

Kathy Conahan

Mr. Caldwell 949-5923

Federal Environmental
Protection Agency -
Water Quality

① LU Law

② Pub & Reg.

③ Summary

will testify at
meeting

SCHEDULE

April 16, 1971

ilo) (Mar. 8 to May 7)
lakea) (Mar. 28 to May 27)

ni (Puna) (Mar. 1 to Apr. 15)
C) (Waipio) (Mar. 22 to May 6)
Tel. (Puna) (Mar. 29 to May 13)

alakehe) (Mar. 8 to May 7)
anaueue) (Mar. 12 to May 11)
of Hi. (N.Kona) (Mar. 29 to May 28)
. Kona) (Apr. 3 to Jun. 2)
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'n.Bank (N.Kona) (extended to Apr. 16)
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ahaluu) (extended to May 7)
l.Cntr. (Laie) (Apr. 5 to Jun. 4)

Leeward Residents Are Concerned About Odors from Sewage Pond

By Richard Borreca
Star-Bulletin Writer

Members of the Alliance of Leeward Communities are not satisfied with City administration promises that a sewage oxidation pond to go into operation Friday at Waipio Peninsula will not smell bad.

The 10-acre, \$250,000 oxidation pond will handle sewage from Waipahu and send the treated effluent to Pearl Harbor's Middle Loch.

It is considered a temporary measure, to be in operation for five years, and is aimed at quieting concern from the federal Environmental Protection Agency.

The EPA recently ordered the Navy to clean up Pearl Harbor's West Loch, which is classified as Class AA Waters, but the City is dumping raw sewage into the West Loch.

TO SATISFY the EPA and the Navy, the City must divert the sewage to Middle Loch, which has Class A Waters. The City is doing this

by operating an oxidation pond, which uses sunlight, and oxygen to naturally treat the raw sewage.

But Ewa Beach residents are fearful of foul odors coming from the pond during rainy weather. And the Alliance is angry because the City did not hold a public hearing before constructing the pond.

Mrs. Betty Snowden, chairman of the Alliance, said she would insist that the City inform the Alliance before starting a proposer project.

The oxidation pond will be shut down in late 1976, when the projected Honouliuli sewage treatment plant is constructed.

LAST NIGHT Francis Aona, chief of the City Sewers Division, said the oxidation pond, if correctly built, should not emit any foul odors, but he couldn't guarantee his promise.

Meyer S. Bogost, environmental engineer for the State Office of Environmen-

tal Quality Control, who built an oxidation pond for the Navy at Lualualei in 1954, said, "There will be no

odors, it's as simple as that."

Aona said the pond had to be built by October, "or

somebody, maybe me, will have to go to jail for not fulfilling the conditions in our permit."

XXXXXXXXXX
XXXXXXXXXX

June 23, 1971

Tatsuo Fujimoto
XXXXXXXXXXXXXXXXXX

Honorable Patsy T. Mink
Member of Congress
U. S. House of Representatives
301 Cannon Building
Washington, D. C.

Dear Representative Mink:

This in reply to your letter of June 17, 1971 concerning the special permit application to construct two sewage stabilization ponds in the Agricultural District at Waipio Peninsula, Ewa, Oahu.

Enclosed for your information are the following materials that would answer your questions and concerns:

1. State Land Use Rules and Regulations.
Note: Part II, Sub-Part E, Special Permits
2. Application and enclosures of special permit as submitted to the City & County Planning Department by the Department of Public Works, City & County. The Plan of the Waste Stabilization Pond is not enclosed due to its bulkiness and difficulty in reproduction.
3. City & County staff report and transmittal letter to the Land Use Commission.
4. Minutes of February 25, 1971, City & County Planning Commission, on this subject matter.
5. Land Use Commission Public Hearing Notice.
6. Land Use Commission staff report.
7. Testimonies received from Office of Environmental Quality Control, Environmental Protection Agency and the Department of Public Works, City & County of Honolulu.

Honorable Patsy T. Mink

-2-

June 23, 1971

8. Land Use Commission letter of approval to City
Planning Commission.

Should you have any further questions on this matter,
please feel free to write us.

Very truly yours,

TATSUO FUJIMOTO
Executive Officer

Encls.

Xerox: Commissioners 6-23-71

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PATSY T. MINK
SECOND DISTRICT
HAWAII

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Congress of the United States
House of Representatives
Washington, D.C. 20515

June 17, 1971

OFFICES:
WASHINGTON, D.C.
301 CANNON BUILDING
PHONE: 225-4906

HONOLULU, HAWAII
346-348 FEDERAL BUILDING
PHONE: 531-4602

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RECEIVED

JUN 21 1971

State of Hawaii
LAND USE COMMISSION

Mr. Tatsuo Fujimoto
Executive Officer
Land Use Commission
Department of Planning &
Economic Development
State Capitol
Honolulu, Hawaii 96813

Dear Mr. Fujimoto:

I am writing in reference to the approval of permits for the use of land for two stabilization pools as described in the enclosed news article. I am including my correspondence with the Environmental Protection Agency concerning this matter.

I would appreciate being advised of all details of the permits, including who requested them.

Where will the pools be located, and what assurance is there that the community will not be subjected to unpleasant odor for five to ten years? What is the status of plans to build improved facilities for the sewage now intended for Middle Loch?

Were public hearings held on the permits? If so, when, who testified, and what notice was given.

I urge that you reconsider your decision until the public can be heard on this matter.

Very truly yours,

Patsy T. Mink

PATSY T. MINK
Member of Congress

Enclosure

6-22-71 - LUC with attachments

PATSY T. MINK
MEMBER AT LARGE
HAWAII

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Congress of the United States
House of Representatives
Washington, D.C. 20515

C O P Y

June 17, 1971

Mr. Graham W. McGowan
Director of Congressional
Affairs
Environmental Protection Agency
1626 K Street, N.W.
Washington, D.C. 20460

Dear Mr. McGowan:

Thank you for your letter of June 9 in response to my inquiry concerning the proposed discharge of effluent into Pearl Harbor's Middle Loch.

Your letter notes that the State of Hawaii has not complied with the statutory requirement of submission of a plan for the implementation and enforcement of water quality criteria.

Since the approved action will degrade the water of Middle Loch, I would appreciate knowing what action can be taken by your agency or by other agencies or private individuals to prevent this pollution. I request any action the Agency can take toward this objective.

Please advise whether a Corps of Engineers permit must be obtained for the proposed discharge, and if so the status of such a request.

Very truly yours,

(Signed)

PATSY T. MINK
Member of Congress

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June 17, 1971

The Honorable John A. Burns
Governor
State of Hawaii
State Capitol
Honolulu, Hawaii 96813

Dear Governor Burns:

The enclosed letter from the Environmental Protection Agency is forwarded for your attention. It is in response to my inquiry concerning the proposed discharge of effluent into Pearl Harbor's Middle Loch after treatment in two stabilization pools.

The Agency notes that the discharge will violate water quality standards for Middle Loch, and that the State has not submitted a plan for implementing and enforcing the standards as required by the Federal Water Pollution Control Act.

Further it is reported that the stabilization pools will be used for five to ten years. Accordingly I urge you to oppose the Land Use Commission's decision to grant this special permit for the pools until further studies can be made regarding disposing of this sewage.

I recognize that the stabilization pools will provide some degree of treatment, whereas sewage is going into Pearl Harbor now with no treatment at all. However, the proposed pools are inadequate even as a temporary solution. Such pools will degrade the quality of life in Waipahu with the resulting odor and stench of accumulating sewage in addition to the degradation of the waters of Pearl Harbor.

The Honorable John A. Burns

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June 17, 1971

It is the responsibility of the State to prevent such adverse results. I feel this situation should receive priority attention by your office to find alternative solutions.

Enclosed also is my most recent letter to the Environmental Protection Agency seeking their assistance also.

Very truly yours,

PATSY T. MINK
Member of Congress

Enclosures

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June 17, 1971

The Honorable Frank F. Fasi
Mayor City & County of Honolulu
City Hall
Honolulu, Hawaii 96813

Dear Mayor Fasi:

The enclosed letter from the Environmental
Protection Agency is referred for your attention.

I urge any action you can take to prevent the
pollution of Pearl Harbor's Middle Loch.

Please advise me of the status of sewage facili-
ties for the Waipahu area. I feel that this matter
should receive priority attention for inclusion in
the city's sewer treatment projects.

Very truly yours,

PATSY T. MINK
Member of Congress

Enclosures

text of report to Burns

Following is the complete text of yesterday morning's statement released by the President's Water Pollution Control Advisory Board, concluding its inspection in Hawaii:

The Board appreciates the invitation from Governor Burns to look at water pollution problems of the State of Hawaii and is appreciative of the frank and full discussions it has had with public officials and private citizens. Such an outpouring of citizen interest and participation in our meeting is particularly pleasing to the members of this Board. Only with public awareness and involvement will these problems be solved.

The public demand for a cleaner environment must be met through existing government structures. The State is the level of government to which Congress has delegated the primary responsibility for water pollution control. While Hawaii has model laws and a model state organization, without the proliferation of agencies found in many other states, the form is not necessarily the solution.

WE ARE DISTRESSED that there is not enough emphasis in the State Health Department on water pollution in an area where water is the key concern. It is deplorable to find only part-time assignment of a handful of people devoted to water pollution control. We find this situation occurring in other states where a medically-oriented water pollution control program unfortunately overlooks other aspects of the public's concern.

The Board would urge a more effective deployment of personnel in order to have an overall effective environmental program and that it be made a fulltime assignment of a high level administrator who would give the program a definite direction and emphasis.

The Board has visited and investigated other resort areas where failure to recognize the pollution problems has destroyed or seriously hampered the tourist industry. Many of the problems found in the Galveston Bay, Miami, Puerto Rico, and Virgin Islands apply in the Hawaiian situation.

It is of concern to the Board that Oahu is talking in terms of a ten-year time frame to meet problems which need solutions immediately. The failure to employ user charges or other cost recovery methods to speed up badly needed sewerage construction should be of concern to those businesses which are related to tourism. This Board questions whether Oahu has ten years.

WE RECOMMEND that the State of Hawaii and the City and County of Honolulu assign the highest possible priority to construction of suitable facilities to treat adequately its domestic wastes thereby preventing contamination of public waters widely used for public recreation and other purposes. The President's Water Pollution Control Advisory Board is firm in its conviction that water pollution treatment facilities should have a higher priority than many other projects, such as a new stadium and an addition to City Hall.

The progress of the County of Maui is impressive as an example of what can be achieved by assigning proper priorities. The residents of Maui should be complimented for their willingness to move rapidly to prevent a water pollution problem from developing.

WE ARE CONCERNED about how little monitoring is being done in heavily used recreation areas. The State owes it to the millions of tourists and to its residents to have constant and adequate monitoring not only for coliform but also for viruses and heavy metals. This should be coupled with a willingness to publish the data and interpretations thereof to assure all people that the waters are safe.

The Board also understands that there is to be a great deal of monitoring information which will be submitted by the State's permit applicants. Such information should form the core of the State's data system. Steps should be taken to assure that these data are both accurate and reliable by controlling the methods of collection, handling, analyses, and reporting.

THE BOARD did not get expert testimony on the condition of the Hawaiian sea floor except for Kaneohe Bay. Destruction of coral by sewage and siltation (which was graphically demonstrated by movies and slides) recalled to Board members evidence which it had received about the "dead sea" areas off Newark, New Jersey and New York, New York where man has fouled the oceans almost beyond belief.

Sediment runoff from the islands, both natural and manmade, obviously is increasing despite Hawaii's model land use laws, which are superior to those the Board has seen.

Testimony from the construction industry and from Federal government representatives indicate strongly that not enough consideration is being given to damage done to the sea floor by sediment from housing, highway, and other construction. Visual evidence, including red-white caps off the Hamakua Coast, indicates that sedimentation needs a great deal more control.

While the Board received no statement from the Soil Conservation Service, it is obvious that this agen-

cy's expertise should be consulted more frequently where the sea floor is endangered. The Board has seen other areas such as the Virgin Islands where marine life has been destroyed for miles offshore by sediment and sewage.

WE RECOMMEND that agricultural runoff effluents in Hawaii which deposit sediment, chemicals, and other materials in public waters be recycled, lagooned, or treated in order that the adverse effects will be minimized.

The way in which one pollution solution often creates another problem may be demonstrated in the case of the Kahuku Sugar Company. The Board was told that a large tract of agricultural land will be proposed for rezoning for housing. Creation of a new bedroom community may result in overcrowding of the transportation corridor and eventually in the displacement or exclusion of other uses presently found in this corridor.

The situation illustrates that comprehensive land use planning would be of value.

In 1963 the President's Water Pollution Control Advisory Board met in Hawaii. At that time, the Board was assured by the sugar industry that an effective program was being developed to cope with water pollution problems. This visit in 1971 reveals a disappointing lack of progress.

THE BOARD, however, was heartened to hear of the new plans worked out by the Governor and the industry. But, in view of the past record and controversial testimony at the public meeting, the Board urges the Administrator of the Environmental Protection Agency to give full and careful evaluation to these proposals prior to the issuance of any permits under the provisions of the 1899 Refuse Act. The program must be outlined in a written schedule with a specific program for implementation to meet water quality standards.

The provisions of this schedule must be enforceable under either applicable State law or the Refuse Act since further delay would not be in the public interest.

The Board recognizes that EPA was established by the President with the responsibility and authority to provide leadership within the Federal government on problems of environmental pollution control. Accordingly, the Board recommends to the Administrator that the agency pursue a vigorous and active role in negotiating with both the social and natural resource agencies to insure that their programs be fashioned to provide for environmental protection and enhancement.

IN THIS CONTEST, the Board recommends that the Administrator exert his influence to insure that sedimentation, pollution or other deterioration of the nation's waters including those in Hawaii be prevented.

The Board finds that the programs of Federal agencies reach into all facets of the environment. Programs such as highway and airport construction, housing and urban development, harbor development, many agricultural practices, and the leasing of Federal lands and facilities lend themselves to the management and control of environmental pollution problems in accordance with the mandate of the National Environmental Policy Act.

THE BOARD was favorably impressed by the action program presented by the Navy for restoration of Pearl Harbor. To allow this national shrine to be used as a cesspool would be like using the Grand Canyon to dispose of old cars and solid wastes from the Los Angeles metropolitan area. The Administrator is urged to continue to do everything possible to encourage the appropriation of funds being requested by the Army, Navy and the Air Force for the Pearl Harbor restoration program.

Specifically, the Board recommends that the Navy seek appropriations for dockside receiving facilities for sewage from ships tied up in Pearl Harbor.

THE HAWAIIAN SITUATION exemplifies a gap in the existing law. The Board endorses pending legislation which would provide for Federal enforcement where States fail to live up to their obligation.

If such legislation should fail, and if the State of Hawaii has failed to require implementation schedules which would achieve the approved water quality standards, it is recommended that the Administrator of the Environmental Protection Agency consider seeking relief in the courts to gain compliance on grounds of breached contracts involving Federal grants.

THE BOARD FURTHER finds that the Administrator needs to provide for protection of the public investment under Section 7 of the Federal Water Pollution Control Act as amended.

The Administrator should establish at an early date a procedure in compliance with the Act to provide for denial of state program grant funds where the purposes of the Act are not being met. Program grants made under authority of Section 7 are the key to control of construction grants given to the States.

With increased Federal involvement in this latter area, it is imperative that the purposes of the Act, protection and enhancement of water quality, be accomplished as a result of Federal expenditure.

ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FROM THE OFFICE OF
PATSY T. MINK
MEMBER OF CONGRESS
HAWAII

JUN 9 1971

Honorable Patsy T. Mink
House of Representatives
Washington, D. C. 20515

Dear Mrs. Mink:

This is in response to your inquiry of May 12, 1971, addressed to Administrator Ruckelshaus, as to whether the proposed discharge of effluent from two stabilization ponds into Pearl Harbor's Middle Loch is legal.

The Federal Water Pollution Control Act (33 U.S.C. 1160) creates concurrent Federal-State jurisdiction respecting the abatement of pollution of interstate or navigable waters in or adjacent to a State. The Act provides that each State must adopt water quality standards, consonant with the purposes of the Act, consisting of water quality criteria applicable to interstate waters or portions thereof within such State and a plan for the implementation and enforcement of the water quality criteria.

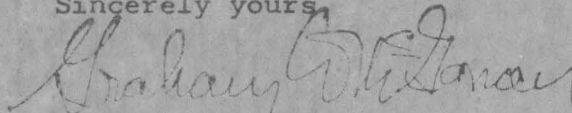
The State of Hawaii submitted water quality criteria for Pearl Harbor which were approved by the Secretary of the Interior on March 13, 1968, but failed to submit a plan for the implementation and enforcement of the water quality criteria.

The data submitted by the State of Hawaii shows that approximately two and one-half million gallons of raw sewage is pumped into irrigation ditches within the Waipio Peninsula, a substantial portion of which finds its way into the waters of West Loch and Middle Loch.

Although the proposed stabilization ponds will provide some treatment to this raw sewage, the treatment will not be of the degree necessary to meet the water quality criteria established for Middle Loch. The effluent from these stabilization ponds will continue to degrade the quality of the receiving waters.

Please let us know if we can be of further assistance.

Sincerely yours,



Graham W. McGowan
Director of Congressional Affairs

PATSY T. MINK
SECOND DISTRICT
HAWAII

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June 17, 1971

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State of Hawaii
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Mr. Tatsuo Fujimoto
Executive Officer
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Department of Planning &
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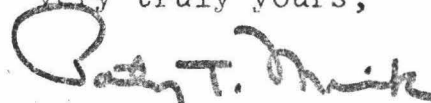
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Where will the pools be located, and what assurance is there that the community will not be subjected to unpleasant odor for five to ten years? What is the status of plans to build improved facilities for the sewage now intended for Middle Loch?

Were public hearings held on the permits? If so, when, who testified, and what notice was given.

I urge that you reconsider your decision until the public can be heard on this matter.

Very truly yours,



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Member of Congress

Enclosure

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C O P Y

June 17, 1971

Mr. Graham W. McGowan
Director of Congressional
Affairs
Environmental Protection Agency
1626 K Street, N.W.
Washington, D.C. 20460

Dear Mr. McGowan:

Thank you for your letter of June 9 in response to my inquiry concerning the proposed discharge of effluent into Pearl Harbor's Middle Loch.

Your letter notes that the State of Hawaii has not complied with the statutory requirement of submission of a plan for the implementation and enforcement of water quality criteria.

Since the approved action will degrade the water of Middle Loch, I would appreciate knowing what action can be taken by your agency or by other agencies or private individuals to prevent this pollution. I request any action the Agency can take toward this objective.

Please advise whether a Corps of Engineers permit must be obtained for the proposed discharge, and if so the status of such a request.

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Further it is reported that the stabilization pools will be used for five to ten years. Accordingly I urge you to oppose the Land Use Commission's decision to grant this special permit for the pools until further studies can be made regarding disposing of this sewage.

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THE HONORABLE JOHN A. BURNS
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The Honorable Frank F. Fasi
Mayor City & County of Honolulu
City Hall
Honolulu, Hawaii 96813

Dear Mayor Fasi:

The enclosed letter from the Environmental
Protection Agency is referred for your attention.

I urge any action you can take to prevent the
pollution of Pearl Harbor's Middle Loch.

Please advise me of the status of sewage facili-
ties for the Waipahu area. I feel that this matter
should receive priority attention for inclusion in
the city's sewer treatment projects.

Very truly yours,

PATSY T. MINK
Member of Congress

Enclosures

ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FROM THE OFFICE OF
PATSY T. MINK
MEMBER OF CONGRESS
HAWAII

JUN 9 1971

Honorable Patsy T. Mink
House of Representatives
Washington, D. C. 20515

Dear Mrs. Mink:

This is in response to your inquiry of May 12, 1971, addressed to Administrator Ruckelshaus, as to whether the proposed discharge of effluent from two stabilization ponds into Pearl Harbor's Middle Loch is legal.

The Federal Water Pollution Control Act (33 U.S.C. 1160) creates concurrent Federal-State jurisdiction respecting the abatement of pollution of interstate or navigable waters in or adjacent to a State. The Act provides that each State must adopt water quality standards, consonant with the purposes of the Act, consisting of water quality criteria applicable to interstate waters or portions thereof within such State and a plan for the implementation and enforcement of the water quality criteria.

The State of Hawaii submitted water quality criteria for Pearl Harbor which were approved by the Secretary of the Interior on March 13, 1968, but failed to submit a plan for the implementation and enforcement of the water quality criteria.

The data submitted by the State of Hawaii shows that approximately two and one-half million gallons of raw sewage is pumped into irrigation ditches within the Waipio Peninsula, a substantial portion of which finds its way into the waters of West Loch and Middle Loch.

Although the proposed stabilization ponds will provide some treatment to this raw sewage, the treatment will not be of the degree necessary to meet the water quality criteria established for Middle Loch. The effluent from these stabilization ponds will continue to degrade the quality of the receiving waters.

Please let us know if we can be of further assistance.

Sincerely yours,



Graham W. McGowan
Director of Congressional Affairs

text of report to Burns

Following is the complete text of yesterday morning's statement released by the President's Water Pollution Control Advisory Board, concluding its inspection in Hawaii:

The Board appreciates the invitation from Governor Burns to look at water pollution problems of the State of Hawaii and is appreciative of the frank and full discussions it has had with public officials and private citizens. Such an outpouring of citizen interest and participation in our meeting is particularly pleasing to the members of this Board. Only with public awareness and involvement will these problems be solved.

The public demand for a cleaner environment must be met through existing government structures. The State is the level of government to which Congress has delegated the primary responsibility for water pollution control. While Hawaii has model laws and a model state organization, without the proliferation of agencies found in many other states, the form is not necessarily the solution.

WE ARE DISTRESSED that there is not enough emphasis in the State Health Department on water pollution in an area where water is the key concern. It is deplorable to find only part-time assignment of a handful of people devoted to water pollution control. We find this situation occurring in other states where a medically-oriented water pollution control program unfortunately overlooks other aspects of the public's concern.

The Board would urge a more effective deployment of personnel in order to have an overall effective environmental program and that it be made a fulltime assignment of a high level administrator who would give the program a definite direction and emphasis.

The Board has visited and investigated other resort areas where failure to recognize the pollution problems has destroyed or seriously hampered the tourist industry. Many of the problems found in the Galveston Bay, Miami, Puerto Rico, and Virgin Islands apply in the Hawaiian situation.

It is of concern to the Board that Oahu is talking in terms of a ten-year time frame to meet problems which need solutions immediately. The failure to employ user charges or other cost recovery methods to speed up badly needed sewerage construction should be of concern to those businesses which are related to tourism. This Board questions whether Oahu has ten years.

WE RECOMMEND that the State of Hawaii and the City and County of Honolulu assign the highest possible priority to construction of suitable facilities to treat adequately its domestic wastes thereby preventing contamination of public waters widely used for public recreation and other purposes. The President's Water Pollution Control Advisory Board is firm in its conviction that water pollution treatment facilities should have a higher priority than many other projects, such as a new stadium and an addition to City Hall.

The progress of the County of Maui is impressive as an example of what can be achieved by assigning proper priorities. The residents of Maui should be complimented for their willingness to move rapidly to prevent a water pollution problem from developing.

WE ARE CONCERNED about how little monitoring is being done in heavily used recreation areas. The State owes it to the millions of tourists and to its residents to have constant and adequate monitoring not only for coliform but also for viruses and heavy metals. This should be coupled with a willingness to publish the data and interpretations thereof to assure all people that the waters are safe.

The Board also understands that there is to be a great deal of monitoring information which will be submitted by the State's permit applicants. Such information should form the core of the State's data system. Steps should be taken to assure that these data are both accurate and reliable by controlling the methods of collection, handling, analyses, and reporting.

THE BOARD did not get expert testimony on the condition of the Hawaiian sea floor except for Kaneohe Bay. Destruction of coral by sewage and siltation (which was graphically demonstrated by movies and slides) recalled to Board members evidence which it had received about the "dead sea" areas off Newark, New Jersey and New York, New York where man has fouled the oceans almost beyond belief.

Sediment runoff from the islands, both natural and manmade, obviously is increasing despite Hawaii's model land use laws, which are superior to those the Board has seen.

Testimony from the construction industry and from Federal government representatives indicate strongly that not enough consideration is being given to damage done to the sea floor by sediment from housing, highway, and other construction. Visual evidence, including red-white caps off the Hamakua Coast, indicates that sedimentation needs a great deal more control.

While the Board received no statement from the Soil Conservation Service, it is obvious that this agency's expertise should be consulted more frequently

where the sea floor is endangered. The Board has seen other areas such as the Virgin Islands where marine life has been destroyed for miles offshore by sediment and sewage.

WE RECOMMEND that agricultural runoff effluents in Hawaii which deposit sediment, chemicals, and other materials in public waters be recycled, lagooned, or treated in order that the adverse effects will be minimized.

The way in which one pollution solution often creates another problem may be demonstrated in the case of the Kahuku Sugar Company. The Board was told that a large tract of agricultural land will be proposed for rezoning for housing. Creation of a new bedroom community may result in overcrowding of the transportation corridor and eventually in the displacement or exclusion of other uses presently found in this corridor.

The situation illustrates that comprehensive land use planning would be of value.

In 1963 the President's Water Pollution Control Advisory Board met in Hawaii. At that time, the Board was assured by the sugar industry that an effective program was being developed to cope with water pollution problems. This visit in 1971 reveals a disappointing lack of progress.

THE BOARD, however, was heartened to hear of the new plans worked out by the Governor and the industry. But, in view of the past record and controversial testimony at the public meeting, the Board urges the Administrator of the Environmental Protection Agency to give full and careful evaluation to these proposals prior to the issuance of any permits under the provisions of the 1899 Refuse Act. The program must be outlined in a written schedule with a specific program for implementation to meet water quality standards.

The provisions of this schedule must be enforceable under either applicable State law or the Refuse Act since further delay would not be in the public interest.

The Board recognizes that EPA was established by the President with the responsibility and authority to provide leadership within the Federal government on problems of environmental pollution control. Accordingly, the Board recommends to the Administrator that the agency pursue a vigorous and active role in negotiating with both the social and natural resource agencies to insure that their programs be fashioned to provide for environmental protection and enhancement.

IN THIS CONTEST, the Board recommends that the Administrator exert his influence to insure that sedimentation, pollution or other deterioration of the nation's waters including those in Hawaii be prevented.

The Board finds that the programs of Federal agencies reach into all facets of the environment. Programs such as highway and airport construction, housing and urban development, harbor development, many agricultural practices, and the leasing of Federal lands and facilities lend themselves to the management and control of environmental pollution problems in accordance with the mandate of the National Environmental Policy Act.

THE BOARD was favorably impressed by the action program presented by the Navy for restoration of Pearl Harbor. To allow this national shrine to be used as a cesspool would be like using the Grand Canyon to dispose of old cars and solid wastes from the Los Angeles metropolitan area. The Administrator is urged to continue to do everything possible to encourage the appropriation of funds being requested by the Army, Navy and the Air Force for the Pearl Harbor restoration program.

Specifically, the Board recommends that the Navy seek appropriations for dockside receiving facilities for sewage from ships tied up in Pearl Harbor.

THE HAWAIIAN SITUATION exemplifies a gap in the existing law. The Board endorses pending legislation which would provide for Federal enforcement where States fail to live up to their obligation.

If such legislation should fail, and if the State of Hawaii has failed to require implementation schedules which would achieve the approved water quality standards, it is recommended that the Administrator of the Environmental Protection Agency consider seeking relief in the courts to gain compliance on grounds of breached contracts involving Federal grants.

THE BOARD FURTHER finds that the Administrator needs to provide for protection of the public investment under Section 7 of the Federal Water Pollution Control Act as amended.

The Administrator should establish at an early date a procedure in compliance with the Act to provide for denial of state program grant funds where the purposes of the Act are not being met. Program grants made under authority of Section 7 are the key to control of construction grants given to the States.

With increased Federal involvement in this latter area, it is imperative that the purposes of the Act, protection and enhancement of water quality, be accomplished as a result of Federal expenditure.

D R A F T

ASL ✓

STATE OF HAWAII
LAND USE COMMISSION
P. O. BOX 2359
HONOLULU, HAWAII 96804

NOTIFICATION OF SPECIAL PERMIT APPLICATION

SP71-96 - Dept. of Public Works, City & County of Honolulu

Please be advised that a special permit application has ~~been~~ been filed with the Land Use Commission to construct two sewage stabilization ponds on a 10.2-acre site on TMK 9-3-2: portion of parcel 1. This property is generally located in the State's Agricultural District ~~on~~ on Waipio Peninsula on lands owned by the U.S. Navy. The City Planning Commission approved this request on March 18, 1971.

An action meeting on this application is scheduled for April 16, 1971, in Hilo, Hawaii.

We would appreciate any written comments for or against this request, or you or your agent may appear at the meeting. Please do not hesitate to call this matter to the attention of other interested parties.

Should you desire additional information, feel free to contact this office.

Very truly yours,

RAMON DURAN
Executive Officer

Enclosure - Map

STATE OF HAWAII
LAND USE COMMISSION

VOTE RECORD

ITEM SP-71-96 - DEPT. OF PUBLIC WORKS
C&C OF HONOLULU

DATE April 16, 1971

PLACE County Council Room
Hilo, Hawaii

TIME 7:00 p.m.

	NAME	YES	NO	ABSTAIN	ABSENT
S	YAMAMURA, TANJI	✓			
	NAPIER, ALEXANDER				✓
M	TANGEN, EDDIE	✓			
	MARK, SHELLEY				✓
	KIDO, SUNAO				✓
	SAKAHASHI, STAN	✓			
	WUNG, LESLIE	✓			
Chairman	INABA, GORO	✓			

COMMENTS:

I move that we approve the petition, subject to the conditions imposed by the County

Nov 5

STATEMENT FOR PUBLIC HEARING
DEPARTMENT OF LAND & NATURAL RESOURCES
LAND USE COMMISSION
April 16, 1971
7:00 PM
County Council Room
25 Aupuni Street
Hilo, Hawaii

*received 4/16/71 at
meeting*

SP71-96

My name is Arthur M. Caldwell with the Environmental Protection Agency, Water Quality Office, Pacific Islands Basins. I would like to speak in behalf of SP 71-96, Department of Public Works, City and County of Honolulu.

Our office has concurred with the detailed schedule established by the State Health Department for the City and County of Honolulu to construct and put in operation wastewater treatment facilities for Waipahu Town on Waipio Peninsula in Pearl Harbor. Our concurrence was contingent upon adherence to the detailed schedule and upon assurance that the facilities were interim in nature designed specifically to remove discharge from Class AA waters of West Loch, Pearl Harbor and further that timely action would be taken to establish and implement an overall plan to service the Pearl Harbor to Barbers Point area including Waipahu Town with regional wastewater disposal facilities.

The Environmental Protection Agency, Water Quality Office, Pacific Islands Basins therefore supports the City and County of Honolulu special permit request to construct stabilization ponds on Waipio Peninsula.

DEPARTMENT OF PUBLIC WORKS
CITY AND COUNTY OF HONOLULU

HONOLULU, HAWAII 96813

FRANK F. FASI
MAYOR

RICHARD K. SHARPLESS
MANAGING DIRECTOR



ALBERT C. ZANE
DIRECTOR AND CHIEF ENGINEER

L. C. FRUTO
DEPUTY DIRECTOR

SP 71-96

Received 4/16/71 at meeting

A STATEMENT PREPARED FOR THE STATE LAND USE COMMISSION MEETING IN HILO, HAWAII ON APRIL 16, 1971 FOR THE WAIPAHO WASTE STABILIZATION POND-WAIPHO PENINSULA.

In 1922, the City made a study of the Waipahu Sewerage System and formulated two possible methods of disposing of its raw sewage. The first was the discharge of raw sewage through an outfall directly into West Loch of Pearl Harbor. The second required the construction of a pump station to pump the sewage after screening into the Oahu Sugar Company's reservoir on Waipio Peninsula for irrigation use. The latter method was selected because the City felt that the discharging of raw sewage into West Loch would have a detrimental effect on the fishing grounds and salt producing industry. The sugar company operated and maintained the City built station in exchange for a 25-year right to use of the pumps for incidental irrigation needs.

On September 17, 1956, the City and County of Honolulu took over the operation and maintenance of the pump station from Oahu Sugar Company with the proviso that the plantation would have sole claim to the effluent for as long as they should desire. It was mutually agreed that the sugar company could terminate its acceptance of the raw sewage at any time. In 1965, a new pump station costing \$512,000 was constructed to replace the old station.

On March 6, 1970, A "Notice of Applicability of Water Quality Standards to particular Islands of Hawaii and Oahu Waters Areas" of the Department of Health was published in the Honolulu Star-Bulletin. The official announcement served notice that an application for a waste discharge permit for the Waipahu station must be filed within sixty days after the date of the publication of the advertisement.

In May 1970, Oahu Sugar Company expressed their intent to terminate acceptance of the City's raw sewage from the Waipahu station. The reason being raw sewage would occasionally leave the plantation irrigation system because of the over abundance of water and find its way into West Loch which is classified Class "AA" waters. Under the Department of Health regulations, no discharge of waste is permitted into Class "AA" waters regardless of the degree of treatment. As the result of the plantation decision, representatives of the Navy, Oahu Sugar Company and the City and County of Honolulu met on Waipio Peninsula and discussed alternate solutions to the existing wastewater disposal problem. After studying several alternatives, the City agreed to construct stabilization ponds at the peninsula as interim measure until a permanent sewer master plan could be formulated by the Oahu Water Quality Program for the Pearl Harbor and Honouliuli drainage districts.

On May 4, 1970, the Department of Public Works of the City, submitted an application to the Department of Health for a waste discharge permit for the Waipahu station. This request was held in abeyance by the State because of insufficient information on the implementation schedule for the abatement of the discharge.

On October 5, 1970, the City resubmitted the application for the Waipahu station to the State. We indicated that the City would construct waste stabilization ponds at Waipio Peninsula to provide secondary biological treatment of raw sewage from the Waipahu station. In addition, the discharge of the effluent would be transferred from West Loch to Middle Loch. We stated further that this treatment facility would be an interim one until we develop and construct a permanent wastewater disposal system for the Pearl Harbor drainage basin.

The City's Department of Public Works submitted to the City Planning Department on October 26, 1970, an application for a Special Use Permit to construct and operate an interim wastewater treatment facility at Waipio Peninsula.

On October 26, 1970, the Department of Health issued a waste discharge permit for the Waipahu station with the stipulation that the stabilization pond would be constructed under the following implementation schedule:

1. Plans and Specifications are to be completed by December 1970.
2. Construction is to begin by April 1971.
3. Construction is to be completed by October 1971.

On October 28, 1970, a sum of \$400,000 was appropriated by the City Council under Capital Improvement Supplementary No. 2 for the construction of the ponds.

On February 9, 1971, the City and County received approval from the Navy of our construction plans for the proposed ponds.

The bid proposals for construction of the stabilization ponds were opened on February 11, 1971 with Avanti Constructor Inc. submitting the low bid. The contract was awarded on April 1, 1971 contingent upon receipt of a Special Use Permit from the State Land Use Commission. The proposed construction will take approximately 180 calendar days.

There should be ^{no} objection to the site of the treatment facility, since the plant will be located in agricultural land far from any developed area. In addition to providing secondary treatment, the effluent will be chlorinated before it is discharged into Middle Loch. We wish to stress again that this will be a temporary treatment facility. Within a five to ten-year period, we hope to terminate all discharge of wastewater effluent into Pearl Harbor by diverting it to Honouliuli for treatment and final disposal.

In conclusion, the proposed treatment facility is a position step in upgrading the waters of Pearl Harbor and we request that a Special Use Permit be granted the City and County of Honolulu so that we can proceed with the construction of the stabilization ponds.

STATE OF HAWAII
LAND USE COMMISSION
HONOLULU, HAWAII

County Council Room
Hilo, Hawaii

April 16, 1971
7 p.m.

STAFF REPORT

SP71-96 - DEPT. OF PUBLIC WORKS, CITY & COUNTY OF HONOLULU

The records and proceedings of a special permit request by the Department of Public Works, City & County of Honolulu, to construct two sewage stabilization ponds in the Agricultural District at Waipio Peninsula, Ewa, Oahu, have been transmitted by the City Planning Commission. The petitioner proposes to construct two stabilization lagoons, each about 7 feet deep and 4.6 acres in area. Completion of the project is expected by the end of this year.

The site in question is a 10.2-acre portion of parcel 1, TMK 9-3-02. It is part of a naval reservation which is leased to Oahu Sugar Company for cane cultivation. Oahu Sugar Company has indicated its willingness to relinquish the site, which will be subleased to the City & County of Honolulu with the understanding that it will be reimbursed by the City for crop damage and other costs. The project site is located on the east side of the Depot Road extension at Waipahu, and approximately 1 mile south of its intersection with Farrington Highway. Land uses in the near vicinity include the Waipahu dump, the new Waipahu incinerator, ^{the new Ted Makalea Golf course} and cane lands.

4-8-71 sent copy to Albert Lane.

Approximately 3,500 feet north of the property in question is the Waipahu Urban District containing residential and commercial developments.

Land Study Bureau data show that the land is predominantly rated "B" or good for overall crop use. The land is irrigated caneland which is topographically level. Waipio Peninsula is situated between the West and Middle Lochs of Pearl Harbor, and, with the exception of certain naval facilities, is entirely in cane.

In compliance with the provisions of the State Water Quality Standard adopted in 1968, the petitioner applied with the State Health Department for permission to continue the discharge of raw sewage into West Loch. In May, 1970, the Health Department informed the City that one of the conditions for approval requires that the present discharge must be diverted from West Loch (classified AA waters) to Middle Loch (classified A waters). *recreational use; it shall be kept clean of trash, solid materials & oils & shall not act as receiving waters for any effluent which has not rec'd treatment*

However, authorization to dump raw sewage into Middle Loch was denied by the Navy, although it did not object to the discharge of treated effluent. In a coordinated effort to solve the disposal and water pollution problem, representatives from the Corps of Engineers, Navy, Federal Water Quality Administration, State Health Department, Oahu Sugar Company,

Small Loch harbors shipping & industrial limited areas

*3 classes
AA
A
B*

used in recreation propagation of marine life conservation of wild areas waters which would be maintained in its natural pristine state w/ an absolute minimum of pollution

practical treatment or control

and the City Planning Department concurred with the Division of Sewers' proposal for the use of the proposed stabilization ponds and the discharge of treated effluent into Middle Loch as an interim solution. A Water Quality Study to be completed in 1972 will determine the most efficient means of sewage disposal for the Pearl Harbor basin and will also determine the best location for the new sewage treatment plant. Completion of the overall project, including the treatment plant, is expected within the next ten years.

It was noted by the City Planning Director that the proposed site is located downwind and away from residential developments, thus minimizing odor and other problems. It was also noted that the stabilization pond is a temporary facility which would significantly reduce the pollution of Pearl Harbor. Construction of the new sewage treatment plant will eliminate the need for the stabilization pond as well as eliminate the pollution. The land will revert back to agricultural use upon termination of the need for the temporary facility.

Government agencies contacted by the City Planning Department have commented on the proposed use as follows:

1. Board of Water Supply - no adverse effect on water sources.

2. Navy Engineering Command - no objections.
3. Environmental Protection Agency - no adverse comments.
4. Department of Health - recommends approval with the following conditions:
 - a) Chlorination of the oxidation pond effluent.
 - b) These oxidation ponds be used only until such time as a permanent solution to the sewage disposal problems in the area can be implemented.
5. Corps of Engineers - a public hearing may be required if there are sufficient valid objections to the proposal.

County Recommendation

Approval of the special permit was recommended to the City Planning Commission by the City Planning Director based on the following findings:

- "1. The completion of the stabilization pond is vital to the health, safety, and comfort of the general public.
- "2. With the completion of the stabilization pond, the present sewage discharge can be diverted from

West Loch's Class AA Water and permit the treated effluent to be discharged into Middle Loch's Class A Water, is in accord with the goals of the Department of Health.

- "3. The use of the stabilization pond is not contrary to the objectives sought to be accomplished by the Land Use Regulations.
- "4. The desired use would not adversely affect the surrounding area.
- "5. The proposed use, which comprises approximately 10.2 acres, will not substantially alter the essential character of the sugar cane field use.
- "6. The proposed use is a permitted principal use under the City's zoning regulations."

The Planning Director also recommended that approval be subject to the following conditions:

- "1. Construction shall commence within six months of issuance of the Special Use Permit.
- "2. Requirements of the Department of Health including but not limited to chlorination of effluent and termination of ponds upon construction of new facilities shall be met.

"3. Upon elimination of the need for waste stabilization ponds, the area shall be returned to the condition which existed prior to construction."

At its meeting on March 18, 1971, the City Planning Commission concurred with the City Planning Director and recommended approval of the special permit subject to the above conditions.

An evaluation of the special permit request finds that it is in substantial conformance with the guidelines for determining an "unusual and reasonable use" within the Agricultural District. The staff concurs with the findings and recommendations of the City Planning Commission and also recommends approval of the request subject to the conditions imposed.

- ① Existing ground = from 15' to 30' above sea level
- ② Utility Shed (Washroom, Storage Chlorination Room) = $\begin{matrix} 12' \times \\ 34' \times \end{matrix} \begin{matrix} 10' \\ \text{ht.} \end{matrix}$

BOARD OF WATER SUPPLY

CITY AND COUNTY OF HONOLULU

630 SOUTH BERETANIA

POST OFFICE BOX 3410

HONOLULU, HAWAII 96801



April 13, 1971

RECEIVED

APR 15 1971

Mr. Tatsuo Fujimoto
Executive Officer
Land Use Commission
State of Hawaii
P. O. Box 2359
Honolulu, Hawaii 96804

State of Hawaii
LAND USE COMMISSION

Dear Mr. Fujimoto:

Subject: Special Permit Application
Ref. No. SP71-96
Applicant: Department of Public Works
City and County of Honolulu
Tax Map Key: 9-3-02: portion of 1

Thank you for referring the subject application to us for comments.

The Board has no objections to the proposed use within the Agricultural District. We wish to point out however that water is available from our Waipahu system only to the Waipahu incinerator.

Very truly yours,

Masami Iwamura
Land Administrator

9516
Members

ROBERT Y. SATO, Chairman

HUGH F. O'REILLY, Vice Chairman

REYNOLDS-G-BURKLAND, Secretary

RICHARD H. COX

FUJIO MATSUDA

ROBERT H. ROTZ, Secretary

ALBERT C. ZANE

GEORGE A. L. YUEN

Manager and Chief Engineer

9504

DEPARTMENT OF THE NAVY
PACIFIC DIVISION
NAVAL FACILITIES ENGINEERING COMMAND
FPO SAN FRANCISCO 96610

071:JBH:nyt
Ser 2189
9 APR 1971

RECEIVED

APR 12 1971

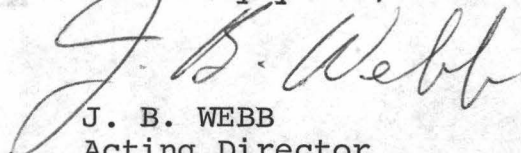
State of Hawaii
LAND USE COMMISSION

Mr. Ramon Duran
Executive Officer
Land Use Commission
State of Hawaii
P. O. Box 2359
Honolulu, Hawaii 96804

Dear Mr. Duran:

In response to your Notification of Special Permit Application SP71-96 - Dept of Public Works, City and County of Honolulu dated March 25, 1971, the Navy endorses use of the land for sewage treatment purposes. This is a step toward cleaning up the waters of Pearl Harbor.

Sincerely yours,


J. B. WEBB
Acting Director
Real Estate Division

April 20, 1971

**Planning Commission
City and County of Honolulu
629 Pohukaina Street
Honolulu, Hawaii 96813**

Attention: Mr. Robert Way, Planning Director

Gentlemen:

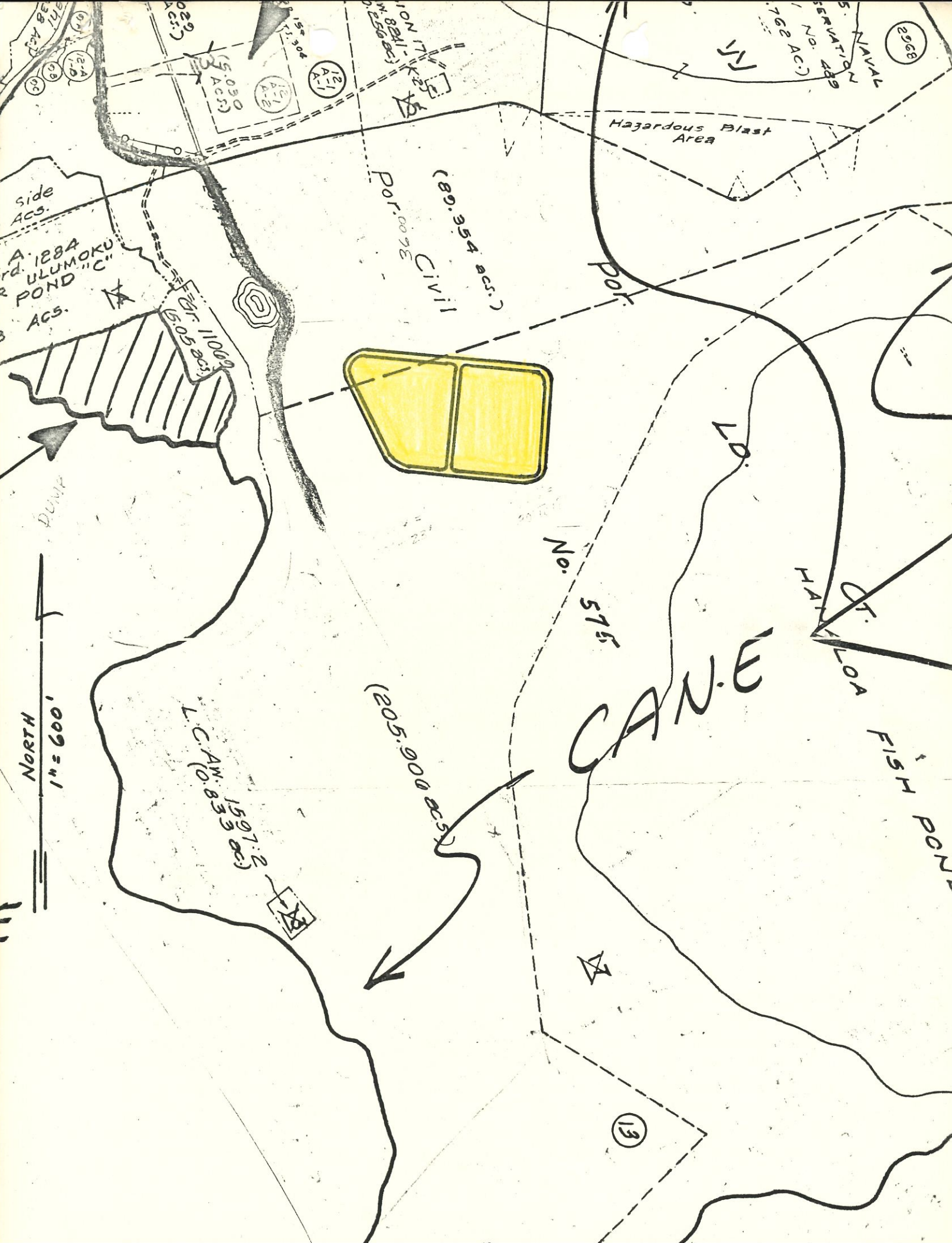
At its meeting on April 16, 1971, the Land Use Commission voted to approve a special permit to the Department of Public Works, City and County of Honolulu (SP71-96) to construct two sewage stabilization ponds on approximately 10.2 acres of parcel 1, Tax Map Key 9-3-02 at Waipio Peninsula, Ewa, Oahu, subject to the conditions set forth by the City Planning Commission.

Enclosed for your information is the staff report.

Very truly yours,

**TATSUO FUJIMOTO
Executive Officer**

**Encls. - Map & Staff Report
cc: Dept. of Public Works
Property Assessment, Dept. of Taxation
Property Technical Services, Dept. of Taxation
Tax Maps Branch, Dept. of Taxation**



STATE OF HAWAII
LAND USE COMMISSION

Minutes of Meeting

County Council Room
Hilo, Hawaii

APPROVED
JUL 1 1971

April 16, 1971 - 7 p.m.

Commissioners Present: Goro Inaba, Chairman Pro Tempore
Eddie Tangen
Leslie Wung
Tanji Yamamura
Stanley Sakahashi

Commissioners Absent: Shelley Mark
Sunao Kido
Alexander Napier

Staff Present: Tatsuo Fujimoto, Executive Officer
Ah Sung Leong, Planner
Walton Hong, Deputy Attorney General
Dora Horikawa, Stenographer

Acting Chairman Goro Inaba introduced Mr. Tatsuo Fujimoto who will be replacing Mr. Ramon Duran as the Executive Officer of the Land Use Commission.

Commissioner Yamamura moved to formally accept Mr. Fujimoto as the new Executive Officer. Commissioner Tangen seconded the motion and it was unanimously carried.

HEARING

PETITION BY DEPARTMENT OF LAND & NATURAL RESOURCES (A71-272)
TO RECLASSIFY APPROXIMATELY 45.59 ACRES FROM AGRICULTURAL TO
URBAN AT HILO, HAWAII

The staff planner, Mr. Leong, presented the staff report and described the area in question. Mr. Glenn Miyao of the Hawaii County Planning staff commented that the Hawaii County Planning Commission has a meeting scheduled on the 29th of April at which time they will act on a recommendation by the Planning Department to defer the matter for further study. He assured that the recommendation will be forwarded immediately following the April 29th meeting of the Planning Commission.

April 16, 1971

Mr. Robert Coates, resident on a non-conforming parcel, thought that the young people of Hilo would be denied the amenities of a rural atmosphere if the Waiakea area is rezoned to a higher use.

Mr. Walter Freitas reasoned that ample opportunity was afforded the farmers to dedicate their lands so that they would not be hurt by the reclassification.

Since there was no further testimony, Chairman Inaba informed the public that the Commission will receive additional written testimony within the next 15 days and closed the hearing on this matter.

ACTION

SPECIAL PERMIT APPLICATION BY ALOHILANI MEADOWS DEVELOPMENT (SP71-95) TO CONSTRUCT 18-HOLE GOLF COURSE AT PUNA, HAWAII

Mr. William Reigel, petitioner, agreed that his petition be acted on in spite of Chairman Inaba's advice that all five votes were needed for approval of the request.

Mr. Leong, staff planner, read the staff report recommending approval of the special permit, subject to the conditions imposed by the County (see report on file).

Mr. Reigel testified that Moanalua Properties is prepared to meet the conditions of providing water to the Alohilani Subdivision.

Commissioner Wung moved that the staff's recommendation be accepted with the express condition that the developer will make water available and will bring his own water in.

The motion was seconded by Commissioner Tangen and unanimously carried.

✓ SPECIAL PERMIT APPLICATION BY DEPARTMENT OF PUBLIC WORKS, CITY & COUNTY OF HONOLULU (SP71-96) TO CONSTRUCT TWO SEWAGE STABILIZATION PONDS ON WAIPIO PENINSULA, OAHU

The staff planner presented the staff report recommending approval of the special permit, subject to the conditions

April 16, 1971

imposed by the City Planning Commission (see report on file). Upon the Chairman's suggestion, he defined the difference between Class A and Class AA waters as contained in the Public Health Regulations.

Mr. Chew Lun Lau, engineer with the City and County Department of Public Works, clarified that presently the waste is discharged into the plantation irrigation system entering West Loch; however, they are not deliberately pumping raw sewage. He then reiterated the petitioner's reasons for submitting the special permit request (see copy of testimony on file).

Commissioner Tangen's motion to approve the special permit as conditioned by the County was seconded by Commissioner Yamamura. The motion was carried unanimously.

SPECIAL PERMIT APPLICATION BY HAWAIIAN TELEPHONE CO. (SP71-97)
TO ALLOW THE EXPANSION OF A COMMUNICATIONS EQUIPMENT BUILDING
AT PAHOA, PUNA, HAWAII

The Executive Officer, Mr. Fujimoto, presented the staff report recommending approval of the request subject to the County's stipulations. (See copy of report on file.)

Mr. Chang, representing the petitioner, requested favorable consideration of the special permit and indicated that time is of the essence.

Commissioner Tangen commented that he was unswayed by the telephone company's problem regarding the time element and suggested that future petitions be submitted earlier so that there would not be the inference that the Commission is disrupting telephone service if it does not immediately approve the request.

Commissioner Wung's motion to approve the special permit, subject to the County's conditions, was seconded by Commissioner Tangen and unanimously carried.

RECEIVED

JUN 1 1971

Special Meeting of the Planning Commission
Minutes
February 25, 1971

State of Hawaii
LAND USE COMMISSION

The Planning Commission met in special session on Thursday, February 25, 1971, at 8:45 a.m., in the Conference Room of the City Hall Annex with Acting Chairman Thomas N. Yamabe II presiding:

PRESENT: Thomas N. Yamabe II, Acting Chairman
Roy R. Bright
Philip T. Chun (present from 9:05 a.m. to 9:55 a.m.)
Rev. Eugene Connell
Fredda Sullam

STAFF PRESENT: Robert R. Way, Planning Director
Andrew Sato, Deputy Corporation Counsel
William Bartlett, Staff Planner
Bruce Duncan, Staff Planner
Tosh Hosoda, Staff Planner

ABSENT: James K. Sakai, ex-officio
Richard K. Sharpless, ex-officio

MINUTES: The minutes of January 21, 1971, as circulated, were approved upon the motion by Mr. Bright, seconded by Rev. Connell, and carried.

The minutes of February 4, 1971, although approved, were corrected as follows:

Page 13--the last line of Mrs. Sullam's statement was corrected to read: "of the Planning Director's recommendation that the present CZC requirements concerning cross slope lots be maintained."

The correction, as stated, was approved upon the motion by Mrs. Sullam, seconded by Rev. Connell, and carried.

PUBLIC HEARING
SPECIAL PERMIT/
CONDITIONAL USE
PERMIT
HAUULA
HALAI STREET
MYRA WATTS
(FILE #70/CUP-34)

A public hearing was held, under the provisions of Section 5-515(2) of the Charter of the City and County of Honolulu, to consider an application for a Special Permit under Section 205-6, Hawaii Revised Statutes, as amended, relating to the Land Use Law, and a Conditional Use Permit under Article 2, Part E, of the Comprehensive Zoning Code, to permit the establishment of a child care center for 50 preschool age children on a parcel of land containing an area of 43,670 square feet situated on Halai Street in Hauula and identified by Tax Map Key 5-3-15: Parcel 8. The subject parcel is zoned AG-1 Restricted Agricultural District and is situated within the Agricultural District of the State Land Use Commission.

The notice of public hearing was advertised in the Sunday Star-Bulletin and Advertiser of February 14, 1971. Copies of the hearing notice were sent to the applicable governmental agencies and to interested parties. No written protests or comments have been received to date.

Tosh Hosoda, staff planner, presented the highlights of the applicant's proposal and the staff's analyses. Based upon the staff's findings and comments from other governmental agencies, the staff's recommendation is for denial of this particular application for the following reasons:

1. Halai Street, which has a pavement width of 17 feet with no curbs, gutters, and sidewalks, and serving the site, is inadequate to accommodate the anticipated traffic generated by the proposed use. The street is constructed to agricultural standards.
2. The use of cesspool for the disposal of sewage may cause problems because of the high water table in the area. The Department of Health has experienced problems in the past because of surcharging of cesspools in this general area.
3. The land is appropriate for agriculture and agriculturally related activities; therefore, the proposed use would be contrary to the objective sought to be accomplished by the Land Use Laws.
4. An open drainage ditch that runs along the rear portion of the subject site could be a hazard to the small children.
5. The proposed use would be better located in an area that is within or near the residential areas it is to serve and is easily accessible.

Testimony was heard from the public.

Mrs. Myra K. Watts, applicant, gave testimony as follows:

1. She is the owner of the subject parcel upon which the day care center is to be located. She purchased the adjacent parcel to meet the lot frontage requirement.
2. The drainage ditch referred to is the same drainage ditch that runs directly in the back of Hauula School which is located only a short distance away from her property.
3. There should not be much problem with cesspools because the 3 to 4 year old children that she will be caring for would not generate that much waste. Hauula School, whereas, uses cesspools which are constantly being pumped out by the City. The School has an enrollment of about 600 children in the older age group.
4. Hauula Homestead Road which provides access to her property is considered to be a Civil Defense Road and used by the residents for evacuation purposes during tidal wave alerts.

Mrs. Sullam expressed her desire to keep the public hearing open for one week to see how much enthusiasm could be generated for the project. She noted the lack of publicity and limited testimony on the proposal.

ACTION: Mrs. Sullam's motion to keep the public hearing open for one week was seconded by Rev. Connell and carried.

AYES: Sullam, Connell, Bright, Chun, Yamabe

NAYS: None

PUBLIC HEARING
SPECIAL PERMIT
WAIPIO PENINSULA
WAIPAHU DEPOT ROAD
DEPT. OF PUBLIC
WORKS, C & C OF
HONOLULU
(FILE #70/SUP-3)

A public hearing was held, under the provisions of Section 5-515(2) of the Charter of the City and County of Honolulu, to consider an application for a Special Permit under Section 205.6, Hawaii Revised Statutes, as amended, relating to the Land Use Law, to construct two sewage stabilization ponds on a 10.2-acre site situated on Waipio Peninsula, off Waipahu Depot Road, identified by Tax Map Key 9-3-2: portion of Parcel 1, zoned AG-1 Restricted Agriculture and situated within the Agricultural District of the State Land Use Commission.

The notice of public hearing was advertised in the Sunday Star-Bulletin and Advertiser of February 14, 1971. Copies of the hearing notice were sent to the applicable governmental agencies and to interested parties. No written protests or comments have been received to date.

Mr. Chew Lun Lau, representative from the City and County Department of Public Works, gave a brief background report on studies made of the Waipahu Sewerage System dating back to 1922, the present method of sewage disposal, and the new proposal to construct two sewage stabilization ponds at Waipio Peninsula to provide biological treatment of raw sewage from the Waipahu Sewage Pumping Station Force Main before the effluent is discharged into Middle Loch, Pearl Harbor. This treatment facility would be an interim measure until a permanent sewage disposal system is developed and completed for the Pearl Harbor area.

The time schedule for construction of the interim facility is April, 1971 with completion in October, 1971. Funds for the construction have been appropriated by the City Council and the contract for construction will be awarded when the City obtains the Special Permit from the State of Hawaii and a right-of-entry from Oahu Sugar Company. This proposal is a step forward in upgrading the water quality of Pearl Harbor. Within five years they hope to terminate all discharge of sewage effluent into Pearl Harbor by transporting it to Ewa for treatment and disposal.

Bruce Duncan, staff planner, pointed out the site of the proposed stabilization ponds. The land is owned by the military and used for cultivation of sugar cane. The nearest residential development is located approximately 2,000 feet mauka and upwind from the site.

The staff's recommendation is approval of the Special Permit subject to the following three conditions:

5. She checked all over Hauula looking for an appropriate site for the day care center. Available residential zoned lands were found to be unsuitable because of steep terrain.
6. Because she believed that her proposed program qualified under the Community Action Program, she enrolled 96 children covering the ages from 2 to 5, about three years ago, because they were not included in the City and County Summer Recreation Program. She later learned that the CAP does not handle this type of program.
7. She decided to cease the program but found that she could not because, in the meantime, some of the mothers had obtained employment while others had gone back to school. These people had no place to leave their children.
8. Different agencies, such as the Community Red Feather, the Ford Foundation, and even Kamehameha School and the Liliuokalani Trust were asked for help because the children she services are all Hawaiian. She was appalled at the conditions that existed in the area. Liliuokalani Trust has agreed to sponsor the program.
9. Her enrollment was reduced to 12 children because there are no facilities to care for them. She has a waiting list of 20. Selection was restricted to children of parents who actually are working or are in school.
10. Recently, the Methodist Church in Kahuku asked her to start such a child care center in Kahuku but she declined because she wanted to work with the Hawaiian people in the Hauula area.
11. The cooperation she is now receiving is overwhelming. The Congregational Church and the Evangelical Association now have funds to help the Hawaiian people.
12. The proposal for construction of a house was to be prepared for the day when the State, Federal, or some other group or agency should assume control over child care services. When that happens, she would be able to convert to a conventional home loan and the center would become her home.
13. The financing of this project will be through the Small Business Administration Loan because this is a poverty area. Her group was incorporated as a nonprofit organization but they had to make a switch to a profit making venture because SBA funds are not released for nonprofit ventures.

(Commissioner Chun was present from about this point of the meeting.)

There was no one to testify against the application. No one else spoke in support of the application.

1. Construction shall commence within six months of issuance of the Special Permit.
2. Requirements of the Department of Health including but not limited to chlorination of effluent and termination of ponds upon construction of new facilities shall be met.
3. Following the elimination of the need for waste stabilization ponds, the area shall be returned to its original condition prior to construction.

Questioned by the Commission, Mr. Lau gave additional information as follows:

1. The effluent from the pond is of sufficient quality that there is no reason why it could not be utilized for irrigation purposes. The consultants for the City will recommend that the secondary treated effluent be utilized wherever and whenever possible. There is a possibility in the Ewa plains for reclamation of waste for cane irrigation purposes.
2. The use of the effluent for irrigation of the nearby municipal golf course was brought out at one time, but because the amount of waste presently being discharged into Pearl Harbor--about 2 million gallons a day--is far in excess of need, the problem then becomes of storage of the excess.
3. The facility will actually cover approximately 13.571 acres. The 10.2 acres mentioned cover only the water surface area of the ponds.
4. The Corps of Engineers has submitted a letter stating that a permit to discharge into Middle Loch is not required.
5. No fence will be provided around the ponds because the area is restricted with locked entrances.
6. Within five years they hope to eliminate all discharge into Pearl Harbor and provide sewer service in the Ewa Beach and possibly the Barbers Point area. However, completion of the entire project within that time period will depend on funding from the Federal, State, and City and County government because of need for sewer services in other areas of the island.
7. The cost of this particular project will not be more than half a million dollars, but the estimated cost of the entire program for the area is \$50 million.

No one spoke in opposition to or in support of the application.

ACTION: The Commission closed the public hearing and took the matter under advisement upon the motion by Mr. Bright, seconded by Rev. Connell, and carried.

AYES: Bright, Connell, Sullam, Chun, Yamabe
NAYS: None

Since by statutory provision the Commission cannot take action until after 15 days from the close of the public hearing, no action was taken on this matter.

PLANNED DEVELOPMENT-The public hearing held on February 18, 1971, to
SHOPPING CENTER consider an application to establish a Planned Develop-
ALIAMANU ment-Shopping Center District on a 7.6 acre-parcel of
SALT LAKE BOULEVARD land situated at the corner of Salt Lake Boulevard
AND ALA LILIKOI ST. and Ala Lilikoi Street in Aliamanu was closed and the
BRADLEY INVESTMENT Commission had deferred action for one week for
CORPORATION further study of the proposed project. Because of
BY: MORIO OMORI opposing views on some of the conditions and design
(FILE #70/PD-SC-10) concepts recommended by the staff, the staff was
requested to discuss the matter with the applicant.

The Director reported no significant change or alternate proposals by the applicant other than what had been previously presented. The staff is not imposing any further conditions but is adhering to the original recommendation made in the staff's report.

The Commission expressed a desire to discuss this matter more thoroughly.

ACTION: Mr. Bright's motion to defer this matter for one week was seconded by Mr. Chun and carried.

AYES: Bright, Chun, Connell, Sullam, Yamabe
NAYS: None

LAND USE COMMISSION A petition to the State Land Use Commission requesting
PETITION an amendment to the State Land Use District Boundary
URBAN DISTRICT from Agriculture to Urban District for land situated
WAIPIO in Waipio was reviewed by the Commission. The subject
HKH VENTURES area is identified by Tax Map Key 9-4-07: portion of
(FILE #71/LUC-1) Parcel 19, and contains 9 acres.

William Bartlett, staff planner, presented the staff's findings and analyses of the request. Essentially, the evaluation revealed that the subject area is:

- a. adjacent to an existing urban development to which all essential services are provided;
- b. in proximity to basic urban services and centers of trading and employment; and
- c. designated on the General Plan for urban use.

The applicant supports his petition by indicating that there is a shortage of housing units for the moderate income families and that he would attempt to reach this market through the FHA 236 Program. The proposal is to develop low density apartments in an arrangement of three story buildings and townhouses.

April 6, 1971
Hilo, Hawaii

SP 71-96

received 4/16/71 at
meeting

The OEQC fully endorses the request of the CC Honolulu for the use of this land for construction of this temporary waste water treatment facility.

As mentioned by Mr Lau, the method of treatment is equivalent to secondary and will provide an effluent into Middle Loch of Pearl Harbor which is acceptable under present water quality standards. The proposed treatment process is economical in both initial construction and operation and will not entail the obsolescence of expensive equipment or permanent concrete and steel structures.

The site has already received the approval of the Navy Sanitary Engineer, the State Dept of Health ^{the Federal EPA} and the Governor's OEQC. The site provides sufficient space for complete isolation of this facility; and it may be here stated that with good operation, will be an un-noticeable neighbor.

The construction effort can be accomplished within a relatively short time and no delays exist for the arrival of complex equipment.

This facility is badly needed to stop the present entry of sewage into the double A waters of West Loch since this constitutes a violation of the Regs as set forth in Chap 37 and 37A of the Health Dept.

The OEQC strongly recommends that the Land Use Comm issue the Special ^{USE} Permit for this parcel of land for the construction of this water pollution control facility.

MEYER S. BOGOST
Environmental Engineer

Meyer Bogost

OFFICE OF ENVIRONMENTAL
QUALITY CONTROL

STATE OF HAWAII
LAND USE COMMISSION
HONOLULU, HAWAII

County Council Room
Hilo, Hawaii

April 16, 1971
7 p.m.

STAFF REPORT

SP71-96 - DEPT. OF PUBLIC WORKS, CITY & COUNTY OF HONOLULU

The records and proceedings of a special permit request by the Department of Public Works, City & County of Honolulu, to construct two sewage stabilization ponds in the Agricultural District at Waipio Peninsula, Ewa, Oahu, have been transmitted by the City Planning Commission. The petitioner proposes to construct two stabilization lagoons, each about 7 feet deep and 4.6 acres in area. Completion of the project is expected by the end of this year.

The site in question is a 10.2-acre portion of parcel 1, TMK 9-3-02. It is part of a naval reservation which is leased to Oahu Sugar Company for cane cultivation. Oahu Sugar Company has indicated its willingness to relinquish the site which will be subleased to the City & County of Honolulu with the understanding that it will be reimbursed by the City for crop damage and other costs. The project site is located on the east side of the Depot Road extension at Waipahu and approximately 1 mile south of its intersection with Farrington Highway. Land uses in the near vicinity include the Waipahu dump, the new Waipahu incinerator and cane lands.

Approximately 3,500 feet north of the property in question is the Waipahu Urban District containing residential and commercial developments.

Land Study Bureau data show that the land is predominantly rated "B" or good for overall crop use. The land is irrigated caneland which is topographically level. Waipio Peninsula is situated between the West and Middle Lochs of Pearl Harbor and with the exception of certain naval facilities is entirely in cane.

In compliance with the provisions of the State Water Quality Standard adopted in 1968, the petitioner applied with the State Health Department for permission to continue the discharge of raw sewage into West Loch. In May, 1970, the Health Department informed the City that one of the conditions for approval requires that the present discharge must be diverted from West Loch (classified AA waters) to Middle Loch (classified A waters).

However, authorization to dump raw sewage into Middle Loch was denied by the Navy, although it did not object to the discharge of treated effluent. In a coordinated effort to solve the disposal and water pollution problem, representatives from the Corps of Engineers, Navy, Federal Water Quality Administration, State Health Department, Oahu Sugar Company,

and the City Planning Department concurred with the Division of Sewers' proposal for the use of the proposed stabilization ponds and the discharge of treated effluent into Middle Loch as an interim solution. A Water Quality Study to be completed in 1972 will determine the most efficient means of sewage disposal for the Pearl Harbor basin and will also determine the best location for the new sewage treatment plant. Completion of the overall project, including the treatment plant, is expected within the next ten years.

It was noted by the City Planning Director that the proposed site is located downwind and away from residential developments, thus minimizing odor and other problems. It was also noted that the stabilization pond is a temporary facility which would significantly reduce the pollution of Pearl Harbor. Construction of the new sewage treatment plant will eliminate the need for the stabilization pond as well as eliminate the pollution. The land will revert back to agricultural use upon termination of the need for the temporary facility.

Government agencies contacted by the City Planning Department have commented on the proposed use as follows:

1. Board of Water Supply - no adverse effect on water sources.

2. Navy Engineering Command - no objections.
3. Environmental Protection Agency - no adverse comments.
4. Department of Health - recommends approval with the following conditions:
 - a) Chlorination of the oxidation pond effluent.
 - b) These oxidation ponds be used only until such time as a permanent solution to the sewage disposal problems in the area can be implemented.
5. Corps of Engineers - a public hearing may be required if there are sufficient valid objections to the proposal.

County Recommendation

Approval of the special permit was recommended to the City Planning Commission by the City Planning Director based on the following findings:

- "1. The completion of the stabilization pond is vital to the health, safety, and comfort of the general public.
- "2. With the completion of the stabilization pond, the present sewage discharge can be diverted from

West Loch's Class AA Water and permit the treated effluent to be discharged into Middle Loch's Class A Water, is in accord with the goals of the Department of Health.

- "3. The use of the stabilization pond is not contrary to the objectives sought to be accomplished by the Land Use Regulations.
- "4. The desired use would not adversely affect the surrounding area.
- "5. The proposed use, which comprises approximately 10.2 acres, will not substantially alter the essential character of the sugar cane field use.
- "6. The proposed use is a permitted principal use under the City's zoning regulations."

The Planning Director also recommended that approval be subject to the following conditions:

- "1. Construction shall commence within six months of issuance of the Special Use Permit.
- "2. Requirements of the Department of Health including but not limited to chlorination of effluent and termination of ponds upon construction of new facilities shall be met.

"3. Upon elimination of the need for waste stabilization ponds, the area shall be returned to the condition which existed prior to construction."

At its meeting on March 18, 1971, the City Planning Commission concurred with the City Planning Director and recommended approval of the special permit subject to the above conditions.

An evaluation of the special permit request finds that it is in substantial conformance with the guidelines for determining an "unusual and reasonable use" within the Agricultural District. The staff concurs with the findings and recommendations of the City Planning Commission and also recommends approval of the request subject to the conditions imposed.

March 31, 1971

Mr. Albert C. Zane
Director and Chief Engineer
Department of Public Works
City & County of Honolulu
Honolulu, Hawaii 96813

Dear Mr. Zane:

The Land Use Commission next meets at 7 p.m., in the County Council Room, 25 Aupuni Street, Hilo, Hawaii, on April 16, 1971.

At that time the application by the Department of Public Works, City & County of Honolulu (SP71-96), to construct two sewage stabilization ponds on Waipio Peninsula, Oahu, will be heard. If a deferral is necessary, notify the Land Use Commission any time before the matter is called for consideration by the Commission at the meeting. The Commission will evaluate the reasons and consider the request for a deferral.

Although there is no requirement for you to be present, should you wish to attend, please feel free to do so.

Very truly yours,

RAMON DURAN
Executive Officer

Enclosure - Agenda

PLANNING DEPARTMENT
CITY AND COUNTY OF HONOLULU

629 POHUKAINA STREET
HONOLULU, HAWAII 96813

9447

FRANK F. FASI
MAYOR



ROBERT R. WAY
PLANNING DIRECTOR

GEORGE S. MORIGUCHI
DEPUTY PLANNING DIRECTOR

March 22, 1971

RECEIVED 70/SUP-3
MAR 22 1971

State of Hawaii
LAND USE COMMISSION

Mr. Ramon Duran
State Land Use Commission
State of Hawaii
Kamamalu Building
Honolulu, Hawaii 96813

Dear Mr. Duran:

Request: Special Use Permit--
Waipio Sewage Stabilization Pond
Tax Map Key: 9-3-02: Portion of 1
Location: Waipio Peninsula--Waipio Depot Road
Applicant: City and County of Honolulu
Department of Public Works

The Planning Commission held a public hearing on February 25, 1971, to consider the request of the City and County of Honolulu, Department of Public Works, for a Special Permit for a sewage stabilization pond for land situated at Waipio Peninsula and identified above and classified as an agricultural district by the State Land Use Commission.

The public hearing was closed on February 25, 1971, and at its March 18, 1971 meeting, the Planning Commission voted to recommend approval of the request subject to the conditions recommended by the Planning Director.

We transmit the following 1) staff report, 2) Special Permit application and other materials. The Planning Commission minutes of February 25 and March 18, 1971, will be transmitted to you as soon as they have been approved by the Planning Commission.

If you have questions, please contact Mr. Larry Morishita of this department at 5473-621.

Very truly yours,

A handwritten signature in dark ink, appearing to read "W. E. Wanket", is written over the typed name.

WILLIAM E. WANKET
Assistant Planning Director
Implementation Division

WEW/RM:ec
Attachments

STATE OF HAWAII
LAND USE COMMISSION
P. O. BOX 2359
HONOLULU, HAWAII 96804

March 25, 1971

NOTIFICATION OF SPECIAL PERMIT APPLICATION

SP71-96 - Dept. of Public Works, City & County of Honolulu

Please be advised that a special permit application has been filed with the Land Use Commission to construct two sewage stabilization ponds on a 10.2-acre site on TMK 9-3-2: portion of parcel 1. This property is generally located in the State's Agricultural District on Waipio Peninsula on lands owned by the U.S. Navy. The City Planning Commission approved this request on March 18, 1971.

An action meeting on this application is scheduled for April 16, 1971, in Hilo, Hawaii.

We would appreciate any written comments for or against this request, or you or your agent may appear at the meeting. Please do not hesitate to call this matter to the attention of other interested parties.

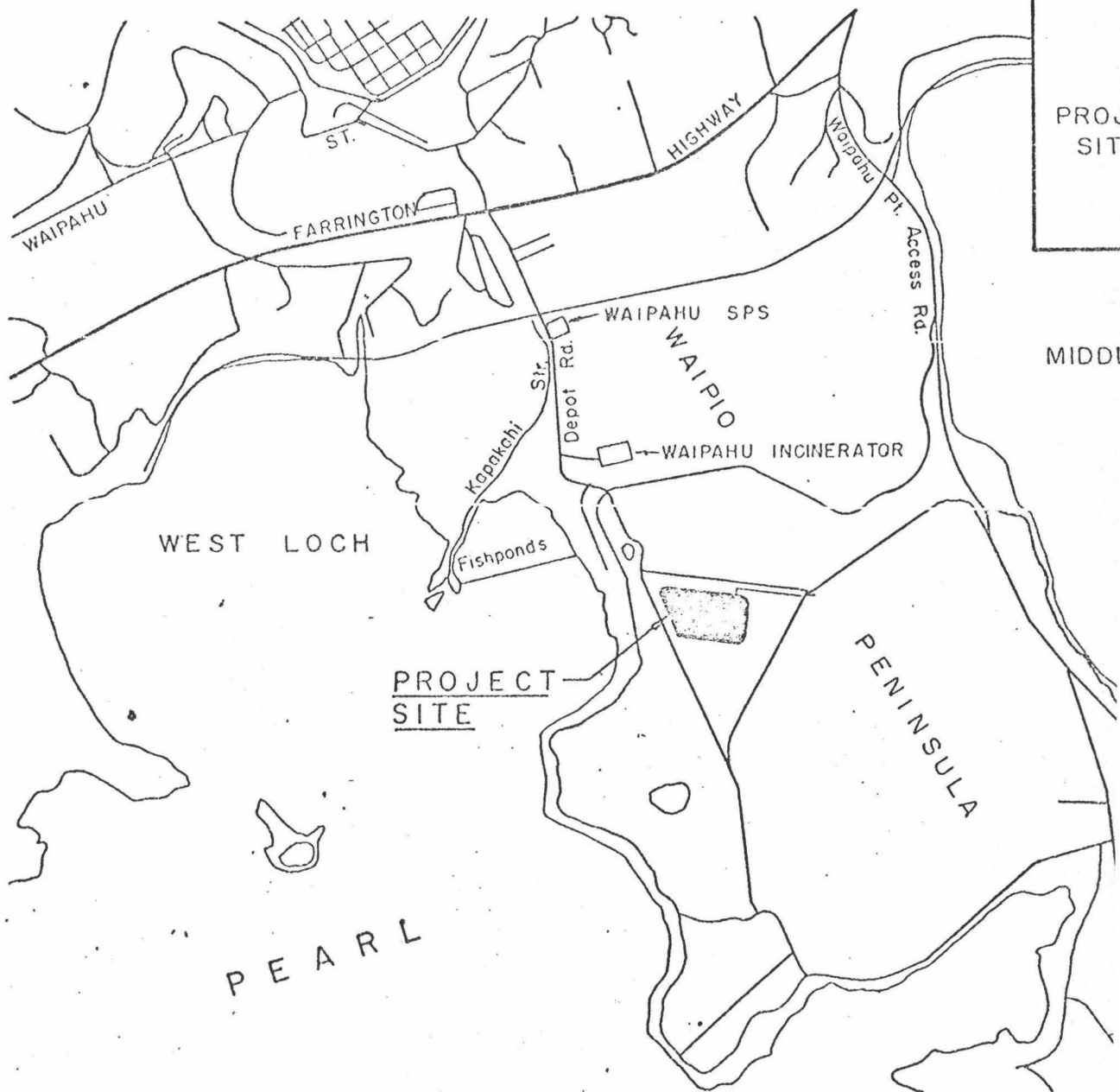
Should you desire additional information, feel free to contact this office.

Very truly yours,


RAMON DURAN
Executive Officer

Enclosure - Map

TRUE NORTH



LOCATION MAP

Scale: 1:25,000

Meeting of the Planning Commission
Minutes
March 18, 1971

RECEIVED

JUN 24 1971

State of Hawaii
LAND USE COMMISSION

The Planning Commission met in regular session on Thursday, March 18, 1971, at 2:14 p.m., in the Conference Room of the City Hall Annex with Acting Chairman, Thomas N. Yamabe II, presiding:

PRESENT: Thomas N. Yamabe II, Acting Chairman
Fredda Sullam
Roy R. Bright
Rev. Eugene Connell

STAFF PRESENT: George S. Moriguchi, Acting Planning Director
Bruce Duncan, Staff Planner
Tosh Hosoda, Staff Planner
Bill Bartlett, Staff Planner
Harris Murabayashi, CIP Analyst

ABSENT: Philip T. Chun
Robert R. Way, Planning Director
Richard K. Sharpless, ex-officio
James K. Sakai, ex-officio

MINUTES: The minutes of February 11 and 18, 1971, were approved on motion by Mr. Chun, seconded by Mr. Bright.

PUBLIC HEARING
CONDITIONAL USE PERMIT
LAIE
MAUKA OF KAM.HWY. &
LAIE BAY
R-6 RESIDENTIAL, AG-1
& AG-2 AGRIC.DIST.
TMKS: 5-5-05: PORTION
OF 1 & 18, 5-5-09: 10,
45, & PORTION OF 23
GEORGE DUERKSON

A public hearing was held to consider a request for the operation of a quarry for the excavation and removal of sand at Laie, mauka of Kamehameha Highway adjoining the City and County dump site, Tax Map Keys: 5-5-05: portion of 1 and 18, 5-5-09: 10, 45, and portion of 23.

Publication was made March 7, 1971. No letters of protest were received.

The staff's report was presented by Tosh Hosoda. Commission questions related to the following:

1. Does mining and hauling between 7 a.m. and 6 p.m. refer to activities on the premises, and will hauling be permitted on the highway after those hours?

The staff's recommendation relates to on-site activity. The intent is that no activity take place after the scheduled hours of operation. For example, if a loaded truck is already on the road at approximately 5:45 p.m., he would be permitted to make his delivery. However, trucks loaded the day before would not be permitted to leave the premises until 7:00 a.m.

2. Concerning noise and dust problems which may be caused by changing wind conditions, the staff is satisfied that the recommended conditions covering this point give adequate control.

Public testimony was heard.

Testimony AGAINST the proposal was given by:

1. Mr. Haruo Tashiro, adjoining resident
2. Miss Gertrude Humphries, interested citizen

Objections:

1. Pollution of Laiewai Stream

Questioned by the Commission concerning this point, the staff pointed out that a 50-foot excavation setback will be maintained along the banks of Laiewai Stream, and that a 100-foot setback will be maintained along the perimeter of the site abutting residentially developed properties.

2. Noise and dust problems

Questioned on this point, the staff indicated that the conditions as outlined in the report are sufficient to control this area. The applicant must comply with the noise performance Standards of the CZC.

Relating to dust, the proposed site is wet and marshy so that actual mining operations should not create adverse dust problems. To protect adjoining residential properties, a 100-foot buffer of trees and shrubs will be retained.

3. The nearby cemetery will be affected.

Questioned by the Commission, the staff pointed out that one of the conditions is that a 40-foot excavation setback be maintained around any grave site found within the subject area.

Mr. Tashiro was disturbed at the fact that the map displayed did not indicate adjoining residential areas, and questioned whether those residents were notified of this hearing. Question was also raised over the effect the operation might have on the area from an ecological and environmental standpoint.

The Director clarified that the staff is well aware of adjoining homes in the area and that it was not their intent to imply otherwise. The staff conducted a meeting with the community association at which time the residents had no objection to this proposal. From an environmental standpoint, the residents were more concerned over the borrow pit located on Zion Securities property approximately a halfmile mauka of the proposed site

16. A certified copy of the documents as issued by the Bureau of Conveyances or Assistant Registrar shall be presented to the Planning Department as evidence of recordation prior to issuance of a building permit;
17. In the event the conditions as set forth herein are not being met, the Planning Director shall take action to terminate the use or halt its operation until such time full compliance is obtained;
18. Any modification to the conditions stated herein shall have the approval of the City Council; and
19. The applicant may transfer the rights granted under this conditional use permit to another party provided, however, that the applicant notifies the Planning Director in writing of the name and address of the transferee and the date of transfer. The transferee shall comply with all conditions herein.

SPECIAL USE PERMIT
WAIPIO PENINSULA
WAIPAHAU DEPOT ROAD
DEPT. OF PUBLIC
WORKS, C&C OF
HONOLULU
(FILE #70/SUP-3)

The Commission again considered this proposal to construct two sewage stabilization ponds on a 10.2-acre site situated on Waipio Peninsula, off Waipahu Depot Road, identified by Tax Map Key 9-3-2: portion of Parcel 1, zoned AG-1 Restricted Agriculture and situated within the Agricultural District of the State Land Use Commission.

The public hearing held February 25, 1971, was closed and the matter was taken under advisement. By statutory provision, the Commission cannot take action until after 15 days from the close of the public hearing.

No discussion followed.

ACTION: Based upon the Director's recommendation, the Commission recommended approval of the applicant's request, subject to the conditions imposed by the Director, on motion by Rev. Connell, seconded by Mrs. Sullam.

The conditions are as follows:

1. Construction shall commence within six months of issuance of the Special Use Permit.
2. Requirements of the Department of Health including but not limited to chlorination of effluent and termination of ponds upon construction of new facilities shall be met.
3. Upon elimination of the need for waste stabilization ponds, the area shall be returned to the condition which existed prior to construction.

AYES - Yamabe, Sullam, Bright, Connell
NAYES - None
ABSENT - Chun

backfill operation, shall be landscaped in accordance with the approved landscape plan;

7. The access roadway at its intersection with Kamehameha Highway shall be widened and paved with all-weather surface in a manner acceptable to the Department of Traffic;
8. Dry, dust prone areas shall be sprayed with water when necessary and in a manner acceptable to the State Department of Health;
9. Within 60 days after the quarry operation begins and every 6 months thereafter, a noise study report in accordance with the performance standards and criteria of the Comprehensive Zoning Code shall be prepared by the applicant and submitted to the Planning Director for his review and approval provided where State regulations supersede the noise provisions of the Comprehensive Zoning Code, said study shall be prepared in accordance with said regulations;
10. Where a noise violation is found, the applicant shall take such corrective actions as may be determined necessary by the Planning Director to abate the noise source;
11. The applicant shall be required to conform to pollution standards as may be developed by the State Department of Health including but not limited to noise;
12. If the quarry is not in operation within one (1) year from the date the conditional use permit is granted, or the operation ceases for six (6) consecutive months, the subject permit shall be declared void;
13. The subject conditional use permit shall automatically expire upon the expiration of the special permit granted by the State Land Use Commission;
14. The applicant shall submit to the Planning Director annually, from the date the quarry operation begins, a statement with supporting evidence indicating compliance with all conditions stated herein and said statement shall be provided in a manner acceptable to the Planning Director;
15. The recorded owner of the land encompassed by this conditional use permit shall be required to file with the Bureau of Conveyances or the Assistant Registrar of the Land Court of the State of Hawaii, a declaration of the above-mentioned restrictive conditions;

February 1, 1971

MEMORANDUM

TO : PLANNING COMMISSION
FROM : ROBERT R. WAY, PLANNING DIRECTOR
SUBJECT : STATE LAND USE COMMISSION
REQUEST FOR SPECIAL USE PERMIT
WAIPIO SEWAGE STABILIZATION POND

APPLICANT: DEPARTMENT OF PUBLIC WORKS
CITY AND COUNTY OF HONOLULU
OWNER: UNITED STATES NAVY
TAX MAP KEY: 9-3-2: PORTION OF PARCEL 1
AREA: 10.2 ACRES
LOCATION: WAIPIO PENINSULA

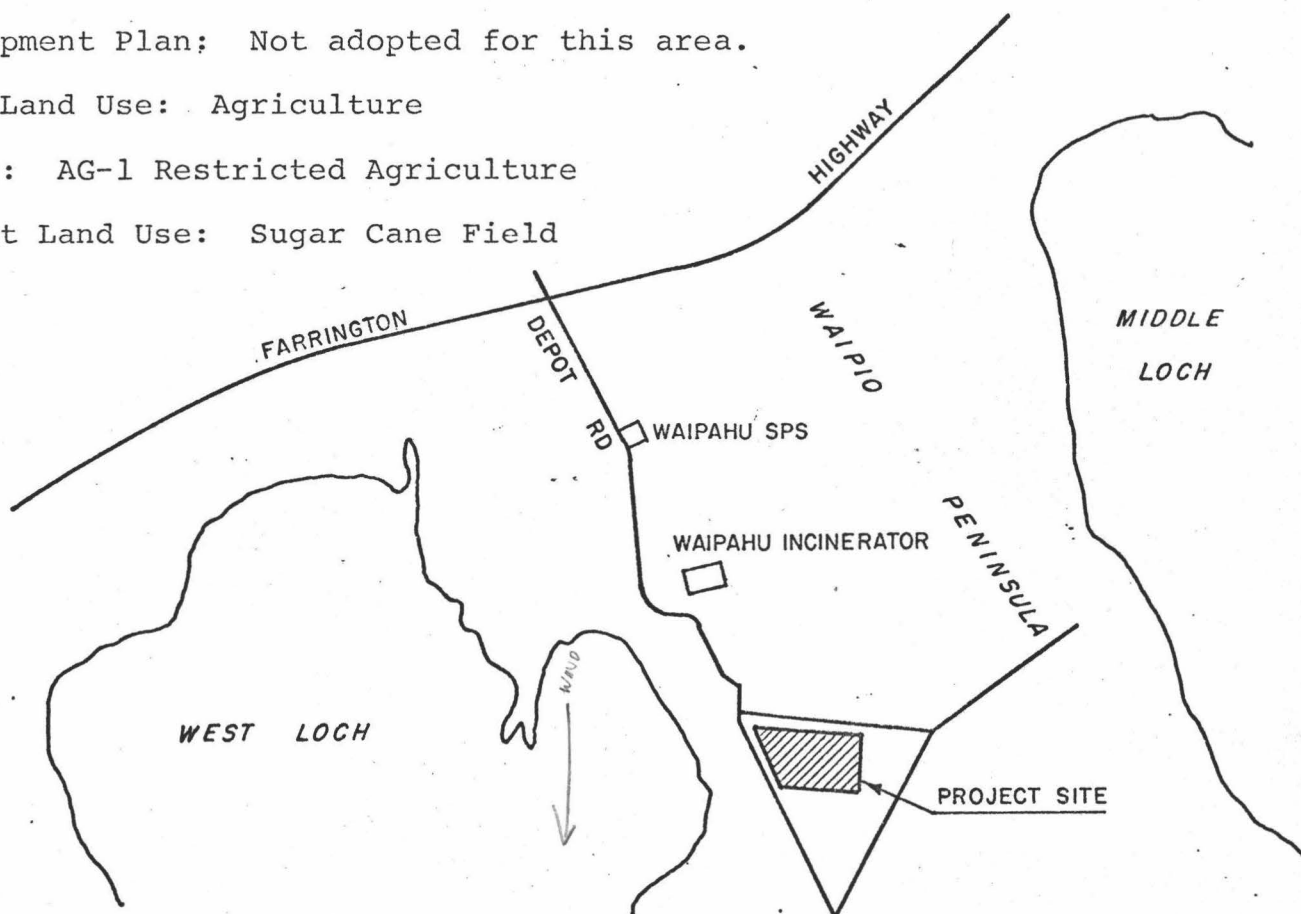
General Plan: Military

Development Plan: Not adopted for this area.

State Land Use: Agriculture

Zoning: AG-1 Restricted Agriculture

Present Land Use: Sugar Cane Field



Applicant's Proposal: The Department of Public Works proposes to construct two sewage stabilization ponds on a 10.2-acre site situated on Waipio Peninsula on lands owned by the United States

Navy. Two lagoons will be constructed, each approximately seven feet deep and 200,000 square feet in area. The site, located on military land and used for cultivation of sugar cane, is approximately 5,000 feet makai of Farrington Highway. Completion of the project is expected in the latter part of 1971.

Background: Pursuant to Part II, Sub-part E of the State Land Use Regulations, the applicant has filed a petition for a Special Use Permit for the sewage stabilization pond in an area designated as Agricultural District on the State Land Use Map. The area is zoned Restricted AG-1 Agricultural District by the City and the pond is a permitted principal use under the City's zoning regulation. However, the provisions of the State Land Use Regulations require the County Planning Commission to hold a public hearing to consider petitions for a Special Use Permit for uses other than agricultural use within the State Agricultural District. The petition became necessary as a result of several related events originating with the adoption of the State Water Quality Standard in 1968.

In compliance with the provisions of the Water Quality Standard, the City applied for a permit with the State Department of Health to continue the discharge of raw sewage into West Loch. As a result of the application, the Department of Health, in May 1970, informed the City that as one of the conditions for the approval of the

permit, the present discharge of raw sewage must be diverted from West Loch, classified as Class AA waters to Middle Loch, classified as Class A waters.

Accordingly, the City sought the necessary authorization from the Navy, but the request to dump raw sewage was denied. However, the Navy does not object to the discharge of treated effluents into Middle Loch.

Subsequently, in a coordinated effort to solve the disposal and water pollution problems of Waipio Peninsula, particularly with reference to West Loch, the Corps of Engineers, Navy, Federal Water Quality Administration, State Department of Health, Oahu Sugar Company, and Planning Department concurred with the Division of Sewer's proposal for the utilization of the stabilization pond and the discharge of treated effluent into Middle Loch as an interim solution.

Consultants are presently engaged in a Water Quality Study with particular reference to sewage disposal. The study is scheduled to be completed in 1972. The result of the study will determine the location for the new sewage treatment plant and the most

efficient means of sewage disposal for the Pearl Harbor basin. Tentatively, the overall plan calls for the completion of the entire project, including the treatment plant, within the next ten years.

Analysis: In view of the foregoing, the Department of Public Works is of the opinion that the proposal is the best interim solution to the sewage disposal problem. Until the stabilization pond is completed, the entire Waipahu area raw sewage is proposed to continue to be discharged into West Loch.

The site selected is a good location, devoted entirely to the cultivation of sugar cane. The nearest residential development is located approximately 2,000 feet mauka and up-wind of the prevailing wind. Consequently, problems with respect to odor and site appearance should be very minor.

In considering the request, the use of agricultural designated lands for a sewage stabilization pond was reviewed in accordance with Subsection 2.24, "Tests to be Applied," of the State Land Use Commission District Regulations.

- (a) Such use shall not be contrary to the objectives sought to be accomplished by the Land Use Law and Regulations.

The stabilization pond is a temporary facility, lasting approximately 10 years. By erection of such a facility, the amount of water pollution in Pearl Harbor will be reduced; with the construction of a new sewage treatment plant, the pollution will be eliminated.

- (b) That the desired use would not adversely affect surrounding property.

Adjoining lands are used for agricultural purposes; nearest urban (residential) uses are over 2,000 feet away in a mauka direction.

- (c) Such use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements, and police and fire protection.

No additional government facilities would be required.

- (d) Unusual conditions, trends and needs have arisen since the district boundaries and regulations were established.

The increased sewage from the Waipahu area has brought about additional pollution; to reduce the pollution requires the temporary facility until the sewage treatment plant is constructed.

- (e) That the land upon which the proposed use is sought is unsuited for the uses permitted with the District.

The 10.2-acre parcel is suited for agricultural uses, and will be returned to agricultural use upon termination of the need for the stabilization pond. The termination will occur in approximately 10 years.

- (f) That the proposed use will not substantially alter or change the essential character of the land and the present use.

The 10.2-acre pond in the midst of sugar cane fields is not considered to alter the character, in the same way a water reservoir for irrigation would be an integral part of any agricultural activity. Upon the termination of need, the area of the pond can be returned to agricultural use.

- (g) That the proposed use will make the highest and best use of the land for the public welfare.

The waste stabilization ponds will result in significant reduction of the pollution of the water of Pearl Harbor.

Comments of Government Agencies:

Board of Water Supply: The proposal would have no adverse effect upon water sources.

Navy Engineering Command: The Navy does not have any objections to the sewage treatment facilities (waste stabilization ponds).

Environmental Protection Agency: The agency is familiar with the proposal and has no adverse comments on the project.

Department of Health: Use of the ponds to handle waste from the area meets with their approval. Removal of the effluent from Class AA waters is in accord with their program goals.

Approval is recommended with the following conditions:

- a) Chlorination of the oxidation pond effluent.
- b) These oxidation ponds be used only until such time as a permanent solution to the sewage disposal problems in the area can be implemented.

Corps of Engineers: Discharge of effluent into Middle Loch may require a public hearing if there were sufficient valid objections.

Recommendation: It is recommended that Special Use Permit be issued to the Department of Public Works to permit the establishment of a sewage stabilization pond on 10.2 acres of land in an area designated Agricultural according to the State Land Use Law.

Approval of the request for a Special Use Permit is recommended for the following reasons:

1. The completion of the stabilization pond is vital to the health, safety, and comfort of the general public.
2. With the completion of the stabilization pond, the present sewage discharge can be diverted from West Loch's Class AA Water and permit the treated effluent to be discharged into Middle Loch's Class A Water, is in accord with the goals of the Department of Health.
3. The use of the stabilization pond is not contrary to the objectives sought to be accomplished by the Land Use Regulations.
4. The desired use would not adversely affect the surrounding area.
5. The proposed use, which comprises approximately 10.2 acres, will not substantially alter the essential character of the sugar cane field use.
6. The proposed use is a permitted principal use under the City's zoning regulations.

It is further recommended that the Special Use Permit be subject to the following conditions:

- 1) Construction shall commence within six months of issuance of the Special Use Permit.
- 2) Requirements of the Department of Health including but not limited to chlorination of effluent and termination of ponds upon construction of new facilities shall be met.
- 3) Upon elimination of the need for waste stabilization ponds, the area shall be returned to the condition which existed prior to construction.

PLANNING DEPARTMENT
CITY AND COUNTY OF HONOLULU
629 POHUKAINA STREET
HONOLULU, HAWAII 96813

9027

830

FRANK F. FASI
MAYOR



ROBERT R. WAY
PLANNING DIRECTOR

GEORGE S. MORIGUCHI
DEPUTY PLANNING DIRECTOR

70/SUP-7

October 21, 1970

RECEIVED

OCT 27, 1970

State of Hawaii
LAND USE COMMISSION

State Land Use Commission
State of Hawaii
State Capitol
Honolulu, Hawaii

Gentlemen:

Special Use Permit--Sewage Treatment Facility

This is to inform you that we have received an application from the Department of Public Works requesting a special use permit to construct an interim sewage treatment facility on property on Waipio Peninsula identified as Tax Map Key 9-3-02: portion of 1.

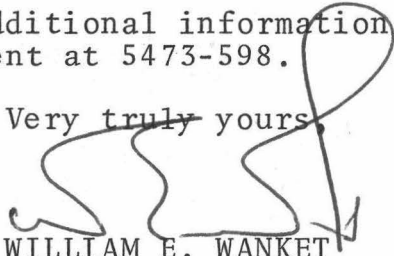
This property is now zoned AG-1 Restricted Agricultural district, is under the ownership of Oahu Sugar Company, Ltd., and is within a state-designated agricultural area.

A locational map is attached showing the area under consideration. Also attached is a letter from the Oahu Sugar Company, Ltd., concerning the existing disposal situation and the lagoon and effluent ditch system which is proposed.

This letter is for your information, however, we would welcome any comments or recommendations you may have on the matter.

If you have questions or wish additional information, please contact Mrs. Lorrie Chee of our department at 5473-598.

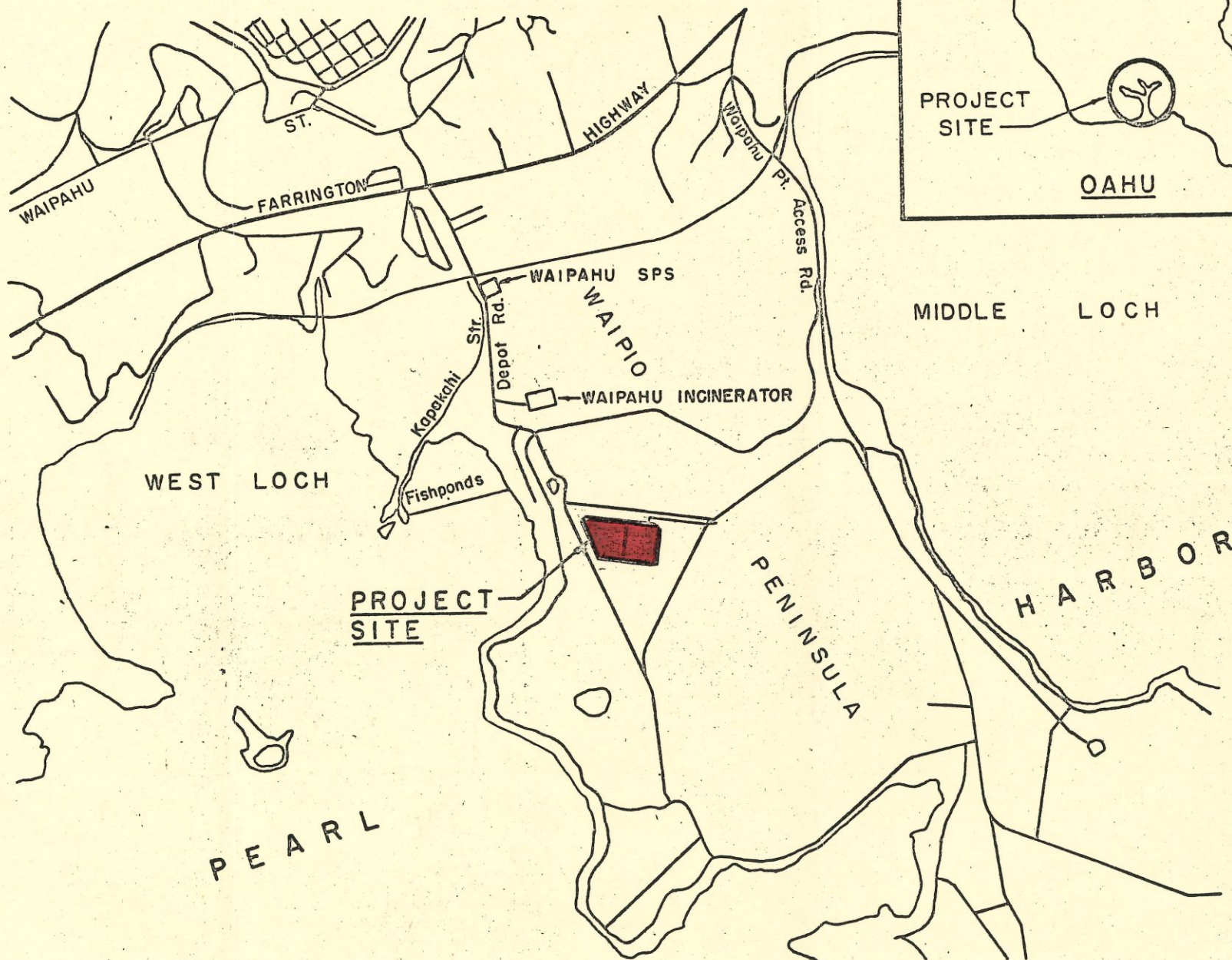
Very truly yours,


WILLIAM E. WANKET
Assistant Planning Director
Implementation Division

WEW/BM:ec

Attach.

TRUE NORTH



PROJECT
SITE

OAHU

LOCATION MAP

Scale: 1:25,000

OAHU SUGAR COMPANY

LIMITED

P.O. BOX "O" WAIPIAHU, HAWAII
TELEPHONE 673-577

RECEIVED
DEPARTMENT OF PUBLIC WORKS

ADDRESS ALL COMMUNICATIONS TO
THE COMPANY

MAY 13 11 26 AM '70
REF

May 14, 1970

TO Dep
Sec
Severs (copy sent)

Captain O. R. Butterfield CEC, USN
District Civil Engineer
Headquarters, Fourteenth Naval District
Box 110
FPO San Francisco, California

File

Dear Sir:

This is in reply to your letter of April 27 regarding the water pollution problem on Waipio Peninsula, particularly with reference to the Class AA water of West Loch.

On May 5, a field visit was made to the site to view at first hand the sewage disposal problem and discuss possible solutions. The field party included from the Navy, Mr. Francis Mau, Mr. J. P. Samaritano, Mr. Walter Baumann, and Mr. Mel Yoshinaga; from the City and County of Honolulu, Mr. Albert Zane, Chief Engineer of the Department of Public Works, and his top staff people including two members of the engineering group making the overall water pollution study for the City, and from Oahu Sugar Company, myself and several staff members.

The most feasible solution appears to be the construction of a sewage lagoon in one of our cane fields adjacent to the sewer outlet with the lagoon effluent taken to either Middle Loch or to Walker Bay. We would be agreeable to relinquishing the area required for a lagoon, possibly on the order of 30 acres, with the understanding that we would be reimbursed for crop damage, for land rental, for ditch and road relocations and for any other costs incurred by us resulting from the operation of the proposed lagoon and effluent ditch system. Our approval would also depend on our working out a satisfactory lease with the City for the use of our cross cane haul road for rubbish hauling.

Mr. Zane indicated acceptance of these conditions in principle and said the City would immediately undertake a feasibility study to determine the size of the lagoon required and other facilities that would be needed. He

Captain O. R. Butterfield -2-

May 14, 1970

estimated that it might take about six months to complete the feasibility study, to obtain funds by amendment of the City's budget and to design and construct the facilities. While such a completion date would not comply with your June 15, 1970 deadline, Mr. Mau stated he thought this would meet your approval so long as an active and definite program was being pursued by the City.

On May 1, we submitted applications to the State Department of Health for permits to continue waste discharges on a temporary basis covering both the discharges on Waipio Peninsula and on our mauka lands. For each application we set forth the dates for submission of preliminary engineering report, plans and specifications, completion of financing arrangements, start of construction and completion of construction. We believe that this program for the Waipio Peninsula drainage points, with some advancement of dates, will meet with your December 31, 1972 schedule of abatement.

Except for the City's sewage and the effluent from our mud settling ponds, all of the other discharges involve irrigation tailwater. For the most part these tailwater discharges operate at or below about a one-half million gallon per day rate. The two main drains run almost continuously while the balance operate only a few hours at a time while fields are being irrigated at spacings of a few days to two weeks. The irrigation water used on the Peninsula is the wash water effluent of the mill from which 60-65 percent of the mud is removed by 36 cyclone separators at the mill. After going through the cyclones, the water is still "muddy" looking and contains some settleable solids which to a large extent are deposited in the ditches and furrows of the cane fields on the Peninsula.

Except for the two major drains serving the interior fields, our plan is to construct small settling basins or sumps to remove as much as possible of the remaining settleable solids. None of our irrigation tailwater will get into the AA classified water of West Loch. We believe the construction of these settling basins will satisfactorily solve the irrigation tailwater problem and we plan to construct these basins as each field is harvested, or during the "off-season", over the period of the next two years or so. The size of each basin will be designed to provide

Captain O. R. Butterfield -3-

May 14, 1970

proper settling conditions for the quantity of discharge occurring.

We have in mind the construction of a larger settling basin, possibly two or three acres in size, in the mangrove area below the Inactive Services Station at Middle Loch. This would take care of one of our major drains.

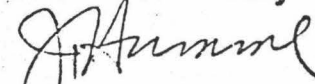
Since the Navy and the U.S. Department of the Interior are interested in converting part of Walker Bay into a wild bird refuge, we could run our second major drain into this area to provide a brackish water environment for this refuge. If more fresh water is required for this wild bird refuge, we can possibly divert some of our other irrigation tailwater to this area by deep ditching. More study is needed to determine costs and feasibility of this proposal.

The remaining discharge not covered above is the effluent from our mud settling ponds with a flow on the order of 150 gallons per minute. This water is low in dissolved oxygen but relatively clear. We think it can be satisfactorily combined with irrigation tailwater as an additional source to supply water to the proposed bird refuge in Walker Bay.

We hope the above will provide an acceptable answer to your letter of April 27, but if you need more information, please advise us accordingly.

Very truly yours,

OAHU SUGAR COMPANY, LIMITED



John T. Humme

Vice President - Manager

LHH:cla

cc: Dept. of the Navy, Pacific Division
Naval Facilities Engineering Command
FPO San Francisco 96610
Attention Mr. J.P. Samaritano

✓ Mr. Albert Zane, Chief Engineer
Dept. of Public Works, C&C of Honolulu

Mr. W. Cervio Hall

TO: STATE OF HAWAII
LAND USE COMMISSION
STATE KAMAMALU BLDG.
Cor. KING & RICHARD
P. O. BOX 2359
Honolulu, Hawaii

This space for official use

Date Application and Fee
received by LUC _____

SP71-96

APPLICATION FOR SPECIAL PERMIT

~~(I)~~ (We) hereby request approval of a special permit to use certain property located in the County of Honolulu, Island of Oahu, Land Use Commission District Boundary map number and/or name 0-10 Puuloa Hawaii, for the following-described purpose:

Description of property:

Property is designated by Tax Map Key 9-3-02: portion of 1 and presently used for cultivation of sugar cane.

Petitioner's interest in subject property:

To sublease the property from Oahu Sugar Company.

Petitioner's reason(s) for requesting special permit:

To construct two waste stabilization ponds and related appurtenance to treat the raw sewage collected by the Waipahu sewerage system.

Signature(s) _____

Address: _____

Telephone: _____

This space for official use

The property is situated in a(n) _____ district, and regulations adopted by the Land Use Commission prohibit the desired use.

Signature(s) _____

For (agency) _____

P10/70-3728

DEPARTMENT OF PUBLIC WORKS
CITY AND COUNTY OF HONOLULU

HONOLULU, HAWAII 96813

FRANK F. FASI
MAYOR

RICHARD K. SHARPLESS
MANAGING DIRECTOR



ALBERT C. ZANE
DIRECTOR AND CHIEF ENGINEER

L. C. FRUTO
DEPUTY DIRECTOR

OCT 12 1970

SP 70-191

Mr. Robert R. Way
Planning Director
Planning Department
City and County of Honolulu
Honolulu, Hawaii

Dear Mr. Way:

Subject: Special Permit Application
(To construct an interim sewage treatment
facility at Waipio Peninsula)

Tax Map Key: 9-3-02: portion of 1

In compliance with Part II, Sub-Part E of the State Land Use District
Regulations, we submit the following in duplicate:

1. Location map
2. Plan of the Waste Stabilization Ponds
3. A copy of a letter addressed to Captain O. R. Butterfield of the
U.S. Navy.
4. Application for Special Permit

A handwritten signature in cursive script, reading "L. C. Fruto".

L. C. FRUTO
Acting Director and Chief Engineer

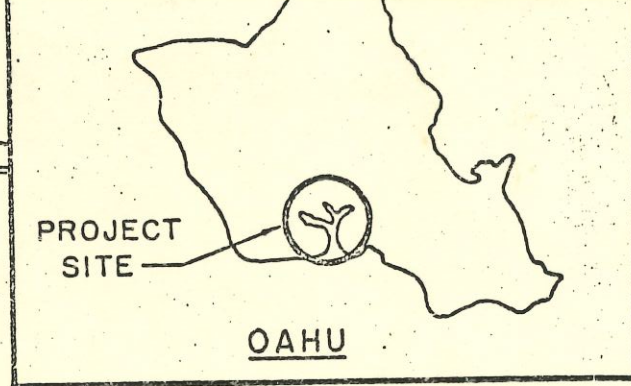
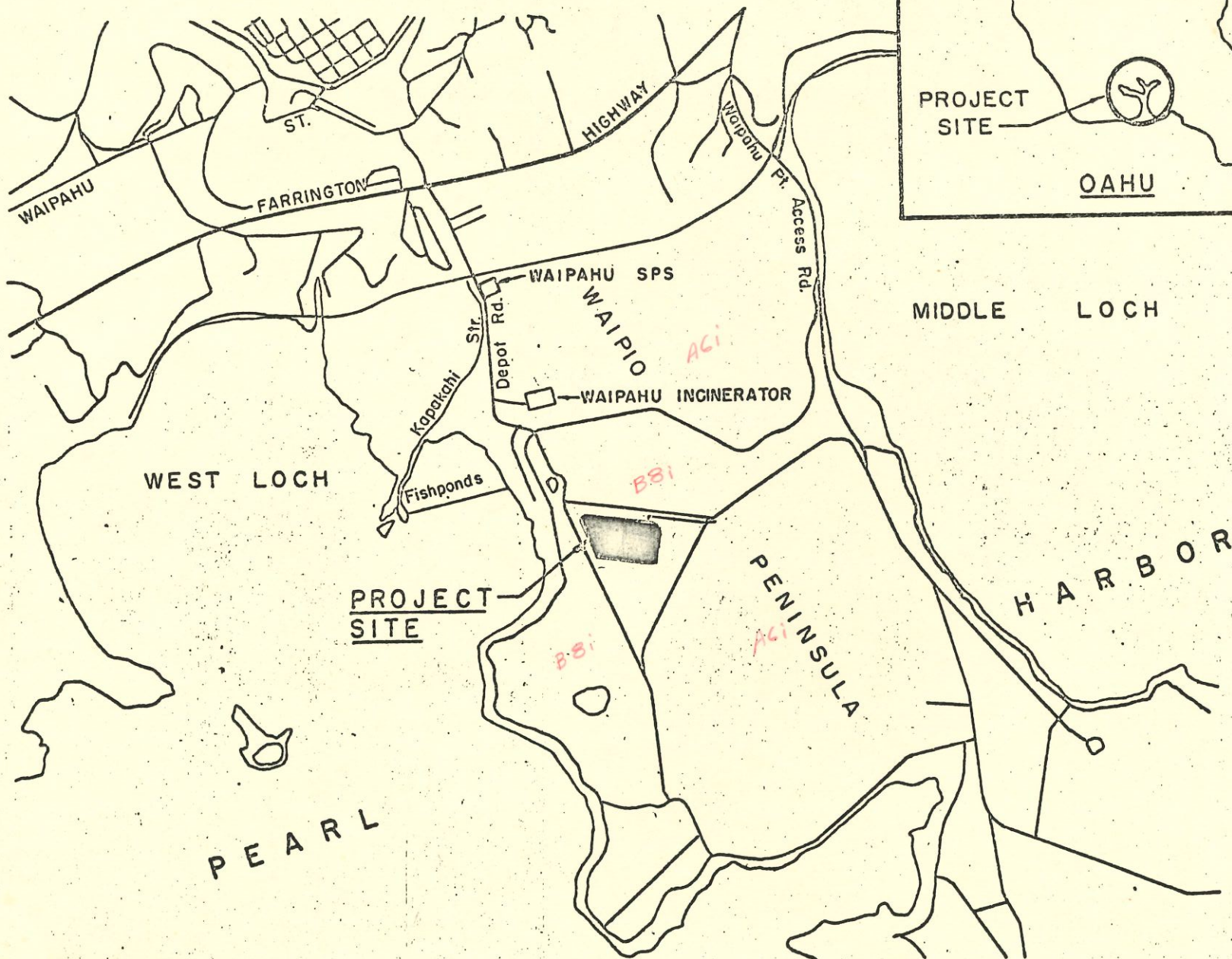
Attach.

PLANNING DEPARTMENT
CITY AND COUNTY
OF HONOLULU

70 OCT 13 AM 9:06

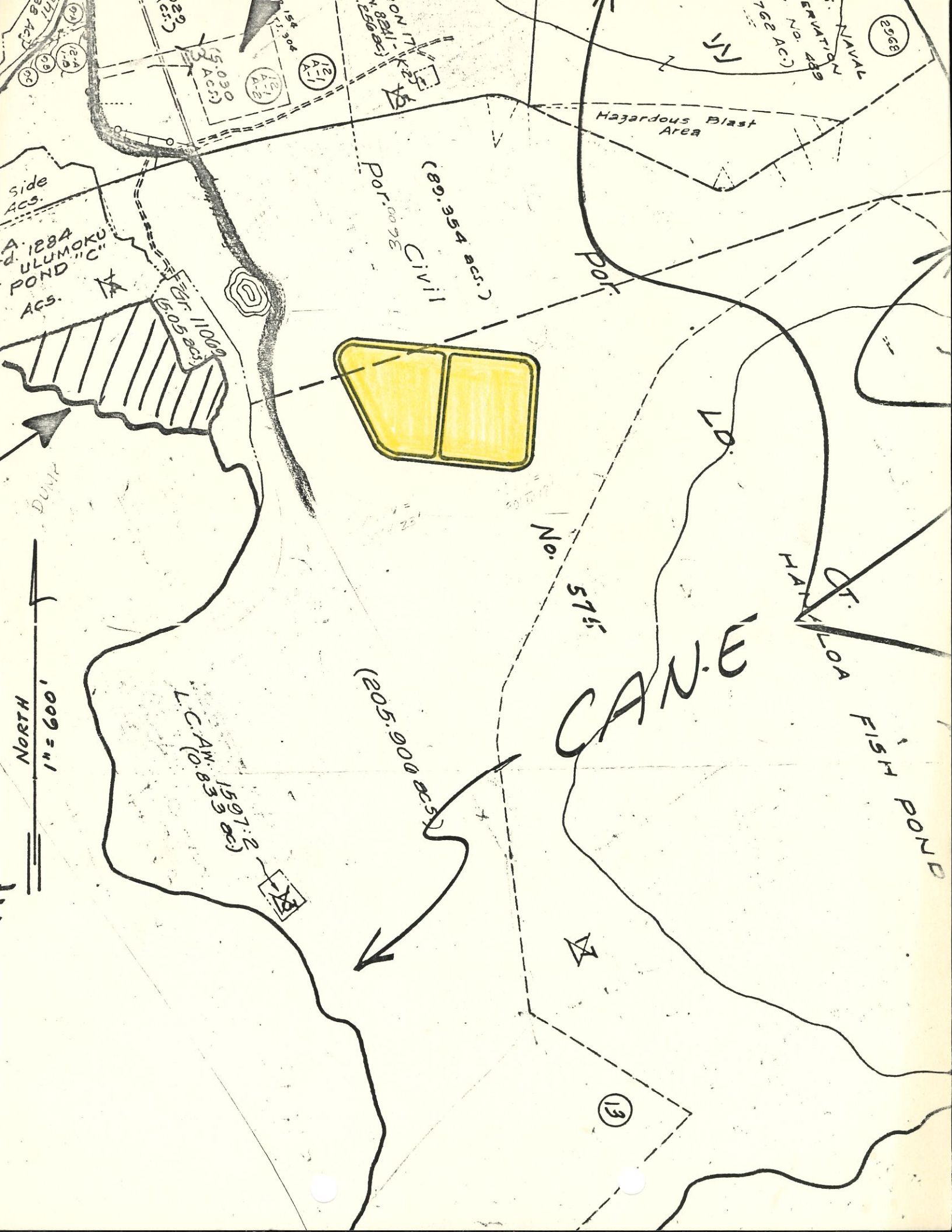
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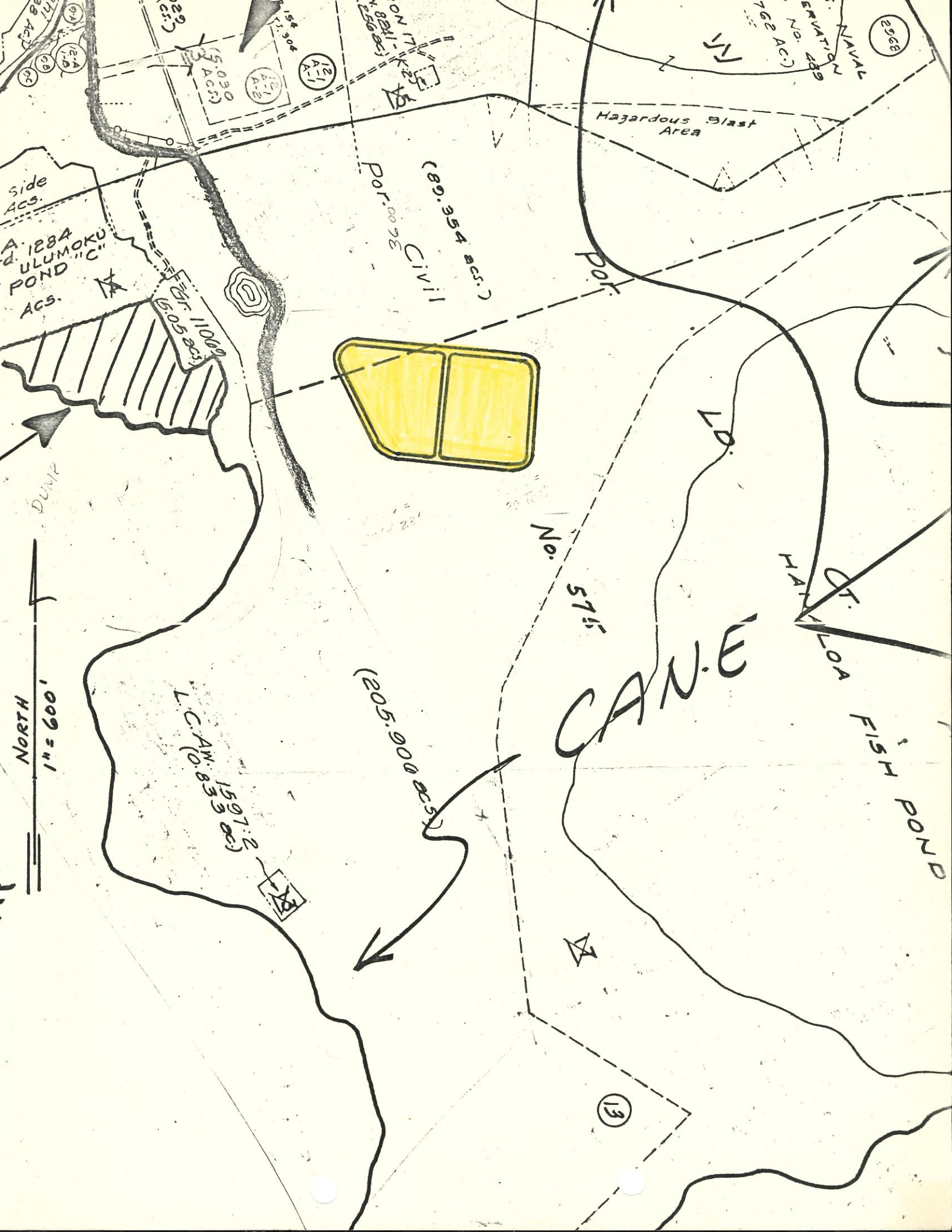
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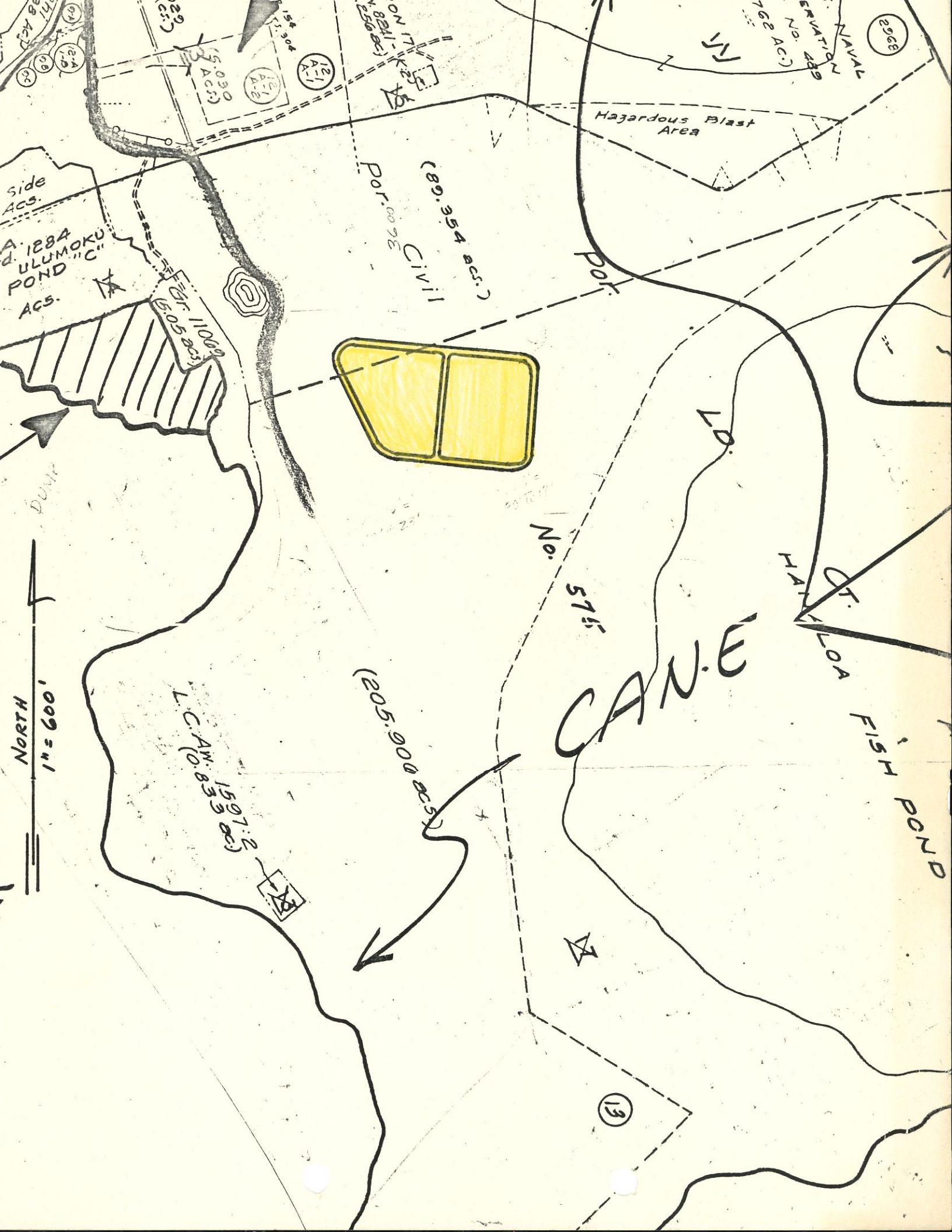


LOCATION MAP

Scale: 1:25,000







AHU SUGAR COMPANY

LIMITED

P. O. BOX "O" WAIPAHU, HAWAII 96797
TELEPHONE 673-577

RECEIVED
PUBLIC WORKS

ADDRESS ALL COMMUNICATIONS TO
THE COMPANY

May 14, 1970

TO

11 26 AM '70
Rep.
Sir
Seivers (copy sent)

File

Captain O. R. Butterfield CEC, USN
District Civil Engineer
Headquarters, Fourteenth Naval District
Box 110
FPO San Francisco, California

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Captain O. R. Butterfield -2-

May 14, 1970

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Captain O. R. Butterfield -3-

May 14, 1970

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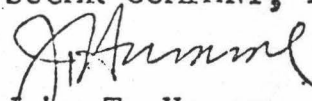
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Very truly yours,

OAHU SUGAR COMPANY, LIMITED



John T. Humme

Vice President - Manager

LHH:cla

cc: Dept. of the Navy, Pacific Division
Naval Facilities Engineering Command
FPO San Francisco 96610
Attention Mr. J.P. Samaritano

✓ Mr. Albert Zane, Chief Engineer
Dept. of Public Works, C&C of Honolulu

Mr. W. Ceryle Hall

August 23, 1967

Mr. Frank Skrivanek
Planning Director
Planning Department
City & County of Honolulu
629 Pohukaina Street
Honolulu, Hawaii

Re: Proposed Treatment Plant in the Waipio Area

Dear Mr. Skrivanek:

Pursuant to your request as to whether or not a sewage plant is a permitted use within the Agricultural District, please be advised that we have no objections to the proposed treatment plant site to serve the urban development anticipated in the Waipio area for the following reasons:

1. The State Land Use District Regulations adopted by the Land Use Commission, Section 2.14 (e), lists among other permissible uses "Public institutions and buildings".

This facility will eventually become the property and responsibility of the City and County of Honolulu. It is therefore being constructed in accordance with City and County standards and in conformity with the overall development of the City and County of Honolulu.

2. Sub-paragraph (g) of Section 2.14 also permits "Public, private, and quasi-public utility lines, but not including offices or yards for equipment, material, vehicle storage, repair or maintenance".

The Land Use Commission, in the past, has interpreted utility lines to include transformer stations, sub-stations, pumping stations and the like, but of course as stated in the law, not including offices or yards for equipment, material, repair or maintenance, etc. It does not exclude sewage treatment plants. A sewage plant can be considered direct accessory to the sewer line.

3. A use that is not permitted within the State's Agricultural District may be permitted upon the issuance of a special permit after a public hearing is conducted in the County to notify all affected property owners and permitting them an opportunity to express their

Mr. Frank Skrivanek

-2-

August 23, 1967

views on the issue. The Commission reviews the approval action by the County. In this particular situation, all of the surrounding property is owned by the developers proposing to construct the sewage plant so no private property will be adversely affected. Secondly, the County, through the issuance of a conditional use permit, will conduct a public hearing and the public will have ample opportunity to comment on the issue. Thus, the purpose and intent of the State Land Use District Regulations are being upheld in the interest of public health and welfare of the people of the State of Hawaii.

Very truly yours,

RAMON DURAN
Executive Officer