Exemption List for the
County of Maui, Department of Environmental Management

General Note

Section 343 of the Hawaii Revised Statues (HRS) authorizes the Environmental Advisory Council to establish procedures to exempt specific types of action from the need to prepare an environmental assessment because the action will have minimal or no significant effect on the environment. The County of Maui Department of Environmental Management, through time and experience, developed the following exemption list identifying particular activities that fall within the exempt classes described in Hawaii Administrative Rules (HAR) chapter 11-200.1, subchapter 8. All exemptions under subchapter 8 are inapplicable when the cumulative impact of planned successive actions in the same place, over time, is significant, or when an action that is normally insignificant in its impact on the environment may be significant in a particularly sensitive environment.

The following types of projects will not be exempt:

1. Projects requiring detailed analysis as provided in an environmental assessment under §343-5. These include, but are not limited to, places listed on the Federal or State registers of historic places.
2. Projects in statutorily defined areas, including but not limited to: critical habitats, special management areas, special design districts, registered view planes or scenic corridors, wet lands, sanctuaries, special habitats, shoreline areas, tsunami inundation areas, or other designations; except where the work is eligible for exemption and there is no negative impact on the conditions that define these areas.
3. Major projects without an Environmental Impact Statement (EIS); an Environmental Assessment with a Finding of No Significant Impact (EA/FONSI); or major projects that were never presented at a public meeting concerning site selection, master plan report, or any phase of incremental construction.
4. Major projects without a program to encourage public input into the design or siting of the project.

This list supersedes previous lists that were reviewed and concurred by the Environmental Advisory Council for the County of Maui as a whole on January 10, 2007 and April 26, 1995.

Part 1: De Minimis Exemptions not Requiring Notice

Pursuant to HAR 11-200.1-16(b), "[a]n agency may use part one of its exemption list, developed pursuant to subsection (a)(1), to exempt a specific activity from preparation of an EA and the requirements of section 11-200.1-17 because the agency considers the specific activity to be de minimis."

<u>Exemption Type 1</u> – HAR 11-200.1-15(c)(1): Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving minor expansion or minor change of use beyond that previously existing.

1. The following operations, repair and maintenance activities on existing buildings, structures (including water and sewage handling and treatment systems and drainage systems), stationary and mobile motorized equipment, fences, curbing, walls, gates, accessible ramps, handrails, bollards, vehicular access barriers, storage sheds, electrical sheds, electrical/solar panels, pumphouses, irrigation control panel sheds, garages, mechanic shops, telecommunication equipment sheds, plant nursery sheds and hothouses, traffic signals and street lights:
    a. Overhauling
    b. Repairing
    c. Painting, repainting or waterproofing.
    d. Cleaning
    e. Polishing
    f. Greasing and oiling
    g. Servicing
2. Clearing and grubbing.
3. Construction staging areas, temporary.
4. Drainage structures (e.g., culverts, outlets, inlets).
5. Earth berms, drainage swales, and stream banks.
6. Equipment installations, including but not limited to pumps; motors; electrical transformers, cabinets, panels, and vaults; power, light, and telephone pole systems; heating, ventilation, and air conditioning (HVAC); supervisory control and data acquisition (SCADA); irrigation controllers; telephone stations; emergency electrical generators; and cathodic protection systems.
7. Essential utilities, including but not limited, to wastewater systems, drainage systems, water systems, electrical systems, communication systems, SCADA systems, and fuel systems, except where a State Department of Health permit is required.
8. Existing individual wastewater systems (cesspools, septic tanks, aerobic units).
9. Existing public facility structures, facilities, or equipment involving negligible or no expansion or change of use beyond that previously existing.
10. Existing topographical features involving negligible or no expansion or change or use beyond that previously existing (e.g., maintenance dredging including dewatering; stream bank restoration; maintenance of vegetated and/or lined swales, and/or wet ponds).
11. Exterior stems and stairways.
12. Fencing, curbing, walls, and gates.
13. Fumigation and treatment of buildings for termites, cockroaches, ants, vermin, and other pests using pesticides registered by the State Department of Agriculture and the United States Environmental Protection Agency (EPA).
14. Landfill erosion control.
15. Landfill gas and leachate system.
16. Landscaping.
17. Maintenance/storage sheds.

18. Minor underpinning.
19. On-site street cleaning.
20. Operations, repairs or maintenance actions for compliance with Occupational Safety and Health Administration (OSHA) requirements.
21. Pavements (and striping, as needed), including but not limited to, roadways, driveways, parking lots, walkways, bikeways, jogging paths, or multi-use pathways.
22. Refuse collection schedule changes.
23. Re-roofing, roofing, re-siding or siding.
24. Retaining walls, slope stabilization, embankment/slope and erosion repairs.
25. Roadways and right-of-way within the confines of a wastewater treatment plant, a wastewater pump station, or a landfill.
26. Security lighting for public grounds, structures, and parking lots.
27. Signs, posts, flag/banner poles.
28. Temporary storage of construction equipment and materials on street remnant properties.
29. Trash compactors.
30. Trash enclosures and litter containers.
31. Wastewater force mains and associated appurtenances (including but not limited to, air relief valve, flow tube, gate valve, manual air relief valve or air bleeder, check valve, blow off valve, testing station).
32. Wastewater lines (mains and laterals).
33. Wastewater pump stations.
34. Wastewater spills.
35. Wastewater Treatment Plants and Reclamation Facilities.
36. Operation of County vehicles on existing County, State and private roads and roadway easements, including cars, trucks and trailers, but excluding operations that result in significant traffic impacts.
37. Loading, delivery and unloading operations for liquid and solid materials to and from vehicles at existing wastewater treatment plants, reclamation facilities, and pump stations.
38. Loading, delivery and unloading operations for municipal solid waste and/or materials related to County recycling programs to and from vehicles at landfills, waste-to-energy facilities, transfer stations, convenience centers, and disposal, processing or recycling facilities. "Municipal solid waste" is defined in accordance with Hawaii Revised Statutes section 342G-1.

<u>Exemption Type 2</u> - HAR 11-200.1-15(c)(2): Replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, density, height, and dimensions as the structure replaced.

1. Accessible ramps and handrails.
2. Bridge replacement.
3. Bollards and vehicular access barriers.
4. Clearing, grading, and grubbing.
5. Drainage structures (e.g., culverts, outlets, inlets).

6. Earth berms, drainage swales, and stream banks.
7. Equipment installations, including but not limited to pumps; motors; electrical transformers, cabinets, panels, and vaults; power, light, and telephone pole systems; heating, ventilation, and air conditioning (HVAC); supervisory control and data acquisition (SCADA); irrigation controllers; telephone stations; emergency electrical generators; and cathodic protection systems.
8. Existing individual wastewater systems (cesspools, septic tanks, aerobic units).
9. Existing public facility structures, facilities, or equipment involving negligible or no expansion or change of use beyond that previously existing.
10. Existing topographical features involving negligible or no expansion or change of use beyond that previously existing (e.g., reconfiguration of paved parking lots to redirect drainage flow to vegetated areas, demolition and/or regarding areas to provide storm water detention for water quality).
11. Exterior stems and stairways.
12. Fencing, curbing, walls, and gates.
13. Footbridge.
14. Fuel tank modification, repair or replacement in compliance with Federal and State regulations and with concurrence of the State Department of Health.
15. Fueling stations.
16. Guardrails.
17. Landfill erosion control.
18. Landfill gas and leachate system.
19. Landscaping.
20. Maintenance/storage sheds.
21. Pavements (and striping, as needed), including but not limited to, roadways, driveways, parking lots, walkways, bikeways, jogging paths, or multi-use pathways.
22. Planter boxes.
23. Replacement or reconstruction actions for compliance with Occupational Safety and Health Administration (OSHA) requirements.
24. Retaining walls, embankment/slope, swale, and/or erosion control replacement and reconstruction.
25. Roadways and right-of-way within the confines of a wastewater treatment plant, a wastewater pump station, or a landfill.
26. Sanitary sewer line modification or replacement in generally the same alignment, or an adjacent parallel alignment, and with the same diameter pipe.
27. Sanitary sewer line rehabilitation, including linings, inserts and coatings applied to existing pipelines and manholes.
28. Sanitary sewer temporary bypass incidental to sewer line rehabilitation, modification, or replacement.
29. Security lighting for public grounds, structures, and parking lots in compliance with HRS § 201-8.5 and HRS Chapter 205A to the extent required by law, and applicable county ordinances.
30. Signs, posts, flag/banner poles.
31. Trash compactors.
32. Trash enclosures and litter containers.

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

<u>Exemption Type 3</u> - HAR 11-200.1-15(c)(3): Construction and location of single, new, small facilities or structures and the alteration and modification of the facilities or structures and installation of new, small equipment or facilities and the alteration and modification of the equipment or facilities, including but not limited to:

(A) Single-family residences less than 3,500 square feet, as measured by the controlling law under which the proposed action is being considered, if not in conjunction with the building of two or more units;

(B) Multi-unit structures designed for not more than four dwelling units if not in conjunction with the building of two or more such structures;

(C) Stores, offices, and restaurants designed for total occupant load of twenty individuals or fewer per structure, if not in conjunction with the building of two or more such structures; and

(D) Water, sewage, electrical, gas, telephone, and other essential public utility services extensions to serve such structures or facilities; accessory or appurtenant structures including garages, carports, patios, swimming pools, and fences; and acquisition of utility easements.

1. Accessible ramps and handrails.
2. Acquisition of utility easements.
3. Air conditioning enclosures.
4. Auxiliary generators for emergency use.
5. Bollards and vehicular access barriers.
6. Carports.
7. Cathodic protection of pipelines and equipment.
8. Clearing, grading, and grubbing.
9. Comfort facilities at public facility properties.
10. Community recycling bin program expansion, limited to not more than a total bin footprint of 1,000 square feet within the same site.
11. Construction field offices, temporary.
12. Construction of concrete pads and roofs at existing fueling stations.
13. Construction of concrete pads and roofs for heavy equipment areas at selected maintenance facilities.
14. Construction of small vehicle wash equipment for recycling water at select County facilities.
15. Construction of roofs over existing outdoor showers at select park sites to allow connections to the wastewater system.
16. Construction of vehicle wash facilities for golf carts.
17. Construction or installations of cesspools that require State Department of Health approval.
18. Creation of temporary staging areas.
19. Drinking fountains.
20. Earth berms and drainage swales.

21. Equipment installations, including but not limited to pumps; motors; electrical transformers, cabinets, panels, and vaults; power, light, and telephone pole systems; heating, ventilation, and air conditioning (HVAC); supervisory control and data acquisition (SCADA); irrigation controllers; telephone stations; emergency electrical generators; and cathodic protection systems.
22. Essential utilities and new, small equipment, including but not limited to wastewater systems, drainage systems, water systems, electrical systems, communication systems, and irrigation systems.
23. Emergency generator structure.
24. Expansion of existing groundwater monitoring wells.
25. Expansion of existing landfill gas and leachate systems expansion (e.g., pipelines, flares, vacuumed/condensate/leachate pumps, monitoring wells, etc.).
26. Expansion of existing wastewater pump station and force main facilities (e.g. additional pumping equipment, pipe and appurtenances) within the existing footprint.
27. Exterior lighting in compliance with HRS § 201-8.5 and HRS Chapter 205A to the extent required by law, and applicable county ordinances.
28. Facility improvements to comply with Federal and State requirements with concurrence with the State Department of Health (e.g., National Pollutant Discharge Elimination System (NPDES) requirements such as covered truck parking, surface water diversions swales, permanent structural Best Management Practices (BMPs), etc.).
29. Fencing, curbing, walls, and gates.
30. Field office.
31. Guard shack.
32. Heating ventilation and air conditioning (HVAC) systems for existing wastewater treatment plant, pre-treatment plant, lift station, and pump station buildings.
33. Hose bibbs.
34. Installation and construction of flare screens, safety barriers, guardrails, energy attenuators, and other appurtenances designed to protect the motoring public.
35. Interior alterations and renovations to wastewater treatment plant, pre-treatment plant, lift station, and pump station buildings, including but not limited to partitions, doors, counters, cabinets, shelving, plumbing, electrical systems, heating ventilation and air conditioning (HVAC) systems, ventilation and odor control systems, and electrical conveyances.
36. Landscaping.
37. Lighting of driveways, streets, and roadways.
38. Loading areas.
39. Maintenance/storage sheds.
40. Minor street widening and improvements within existing or future County street rights-of-way.
41. Modifications of existing facilities to conform to Federal, State and local regulations or codes as directed by authorized governmental agencies.
42. Outdoor showers.

43. Pavements (and striping, as needed), including but not limited to roadways, driveways, parking lots, walkways, bikeways, jogging paths, or multi-use pathways.
44. Pedestrian bridges within public facility properties.
45. Planter boxes.
46. Portable buildings for temporary use of 5 years of less.
47. Recycling collection bins.
48. Relocation of buildings within existing facilities.
49. Retaining walls, except within the shoreline area.
50. Security lighting of public grounds, structures, and parking lots, in compliance with appliable law.
51. Sewer lateral extension, involving the extension of an existing lateral to a new property line for road improvement projects or for existing laterals that were inadvertently installed short of the property line.
52. Sewer manholes with or without concrete apron to accommodate pumper trucks (septage receiving station).
53. Sewer service installation for existing residential properties, including:
    a. The construction of a sewer lateral from an existing sewer main located in an easement or street right-of-way to the abutting property line of lots without sewer service.
    b. The construction of additional laterals or the replacement of existing laterals to accommodate other utility lines or to facilitate connections from house sewer connection on the premise to laterals.
    c. The extension of an existing sewer main together with a lateral to serve lots without sewer service in areas where no significant environmental or historical resources exist.
54. Sidewalks and covered walkways.
55. Signs, posts, and flag/banner poles.
56. Solar water heating system that include exterior solar collectors, nonreflective panels, and storage tanks not greater than 120 gallons each, and associated accessories.
57. Steps and stairways.
58. Storm drain line extensions within wastewater treatment plant, wastewater pump station, refuse transfer station, and landfill sites.
59. Storm drain line modifications.
60. Trash compactors.
61. Trash enclosures and litter containers.
62. Underground fuel storage tanks and dispensers, except where a State Department of Health permit is required.
63. Utility connections (electrical, gas, water, wastewater).
64. Ventilation and odor control systems for existing wastewater treatment plant, pre-treatment plant, lift station, and pump station buildings.
65. Water tanks, not more than 75,000 gallons in capacity, developed to serve individual public facility needs.

<u>Exemption Type 4</u> - HAR 11-200.1-15(c)(4): Minor alterations in the conditions of land, water, or vegetation.

1. Minor cut, fill and grading of County property which does not exceed one hundred cubic yards of material on any one site and does not exceed four feet in vertical height at its highest point for property not within the Special Management Area.
2. Landscaping.
3. Clearing and management of vegetation that is not considered significant under County law.
4. Sub surface installation of utilities including water, sewer and irrigation.
5. Ground improvements (e.g. driveways, parking areas, walls, sidewalks, etc.).
6. Construction of seepage drains, detention basins, drainage ditches, dry wells, lining short sections of stream banks for erosion control and slope stability, and implementation of stormwater best management practices.
7. Capturing, trapping, or other means of controlling, transferring or eradicating non-protected feral animals or wildlife that may present hazards to the public and the environment.

<u>Exemption Type 5</u> - HAR 11-200.1-15(c)(5): Basic data collection, research, experimental management, and resource and infrastructure testing and evaluation activities that do not result in a serious or major disturbance to an environmental resource.

1. Basic data collection, research, experimental management, and resource evaluation activities that do not result in a serious or major disturbance to an environmental resource, including but not limited to, archaeological surveys; bioassays; biological and ecological studies and surveys; chemical and bacteriological laboratory analysis; fish surveys; fresh and saline water sampling and analysis; industrial waste sampling and analysis; monitoring device installation, operation, and calibration; oceanographic surveys; receiving water monitoring programs; recycling wastewater and wastewater reuse studies; sediment studies and surveys; storm water runoff sampling and analysis; stream studies and surveys; topographical surveys; virus studies and surveys; exploratory soil boring; reconnaissance; testing; or data recovery; use of lysimeters; monitoring of evapotranspiration; rain gauging; leak detection surveys; stream studies and surveys; sampling activities associated with existing monitoring wells, limited subsurface soil testing and water quality testing; actions related to real estate transactions such as due diligence, appraisals, and surveys.

<u>Exemption Type 6</u> - HAR 11-200.1-15(c)(6): Demolition of structures, except those structures that are listed on the national register or Hawaii Register of Historic Places.

1. Demolition of buildings and structures prior to or concurrent with the construction of a new or replacement building or structures except for structures located in a historic site.
2. Demolition of old, dilapidated, unsafe or dangerous buildings or structures required by building, housing or health regulations.
3. Demolition and removal of unauthorized improvements.

<u>Exemption Type 7</u> - HAR 11-200.1-15(c)(7): Zoning variances except shoreline setback variances.

1. Building setback variances.
2. Zoning variances for County facilities.

<u>Exemption Type 8</u> - HAR 11-200.1-15(c)(8): Continuing administrative activities.

1. Acquisition, but not improvement of property, for public use (including easements) and minor subdivision and consolidation of parcels necessary for acquisition of property for public use.
2. Subdivision/consolidation of public lands to facilitate their transfer between the County and State for continuing public use without change in existing land use.
3. Continuing government administrative activities, including but not limited to purchase of supplies and personnel-related actions.
4. Operation of initial or continuing public programs consistent with established land use.
5. Promulgation of rules, regulations, directives and program guidance.
6. Application for and use of federal or state grants to support ongoing operations.
7. Provision of grant funds.
8. Procurement of professional services or goods and services in accordance with Chapter 103D, Hawaii Revised Statutes.
9. Condemnation proceedings.
10. Creation, extension or termination of leases, covenants, revocable permits, rights of entry, easements or other rights to structures or land.

<u>Part II: Specific Exemptions Requiring Notice</u>

Pursuant to HAR 11-200.1-16(c), "an agency may use part two of its exemption list, developed pursuant to subsection (a)(2), to exempt from preparation of an EA a specific action that the agency determines to be included under the types of actions in its exemption list, provided that the agency fulfills the exemption notice requirements set forth in section 11-200.1-17 and chapter 343, HRS."

<u>Exemption Type 2</u> - HAR 11-200.1-15(c)(2): Replacement or reconstruction of existing structures and facilities where the new structure will be located generally on the same site and will have substantially the same purpose, capacity, density, height, and dimensions as the structure replaced.

1. Sanitary sewer line replacement, with a pipe that is no larger than the next largest nominal diameter size than the existing pipe, in generally the same alignment, or an adjacent parallel alignment, due to the need to increase to a minimum diameter standard for maintenance purposes or to accommodate wet weather peak flows. For the purposes of this item, increasing to the next largest nominal diameter size is considered to be a minor change, and is substantially the same dimensions. Upsizing to larger diameter pipe to service new facilities or structures is precluded.

2. Sanitary sewer relief line, in an adjacent parallel alignment, due to the need to accommodate wet weather peak flows or to restore flow capacity decreased by defect in the existing sewer.
3. Sanitary sewer relief line, in an adjacent parallel alignment, to restore flow capacity for a section of existing sewer that experienced loss of capacity from original design.

<u>Exemption Type 3</u> - HAR 11-200.1-15(c)(3): Construction and location of single, new, small facilities or structures and the alteration and modification of the facilities or structures and installation of new, small equipment or facilities and the alteration and modification of the equipment or facilities, including but not limited to:

(A) Single-family residences less than 3,500 square feet, as measured by the controlling law under which the proposed action is being considered, if not in conjunction with the building of two or more units;
(B) Multi-unit structures designed for not more than four dwelling units if not in conjunction with the building of two or more such structures;
(C) Stores, offices, and restaurants designed for total occupant load of twenty individuals or fewer per structure, if not in conjunction with the building of two or more such structures; and
(D) Water, sewage, electrical, gas, telephone, and other essential public utility services extensions to serve such structures or facilities; accessory or appurtenant structures including garages, carports, patios, swimming pools, and fences; and acquisition of utility easements.
1. Construction and location of a single, new, small public facility structure, including but not limited to those intended for recreational, meeting, administration, maintenance, operations, and safety and protection (e.g., police, fire, emergency medical, and wastewater spill response) less than 3,500 square feet in floor area not in conjunction with the building of two or more such units.

<u>Exemption Type 6</u> - HAR 11-200.1-15(c)(6): Demolition of structures, except those structures that are listed on the national register or Hawaii Register of Historic Places.

1. Demolition of structures located on County property within the historic districts of Maui County subject to the following criteria:
   a. The structure does not have an archaeological, historic, architectural, or cultural significance to the historic district as determined by the State Department of Land and Natural Resources, State Historic Preservation Division or the Maui County Cultural Resources Commission; and
   b. The structure is structurally unsound as certified by a structural engineer; or
   c. The structure is determined to be a safety hazard to the public or environment, and the impacts of retaining the structure are determined to be greater than demolition.
2. Demolition of a structure located on County property, as defined by Section 205A-22 of the Hawaii Revised Statutes, as amended, within the shoreline setback area, subject to the following criteria:
   a. The structure is structurally unsound as certified by a Structural Engineer;

b. Removal of the structures is determined as a mitigative measure to allow natural beach processes to occur; or
c. The structure is determined to be a safety hazard to the public or environment, and the impacts of retaining the structure are determined to be greater than demolition.