DIVISION

DAVID K. TANOUE  
DEPUTY DIRECTOR

2005/ED-19(JS)  
2005/ELOG-1995

October 6, 2005

MEMORANDUM

TO: WAYNE HASHIRO, P.E., DIRECTOR  
DEPARTMENT OF DESIGN AND CONSTRUCTION

FROM: *for* HENRY ENG, FAICP, DIRECTOR *pe*  
DEPARTMENT OF PLANNING AND PERMITTING

SUBJECT: DRAFT ENVIRONMENTAL ASSESSMENT AND SPECIAL  
MANAGEMENT AREA USE PERMIT

Project: New Elevator for the Sand Island Wastewater Treatment Plant  
Location: 1350 Sand Island Parkway - Sand Island  
Tax Map Key: 1-5-41: 5  
Date Received: August 26, 2005

This is in response to your requests for concurrent processing of the Special Management Area Use permit (SMP) and Environmental Assessment, and comments regarding the Draft Environmental Assessment (DEA, memorandum and documents date-stamped August 26, 2005) for the above project.

We regret to inform you that we cannot accept or process the SMP concurrently during your processing of the Environmental Assessment. In accordance with Chapter 25, Section 5.4 of the Revised Ordinances of Honolulu, related to the Special Management Area, once the Department of Planning and Permitting (DPP) accepts the application, it must transmit its findings and recommendations on the application for a special management area use permit to the city council for their consideration and decision within 10 working days of the issuance of the anticipated Finding of No Significant Impact (FONSI). Ten working days does not provide adequate time for a thorough review and analysis of the proposal and the Final Environmental Assessment (FEA).

You may resubmit your SMP application to our department upon the completion of the FEA. We will review your submittal for completeness and acceptance *after* the issuance of the FONSI. The DPP will then be required to transmit its findings and recommendations to the city council

Wayne Hashiro, P.E., Director  
October 6, 2005  
Page 2

for its consideration and decision within ten (10) working days of the close of the public hearing for the SMP.

With regard to the DEA, we have the following comments:

**Land Use Permits Division**

1. Section 2.1 Proposed Activities:

Describe the "Primary Expansion project," including project costs, required permits and construction schedule.

2. Section 4.1.2 Topography and Soils:

- Include the volume of material to be excavated and stockpiled for the elevator foundation. Show the location of the stockpile, indicate the current use of the proposed stockpile area and any proposed mitigative measures for dust, erosion and runoff;
- Include the excerpt from the Environmental Site Investigation (February 2004) that "indicated no further adverse effects associated with contaminated soils."

If you have any questions, please call Joyce Shoji of the Urban Design Branch at 527-5354.

HE:nt

Enclosure

395445

420 Waiakamilo Road  
Suite 411  
Honolulu Hawaii 96817-4950  
Telephone 808 842 1133  
Fax 808 842 1937  
eMail rmtowill@hawaii.rr.com



R. M. TOWILL CORPORATION  
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Environmental Services  
Photogrammetry  
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Construction Management

October 10, 2005

Mr. Henry Eng, FAICP, Director  
Department of Planning and Permitting  
City and County of Honolulu  
650 South King Street, 7<sup>th</sup> Floor  
Honolulu, Hawaii 96813

Dear Mr. Eng:

**Elevator Installation for the Control and Administration Building,  
Sand Island Waste Water Treatment Plant Primary Expansion  
Draft Environmental Assessment and Special Management Area Use Permit**

On behalf of the Department of Design and Construction, City and County of Honolulu, thank you for your letter dated October 6, 2005, concerning the subject project. We acknowledge that you cannot accept or process the Special Management Area Use Permit (SMP) concurrently during the processing of the Draft Environmental Assessment (DEA) for the subject project. The SMP application processing request will be resubmitted to your department after the issuance of a FONSI for the project.

We have prepared the following in response to your comments on the DEA (*italicized* for reference):

**1. Section 2.1 Proposed Activities:**

*Describe the "Primary Expansion project," including project costs, required permits and construction schedule.*

The purpose of the Primary Expansion Project is to comply with the conditions of a consent decree, increase capacity to meet future wastewater demand, and replace equipment that are nearing the end of their useful service. The consent decree was entered on November 19, 1991 as a result of an action brought by the Sierra Club Legal Defense Fund and Hawaii's Thousand Friends.

The Primary Expansion project is designed to improve the plant's hydraulic capacity, increase solids removal efficiency, increase solids handling capacity and provide auxiliary facilities to support the increased flows and accommodate the changes in process and operations. The main improvements include converting the Primary Clarifiers from Dissolved Air Flootation to gravity mode; upgrading and modifying the influent channels; constructing new effluent lines; upgrading and refurbishing the gravity thickeners and wet sludge storage tanks; constructing a new solids chemical building and feed system; installing new odor control systems for the Headworks, Primary Clarifiers and Solids processes; Supervisory Control and Data Acquisition (SCADA) system upgrades; installation of new sewage, drainage, and water systems; and installation of new electrical facilities.

Henry Eng  
October 10, 2005  
Page 2 of 3

Environmental permits required for the Primary Expansion project will include the following:

**FEDERAL**

Department of the Army Corps of Engineers

- Wetlands coordination, as required

**STATE OF HAWAII**

Department of Health

- NPDES Notice of Intent (NOI) Form C – Construction Stormwater Discharges
- NPDES NOI Form F – Hydrotesting Discharges
- Underground Injection Control Permit
- Community Noise Permit/Community Noise Variance
- Construction Plan Review and Approval
- Air Quality Permit

Department of Transportation

- Right of Way Coordination

**CITY AND COUNTY OF HONOLULU**

Department of Planning and Permitting

- Special Management Area Use Permit
- Construction Plan Review and Approval
- Building Permit
- Grading, Grubbing and Stockpiling Permit
- Permit for (Clarifier) Tank Installation
- Flood District Certification (if required)

Honolulu Fire Department

- Application for Tank Installation

The Primary Expansion project will cost approximately \$90 million and will be funded by the City & County of Honolulu. The Primary Expansion project is expected to commence in mid-2006 with construction anticipated for a period of approximately 24 months.

**2. Section 4.1.2 Topography and Soils:**

- *Include the volume of material to be excavated and stockpiled for the elevator foundation. Show the location of the stockpile, indicate the current use of the proposed stockpile area and any proposed mitigative measures for dust, erosion and runoff;*

Earthwork will consist of minor excavation (approximately 20 cubic yards) to install the elevator foundation. It is the City and County's policy for this project that excavated material that cannot be reused or recycled for this project will be stockpiled on site. All soil material will remain on site.

Henry Eng  
October 10, 2005  
Page 3 of 3

The location of the soil stockpile is not known at this time and will be determined by the construction manager. The project contractor will handle the excess soil in accordance with State and City & County regulations.

- *Include the excerpt from the Environmental Site Investigation (February 2004) that "indicated no further adverse effects associated with contaminated soils."*

The Environmental Site Investigation – Additional Sampling Investigation, prepared by Environet, Inc., was completed in February of 2003, not 2004 as stated incorrectly in the DEA. Portions of the site investigation document have been added to the FEA as Appendix C and referenced in Section 4.1.2.

We appreciate the time you have taken to review the Draft EA. Should you have additional comments, please contact the undersigned at 842-1133.

Sincerely,



Brian Takeda  
Planning Project Coordinator

cc: Mr. Wayne M. Hashiro, Director, Department of Design and Construction



420 Waiakamilo Road  
Suite 411  
Honolulu, HI 96817-4941  
Tel. 808 842 1133  
Fax 808 842 1937  
eMail: rmtowill@hawaii.rr.com



**R. M. TOWILL CORPORATION**  
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Construction Management

**Please contact our office at 842-1133 should problems occur with transmission or receipt of facsimile documents.**

Project No.: 1-19933-20

To: Mr. Henry Eng, FAICP, Director  
Department of Planning and Permitting  
City and County of Honolulu  
650 South King Street, 7th Floor  
Honolulu, Hawaii 96813

Sent by Brian Takeda  
Planning Project Coordinator

cc: Mr. Wayne M. Hashiro, Director  
Department of Design and Construction

FAX #: (808) 527-6743

Subject: Elevator Installation for the Control and  
Administration Building SIWWTP,  
Response to DEA Comments

Date: October 11, 2005

Dear Director Eng:

This is in follow-up to our letter dated October 10, 2005. We wish to provide the following corrections as noted:

1. Section 2.1 Proposed Activities

The total project cost is approximately \$190 million. Phase 1 of the project is estimated at \$95 million and Phase 2, also approximately \$95 million.

Brian Takeda  
Project Coordinator

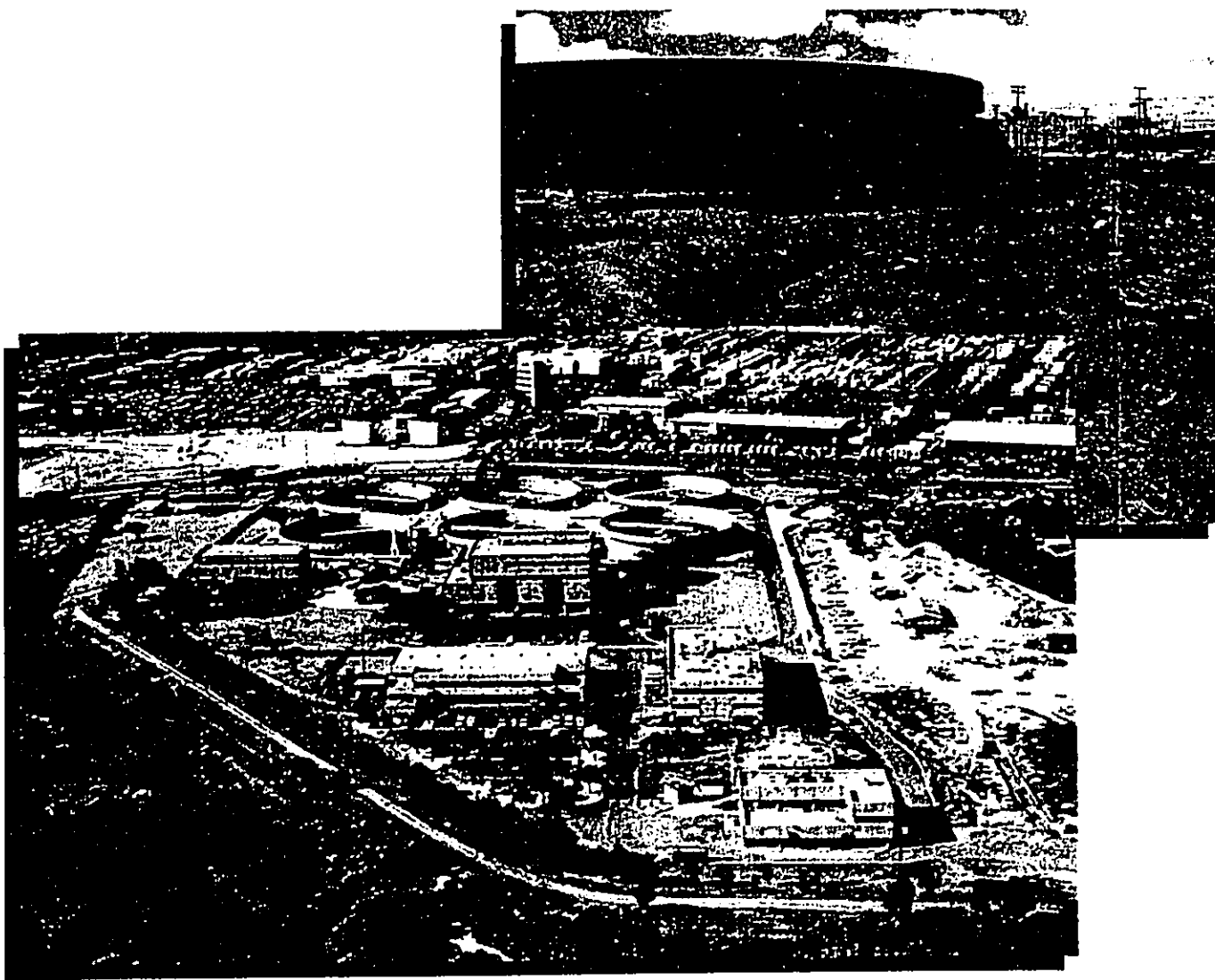
**Appendix C**

**Environmental Site Investigation  
Additional Sampling Investigation**

*Environmental Site Investigation  
Additional Sampling Investigation*

*Sand Island Wastewater Treatment Plant*

*Honolulu, Hawaii*



*Prepared For:*

City and County of Honolulu  
Department of Design and Construction  
650 South King Street  
Honolulu, Hawaii 96813

February 2003

*Prepared by:*



Under Subcontract to:  
R.M. Towill Corporation  
&  
Brown and Caldwell

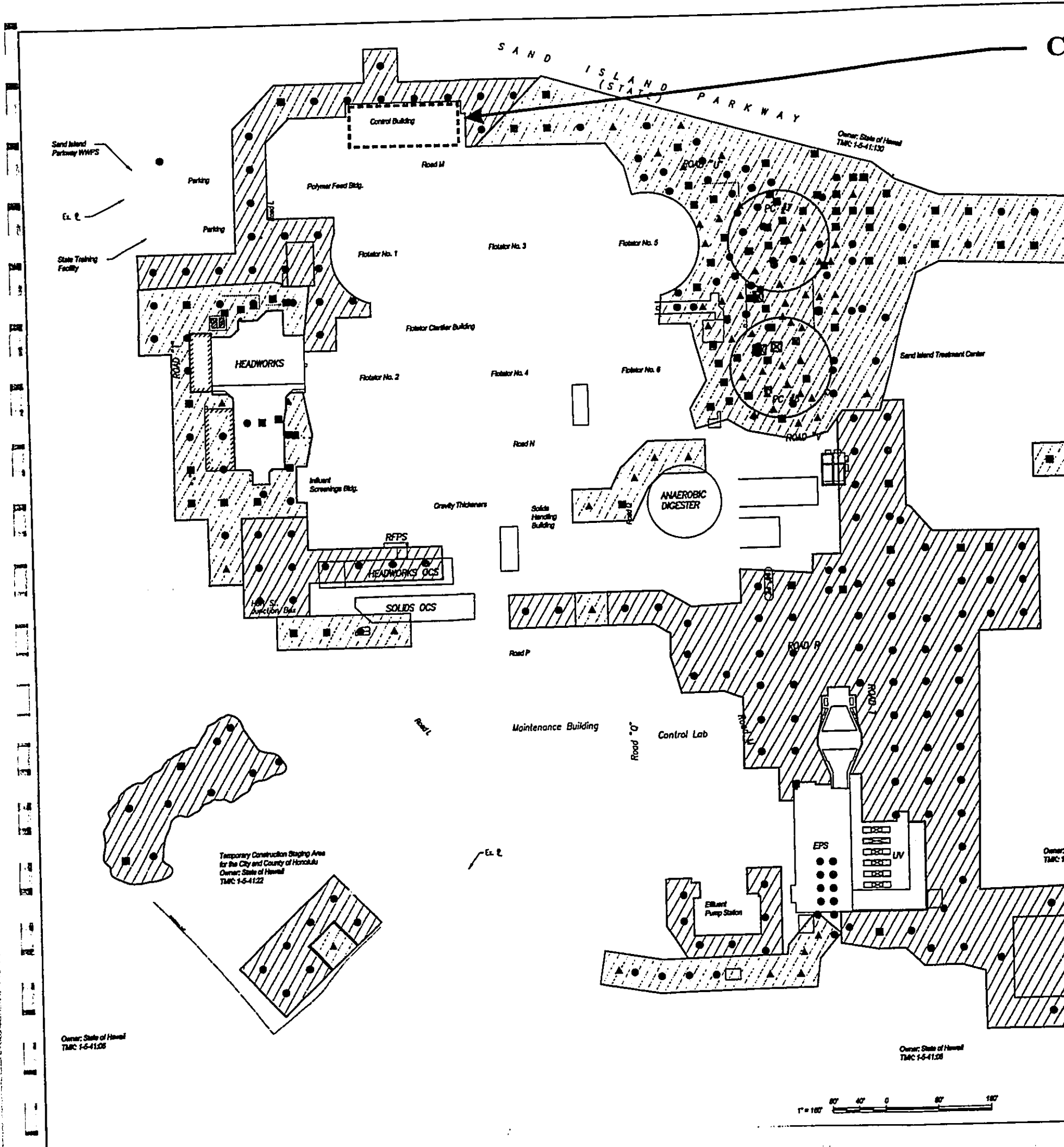
## *Executive Summary*

The Sand Island Wastewater Treatment Plant in Honolulu, Hawaii is currently undergoing modification and improvements as required under its National Pollution Discharge Elimination System permit. Polychlorinated biphenyl contamination in soils in the vicinity of the Sand Island Wastewater Treatment Plant was initially identified during an environmental site assessment conducted by Hawaiian Electric Company in November 2001.

This report presents the results of additional soil sampling collected in early December 2002 from the Sand Island Wastewater Treatment Plant. This sample collection and analysis work is part of the continuing characterization of polychlorinated biphenyl contamination in soils at the wastewater treatment plant. A summary of previous investigations and results is also included in this report. This investigation was conducted for the City and County of Honolulu by Environet, Inc. under subcontract to R.M. Towill Corporation and Brown and Caldwell.

The analytical results of the soil sampling performed in December 2002 did not identify gross polychlorinated biphenyl contamination of total polychlorinated biphenyl concentrations greater than the Toxic Substances Control Act cleanup level of 25 milligrams per kilogram (equivalent to parts per million). Based on these proposed improvements and the results of the sampling, the conclusions and recommendations are as follows:

- No additional hot spot areas have been identified from this sampling event. The five polychlorinated biphenyl hot spot locations identified in the Notification Report represent the only Toxic Substances Control Act remedial action concern areas.
- Based upon the current and previous sampling events, certain areas at the project sites have polychlorinated biphenyl soil concentrations less than the Environmental Protection Agency Region 9 Residential Preliminary Remediation Goal of 0.22 milligrams per kilogram. The re-use of soil excavated from these areas shall be considered as unrestricted and may be reused on- or off-site without restriction. These unrestricted re-use soil locations are shown in blue hatching on Figure 4-1. The soils within the boundaries of the unrestricted soil re-use areas contain PCB soil concentrations of less than the Hawaii State Department of Health Soil Action Level of 1.0 milligram per kilogram with over 95 percent of the soil in this area containing less than 0.22 milligrams per kilogram.
- Other areas generally have polychlorinated biphenyl soil concentrations greater than the Environmental Protection Agency Region 9 Residential Preliminary Remediation Goal of 0.22 milligrams per kilogram. The re-use of soil excavated from these areas shall be considered as restricted and must be managed and re-used in accordance with the Soil Management Plan. These restricted re-use soil locations are shown in green hatching on Figure 4-1.

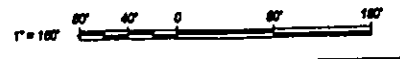


Sand Island Parkway WWPS  
 Ex. 2  
 State Training Facility

Temporary Construction Staging Area  
 for the City and County of Honolulu  
 Owner: State of Hawaii  
 TMC 1-5-41122

Owner: State of Hawaii  
 TMC 1-5-41126

Owner: State of Hawaii  
 TMC 1-5-41128



# Control and Administration Building

Owner: State of Hawaii  
TMC 1-6-41220



Owner: State of Hawaii  
TMC 1-6-41273

HOOKELA STREET

Sand Island Treatment Center

Dewatering Facility

Owner: State of Hawaii  
TMC 1-6-41178

Owner: State of Hawaii  
TMC 1-6-41272

Owner: State of Hawaii  
TMC 1-6-41271

Owner: State of Hawaii  
TMC 1-6-41270

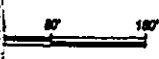
Owner: State of Hawaii  
TMC 1-6-4115

Owner: State of Hawaii  
TMC 1-6-4128

Ex. 2

LEGEND	
●	PCB concentration less than or equal to 0.22 mg/kg
■	PCB concentration greater than 0.22 mg/kg and less than or equal to 1.0 mg/kg
▲	PCB concentration greater than 1.0 mg/kg and less than or equal to 25.0 mg/kg
⊙	PCB concentration greater than 25.0 mg/kg and less than or equal to 50.0 mg/kg
⊠	PCB concentration greater than 50.0 mg/kg
⊞	Hot spot excavation area
	Soil excavated from area may be reused without restrictions on- or off-site
	Soil excavated from area shall be temporarily stockpiled on-site and reused according to Soil Management Plan

WIKOLE STREET



DRAWN BY	DATE
KMM	01/30/03
CHECKED BY	DATE
RCA	01/30/03
APPROVED BY	DATE
RSY	01/30/03
PROJECT MANAGER	DATE
AMM	01/30/03
PROJECT NO.	FIGURE NO.
P02-006	4-1

SAND ISLAND WTP  
SITE INVESTIGATION  
CURRENT AND PREVIOUS INVESTIGATIONS  
SAMPLE CONCENTRATIONS



