

**County of Kauai**  
**BMP Improvements at Various Refuse Transfer Stations**  
**Exemption Notice**

Pursuant to Hawaii Revised Statutes (HRS), §343-6(a)(2) and  
Hawaii Administrative Rules (HAR), §11-200.1-15

**AGENCY ACTION**

This is a County of Kauai, Department of Public Works, Solid Waste Division Agency Action as defined by Section 343-5(b), HRS, and Section 11-200.1-8, HAR.

**EXEMPTION TYPE**

County of Kauai is declaring compliance with Chapter 343, HRS with their Comprehensive Exemption List for the County for Kauai, Department of Public Works, dated November 15, 2012 under Exemption Class 1, 2, 3, and 4, as described below.

The Exemption Notice for this action is based on the general types enumerated in HAR Section 11-200.1-15(c) and listed below:

- (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.
- (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.
- (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.
- (4) Minor alterations in the conditions of land, water, or vegetation.

As applicable, the exemption for the action described below is also supported by the Exemption List for the County of Kauai, Department of Public Works, reviewed and concurred to by the Environmental Council on November 15, 2012.

- Exemption List Class **1**: Operation, repairs, or maintenance of existing structures, facilities, equipment, or topographic features involving negligible or no expansion or change of use beyond that previously existing:

1.b: Flood-control, erosion-control, and drainage facilities

- Exemption List Class **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.q: Recycling drop-off and redemption centers serving the surrounding residential community, and drop-off areas for clean yard waste and landscape debris generated in the surrounding community

- Exemption List Class 3: Construction and location of single, new, small facilities or structures and the alteration and modification of the same and installation of new, small, equipment and facilities and the alteration and modification of same, including, but not limited to:

1.p: Storm drainage system repair and replacement

- Exemption List Class 4: Minor alterations in the conditions of land, water, or vegetation.

4: Construction of seepage drains/detention basins on County lands where flows are kept within preexisting levels and a drainage study was completed

- Exemption List Class 6: Construction or replacement of minor structures accessory to existing facilities.

1.a: Fences, curbing, gates, walls, and retaining walls

1.f: Pavements including, but not limited to, roadways, driveways, parking lots, carports, walkways, bikeways, sidewalks, jogging paths, multi-use pathways, and covered walkways

1.i.iii: Drainage systems

1.i.v: Electrical systems

### PROJECT INFORMATION

Proposing Agency or Applicant: County of Kauai, Department of Public Works, Solid Waste Division

Project Name & Address/Location: County of Kauai BMP Improvements at Various Refuse Transfer Stations

Anticipated Start Date: 4/1/2023

Anticipated End Date: 3/31/2025

Island and District: Kauai – Hanalei, Kapa‘a, Hanapēpē, Līhu‘e

Tax Map Key(s): (4)1-8-008:079; (4)3-7-002:014; (4)4-6-012:004; (4)5-3-001:017

All Necessary Permits and Approvals: (1) Grading, Grubbing, Stockpiling would be required for construction activities (2) National Pollutant Discharge Elimination Permits for Construction and Industrial Activities, (3) Solid Waste Management Permit (SWMP) for permit modifications, (4) UST Permit, (5) Road Permit, (6) Building Permit, (7) Cesspool, (8) Individual Wastewater System Permit

## PROJECT DESCRIPTION NARRATIVE

The County of Kauai (County) is proposing upgrades to facilities at four refuse transfer stations: Hanapēpē Refuse Transfer Station, Līhu'e Refuse Transfer Station, Kapa'a Refuse Transfer Station, and Hanalei Refuse Transfer Station. The County intends to improve site conditions related to stormwater conveyance and segregation of water flows to enhance compliance with the National Pollutant Discharge Elimination System (NPDES) regulations at these four refuse transfer stations.

The intent of the project's design efforts is to get the sites in full compliance with NPDES stormwater guidance for Type B (Industrial Activities) sites. The design improvements will reduce the water collection in these discrete areas at these sites, which is being remedied by the project. All proposed construction will take place outside of the Special Management Area.

The site improvements will generally address issues noted in past compliance inspections, reports, and other documentation and will include improvements to the following:

- Concrete pad and tipping floor areas for disposal operations.
- Drop-off areas with roll-off and recycling bins.
- Retaining walls, containment curbs, and berms.
- Truck wash areas.
- Storage and queuing areas, including the installation of pre-engineered metal canopies for covering the industrial operations at the facilities.
- Stormwater conveyance infrastructure through the incorporation of low-impact development (LID) features, including bioswales and rock-lined channels.
- Installation of a new leachate-collection systems including leachate storage tanks.
- Electrical service required for the installation of lighting and security features.

The County will be securing funding under the Clean Water State Revolving Funds for design and construction of the site improvements.

## RECEIVING ENVIRONMENT

The County is planning the upgrade of facilities at the following four refuse transfer stations:

- Hanapēpē Refuse Transfer Station, encompassing 3.35 acres off Lele Road in Hanapēpē on leeward Kauai (Tax Map Key [TMK]: 1-8-008:079). Hanapēpē Refuse Transfer Station is in a relatively dry part of leeward Kauai. The site has minimal landscaping and is surrounded by mostly grassland dominated by Guinea grass.
- The Līhu'e Refuse Transfer Station, encompassing a little under 3 acres off Ahukini Road on the inland side of Līhu'e Airport on gently sloped land (TMK: 3-7-002:014). The Līhu'e Refuse Transfer Station is located in a dry mesic environment. The site has a well-maintained landscape area and is surrounded by grassland/shrubland.

- The Kapa'a Refuse Transfer Station, encompassing nearly 4 acres at the upper end of Kahi Road in Kapa'a on the windward side of Kauai (TMK: 4-6-012:004). The Kapa'a Refuse Transfer Station is located in a mesic environment. 7 miles inland from the windward coast of Kauai. The site has minimal landscaping.
- The Hanalei Refuse Transfer Station, encompassing under 2 acres (0.8 hectare) in Princeville directly off Kuhio Highway near the 27-mile post (TMK: 5-3-001:017) The Hanalei Refuse Transfer Station contains sloping ground within a small swale.

### ENVIRONMENTAL ANALYSIS

I have considered the potential effects of the proposed project and all related activities against the criteria checked below:

	Not Applicable
<input type="checkbox"/> Land Use and Zoning Conformance	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Traffic (Vehicles, Bicycles, Pedestrian)	<input type="checkbox"/>
<input type="checkbox"/> Infrastructure (Roads, Buildings, Utilities)	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Air Quality Pollutant Emissions	<input type="checkbox"/>
<input checked="" type="checkbox"/> Noise Emissions	<input type="checkbox"/>
<input checked="" type="checkbox"/> Solid, Hazardous, and Liquid Waste Management	<input type="checkbox"/>
<input checked="" type="checkbox"/> Social	<input type="checkbox"/>
<input checked="" type="checkbox"/> Economic	<input type="checkbox"/>
<input checked="" type="checkbox"/> Health and Safety	<input type="checkbox"/>
<input type="checkbox"/> Recreation	<input checked="" type="checkbox"/>
<input type="checkbox"/> Public Beach Access	<input type="checkbox"/>
<input checked="" type="checkbox"/> Cultural Resources and Practices	<input type="checkbox"/>
<input type="checkbox"/> Visual/Aesthetic	<input checked="" type="checkbox"/>
<input type="checkbox"/> Environmental Justice	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/> Rare, Threatened, and/or Endangered Species	<input type="checkbox"/>
<input checked="" type="checkbox"/> Surface and Ground Water Resources	<input type="checkbox"/>
<input checked="" type="checkbox"/> Wetlands	<input type="checkbox"/>
<input checked="" type="checkbox"/> Floodplains	<input type="checkbox"/>
<input checked="" type="checkbox"/> Riparian/Coastal Resources	<input type="checkbox"/>
<input type="checkbox"/> Other	<input checked="" type="checkbox"/>

## MITIGATION

*Describe all mitigation measures and best management practices planned to address impacts during the project activities and after project completion:*

The intent of the project's design efforts is to get the refuse transfer station sites in full compliance with NPDES stormwater guidance for Type B sites. The design improvements will reduce the water collection in these areas at these sites that likely developed due to materials handling at the sites, which is being remedied by the project. The drainage improvements for the refuse transfer station sites were designed to address the requirements of the Notice of Violation (HDOH, 2016) and were based on the criteria found in the July 2001 County of Kauai Department of Public Works (DPW) *Storm Water Runoff System Manual* (Manual) and the practices for mitigating water quality during construction is based on the *Interim Construction Best Management Practices (BMPs) for Sediment and Erosion Control* for the County of Kauai.

In the event of inadvertent discovery of cultural resources or human remains, all work will immediately stop in the vicinity of the find and the County will contact the Department of Land and Natural Resources (DLNR) State Historic Preservation Division (SHPD).

All U.S. Fish and Wildlife Service (USFWS)-recommended mitigation measures for endangered species that could be present will be employed.

Recommendations are partly based on USFWS Animal Avoidance and Minimization Measures (USFWS-PIFWO, n.d.). Implementation of the recommendations by the project contractor will minimize impacts to protected species to the maximum extent practicable.

Per the DLNR Division of Forestry and Wildlife, deleterious impacts to transiting seabirds can be avoided if construction occurs during daylight hours and all outdoor lighting installed is fully "dark sky compliant" (DLNR, 2016).

BMPs and relevant permit conditions will mitigate minimal impacts from fugitive dust, stormwater runoff, erosion, foreign object and debris (FOD), noise, and relevant construction impacts.

Closure of refuse transfer sites for construction will impact operations but will be necessary to support construction work. To reduce impact to the community, temporary drop-off areas and traffic control may be provided in some capacity at each facility during closed periods. Only one refuse transfer station will be closed at any one time and the public will be requested to use the other refuse transfer stations located on the island until construction is completed at the closed site.

## TRAFFIC

The project areas are used as refuse transfer stations. There will be no significant traffic increase, level of service degradation, or expected road closures resulting from the project. Although the project will generate traffic, work activity will be coordinated with regular operations and therefore no adverse traffic impact is anticipated. Additionally, a Vehicle Maneuverability Analysis has been conducted for each site to ensure vehicle movements within each refuse transfer site ensures safe movement on the site after improvements are complete.

### ECONOMIC

There will be short-term positive impact to the economy in the form of construction-related employment, but the extent of the impact is limited and is not considered to be significant. The proposed project is limited to the construction of improvements and modification of the existing refuse transfer stations and will not affect or require the relocation of residents or businesses within the area.

### AIR QUALITY POLLUTANT EMISSIONS

With the implementation of mitigation measures, such as use of dust control measures, the construction activities would not be expected to impair air quality standards set by state or federal air quality standards. The existing conditions for air quality are generally good near the project areas due to their locations on the island and prevailing winds. Construction emissions such as fugitive dust will not be long-term due to the limited duration of the project phases. All construction activities will comply with HAR Chapter 11-59, Ambient Air Quality Standards, and Chapter 11-60, Air Pollution Control, to mitigate against construction-related emissions.

### NOISE EMISSIONS

Construction-related noise is expected to be created from the proposed activities. Although noise will be generated, it will not be expected to exceed or change existing noise exposure levels. Noise generated would not be anticipated to impact noise sensitive areas such as residential, educational, or park areas. Noise sensitive areas are not within the project area and are not likely to be impacted due to the distance. Generated noise from construction activities will be mitigated.

### SOLID, HAZARDOUS, AND LIQUID WASTE MANAGEMENT

The project is not expected to generate significant levels of solid waste. The proposed project will be compliant with HAR Chapter 11-58, Solid Waste Management, for proper disposal and handling of construction and demolition debris waste. All waste will be properly disposed of at a state or federal permitted facility.

### HEALTH AND SAFETY

The proposed project will comply with all safety standards to ensure the safety of workers, public, and the environment. The contractor will implement safety devices and follow rules and regulations as required. There are no expected increase demands for medical, fire, or protective services. Preparations for potential accidental spills or injuries would be arranged prior to construction activities.

### CULTURAL RESOURCES AND PRACTICES

Archaeological fieldwork at all four refuse transfer stations was conducted on December 2, 2020, by Robert B. Rechtman, Ph.D. and Cyrus Hulen. B.A. Based on this fieldwork and a literature review of all four sites, a report entitled, "An Archaeological Study in Compliance with Section 106 of the National Historic Preservation Act and Hawai'i Revised Statutes Chapter 6E-8 for

Improvements at Four County of Kaua'i Transfer Stations," by Robert B. Rechtman, Ph.D. and Benjamin Barna, Ph.D. was produced in February, 2021.

No historic properties were observed within any of the four Areas of Potential Effects.

County of Kauai will consult with the Department of Land and Natural Resources, State Historical Preservation Division (DLNR, SHPD) and will observe all conditions imposed by SHPD pursuant to HRS Chapter 6E. If necessary, County of Kauai will conduct archeological monitoring during the project and will cease all activities at the project site and immediately inform SHPD upon discovery of any archaeological relic(s).

#### RARE, THREATENED, AND/ OR ENDANGERED SPECIES

AECOS conducted natural resource surveys at all four refuse transfer stations on January 6 and 7, 2021 and prepared a report with the following findings:

No impacts to any species listed or considered rare, threatened, or endangered under Section 7 of the Endangered Species Act are anticipated. There are no designated critical habitats in or near the project area. Federally delineated Critical Habitat is not present in the project areas (USFWS, n.d.). No equivalent designation exists under state law. Conservation Zoning in Hawaii is promulgated at the state level by state Conservation Districts. No Conservation Districts occur near the project sites. The proposed project will involve the implementation of recommendations that will minimize impacts to protected species to the maximum extent practicable.

Three native bird species were observed during the avian surveys that were conducted: *nēnē*, *ae'o*, and *kōlea*. Both the *nēnē* and the *kōlea* are protected under federal and State of Hawaii endangered species statutes. The *nēnē* is listed as endangered under state statute and threatened under the federal statute (DLNR, 2015; USFWS, 2019).

With the large population of *nēnē* on Kauai, it is likely that they are present at least occasionally at all four sites. Pacific Golden-Plover or *kōlea* is an indigenous migratory shorebird species which nests in the high Arctic during the late spring and summer months, returning to Hawai'i and the tropical Pacific to spend the fall and winter months each year. These birds usually leave Hawaii and return to the Arctic in late April or the very early part of May. *Kōlea* are commonly encountered shorebirds throughout the Hawaiian Islands during late summer through mid-spring months.

Black-necked Stilt or *Ae'o* are opportunistic visitors to any permanent or temporary body of water, even small puddles, mostly present in areas away from busy operations. However, this waterbird could appear at any of the refuse transfer stations on Kauai in search of food resources.

#### Līhu'e Refuse Transfer Station:

A small detention pond at Līhu'e was seen to have attracted *nēnē*. Although very unlikely that the birds would wander onto the active areas of the refuse transfer station under normal operations, proposed site improvements entail work in the area of the pond. One Black-necked Stilt was seen flying over the Līhu'e Refuse Transfer Station. Both of these species are resident breeding species on the island.

No mammalian species were detected.

Kapa'a Refuse Transfer Station

Two *nēnē* were seen flying over Kapa'a Refuse Transfer Station.

No endangered mammalian species were detected.

Hanapēpē Refuse Transfer Station:

No endangered mammalian species were detected.

One Pacific Golden-Plover (*kōlea*) was seen flying over the Hanapēpē Refuse Transfer Station.

Hanalei Refuse Transfer Station

No mammalian or avian species were detected.

Should an endangered waterbird appear on the project sites during construction, work in that area must cease until the animal leaves voluntarily.

No suitable nesting habitat for seabird species occurs in the project areas. Deleterious impacts to transiting seabirds can be avoided if construction occurs during daylight hours and all outdoor lighting installed is fully "dark sky compliant" (DLNR, 2016). No lighting is planned for installation at the Hanalei site.

No mammalian species currently protected or proposed for protection under either federal or state endangered species programs were detected.

SURFACE OR GROUNDWATER RESOURCES:

DPW will comply with requirements of the State of Hawaii, Department of Health (HDOH) rules for Water Quality Standards, HAR Chapter 11-54, and Water Pollution Control, HAR Chapter 11-55. In addition to HDOH permit conditions, BMPs will address minimal drainage impacts during the project construction phases. The overall project impact to groundwater, hydrology, and surface water will be minimal and will improve water quality.

JURISDICTIONAL WATERS:

AECOS conducted jurisdictional waters surveys at all four refuse transfer stations and prepared a report with the following findings:

No jurisdictional waters were found to be present on any of the project sites. A natural resources assessment of the project sites included consideration of jurisdictional waters (that is, waters of the U.S.) under federal jurisdiction as authorized by the Clean Water Act and the Rivers and Harbors Act. Authority over these waters is granted to various federal agencies, including the U.S. Environmental Protection Agency (USEPA), with the U.S. Army Corps of Engineers (USACE) having permit authority for actions that impact jurisdictional waters. Jurisdictional waters include all tidal waters and a subset of streams (both perennial and intermittent), lakes, reservoirs, and wetlands as defined in the Navigable Waters Protection Rule (USACE and USEPA, 2020). A perennial or intermittent flowing ditch is jurisdictional if it is a relocated tributary or is constructed in a wetland; a wetland is jurisdictional only if it is adjacent to an otherwise jurisdictional waterbody.



## RIPARIAN/COASTAL RESOURCES

All components of the project are within the jurisdictional area of the State of Hawaii Coastal Zone Management (CZM) Program. The various components of the proposed action will not degrade the manner of use or quality of land, water, or other coastal resources, or limit the range of their uses.

## FLOODPLAINS

The Refuse Transfer Station BMP Improvements project will not have any significant impact to floodplains, and minimal adverse impact to life and property is anticipated.

## CONSULTATION

The following parties have been consulted about this declaration exemption (name, affiliation, consultation date):

- HDOH will initiate Section 7 consultation with USFWS on behalf of the USEPA.
- HDOH will initiate consultation with SHPD to request a determination of no effect under Chapter 6E.

## REFERENCES

The following guidance and documents have been used in preparing this declaration exemption:

AECOS. 2021. *Natural Resources Assessments for BMP Improvements at Various Refuse Transfer Stations Kauai, Hawaii*. February.

ASM Affiliates. 2021. *Archaeological Study in Compliance with Section 106 of the National Historic Preservation Act and Hawai'i Revised Statutes Chapter 6E-8 for Improvements at Four County of Kaua'i Transfer Stations*. January.

County of Kauai. 2001. *Storm Water Runoff System Manual*. Department of Public Works (DPW). July.

County of Kauai. 2020. *Interim Construction Best Management Practices (BMPs) for Sediment and Erosion Control*.

State of Hawaii Department of Health (HDOH). 2016. *Notice of Violation and Order (NOVO), Docket No. 2016-CW-EO-08, Notice of General Permit Coverage (NGPC), National Pollutant Discharge Elimination System (NPDES), File Nos. HI R50D147, HI R50D148, HI R50D589, and HI R50D590*. May 23.

State of Hawaii Department of Land and Natural Resources (DLNR). 2015. 1 Indigenous Wildlife, Endangered And Threatened Wildlife And Plants, And Introduced Wild Birds. Department of Land and Natural Resources. State of Hawaii. Administrative Rule §13-134-1 through §13-134-10.

State of Hawaii Department of Land and Natural Resources (DLNR). 2016. Wildlife Lighting. PDF available at URL: <http://dlnr.hawaii.gov/wildlife/files/2016/03/DOC439.pdf>; Division of Forestry and Wildlife.

U.S. Army Corps of Engineers and U.S. Environmental Protection Agency (USACE and USEPA). 2020. Navigable Waters Protection Rule.

U.S. Fish and Wildlife Service (USFWS). 2019. Undated websites (nd-a). USFWS Endangered Species. Available online at URL: <https://www.fws.gov/endangered/>; Last visited on September 4, 2019 and Environmental Conservation Online System (ECOS), online at URL: <https://ecos.fws.gov/ecp/species-reports>; last visited on September 4, 2019.

U.S. Fish and Wildlife Service (USFWS). Undated websites (nd-b). Critical Habitat Portal. Available online at URL: <https://ecos.fws.gov/ecp/report/table/critical-habitat.html>; last retrieved May 20, 2020. U.S. Fish and Wildlife Service and Pacific Islands Fish and Wildlife Office (USFWS-PIFWO). No date. Animal Avoidance and Minimization Measures.

### EXEMPT DECLARATION

The direct, cumulative, and potential impacts of the action described above have been considered pursuant to Chapter 343, Hawai'i Revised Statutes and Chapter 11-200.1, Hawai'i Administrative Rules. I declare that the action described above will have minimal or no significant impact on the environment and is therefore exempt from the requirement to prepare an environmental assessment.

\_\_\_\_\_  
Signature of Director or Delegate  
Troy Tanigawa, P.E.  
County Engineer

\_\_\_\_\_  
Date

- ☒ This document is on file in our office and is available for public review.
- ☒ This document has been submitted to the Office of Environmental Quality Control for publication in *The Environmental Notice*.