

The Environmental Notice

A SEMI-MONTHLY BULLETIN OF THE OFFICE OF ENVIRONMENTAL QUALITY CONTROL

NOVEMBER 8, 2001

U.S. China Centre at UHH

Pursuant to Chapter 343, HRS, the University of Hawai'i at Hilo (UHH) is currently reviewing the request of George T. P. Huang, Chairman of GEO International Explorer, Inc., of the Republic of China to use 36-acres of state "ceded" lands which the Governor set aside to the University on January 12, 1999, in Executive Order No. 3752, for the "U.S. China Centre, General University, Student Housing, and Campus Related Commercial Purposes." The project consists of three phases. Phase I (2001-2008) envisions the development of an International Hostel (residential halls, visitor suites, and family lodging units) and a shopping and entertainment plaza (integral parts of a college town atmosphere). Phase II (2004-2006) sees the development of a three-story complex known as the China U.S. Cultural Centre. Phase III

(2006-2008) envisions the development of a pagoda like hotel in the Han architectural theme known as "Harmony Tower," which would command fine views of the campus and Hilo town. Harmony Tower would contain the 100-unit University Inn and other specialized services that would round out a full-function environment for visitors attending conferences/programs. Although serving University needs would be a priority, the hotel would also be a commercial venture with some rooms being marketed in Taiwan as possible vacation time-share purchases. The overall project has the UH Hilo and the State of Hawai'i as partners with GEO International Explorer Inc., the latter being full responsible for financing and developing the estimated \$60,000,000 project. Comments are due on December 24, 2001. See page 12 for more.

DEIS for Waikiki Beach Walk

The Department of Planning and Permitting is currently reviewing a draft environmental impact statement (DEIS) for Outrigger's Waikiki Beach Walk Masterplan. Outrigger disclosed that it will be acquiring fee ownership of certain parcels in the project area which Outrigger or an Outrigger affiliate currently has a leasehold or subleasehold interest. Pursuant to Honolulu City Council Resolution 01-290, five parcels are the subject of condemnation proceedings which will technically result in the use of County lands, as ownership of the parcel(s) would vest for a short period with the City and County of Honolulu before conveyance to Outrigger or its affiliate. The DEIS also includes a cultural impact assessment. See page 7 for more.

EPA Delegates Hazardous Waste Program to DOH

On November 13, Region 9 of the U.S. Environmental Protection Agency will delegate the base RCRA Subtitle C Hazardous Waste Management Program (not including the Hazardous and Solid Waste Amendments of 1984) to the State of Hawai'i Department of Health, Environmental Health Administration. EPA will continue to have oversight on corrective action issues. Ten comments were received dealing with various issues such as the capability of the program and agency interfacing issues. A petition for withdrawal of authorization for EPA programs was also received; EPA is not acting on that petition at this time. The EPA responses to comments received are found on page 21 and in the November 1, *Federal Register*, at page 55115.



BENJAMIN J. CAYETANO
GOVERNOR

**OFFICE OF
ENVIRONMENTAL
QUALITY CONTROL**
GENEVIEVE SALMONSON
DIRECTOR

The Environmental Notice
reviews the environmental impacts of
projects proposed in Hawaii

Other Resources
available at OEQC . . .

- *Guidebook for Hawaii's Environmental Review Process*
- *Environmental Impact Study Resource Library*
- *Environmental Council Annual Reports*
- *Rules and Policies*
- *"How to Plant a Native Hawaiian Garden"*

OEQC

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Definitions

Your guide to the Environmental Review Process

Draft Environmental Assessment

A project or action that may affect the environment cannot be implemented until an Environmental Assessment (EA) is prepared in accordance with HRS §343. If the lead government agency anticipates that the project will have no significant environmental impact, then a Draft EA is written and public notice is published in this bulletin. The public has 30 days to comment on the Draft EA from the date of the first notice.

Final Environmental Assessment and FONSI (Negative Declaration)

If, after the lead agency reviews the public comments, it feels that the project will have no significant effect on the environment, then it will prepare a Final EA and issue a Finding of No Significant Impact (FONSI) formerly called a *Negative Declaration*. The Final EA must respond to all public comments. An Environmental Impact Statement will not be required and the project may now be implemented. The public has 30 days from the first notice of a FONSI in this Bulletin to sue in court to require the preparation of an EIS.

EIS Prep Notice

If the lead agency decides that a project may have a significant environmental impact, it must prepare an Environmental Impact Statement (EIS) prior to implementing the project. The first step in preparing an EIS is publishing an EIS Preparation Notice (Prep Notice) in this Bulletin. Agencies, groups or individuals have 30 days from the first publication of an EIS Prep Notice to request to become a consulted party and to make written comments regarding the environmental effects of the proposed action. The draft EIS must respond to these comments.

Draft EIS

If a project is likely to have a significant environmental impact, the lead agency or private applicant must prepare a

Draft Environmental Impact Statement (Draft EIS) prior to project implementation. This document must completely disclose the likely impacts of a project. Secondary and cumulative impacts must be discussed along with measures proposed to mitigate them. The public has 45 days from the first publication date in this Bulletin to comment on a Draft EIS.

Final EIS

After considering public comments filed during the Draft EIS stage, the agency or applicant must prepare a Final Environmental Impact Statement (Final EIS). The Final EIS must respond to all comments from the draft stage. If deeper analysis was required, it must be included in this document. If the project is from a private applicant, the lead agency is authorized to accept the FEIS. If the project is public, the Governor or Mayor is the accepting authority. Only after the EIS is accepted, may the project be implemented.

EIS Acceptance Notice

If the accepting authority accepts a Final Environmental Impact Statement, a separate EIS Acceptance Notice will be published in this Bulletin. The public has 60 days from the date of first notice of acceptance to sue in court to challenge the acceptance of an EIS.

NEPA

National Environmental Policy Act (NEPA) is the law that requires federal projects to prepare an EIS. It is similar to Hawaii's law. Some projects require both a state and federal EIS and the public comment procedure should be coordinated. Although not required by law, the OEQC publishes NEPA notices in this Bulletin to help keep the public informed of important actions.

Special Management Area Permits

The Special Management Area (SMA) is along the coastlines of all our islands. Most development in this area requires a Special Management Permit (SMP). The Counties regulate development

of this area. On Oahu, the County law requires an EA be prepared to accompany a permit application. This Bulletin posts notice of these SMP applications to encourage public input.

Shoreline Certifications

State law requires that Hawaii shorelines be surveyed and certified when necessary to clearly establish the regulatory building setback (usually 40 feet inland from the shoreline). The public may participate in the process to help assure accurate regulatory boundaries. Private land owners often petition to have their shoreline certified prior to construction. This Bulletin publishes notice of both shoreline certification applications and of final certifications or rejections.

Environmental Council

The Environmental Council is a fifteen-member citizen board appointed by the Governor to advise the State on environmental concerns. The council makes the rules that govern the Environmental Impact Statement process. The agendas of their regular meetings are published in this Bulletin and the public is invited to attend.

Exemption Lists

Government agencies must keep a list describing the minor activities they regularly perform that are declared exempt from the environmental review process. These lists are reviewed and approved by the Environmental Council. This Bulletin will publish an agency's draft exemption list for public comment prior to Council decision making.

Conservation District Permits

Use of land in the State Conservation District requires a Conservation District Use Application (CDUA). These applications are reviewed and approved by the Board of Land and Natural Resources (BLNR). Members of the public may intervene in the permit process. Notice of these permit applications is published in this Bulletin.

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OEQC intends to make the information in this bulletin accessible to everyone. Individuals that require this material in a different format (such as large type or braille), should contact our office for assistance.

O'ahu Notices

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Draft Environmental Assessments



(1) Artesian Vista Affordable Elderly Rental Apartments

District: Honolulu
TMK: 2-8-2: 32
Applicant: Hawai'i Housing Development Corporation
725 Kapi'olani Boulevard, Suite C-103
Honolulu, Hawai'i 96813
Contact: Gary Furuta (596-2120)

Approving Agency/Accepting Authority: Housing and Community Development Corporation of Hawai'i
677 Queen Street, Suite 300
Honolulu, Hawai'i 96813
Contact: Lisa Wond (587-0569)

Consultant: Kusao & Kurahashi, Inc.
2752 Woodlawn Drive, Suite 5-202
Honolulu, Hawai'i 96822
Contact: Keith Kurahashi (988-2231)

Public Comment

Deadline: December 8, 2001
Status: DEA First Notice pending public comment. Address comments to the applicant with copies to the approving agency or accepting authority, the consultant and OEQC.

Permits

Required: 201G Exemptions, Building

The applicant, Hawai'i Housing Development Corporation, proposes to develop an eight-story elderly affordable rental apartment building in accordance with the requirements of Chapter 201G of the Hawai'i Revised Statutes (HRS), as amended. The eight-story building will provide 53 1-bedroom affordable rental units and one resident manager's unit, 23 at grade parking stalls, one of which will be an accessible stall, and one loading stall, for elderly residents (62 and older) who earn at or below 30% and 50% of the area median income (AMI). This Draft Environmental Assessment Report for the development of this multi-story affordable rental apartment building is prepared pursuant to and in accordance with the requirements of Chapter 343 HRS and Chapter 200 of Title 11, Administrative Rules - Environmental Impact Statement Rules. The action that triggers this assessment is the proposed



development at 1828 Young Street, Honolulu, Hawai'i, as shown on Exhibit 1, Location and Zoning Map, and the possible use of State and City funds for the project.

The proposed elderly affordable apartment use is permitted in the AMX-2 Apartment Mixed Use District of Honolulu under the Land Use Ordinance (Section 7.80-4).

The 10,790 square foot vacant property at 1828 Young Street is located on the corner of Artesian Street and Young Street. The property is bounded by a mixture of residential and commercial operations to the north. ABC Auto Body and Paint Company is separated to the north by a single family residence. Adjacent to the ABC Auto Body and Paint Company is a dental office building fronting Beretania Street. To the South, across Young Street is a three story apartment building and a two story office building. To the West, across Artesian Street is a single family residence, a three story commercial building, and the Artesian Plaza, a six story office building fronting Beretania Street. To the East are a mixture of single family homes and a two story walk up apartment building.



(2) Kamehameha Highway Drainage Improvements

District: Ko'olaupoa
TMK: 5-6-02: 1, 17, 21, 25; 5-6-05: 09; 5-6-06: 54

Applicant: State Department of Transportation
Highways Division
601 Kamokila Boulevard
Kapolei, Hawai'i 96707
Contact: Scot Urada (692-7553)

Approving Agency/Accepting

Authority: Same as above.

Consultant: R.M. Towill Corporation
420 Waiakamilo Road, Suite 411
Honolulu, Hawai'i 96817
Contact: Brian Takeda (842-1133)

Public Comment

Deadline: December 8, 2001

Status: DEA First Notice pending public comment.
Address comments to the applicant with copies to the consultant and OEQC.

Permits Required: Sec. 404, Sec. 401 WQC, CZM, SCAP, NPDES, National Historic Preservation, SMA

The State Department of Transportation, Highways Division (DOT-H), proposes to construct box culverts and a replacement bridge along Kamehameha Highway in Kahuku, O'ahu. The purpose of the project is to alleviate overtopping of Kamehameha Highway at an area known as Hospital Ditch immediately fronting the Kahuku Hospital, and at Ki'i Bridge. Box culverts will be constructed at Hospital Ditch, and a replacement bridge with drainage improvements will be constructed at Ki'i Bridge. The box culverts proposed for Hospital Ditch will also help to reduce the incidence of ponding and improve accessibility and safety within the Kahuku area during heavy rainfall events.

The proposed project will require the evaluation of existing land uses and environmental conditions to determine the overall impact of construction activities to the surrounding area and community. All project activities will be assessed for compliance with State and County policies and land use plans.

The project is planned as a design-build contract. Construction is estimated to occur in the 4th quarter of 2002 or in the 1st quarter of 2003. DOT is utilizing funds from several sources including City and County of Honolulu Vision funds, State Highway funds, Federal Housing and Urban Development (HUD) funds, and Federal Highway Administration (FHWA) funds.



(3) Palolo Valley Homes Renovation

District: Honolulu
TMK: 3-4-007: por. 07, por. 08; 3-4-008: 02
Applicant: Palolo Valley Homes Limited Partnership
c/o Mutual Housing Association of Hawai'i
33 South King Street, Suite 500
Honolulu, Hawai'i 96813
Contact: David Nakamura (550-0804)

Approving Agency/Accepting

Authority: Housing and Community Development Corporation of Hawai'i
677 Queen Street, Suite 300
Honolulu, Hawai'i 96813
Contact: Robert Hall (587-0558)

Consultant: Gerald Park Urban Planner (942-7484)
1400 Rycroft Street, Suite 876
Honolulu, Hawai'i 96814

Public Comment

Deadline: December 8, 2001

Status: DEA First Notice pending public comment.
Address comments to the applicant with copies to the approving agency or accepting authority, the consultant and OEQC.

Permits Required: Grubbing, Grading & Stockpiling; Building

Palolo Valley Homes Limited Partnership ("PVHLP") is proposing to renovate all dwelling units comprising Palolo Valley Homes, a public housing project, located at Palolo Valley, Honolulu, Hawai'i. The project area encompasses a developed area of 31.9 acres.

PVHLP proposes to renovate the exterior of all residential buildings and the interior of all dwelling units. Some of the exterior improvements are community self-help projects and will be implemented after the building/unit improvements are completed.

Construction costs are estimated at \$12.0 million. PVHLP will finance the project through a \$560,000 grant from the Neighborhood Reinvestment Corporation, the syndication of low-income housing tax credits (\$9.366 million), \$4.0 million in interim and permanent financing from the Rental Housing Trust Fund, State of Hawai'i, and a \$5.0 million interim construction loan from the Housing and Community Development Corporation ("HCDCH"), State of Hawai'i Rental Assistance Revolving Fund.

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The project will be built in one construction phase commencing in April 2002 and should be completed by June 2003.

The Housing and Community Development Corporation of Hawai'i, State of Hawai'i, owns the property. HCDCH has leased the state-owned public housing units to the Mutual Housing Association of Hawaii ("MHAH") for 55 years at \$1.00 per annum. MHAH will sublease the property to the Palolo Valley Homes Limited Partnership for 30 years at an annual rate of \$250,000 (which will be subordinated to other operating expenses and debt and to be used solely for capital improvement work on the project).

No resident will be permanently displaced as a direct result of the proposed improvements. However, given the need to rehabilitate 65 buildings within one year, all residents will be temporarily displaced for an estimated 4-6 week period to allow their units to be renovated.

Approximately 66 vacant dwelling units will be renovated first and used as temporary housing units for the one-year construction period. PVHLP proposes to renovate eight buildings comprising up to 45 dwelling units at a time. Households residing in the buildings to be renovated will be moved into the temporary housing units. The general contractor will then start renovation work on the vacated units and buildings to include roofing, exterior painting, interior demolition, and rehabilitation. Upon completion of the renovation work, the displaced households would move back into the same unit in the same building they occupied before renovation. This process will be repeated until all dwelling units and buildings have been renovated.



(4) Punahou Vista Affordable Rental Housing Development

District: Honolulu
TMK: 2-4-23: portion of 87
Applicant: Hawai'i Housing Development Corporation
725 Kapi'olani Boulevard, Suite C-103
Honolulu, Hawai'i 96813
Contact: Gary Furuta (596-2120)

Approving Agency/Accepting

Authority: Housing and Community Development Corporation of Hawai'i
677 Queen Street, Suite 300
Honolulu, Hawai'i 96813
Contact: Lisa Wond (587-0569)

Consultant: Kusao & Kurahashi, Inc.
2752 Woodlawn Drive, Suite 5-202
Honolulu, Hawai'i 96822
Contact: Keith Kurahashi (988-2231)

Public Comment

Deadline: December 8, 2001
Status: DEA First Notice pending public comment. Address comments to the applicant with copies to the approving agency or accepting authority, the consultant and OEQC.

Permits Required: 201G, CUP Minor for Joint Development, Building, Special District

The applicant, Hawai'i Housing Development Corporation, proposes to develop an eight-story family affordable rental housing building in accordance with the requirements of Chapter 201G of the Hawai'i Revised Statutes (HRS), as amended. The proposed affordable rental apartment building will be developed on a 29,612 square feet a portion of the existing 52,840 square foot Fernhurst YWCA property located on the corner of Wilder Avenue and Punahou Street. The proposed eight-story building will provide 54 affordable rental apartment units for residents who earn at or below the 30% and 50% of the area median income (AMI). Six (6) units will be 1 bedroom, 1 bath, and 48 units will be 2 bedroom, 1 bath, and an additional one bedroom unit will be utilized as a resident manager's unit, for a total of 55 units. The development will also include a full service laundry room, manager's office, mail room and one elevator, trash chute, 61 at grade parking stalls, three of which will be accessible stalls, and one loading stall. This Draft Environmental Assessment Report for the development of this multi-story family affordable rental housing building is prepared pursuant to and in accordance with the requirements of Chapter 343 HRS and Chapter 200 of Title 11, Administrative Rules - Environmental Impact Statement Rules. The action that triggers this assessment is the proposed development at 1566 Wilder Avenue, Honolulu, Hawai'i, as shown on Exhibit 1, Location and Zoning Map, and the possible use of State and City funds for the project.

The proposed family affordable rental housing use is permitted in the A-2 Medium Density Apartment District of Honolulu under the Land Use Ordinance (Section 7.80-4).

The 52,840 square foot property at 1566 Wilder Avenue is located on the corner of Wilder Avenue and Punahou Street. The property is surrounded by a mixture of residential dwellings, low to high-rise residential developments, schools and churches. Punahou School is located directly across Punahou Street in the east direction, the Sacred Heart Parish Church and Maryknoll Lower School is located at 1701 Wilder Avenue, just about 1/2 a block in the Diamond Head

direction, Maryknoll High School is located about one block south on Punahou Street, and the Christian Science Church is located on Punahou Street just makai of Wilder Avenue. Numerous apartment buildings of varying heights surround the property on its mauka, makai and ewa sides.

Final Environmental Assessments/ Findings of No Significant Impact (FONSI)



(5) La'ie Elementary School Cafeteria Expansion

District: Ko'olauloa
TMK: 5-5-15:23 and 33
Applicant: Department of Accounting and General Services, Division of Public Works
P.O. Box 119
Honolulu, Hawai'i 96810
Contact: Daniel Jandoc (586-0476)

Approving Agency/Accepting Authority: Same as above.
Consultant: Environmental Communications, Inc.
1188 Bishop Street, Suite 2210
Honolulu, Hawai'i 96813
Contact: Taeyong Kim (528-4661)

Status: FEA/FONSI issued, project may proceed.
Permits Required: SMA, grading, stockpiling, CZM certification, building

The Department of Accounting and General Services (DAGS), on behalf of the Department of Education (DOE) is proposing expansion of the existing cafeteria on the campus of the La'ie Elementary School. The existing cafeteria, which is approximately 30 years old, does not accommodate the present design enrollment capacity of 900 students. The existing cafeteria has a design of approximately 250 occupants. Presently, lunches must be served in three seatings, which are held at 10:45 a.m., 11:15 a.m. and 11:45 a.m.

It is the project objective to provide a facility that will allow lunch service to be completed in two seatings starting at a later time. The expansion project will also allow the school to hold school-wide functions in an indoor facility during times of inclement weather or extreme heat. Improvements associated with the project will also allow for expanded

technology related educational programs through the use of integrated communications and audio/visual lines.

The proposed improvements consist of approximately 3,600 square feet of additional floor area to the existing cafeteria. This additional area will include an expanded student dining area, expanded kitchen, new heater and electrical room, new faculty dining room, new tray return and wash area, locker room with toilet and an office. Mechanical and electrical improvements associated with the expansion will be provided, as will additional sidewalks around the expansion areas and a new septic tank and leach field. No significant long-term environmental impacts are expected from the construction and operation of the project.

Draft Environmental Impact Statements



(6) Waikiki Beach Walk

District: Honolulu
TMK: 2-6-002: 015, 016; 2-6-003: 001-004, 006-012, 021, 032, 034, 035, 039, 052, 056 (por.), 057; 2-6-004: 010
Applicant: Outrigger Enterprises, Inc.
2375 Kuhi'o Avenue
Honolulu, Hawai'i 96815
Contact: Eric Masutomi (921-6657)

Approving Agency/Accepting Authority: City and County of Honolulu
Department of Planning and Permitting
650 South King Street, 7th Floor
Honolulu, Hawai'i 96813
Contact: Ardis Shaw-Kim (527-5349)

Consultant: Group 70 International, Inc.
925 Bethel Street, 5th Floor
Honolulu, Hawai'i 96815
Contact: Christine Ruotola (523-5866)

Public Comment

Deadline: December 24, 2001
Status: DEIS First Notice pending public comment. Address comments to the applicant with copies to the approving agency or accepting authority, the consultant and OEQC.

Permits Required: SMA, PD-R, Grading, Building

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The Applicant, Outrigger Enterprises, Inc., proposes to redevelop a 7.9 acre area at the northwest end of Waikiki in the vicinity of Lewers Street and Kalia Road. This two-phase project will upgrade five existing hotels, demolish six hotels and redevelop the latter to include a new entertainment retail complex, a new hotel, and enhanced areas that will be open to the public. Phase I of the project involves the redevelopment and renovation of the Waikiki Village, Waikiki Tower, and Reef Towers hotels and the replacement of the Edgewater Lanais, Coral Seas and Edgewater hotels with a new two-level entertainment/ retail promenade along Lewers Street. Phase II will focus on redevelopment of the properties between Saratoga Road and Beach Walk. A new hotel tower with about 27 floors and approximately 890 rooms, will be constructed at the current location of the Royal Islander, Reef Lanais and Malihini hotels.

On-site parking will be provided below grade in the existing and new facilities. Off-site parking will also be provided at the location of the existing surface parking lot at Fort DeRussy. The project will result in a net increase of approximately 235 hotel rooms, 50,000 square feet of retail space, 25,000 square feet of "back of house" and administrative space.

Implementation of the project will require the acquisition of certain properties within the project site that are not currently owned by the applicant. Helumoa Road will be acquired from the City. In addition, the applicant proposes to acquire five privately-owned properties through a condemnation to be undertaken by the City.

Construction of Phase I is scheduled to begin in 2003 and expected to span 15 to 18 months. Phase 2 is planned to begin construction in 2006.

Previously Published Projects Pending Public Comments

Draft Environmental Assessments

Dewey Seawall

Applicant: Edward and Ann Dewey (262-0239)
1280 Mokulua Drive
Kailua, Hawai'i 96734

Approving Agency/Accepting

Authority: City and County of Honolulu
Department of Planning and Permitting
650 South King Street
Honolulu, Hawai'i 96813
Contact: Lynne Kauer (527-6278)

Public Comment

Deadline: November 23, 2001

Kamaile Elementary School Expansion

Applicant: Department of Education
Facilities and Support Section
809 8th Avenue
Honolulu, Hawai'i 96816
Contact: Raynor Minami (733-4862)

Approving Agency/Accepting

Authority: Dept. of Accounting and General Services
P.O. Box 119
Honolulu, Hawai'i 96810
Contact: Ralph Yukumoto (586-0487)

Public Comment

Deadline: November 23, 2001

Kawailoa Transfer Station

Applicant: City and County of Honolulu
Department of Environmental Services
650 South King Street, 6th Floor
Honolulu, Hawai'i 96813
Contact: Wilma Namumnart (527-5378)

Approving Agency/Accepting

Authority: Same as above.

Public Comment

Deadline: November 23, 2001

Wai'alaie-Kahala Bicycle Staging Area

Applicant: City and County of Honolulu
Department of Planning and Permitting
650 South King Street
Honolulu, Hawai'i 96813
Contact: Steve Tagawa (523-4817)

Approving Agency/Accepting

Authority: Same as above.

Public Comment

Deadline: November 23, 2001



Draft Environmental Assessments



(1) Flinn Single Family Residence

District: Hana
TMK: 1-7-1: 49
Applicant: Paul Flinn (572-0897)
1310 Pi'iholo Road
Makawao Hawai'i 96768

Approving Agency/Accepting Authority: Department of Land and Natural Resources
1151 Punchbowl Street
Honolulu , Hawai'i 96813
Contact: Traver Carroll (587-0439)

Public Comment

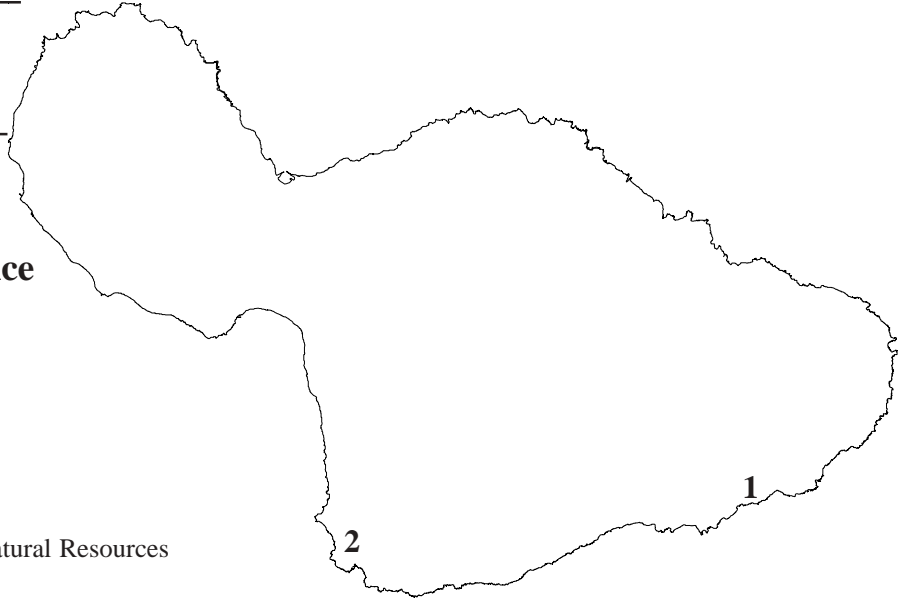
Deadline: December 8, 2001
Status: DEA First Notice pending public comment. Address comments to the applicant with copies to the approving agency or accepting authority and OEQC.

Permits

Required: CDUP

The action includes the construction of a single family residence and related improvements on a 6.7 acre parcel located in Kaupo, Maui, Hawai'i. The property is located in the State Conservation District, "General" subzone. The site is approximately 12 miles southwest of Hana town. The project site is on the makai side of Hana Highway near Mokuia Point.

Development includes construction of a 1296 square-foot single-story dwelling and a 400 square-foot storage structure within a half-acre portion of the parcel. The residence will not be visible from the Hana Highway. The residence will utilize a composting toilet and solar-electric power.



Final Environmental Assessments/Findings of No Significant Impacts (FONSI)



(2) Makena Alanui Improvements

District: Makawao
TMK: Roadway right-of-way and 2-1-05:83 (por.) and 85 (por.)
Applicant: Makena Resort Corp.
5415 Makena Alanui Road
Kihei, Hawai'i 96753
Contact: Roy Figueiroa (879-4455)

Approving Agency/Accepting Authority: County of Maui, Department of Public Works and Waste Management
200 South High Street
Wailuku, Hawai'i 96793
Contact: David Goode (270-7845)

Consultant: Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawai'i 96793
Contact: Michael Munekiyo (244-2015)

Maui Notices

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Status: FEA/FONSI issued, project may proceed.

Permits

Required: SMA

The applicant, Makena Resort Corp., proposes to implement road widening improvements to Makena Alanui Road. The segment of Makena Alanui to be improved extends from approximately the southern property line of the Maui Prince Hotel to a point just before Makena Alanui's intersection with Makena-Keone'o'io Road. This roadway segment traverses the Makena Resort in the vicinity of Makena Tennis Club entry drive. The proposed action will connect to the improved segment of Makena Alanui. The proposed improvements are part of the Makena Resort's ongoing program to upgrade infrastructure systems to facilitate implementation of its Master Plan.

The subject roadway segment is a two-lane, two-way paved County roadway. There are no curbs, gutters, or sidewalks along this portion of Makena Alanui. Proposed improvements call for pavement widening for each travel lane from 24 feet to 44 feet and the provision of a 6-foot wide sidewalk along the makai or west side of the roadway section. Additionally, installation of street lighting, fire hydrants, roadway drainage improvements and landscaping are proposed. Work will be performed within the existing 60-foot County right-of-way. Right-of-way acquisition for the improvements will not be required. It is noted, however, that two roadway culvert outlets will extend just outside of the right-of-way (makai of Makena Alanui) to lie within a portion of TMK 2-1-05:83 and a portion of TMK 2-1-05:85, respectively.

The proposed improvements are estimated to cost approximately \$1.1 million and construction of the improvements is anticipated to take about ten (10) months. The proposed action will be implemented in a single phase, with construction expected to commence upon the receipt of all applicable regulatory permits and approvals.

Since the proposed action involves the use of County lands (roadway right-of-way), an Environmental Assessment (EA) has been prepared as required by Chapter 343, Hawaii Revised Statutes.



Final Environmental Assessments/Findings of No Significant Impacts (FONSI)



(1) Tropical Ponds Hawai'i Aquaculture Farm

District: North Kohala
TMK: 5-5-07: 5
Applicant: Hawi Agricultural & Energy Corporation
P.O. Box 1656
Kamuela, Hawai'i 96743
Contact: Bob Kern (982-9052)

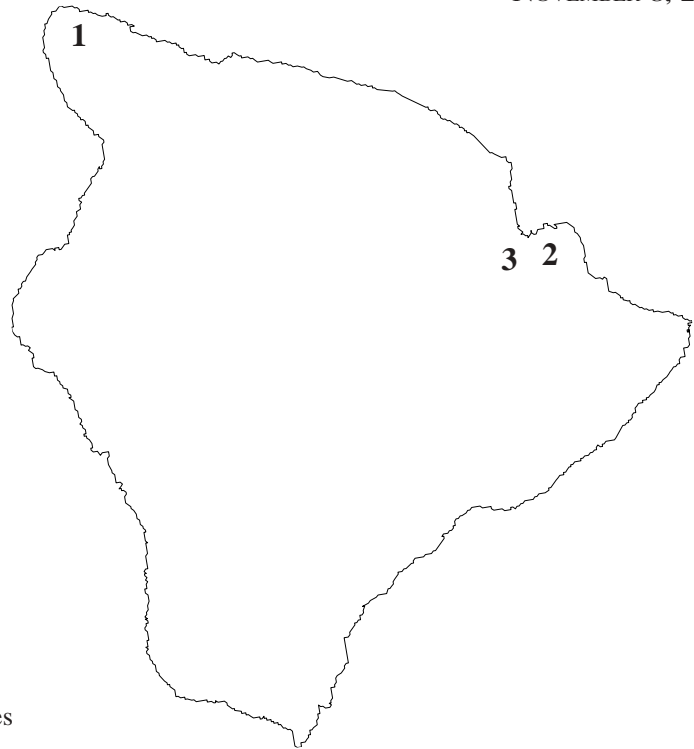
Approving Agency/Accepting Authority: Department of Land and Natural Resources
P.O. Box 936
Hilo, Hawai'i 96721
Contact: Gordon Heit (974-6203)

Consultant: Waimea Water Services, Inc.
P.O. Box 326
Kamuela, Hawai'i 96743
Contact: Steve Bowles (885-5941)

Status: FEA/FONSI issued, project may proceed.

Permits Required: Grading, building

Tropical Ponds Hawai'i (TPH), L.L.C., a producer and exporter of freshwater aquarium fish, proposes to establish and operate a freshwater aquaculture farm and hatchery near Hawi in the North Kohala District of the island of Hawai'i. The farm will expand the production of tropical freshwater aquarium fish for export to the U.S. mainland and Asia. Water for the farm will be supplied via an existing pipeline from the Kohala Ditch. Water discharged from the farm will be used to irrigate existing pasture on Hawi Agricultural and Energy Corporation (HA&E) lands. Irrigation will also be used on site. With this leasehold expansion, TPH will also develop the ability to mentor and train other farmers and potential farms on the Big Island. This will facilitate the growth of the industry and provide new entrepreneurs with an example and resource for start up ventures.



(2) UH-Hilo Pacific Aquaculture and Coastal Resources Center

District: South Hilo
TMK: 3-2-01:011:4, 3-2-01:09:1, 3-2-01:09:41, 3-2-02:56:56
Applicant: University of Hawai'i at Hilo
200 W. Kawili Street
Hilo, Hawai'i 96720
Contact: Dr. Kevin Hopkins (933-0706)

Approving Agency/Accepting Authority: Same as above.
Status: FEA/FONSI issued, project may proceed.
Permits Required: Well-construction, pump installation, water use, building, demolition, sewer discharge, SMA minor use

The University of Hawai'i at Hilo (UHH) is proposing the development of the Pacific Aquaculture and Coastal Resources Center (PACRC) incorporating the Old Hilo Wastewater Treatment Site (TMK 3-2-01-011:004), the adjacent parcel (TMK 3-2-01-09:1 and 41), and an inland facility on a 6-acre parcel of the UHH's Farm Laboratory (TMK 3-2-01-56:56). The PACRC will support the

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University's aquaculture and marine science programs, including extension services to aquaculture, fisheries and eco-tourism industries. Partners in the Center include the University and UH Sea Grant. Additionally, an advisory board including those groups, plus the County of Hawai'i, Keaukaha Community Association, Department of Land and Natural Resources, Hawai'i Aquaculture Development Program, and Hawai'i Island Economic Development Board, will provide guidance for PACRC activities. The major impacts of the proposed project are related to its construction, and the water management and economic effects once built. Impacts of construction will be short-term and within site boundaries. Water use and effluents will be closely managed. Intake from local freshwater and seawater wells will not impact the large existing aquifers and effluents will be treated through sedimentation and microfiltration. It is estimated that \$3,500,000 will be brought into the local economy, and that basic operation and activities of the PACRC will bring \$650,000 per year.

Draft Environmental Impact Statements



(3) China-U.S. Centre

District: South Hilo
TMK: 2-4-01:05 (por.)
Applicant: GEO International Explorer, Inc.
13-1F, 336 Tun Hua S. Road
Sec. 1, Taipei 106, Taiwan
Republic of China
Contact: Ron Terry (982-5831)

Approving Agency/Accepting Authority: University of Hawai'i at Hilo
200 W. Kawili Street
Hilo, Hawai'i 96720
Contact: Gerald DeMello (974-7567)

Consultant: GeoMetrician Associates
HC 2 Box 9575
Keaau, Hawai'i 96749
Contact: Ron Terry (982-5831)

Public Comment

Deadline: December 24, 2001
Status: DEIS First Notice pending public comment. Address comments to the applicant with copies to the approving agency or accepting authority, the consultant and OEQC.

Permits Required: UIC, Chapter 6E Concurrence, NPDES, Plan Approval, Grading, Grubbing, Building

The University of Hawai'i at Hilo seeks to develop the China-U.S. Center in partnership with GEO International Explorer Inc. (GEO) to support educational activities and cultural exchange between Hawai'i, the U.S. Mainland and China. The four main elements are a commercial plaza, the China-U.S. Cultural Center, a student housing unit, and the Harmony Tower.

Residential halls for about 600 students will be built. The halls will include classrooms, meeting rooms, seminar rooms, and faculty offices. Performances, films, lectures and social events within the common spaces will promote interaction. The intimate involvement of faculty and staff will stimulate residents' personal and intellectual development.

The commercial plaza will have retail and service outlets in clusters of low buildings set back from Kawili Street, interspersed with parking and landscaping. The side facing the road will have the lively feeling of a shopping arcade, while the interior will have a courtyard atmosphere, suitable for coffee shops, tearooms, and cafes. The convenient shopping village will make UH Hilo more self-contained and integrated, promoting a residential campus where students do not depend on auto transportation for everyday needs.

The three-story China-US Cultural Centre will contain a conference auditorium, an exhibition hall, symposium and meeting rooms, a library, and offices.

The Harmony Tower, a pagoda-like edifice commanding a fine view of campus and town, will perform a central function in the overall Han architectural theme. It will house the approximately 100-unit University Inn and other specialized services, such as conference rooms and a water-court teahouse, that will round out a full-function environment for visitors attending conferences.

The property is across Kawili Street from the existing campus. It is marginal agricultural land used with a history of intermittent farming and ranching, currently vacant of any active land use. Vegetation consists of second-growth alien trees, shrubs, grasses and herbs. No streams or other water bodies are present.

Principal impacts consist of increases in traffic, which can be mitigated through proposed road improvement measures.



Final Environmental Assessments/Findings of No Significant Impacts (FONSI)



(1) Hanapepe Pool Hall Restoration

District: Waimea
TMK: 1-09-04:8
Applicant: County of Kaua'i
Offices of Community Assistance
4193 Hardy Street
Lihu'e, Hawa'ii 96766
Contact: Bernie Tangalin (241-6865)

Approving Agency/Accepting

Authority: Same as above.
Status: FEA/FONSI issued, project may proceed.
Permits Required: Building

Historic preservation of the Hanapepe Pool Hall built circa 1938 and rehabilitation of non-historic building additions for the purpose of relocating and expanding hand-painted ceramic business. Restoration will provide economic stimulus through job retention and job creation.



(2) Koloa Well "F" Production Well

District: Koloa
TMK: 2-9-3:01, 2-9-2:01
Applicant: County of Kaua'i Department of Water
P.O. Box 1706
Lihu'e, Hawai'i 96766
Contact: Michael Hinazumi (245-5413)

Approving Agency/Accepting

Authority: Same as above.
Consultant: Ron Terry, Ph.D. (982-5831)
HC 2 Box 9575
Keaau, Hawai'i
Status: FEA/FONSI issued, project may proceed.
Permits Required: Well Construction, Pump Installation, Building, Grubing & Grading, Subdivision, Use



The proposed project would convert an existing Kaua'i County Department of Water (DOW) exploratory well to a production well. The 1,200 gallon-per-minute production well would draw potable water from the basal aquifer. The well site would require approximately 14,000 square feet of land. Project design includes a pump, controls, control building, chlorination facilities, pipeline, paving of an existing unpaved access road, and accessory drainage structures. The project site is at the foot of a 500-foot high ridge, about a mile east of the former McBryde Sugar Mill near Koloa and about two miles from the towns of Koloa and Poipu. The purpose of this project is to develop an additional potable water source for the Koloa-Poipu Water System, which requires more water in order to meet the demands of its service area.

Estimated design and construction costs total \$1.7 million. Funds for this project have been committed from DOW's Capital Improvement Program (CIP) budget. There is a possibility that other sources of funds, public or private, may be available for this project. When necessary approvals are obtained, the project would begin construction in the year 2001 and would be complete within approximately one year.

Because the project site contains alien vegetation and is several miles distant from the shoreline and any streams, settlements, or activities other than farming, the expected environmental impacts of the project and proposed mitigation are minor. Construction will cause very localized surface clearing that will be mitigated by Best Management Practices for minimizing soil erosion, offsite sedimentation, and

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excessive dust. With the well in operation, it is expected that pumpage from the aquifer will remain far below its sustainable yield. It is recommended that long-term records of water salinity pumpage and water levels should be maintained at all of the Koloa wells. If chloride concentrations appear to be increasing to unacceptable levels in the Koloa well field, DOW should consider measures to reverse the increase, such as reduced pumping or aquifer recharge. Furthermore, such data will provide information to evaluate potential cumulative impacts related to the use of future wells.

Previously Published Projects Pending Public Comments

Draft Environmental Assessments

● Hanalei Valley/National Wildlife Refuge Scenic Stop

Applicant: State Department of Transportation
3060 'Eiwa Street, Room 205
Lihu'e, Hawai'i 96766
Contact: Steven Kyono (274-3111)

and
U.S. Department of Transportation
Federal Highway Administration
300 Ala Moana Blvd., P.O. Box 50206
Honolulu, Hawai'i 96850
Contact: Abraham Wong (541-2700)

Approving Agency/Accepting

Authority: State Department of Transportation
3060 'Eiwa Street, Room 205
Lihu'e, Hawai'i 96766
Contact: Steven Kyono (274-3111)

Public Comment

Deadline: November 23, 2001

National Environmental Policy Act

U.S. Coast Guard Integrated Deepwater System Project (Draft Programmatic EIS)

Applicant: U.S. Department of Transportation
U.S. Coast Guard Headquarters, (G-D)
2100 2nd Street SW
Washington, D.C. 20593-0001
Contact: LCDR Eric Johnson (ph: 202-267-1665; fax: 202-267-4020; email: ejohnson@comdt.uscg.mil)

Public Comment

Deadline: December 10, 2001

The U.S. Coast Guard has identified technological and capability gaps in its system of assets used to execute its Deepwater missions. This existing system of Deepwater assets, also referred to as legacy assets, has excessive operating and maintenance costs, lacks essential capabilities in speed, sensors, and interoperability, and consequently, limits overall Deepwater mission effectiveness and efficiency.

Moreover, most of these assets will reach the end of their economically useful lives within the next 10 years. This comes at a time when the demand on Deepwater missions is steadily increasing. To address these issues, the Coast Guard is proposing to acquire an integrated system of new surface and air assets and logistics, communications, and sensor systems.

The determination of whether the Coast Guard should proceed with awarding a contract for detailed design of system assets, and acquiring assets and infrastructure is the only decision being made at this time. This system will be acquired over the next several decades and will largely depend on congressional funding. The homebasing of particular assets will depend on a number of factors that may change over time, including mission needs and political influence; thus no asset homeport location decisions are being made at this time. Asset location decisions are not included in this Programmatic Environmental Impact Statement (PEIS) but will be assessed in follow-on environmental analyses, which will be tiered from this document.

Shoreline Notices

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Shoreline Certification Applications

Pursuant to § 13 -222-12, HAR the following shoreline certification applications are available for inspection at the DLNR District Land Offices on Kaua'i, Hawai'i and Maui and at Room 220, 1151 Punchbowl St., Honolulu, O'ahu (Tel: 587-0414). All comments shall be submitted in writing to the State Land Surveyor, 1151 Punchbowl Street, Room 210, Honolulu, Hawai'i 96813 and postmarked no later than fifteen (15) calendar days from the date of the public notice of the application.

Case No.	Date	Location	Applicant	TMK
OA-848	10/18/01	Lot 128-C of Land Court Application 772, Section 1, land situated at Laie, Koolauloa, Island of Oahu, Hawaii Address: 55-012 Kamehameha Highway Purpose: Building Permit	DJNS Surveying and Mapping, Inc., for David Thielen	5-5-02: 95
OA-849	10/18/01	Lot 617 of Land Court Application 1089, Map 12, land situated at Kamananui, Waialua, Island of Oahu, Hawaii Address: 67-435 Waialua Beach Road Purpose: Determine Erosion	Sam O. Hirota, Inc., for Waialua Sugar Company	6-7-13: 05
OA-850	10/22/01	Lot 322 of Land Court Application 979, Map 29, land situated at Kahaluu, Koolaupoko, Island of Oahu, Hawaii Address: 45-245 Miomio Loop, Kaneohe Purpose: Building Permit	Technical Field Data Services, Inc., for James and Mari Berry	4-7-30: 16
HA-254	10/22/01	Lot 5 of Puako Beach Lots (HTS Plat 414-A), land situated at Lalamilo, Waimea, South Kohala, Island of Hawaii Address: 69-1864 Puako Beach Drive Purpose: Building Permit	Wes Thomas Associates, for Johns W. Thompson and Sandra A. Thompson	6-9-06: 05
OA-080-2	10/22/01	Lot 7 of Kawaihoa Beach Lots, Section A, as shown on Bishop Estate Map 4210, being a portion of R.P 4475, Land Commission Award 7713, Apana 33 to V. Kamamalu, land situated at Kawaihoa, Waialua, Island of Oahu, Hawaii Address: 61-667 Kam Highway Purpose: Building Permit	Jamie F. Alimboyoguen, LLC, for Thomas W. and Patricia M. Coulson	6-1-10: 09
MA-236-2	10/23/01	Being a portion of Land Commission Award 11216, Apana 21 to M, Kekauonohi, being also Lot 45 of Makena Beach Lots, land situated at Palaua, Honuaula, Makawao, Island of Maui, Hawaii Address: Vacant (Makai of Makena Road) Purpose: Re-determine shoreline	Warren S. Unemori Engineering, Inc., for Stephen Luczo	2-1-11: 23
MA-009-2	10/25/01	Being a portion of Grant 3343 to Claus Spreckels, land situated at Spreckelsville, Wailuku, Island of Maui, Hawaii Address: 602 Stable Road Purpose: Subdivision Approval	Newcomer – Lee Land Surveyors, Inc., for Gregg R. Chisolm, etal	3-8-2: 50

Shoreline Notices

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Shoreline Certifications and Rejections

Pursuant to §13-222-26, HAR the following shorelines have been certified or rejected by the DLNR. A person may appeal a certification or rejection to the BLNR, 1151 Punchbowl Street, Room 220, Honolulu, Hawai'i 96813, by requesting in writing a contested case hearing no later than twenty (20) calendar days from the date of public notice of certification or rejection.

Case No.	Date	Location	Applicant	TMK
OA-776-2	10/25/01 Certified	Nanakuli Beach Park, Governor Executive Order 174, Land situated at Nanakuli, Waianae, Island of Oahu, Hawaii Address: Nanakuli Beach Park Purpose: Improvements	ControlPoint Surveying, Inc., for City and County of Honolulu	8-9-1: 2 & 8-9-6: por 01
OA-846	10/25/01 Certified	Lot 874, as shown on Map 105 of Land Court Application 242, land situated at Puuloa, Ewa, Island of Oahu, Hawaii Address: 91-269B Ewa Beach Road, Ewa Beach Purpose: Determine Shoreline Setback	James F. Alimboyoguen, LLC, for Ahulani Von Hamm	9-1-23: 27
HA-038-2	10/25/01 Certified	Being the whole of Royal Patent 4265, Land Commission Award 9915, Apana 2 to Limahana and a Portion of Royal Patent 4475, Land Commission Award 7713, Apana 43 to V. Kamamalu, at Holualoa 1 st and 2 nd , North Kona, Hawaii Address: Not assigned – Vacant Purpose: Building Permit	Wes Thomas Associates, for Danny Pettit, Pettit Revocable Trust DTD	7-6-17: 40 & por. 28
MA-162-2	10/25/01 Certified	Lot 1 of the Lawrence Tam Ho Subdivision, land situated at Kuau, Hamakuapoko, Makawao, Island of Maui, Hawaii Address: 111 Aleiki Place, Paia Purpose: Building Permit	Akamai Land Surveyors, Inc. for Chris and Virginia Bovy	2-6-12: 72
MA-217-3	10/25/01 Certified	Parcel 27, being a portion of Land Commission Award 11216, Apana 21 to Kekauonohi, land situated at Palauea & Keauhou, Honuaula, Makawao, Island of Maui, Hawaii Address: 4572 Makena Road, Kihei Purpose: Building Permit	Ronald M. Fukumoto Engineering, Inc., for Makena Point LLC	2-1-11: 27
KA-159	10/25/01 Certified	Lot 2, Wainiha Subdivision II, (File Plan 1840), land situated at Wainiha, Island of Kauai, Hawaii Address: 7356 Alealea Road Purpose: Building permit	Wagner Engineering Services, Inc., for Carl and Cindy Stephens	5-8-09: 41
MA-257	10/25/01 Certified	Lot 56, Land Court Application 1744 (Map 19), land situated at Kaanapali, Lahaina, Island of Maui, Hawaii Address: 50 Nohea Kai Drive (Kaanapali Alii Condominium) Purpose: Determine setback	Tanaka Engineers, Inc., for Royal Kaanapali Joint Venture (Kaanapali Alii Condominium Association)	4-4-8: 22
KA-158	10/25/01 Certified	Lot 9 of Wainiha Subdivision II, as shown on File Plan No. 1840, land situated at Wainiha, Halelea, Island of Kauai, Hawaii Address: 7324 Alealea Road, Haena Purpose: Building Permit	Peter N. Taylor Inc., for Gary Fischer	5-8-9: 48
MA-058-2	10/25/01 Certified	Being a portion of Grant 3343 to Claus Spreckels, land situated at Kahului, Island of Maui, Hawaii Address: Amala Place (County of Maui Wastewater Treatment Site) Purpose: Improvements	Newcomer-Lee Surveyors, Inc., for County of Maui	3-8-1: 188
MA-057-2	10/25/01 Certified	Lot 1-A of the Bechert Estate, Portion of Grant 1166 to D. Baldwin, J. F. Pogue & S. E. Bishop, land situated at Kahananui, Lahaina, Island of Maui, Hawaii Address: 4401 Lower Honoapiilani Road Purpose: Erosion Protection	Valera, Inc., for Hololani Owners Association	4-3-10: 9
OA-806	10/26/01 Certified	Lot 52, Land Court Consolidation 29, land situated at Kaneohe, Koolaupoko, Island of Oahu, Hawaii Address: 45-253 Ka-Hanahou Circle Purpose: Building Permit	Walter P. Thompson, Inc., for Volker Hildebrandt	4-5-47: 46

Conservation District Notices

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Board Permits

Persons interested in commenting on the following Conservation District Use Application (Board Permit) must submit comments to the Department of Land and Natural Resources.

Also, anyone interested in receiving notification of determinations on Conservation District Use Applications (Board Permit) must submit requests to DLNR that include the following information:

1. Name and address of the requestor;
2. The departmental permit for which the requestor would like to receive notice of determination; and
3. The date the notice was initially published in the Environmental Notice.

Both comments and requests for notification of determinations must be submitted to DLNR within thirty days from the initial date that the notice was published in the Environmental Notice.

Please send comments and requests to: State of Hawai'i, Department of Land and Natural Resources, Land Division, 1151 Punchbowl Street, Room 220, Honolulu, Hawai'i 96813.

DLNR will make every effort to notify those interested in the subject CDUA, it is not obligated to notify any person not strictly complying with the above requirements. For more information, please contact Masa Alkire at 587-0385.



Beach Nourishment

File No.: CDUA MA-3063B
Applicant: Sugar Cove AOA
Location: Spreckelsville, Maui
TMK: (2) 3-8-002:031
Action: Periodically place sand in the vicinity of the Sugar Cove Beach in order to nourish the beach resources

343, HRS determination: FEA accepted by County of Maui
Applicant's Contact: Barbara Guild (808) 877-3109



Residential Garage and Water Storage Tank

File No.: CDUA OA-3064B
Applicant: Logan and Makena White
Location: Tantalus, O'ahu
TMK: (1) 2-5-16:29
Action: Construct a detached covered parking structure with a water storage tank for a residence.

343, HRS determination: Exempt
Applicant's Contact: Logan White (808) 941-8077

Coastal Zone News

Federal Consistency Reviews

The Hawai'i Coastal Zone Management (CZM) Program has received the following federal actions to review for consistency with the CZM objectives and policies in Chapter 205A, Hawai'i Revised Statutes. This public notice is being provided in accordance with section 306(d)(14) of the National Coastal Zone Management Act of 1972, as amended. For general information about CZM federal consistency please call John Nakagawa with the Hawai'i CZM Program at 587-2878. For neighboring islands use the following toll free numbers: Lana'i & Moloka'i: 486-4644 x7-2878, Kaua'i: 274-3141 x7-2878, Maui: 984-2400 x7-2878 or Hawai'i: 974-4000 x7-2878.

For specific information or questions about an action listed below please contact the CZM staff person identified for each action. Federally mandated deadlines require that comments be received by the date specified for each CZM consistency review and can be mailed to:

David W. Blane, Director
Office of Planning
Dept. of Business, Economic Development & Tourism
P.O. Box 2359
Honolulu, Hawai'i 96804

Or, fax comments to the Hawai'i CZM Program at 587-2899.

Coastal Zone News

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☛ Kaua‘ula Stream Maintenance Clearing, Maui

Federal Action: Department of the Army Permit
Federal Agency: U.S. Army Corps of Engineers
 Contact: William Lennan, 438-6986
Applicant: West Maui Soil and Water Conservation District
 Contact: Neal S. Fujiwara, District Conservationist, (808) 244-3100 x107
Location: Kaua‘ula Stream, Puamana Community, Maui
TMK: (2) 4-6-29
CZM Contact: John Nakagawa, 587-2878
Proposed Action:

Remove 120 cubic yards of accumulated sediment, sand and rock from the concrete channel of Kaua‘ula Stream. The dredged material will be loaded onto trucks and disposed at an upland site.

Comments Due: November 23, 2001

☛ Proposed Replacement of National Weather Service Buildings and Equipment at Hilo International Airport

Federal Action: Direct Federal Activity
Federal Agency: National Weather Service (NWS)
Agent: SRI International
 Contact: Bernice T. Bumbaca, (650) 859-2573 or electronic mail
 bernice.bumbaca@sri.com (preferred).
Location: Hilo International Airport, Hilo, Hawai‘i
TMK: 2-1-12-121, 122 and 123
CZM Contact: Debra Tom, 587-2840
Proposed Action:

The NWS proposes to replace the existing Weather Service Office (WSO) and Upper Air Inflation (UAI) buildings and install other essential equipment at the Hilo International Airport. The project consists of construction of two single story buildings (2,400 square feet and 400 square feet), new driveway, 12-vehicle parking, septic tank and leach field and accessory equipment.

Comments Due: November 23, 2001

Special Management Area (SMA) Minor Permits

Pursuant to Hawai‘i Revised Statute (HRS) 205A-30, the following is a list of SMA Minor permits that have been approved or are pending by the respective county agency. For more information about any of the listed permits, please contact the appropriate county Planning Department. City & County of Honolulu (523-4131); Hawai‘i County (961-8288); Kaua‘i County (241-6677); Maui County (270-7735).

Location (TMK)	Description (File No.)	Applicant/Agent
Oahu: Honolulu (3-1-42: 19)	3" waterline extension at Fort Ruger Baseyard (2001/SMA-68)	KN Consulting Services, Inc. / Sherri Sakihara
Oahu: Kahaluu (4-7-12:20)	Relocated Bathroom for Agricultural Storage Building (2001/SMA-73)	Gordon T. F. Wong/ Chester M. Tanabe
Maui: Kaunakakai (5-3-3:1)	New Fields at Duke Maliau Park	Floyd Miyazono
Maui: Makena (2-1-4:75)	Keoneoio (La Perouse Bay) Preservation Historical Property Protection Vehicle Barricade	Gilbert Coloma-Agaran
Maui: Hana (1-3-3:22)	UH HITS Antenna Facility at Hana Airport	Mich Hirano
Maui: Makena (2-1-23:3)	Kea Lani Storage Room Addition	Nick Wagner
Maui: Hana (1-3-9:99)	Utility Pole Installation (Pending)	Charles Thorne
Maui: Paia (2-6-12:6)	Meola Single Family Residence (Pending)	Nick Wagner
Maui: Haiku (2-9-3:10)	Farm Dwelling (Pending)	Brian Iwankiw
Maui: Kihei (3-9-2:84)	Verizon Cell Site at Haggai Institute (Pending)	Mike Beason
Maui: Kihei (3-9-4:1)	Kirc Boathouse and Access Rd (Pending)	James Niess
Maui: Kihei (3-9-10:78)	Waiohull two lot subdivision (Pending)	Doyle Betsill
Maui: (5-6-1:29)	Lani Blissard Trust Properties 6' boundary fence (Pending)	Robert Henriques
Kauai: Kealia (4-7-3:1)	Crushed Coral parking lot (02-08)	Kealia Makai Holdings
Kauai: Kukuilua (2-6-12:5)	Construct pool, deck, spa, fence, driveway (02-09, Pending)	Donald McCalla

Pollution Control Permits

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Department of Health Permits

The following is a list of some pollution control permits currently being reviewed by the State Department of Health. For more information about any of the listed permits, please contact the appropriate branch or office of the Environmental Management Division at 919 Ala Moana Boulevard, Honolulu.

Branch Permit Type	Applicant & Permit Number	Project Location	Pertinent Date	Proposed Use
Clean Air Branch, 586-4200, Temporary Covered Source Permit	Kiewit Pacific Company CSP 0500-01-CT	Various Temporary Sites, State of Hawaii Initial Location: Allied Quarry Road (Kiewit Base Yard), Kailua-Kona, Hawaii	Comments Due: 11/19/01	357 TPH Portable Stone Processing Plant with One (1) 1,100 kW Diesel Engine Generator
Clean Air Branch, 586-4200, Noncovered Source Permit	Monsanto Hawaii Foundation Seed NSP 0468-01-N (Amendment)	2111 Piilani Highway, Kihei, Maui	Issued: 10/15/01	Grain Processing Facility
Clean Air Branch, 586-4200, Noncovered Source Permit	University of Hawaii NSP 0418-02-N (Amendment)	District of Waiakea, Hilo, Hawaii	Issued: 10/16/01	Three (3) 877 BHP Diesel Engines, Two (2) 435 BHP Diesel Engine Generators, and One (1) 450 BHP Diesel Engine
Clean Air Branch, 586-4200, Noncovered Source Permit	Hawaiian Cement NSP 0277-05-N	91-055 Kaomi Loop, Kapolei, Oahu	Issued: 10/18/01	Cement Bulk Storage, Truck Loading, and Bagging Facility
Clean Air Branch, 586-4200, Covered Source Permit	Tesoro Hawaii Corporation CSP 0089-01-C (Amendment)	140-A Hobron Avenue, Kahului, Maui	Comments Due: 11/29/01	Maui Terminal
Clean Air Branch, 586-4200, Covered Source Permit	Grace Pacific Corporation CSP 0059-01-C	91-341 Hanua Street, Kapolei, Oahu	Issued: 10/23/01	Coral Sand Crushing, Grinding, and Screening Facility with Portable Screening Plant
Clean Air Branch, 586-4200, Noncovered Source Permit	HIE Holdings, Inc. dba Hawaiian Isles Kona Coffee Company NSP 0503-01-N	2864 Mokumoa Street, Honolulu, Oahu	Issued: 10/24/01	2,200 lb/hr Batch Coffee Roaster
Clean Water Branch 586-4309, NPDES	City & County of Honolulu Dept. of Design & Construction, #HI 0021750	Rehabilitation of Streets within the Kaneohe and Kailua districts of Oahu	Comments Due: 11/28/01	Discharge storm water runoff to Kaneohe Bay & various inland waters.
Clean Water Branch 586-4309, NPDES	Kahuku Shrimp Farm #HI 0021059	P.O. Box 279 Kahuku, Oahu	Comments Due: 11/28/01	Discharge aquacultural wastewater to Pacific Ocean
Clean Water Branch 586-4309, NPDES	Pearl Harbor Naval Shipyard #HI 0110230	667 Safeguard St., Ste. 100 Pearl Harbor, Oahu	Comments Due: 11/28/01	Discharges of drydock water to Pearl Harbor
Clean Water Branch 586-4309, Water Quality Certification	U.S. Fish and Wildlife Service WQC 0000532	Tern Island, French Frigate Shoals	Comments Due: 11/28/01	Reconstruct the shore protection structures.

Pollution Control Permits

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Department of Health Permits (continued)

Branch & Permit Type	Applicant & Permit Number	Project Location	Pertinent Dates	Proposed Use
Safe Drinking Water Branch, 586-4258, UIC Permit	WB Kukio Resorts, LLC UH-2139	Kukio Lagoon 87 mile marker, Queen Kaahumanu Hwy., North of Kailua-Kona	n/a	Construction of 3 injection wells for brackish water - water features disposal.
Safe Drinking Water Branch, 586-4258, UIC Permit	Big Island Toyota UH-2143	Big Island Toyota Parts & Service 811 Kanoelehua Ave, Hilo	n/a	Registration of 3 injection wells for surface drainage.
Safe Drinking Water Branch, 586-4258, UIC Permit	Home Depot USA, Inc. UH-2146	The Home Depot Store, Kaloko Lt. Industrial Park; Kamanu St., between Olowalu & Kouhola St., N. Kona	n/a	Construction of 18 injection wells for surface drainage.
Safe Drinking Water Branch, 586-4258, UIC Permit	Mamalahoa Development Corp. UH-2142	Subdivision of Lot 40, Kohana iki Homesteads; Old Mamalahoa Hwy., Makaula-Kalaoa 4th, N. Kona	tba	Construction of 4 injection wells for surface drainage.
Safe Drinking Water Branch, 586-4258, UIC Permit	Holualoa Kona Coast, LLC UH-1687A	Kona Coast Shopping Center 74-5586 Palani Rd., Kailua-Kona	n/a	Change-of-Operator for 6 injection wells for surface drainage.
Safe Drinking Water Branch, 586-4258, UIC Permit	Maui Pineapple Company, Ltd. UM-1229	Maui Pineapple Company, Ltd. 120 Kane St., Kahului	n/a	Permit modification for one injection well for pressure increase for process water disposal.
Safe Drinking Water Branch, 586-4258 UIC Permit	Association of Apartment Owners UM-1327	Lauloa Resort Condominium 100 Hauoli St., Maalaea, Wailuku	n/a	Permit renewal of 2 injection wells for sewage disposal.
Safe Drinking Water Branch, 586-4258, UIC Permit	AES Hawaii, Inc. UO-1482	AES Hawaii, Inc. 91-086 Kaomi Loop, Kapolei (Campbell Industrial Park)	n/a	Permit renewal of 4 injection wells for industrial wastewater disposal.
Safe Drinking Water Branch, 586-4258, UIC Permit	South Shore Community Services, Inc. UK-1693	Kukuiula WWTP Kukuiula, Koloa, TMK: 2-6-03:1, 04:38	n/a	Permit renewal of 2 injection wells for backup sewage disposal.
Safe Drinking Water Branch, 586-4258, UIC Permit	Trex Enterprises Corporation UK-2140	Trex Enterprises Corporation 3038 Aukele St., Lihue	n/a	Construction of one injection well for industrial wastewater disposal.
Safe Drinking Water Branch, 586-4258, UIC Permit	Kukuiolono Golf Course & Park UK-2144	Kukuiolono Park & Golf Course Clubhouse; Puu Road by Papalina Road, Kalaheo, Koloa	n/a	Registration of one injection well for sewage disposal.
Safe Drinking Water Branch, 586-4258, UIC Permit	Dept. of Public Works County of Kauai UK-1212	Eleele Wastewater Treatment Plant 4440 Waialo Road, Eleele, Koloa	n/a	Permit modification to reactivate one injection well to active use; total of four wells for sewage disposal.
Safe Drinking Water Branch, 586-4258, UIC Permit	Association of Apartment Owners UK-1256	Nihi Kai Villas 1870 Ho'one Road, Poipu, Koloa	n/a	Permit modification, construction of one injection well for sewage disposal; total of 3 injection wells.

Comments/Responses on Final Hazardous Waste Program Authorization for Hawai'i

Effective November 13, 2001, the U.S. Environmental Protection Agency will delegate the administration of the hazardous waste management program (except for those provisions dealing with the Solid and Hazardous Waste Amendments of 1984; i.e., corrective action provisions of Subtitle C of the Resource Conservation and Recovery Act) to the State of Hawai'i. The EPA received three oral comments, one of which was supplemented in writing, and one letter containing written comment during the public comment period. Additionally, in April 2001, after the close of the comment period, EPA received a Petition To Withdraw Hawaii Certification and Title VI Complaint of Discriminatory Acts (Petition to Withdraw) document challenging the administration and enforcement of environmental programs by the State of Hawai'i and seeking withdrawal of authorization for all environmental programs, including RCRA. We have taken into consideration comments in the Petition relating to the Hawai'i hazardous waste management program in taking today's action. In addition, the EPA Office of Civil Rights (OCR), which is responsible for processing and investigating complaints of discrimination filed against programs or activities that receive financial assistance from EPA, has notified the complainant that it will review the Title VI Complaint of Discriminatory Acts under the procedural rules for handling Title VI complaints. The significant issues raised by the commenters and EPA's responses are summarized below. Today's action is not a final determination on the merits of the Petition to Withdraw federal authorization for all environmental programs in Hawai'i. The Comments and Responses are as follows.

Comment 1: EPA received comments relating to the Hawai'i Department of Health's (HDOH) implementation of other programs for which Hawai'i had been delegated authority by EPA. The comments generally asserted that the HDOH could not adequately enforce the laws and regulations of the hazardous waste management program because its record of performance in other environmental programs is poor. Some specific examples cited were that Hawai'i's enforcement of the Clean Water Act is poor, its implementation of the Total Maximum Daily Load program (TMDL) is poor, and, in general, it lacks adequate funds, staff and commitment for environmental programs, such as the solid waste program. The Petition to Withdraw also raised these concerns. Please note, today's action is not a final determination on the merits of the Petition to Withdraw.

Response 1: *Each environmental program is unique and must be evaluated in light of the particular federal and state requirements applicable to that program. Among other things, programs differ significantly in the numbers and types of pollutants regulated; the number, size and type of facilities which are regulated; complexity and scope of regulatory requirements; regulatory mechanisms (for example, use of permits and prohibitions); tools for assessing compliance (e.g., inspections, self-monitoring and self-reporting); and enforcement options. Moreover, different programs vary in funding levels and sources, and staffing levels (both number of staff and required qualifications). With respect to HDOH's performance in implementing the hazardous waste management program, EPA will discuss four program areas: compliance and enforcement, permitting, corrective action and waste minimization. HDOH has demonstrated steady progress in developing a strong compliance program. HDOH has been developing its*

capability to enforce the hazardous waste regulations since 1988, eleven years prior to submitting its application for program authorization in 1999. Since 1994, when Hawaii first promulgated state hazardous waste regulations, the HDOH staff have conducted more than 170 inspections of generators or treatment facilities and have developed 30 enforcement actions as a result of those inspections. Included in HDOH's recent enforcement efforts was a complex joint enforcement action with EPA against the University of Hawai'i. That enforcement action resulted in one of the largest RCRA settlements ever for hazardous waste violations in EPA Region 9, including \$1.7 million in penalties and environmental projects. HDOH has inspected or visited another 530 sites, which were determined to be either conditionally exempt from regulation because they generated small amounts of hazardous waste, or not hazardous waste sites because the original facility no longer existed at that location. Information from these 530 smaller inspections and visits was used to update the HDOH database of facilities subject to RCRA hazardous waste management regulations. Twenty five of its 30 enforcement actions are complete, resulting in \$792,058 in penalties collected. HDOH has also negotiated, as part of two settlements, supplemental environmental projects worth about \$1.2 million. The EPA believes that this record demonstrates both a capacity and a commitment to enforce hazardous waste regulations. Enforcement is only one aspect of a comprehensive hazardous waste management program. Other important components are permitting, which includes permitting currently operating treatment, storage and disposal facilities; corrective action, i.e., monitoring the cleanup of sites where past practices or accidents have resulted in hazardous waste spilling on the ground; and waste minimization, involving development of projects to promote future safe practices and waste reduction efforts. EPA believes that the Hawai'i hazardous waste management program is thorough and sound in its permitting, corrective action and waste reduction activities. Under the second part of the program, permitting, there is only one non-emergency permitted hazardous waste facility operating in Hawai'i. The U.S. Navy at Pearl Harbor operates a hazardous waste storage facility to store hazardous wastes generated by the Navy until the wastes can be shipped to the mainland for proper treatment and disposal. The Pearl Harbor facility renewed a five-year permit in July 2000. The HDOH permit writer took the lead for reviewing the Navy's application and for developing the subsequent permit, issued pursuant to both Hawai'i and Federal laws and regulations. There are currently three emergency permits that have been issued in Hawai'i. Emergency permits are temporary permits, with a duration of no more than 90 days, issued to address an imminent and substantial endangerment to human health or the environment. The only other site which may lawfully store hazardous waste on Hawaii is under the administration of the EPA rather than HDOH. That site is another U.S. Navy site at Pearl Harbor, which is storing hazardous waste mixed with radioactive waste until it can be shipped to planned treatment and disposal facilities on the mainland. Pearl Harbor is currently storing this waste under a compliance order entered into with EPA. When all of the currently stored waste is transferred, the site will not store hazardous waste beyond the amount of time allowed any generator in Hawai'i to accumulate hazardous waste for safe transportation. In accordance with EPA's independent inspection and enforcement authorities after program authorization, EPA will continue to administer this order unless there is an agreement at some future time for HDOH to assume these duties. The HDOH is monitoring the cleanup of four sites in Hawai'i. Those sites comprise Hawai'i's corrective action universe. All four of these sites have achieved sufficient cleanup

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and control to safeguard human health and groundwater. In the area of waste minimization, the HDOH is implementing several projects to provide information to businesses and the public that will assist them in improving Hawai'i's environment by preventing wastes from ever being generated or reducing the amount of waste a business needs to generate in its industrial processes. In all four of these program areas: compliance and enforcement, permitting, corrective action, and waste minimization, Hawai'i's record of performance shows it can adequately implement and enforce the laws and regulations of the hazardous waste management program. With respect to the comments related to Hawai'i's implementation and enforcement of the Clean Water Act, these are the same comments which were raised in the Petition. In response to the Petition, EPA decided to change its schedule of state program audits to perform an audit of Hawai'i's NPDES program earlier than originally scheduled. Pursuant to the audit, EPA reviewed Hawai'i's statutory authorities as well as enforcement mechanisms, and the audit raised some concerns, particularly related to enforcement. EPA is working with the State to address those concerns. We are also reviewing the issues raised in the Petition, and will respond directly to the Petitioner on those issues.

Comment 2: Several comments generally expressed concern that the State of Hawai'i has sometimes violated its own regulations and cannot take enforcement action against itself.

Response 2: The HDOH does have the legal authority to bring an enforcement action against another state agency and, in fact, HDOH has taken enforcement action against another state agency. The EPA is satisfied that appropriate enforcement actions can and will be taken by HDOH against other non-complying State of Hawai'i agencies when necessary. Over the last five years HDOH has targeted both local, state and federal governmental facilities, as well as private businesses, for hazardous waste compliance inspections. These inspections have resulted in 30 hazardous waste enforcement cases against public and private entities. Most recently, HDOH's largest hazardous waste enforcement case was against the University of Hawai'i, a state-funded agency, that resulted in a \$1.7 million settlement. The settlement includes a cash penalty of \$505,000 and an agreement that the University will undertake several system-wide pollution prevention and waste minimization projects at a total value of \$1.2 million, and an extensive compliance audit of its facilities. The University of Hawai'i action was a joint enforcement effort between HDOH and EPA.

Comment 3: A commenter expressed concern that HDOH has not developed appropriately protective regulations, commenting for example that the State does not have good water quality standards. Similar concerns were mentioned in the Petition to Withdraw.

Response 3: As adopted in 1994, and amended in 1998, the Hawai'i hazardous waste management rules are at least as stringent as the federal rules and in some cases are even more protective, as was outlined in the Federal Register document discussing EPA's tentative determination to authorize the Hawai'i hazardous waste management program, 65 FR 38802 (June 22, 2000). Hawai'i has adopted all applicable federal RCRA hazardous waste management rules through May 25, 1998, and will continue to adopt new federal rules which are more protective of the environment. In addition, federal rules promulgated under the Hazardous and Solid Waste Amendments of 1984 (HSWA) are immediately enforceable by the U. S. EPA until Hawai'i adopts and receives authorization for them. HDOH is currently reviewing the water quality standards for Hawai'i, as required by the Clean Water Act. The EPA is working closely with the State during this triennial review process to ensure a successful outcome.

The HDOH is expected to complete its review by the end of 2002. However, the adequacy of water quality standards is not an element of the criteria for determining a state hazardous waste management program's eligibility for RCRA authorization.

Comment 4: One commenter said EPA has failed to adequately monitor the State of Hawai'i programs and that program funds designated for a specific program have been given to other programs.

Response 4: The commenter did not give a specific example of a program or a federally-funded grant that was not adequately monitored or of misuse or misapplication of funds. Given that this Notice is addressing authorization of the hazardous waste management program, EPA will address the hazardous waste management program for which Hawai'i is seeking authorization. Since 1988, EPA has annually evaluated HDOH's development and implementation of the hazardous waste management program. The hazardous waste management program has been supported by annual federal grants with appropriate matching state funds since 1988. As a part of these grants, EPA and HDOH negotiated annual work plans with EPA monitoring HDOH performance throughout the year. After the end of each annual grant EPA conducted a complete evaluation of the HDOH hazardous waste management program expenditures under the grant. EPA determined that HDOH accomplished all of the work described in the annual grants, or, on the occasions when HDOH experienced a vacant position or for some other reason missed a work commitment, HDOH has returned an appropriate amount of hazardous waste federal funds to EPA. EPA is satisfied that HDOH implements an effective hazardous waste management program and that HDOH has completed the work supported by the federal hazardous waste grants. EPA will continue to conduct program evaluations and monitor HDOH performance and grant expenditures.

Comment 5: A commenter said that the two-year enforcement trend that EPA discussed at a public meeting on July 25, 2000 was insufficient to predict continuing success.

Response 5: Although EPA focused on the three most recent years of HDOH inspection and enforcement history at the public meeting, HDOH has been conducting inspections since 1994, when the State rules were first promulgated. In making its authorization determination, EPA has reviewed the full HDOH inspection history. Since 1994, HDOH has conducted more than 170 inspections of large generators and has annually monitored compliance at the only non-emergency permitted hazardous waste storage facility. These inspections have resulted in 30 enforcement actions since 1994, including a complex joint enforcement action with EPA against the University of Hawaii.

Comment 6: A commenter said that Hawai'i's hazardous waste management program is not adequately funded and is staffed by temporary employees. Similar concerns were raised in the Petition to Withdraw.

Response 6: Before making an authorization determination, EPA evaluates the State's program in light of the following characteristics: past performance, resources and skill mix, training program, and State commitment; and EPA's expectation of the program's continuing success. EPA has evaluated all aspects of Hawai'i's hazardous waste management program and has determined that Hawai'i's program is adequate and the level of the State's resources is sufficient. Hawai'i has issued quality permits and the quality of the State's corrective action activities is high. All four of Hawai'i's corrective action sites have corrective actions in place that are protective of human health and groundwater. The State's inspections and subsequent reports have ad-

equately documented violations resulting in the successful assessment and collection of penalties. Hawai'i has issued enforcement orders, settled cases and collected penalties in a timely manner; all of their enforcement cases initiated prior to the year 2000 are resolved. In addition, Hawai'i has devoted sufficient State resources necessary to match the Federal hazardous waste management program grants. The State prepares and implements an annual training plan that ensures that all staff are adequately trained. Hawai'i also has and effectively uses a data management system that provides timely and accurate information to the State and EPA. EPA believes that the State has demonstrated that it has the necessary resources, experience and organizational structure to successfully implement the provisions for which it is seeking authorization. EPA believes that all of these actions and efforts are adequate to support HDOH's program, which has a universe of one storage facility, eight closing or closed facilities, four other sites undergoing cleanup, 55 large generators and 450 smaller generators of hazardous waste. All of the staff of the hazardous waste management program, the equivalent of 12 full time employees (FTE), occupy permanent positions.

Comment 7: A comment requested that HDOH develop, and get public involvement in, a policy to design and monitor supplemental environmental projects (SEP). The commenter said that they believed there was a SEP negotiated several years ago that awarded money to a non-profit agency without allowing other non-profit agencies to bid for the work. The commenter could not specify the office that developed the SEP or the violator involved.

Response 7: Hawai'i is not required by RCRA statute or regulation to develop a supplemental environmental projects policy. Therefore EPA cannot condition RCRA authorization on whether HDOH has a SEP policy or the process to develop a SEP policy. Nevertheless, HDOH has chosen to adopt the EPA SEP policy, which obtains penalties for violations, but allows a portion of the penalty to be replaced by environmental work that is directly related to the violation. The February 2001 settlement of the enforcement action against the University of Hawai'i contains the first SEP developed by the HDOH hazardous waste management program. EPA is satisfied with HDOH's application of its penalty and SEP policies in the University of Hawai'i case. EPA believes that the HDOH policy concerning hazardous waste penalties is consistent with the federal policy and provides adequate enforcement of compliance with the hazardous waste rules for purposes of authorization.

Comment 8: A comment proposed that, instead of giving the HDOH hazardous waste management program authorization, EPA give HDOH funding and training.

Response 8: As is the case with other States, EPA will continue to support HDOH's hazardous waste management program with available funding, training opportunities and coordinated activities after

program authorization. EPA has supported the program since 1988 with federal grant funds. The EPA has provided training to HDOH in several areas, including inspections and enforcement, health and safety, penalty and economic benefit calculations, information management and waste minimization. The EPA also conducts program evaluations and provides feedback to the HDOH. The EPA will continue to do all of these things even after the program is approved.

Comment 9: A comment asked that the HDOH hazardous waste management program not be authorized until HDOH has developed criminal penalties.

Response 9: RCRA requires that authorized States have the authority to assess criminal penalties of at least \$10,000 per day for each violation and imprisonment for at least six months. The criminal remedies must address the transport, permitting and used oil violations described at 40 CFR 271.16(a)(3)(ii). Under Hawai'i Revised Statutes (HRS) Chapter 342J-9(c), Hawai'i may assess criminal penalties up to \$25,000 for each day of each violation or imprisonment for up to one year, or both; each of these provisions is more stringent than required for authorization. Additionally, the types of violations identified at HRS 342J-9(c) are consistent with the violations listed at 40 CFR 271.16(a)(3)(ii). Furthermore, HRS Chapters, 342J-7(a), 342J-8, and 342J-11 give Hawai'i the authority to obtain injunctions against any person for any unauthorized activity which is endangering or causing damage to public health or the environment. Thus, Hawai'i is authorized to assess criminal penalties, and such authority is consistent with the federal RCRA authorization requirements and therefore adequate for program authorization.

Comment 10: The Petition to Withdraw raised issues with Hawai'i's investigative and enforcement efforts in connection with a March 2001 mercury release.

Response 10: EPA is working with Hawai'i on the cleanup and enforcement activities surrounding the mercury release. The HDOH office responsible for hazardous waste cleanup and enforcement in Hawai'i is the Hazard Evaluation and Emergency Response (HEER) Office. The HEER Office does not administer the hazardous waste management program that is the subject of this authorization decision. The HEER Office had the lead in managing the cleanup activities. However, the EPA Emergency Response Team, the United States Navy and Air Force, and other local agencies participated in the cleanup. Cleanup of the mercury release and disposal of the waste was completed on or around July 30, 2001. Currently, the HEER Office is investigating the circumstances of the release to identify the responsible parties and recover response costs. The status of a state's hazardous waste cleanup activities however is not part of the criteria for determining a state hazardous waste management program's eligibility for RCRA authorization (for details, see, 66 F.R. 55115, November 1, 2001).

