

Document Name: Comprehensive Exemption List for the City and County of Honolulu, Department of Environmental Services
Document Date: August 2020
Subject: September 2020, OEQC Comment Responses

No.	Exemption Type	OEQC Comment	ENV Response	ENV Proposed Edit
1	Part One, Exemption Type #1: Operations, repairs or maintenance of existing structures, facilities, equipment or topographic features involving minor expansion or minor change of use beyond that previously existing. <ol style="list-style-type: none"> 1. Clearing and grubbing 2. Construction staging areas, temporary 	Both 1 and 2, Clearing and grubbing and Construction staging areas as standalones do not seem like “operations, repairs or maintenance on existing facilities, equipment or features” and would seem to fit Exemption Type 4 better. Minor alterations in the conditions of land, water, or vegetation. It is recognized that some of the items here would involve some clearing and grubbing.	Clearing and grubbing is listed as its own item because, in the case of sewer lines in easement and difficult to reach locations, in order to access the sewer lines, clearing and grubbing, including on private property in order to access the easement in some cases, is required. Construction staging areas is listed as its own item because during regular operations, repairs, and/or maintenance of existing structures, facilities and equipment on ENV facilities, temporary constructing staging areas are required within the ENV facility. An example is the installation of larger pumps within a pump station. The use of the pump station is the same and the minor expansion is the increase of capacity at the pump station. The new pumps are often delivered to the pump station and then work progresses to install the new pumps within the pump station. The new pumps being stored on-site could be considered a “temporary construction staging area”.	No change.
2	Part One, Exemption Type #2 Replacement and or reconstruction of existing structures and facilities where the new structure will be located on the same site and will have substantially the same purpose, capacity, density, height, and dimensions as the structure replaced. <ol style="list-style-type: none"> 3. Clearing, grading, and grubbing 	Same comment as for Type 1, Numbers 1 and 2 above.	Clearing, grading, and grubbing is listed as its own item because, in the case of sewer lines in easement and difficult to reach locations, in order to access the sewer lines, clearing, grading, and grubbing, including on private property in order to access the easement in some cases, is required. This is especially relevant to the installation of cured-in-place pipe (CIPP) which is a type of sewer line repair process where the sewer pipe is lined with a plastic liner to repair cracks and separated joints. Clearing, grading, and grubbing is listed as a separate item as this action takes place before the CIPP work is completed.	No change.
3	Part One, Exemption Type #2 Replacement and or reconstruction of existing structures and facilities where the new structure will be located on the same site and will have substantially the same purpose, capacity, density, height, and dimensions as the structure replaced. <ol style="list-style-type: none"> 16. Fumigation and treatment of buildings for termites, cockroaches, ants, vermin, and other pests using pesticides registered by the State Department of Agriculture and the United States Environmental Protection Agency (EPA). 	Fumigation does not seem like an example of a replacement or reconstruction of existing structure of facility.	This was previously listed under Type #2 in the previous ENV Exemption List. This item is already listed under Part One, Exemption Type #1; therefore, this will be deleted from Part One, Exemption Type #2.	Delete from Part One, Exemption Type #2.

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4	<p>Part One, Exemption Type #2 Replacement and or reconstruction of existing structures and facilities where the new structure will be located on the same site and will have substantially the same purpose, capacity, density, height, and dimensions as the structure replaced.</p> <p>30. Security lighting for public grounds, structures, and parking lots.</p>	<p>For any new or reconstructed/replacement lighting systems, we are asking agencies to consider specifying a dark sky standard if they want to exempt the action, and especially if they want to exempt it without any notice or consultation (de minimis). The CCH Department of Design and Construction has done extensive research on this issue. In their exemption list that deal with lighting, their revised list adds this language: “ (Lighting shall comply with HRS §201-8.5 Night sky protection strategy.)”. This currently applies to only State agencies, and not necessarily County agencies. Would your agency consider utilizing this for replacement and reconstruction process? Or perhaps appropriate wording from the statute that your agency would be willing to stipulate for new or reconstructed lighting? If so, I think the Environmental Council might be better disposed to concur with these as Part 1 exemptions</p>	<p>ENV agrees with specifying a dark sky standard for exterior lighting.</p>	<p>30. Security lighting for public grounds, structures, and parking lots; complying with HRS §201-8.5 Night sky protection strategy.</p>
5	<p>Part One, Exemption Type #3 Construction and location of single, new, small facilities or structures and the alteration and modification of the facilities or structures and installation of new, small, equipment or facilities and the alteration and modification of the equipment, including, but not limited to:</p> <ul style="list-style-type: none"> a. Single-family residences less than 3,500 square feet, as measured by the controlling law under which the proposed action is being considered, if not in conjunction with the building of two or more such units; b. Multi-unit structures designed for not more than four dwelling units if not in conjunction with the building of two or more such structures; c. Stores, offices, and restaurants designed for total occupant load of twenty individuals or fewer per structure, if not in conjunction with the building of two or more such structures; and d. Water, sewage, electrical, gas, telephone, and other essential public utility services extension to serve such structure or facilities; accessory or appurtenant structure including garages, carports, patios, swimming pools, and fences; and acquisition of utility easements. 	<p>The Environmental Council considers de minimis appropriate, per the new Rules, for “...routine activities and ordinary functions [that] may include, among others: routine repair, routine maintenance, purchase of supplies, and continuing administrative activities involving personnel only, nondestructive data collection, installation of routine signs and markers, financial transactions, personnel-related matters, construction or placement of minor structures accessory to existing facilities; interior alterations involving things such as partitions, plumbing, and electrical conveyances;” In general, we are very cautious about how many NEW facilities we consider to be de minimis. Most substantial new structures should receive an Exemption Notice. That said, one can always argue for some new de minimis.</p>	<p>Noted. No response required.</p>	<p>No change.</p>

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