

FINAL

Environmental Assessment

Construction Training Center of the Pacific

487 & 493 Akoki Street, Waipahu, Oahu, Hawaii

Proposer: Building Industry Association of Hawai'i

Accepting Agency: Hawai'i Housing Finance and Development Corporation

Preparer: Plan Pacific, Inc

JUNE 2008

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1. Project Summary

PROPOSED ACTION:	To construct a training center for construction workers, partially funded by a grant from the Economic Development Administration, U.S. Dept. of Commerce and a State grant through the Hawaii Housing Finance and Development Corp.
LOCATION:	487 & 493 Akoki Street, Waipahu, Oahu
TAX MAP KEY:	9-4-166: 028, 029
LANDOWNER:	Building Industry Association of Hawaii
PROPOSING AGENCY:	Building Industry Association of Hawaii
STATE LAND USE DISTRICT:	Urban
CENTRAL OAHU SUSTAINABLE COMMUNITIES PLAN:	Regional Town Center (Waipahu)
ZONING & LAND CONTROLS:	I-1 Limited Industrial District
PERMITS REQUIRED:	Building Permit, Grading Permit
CHAPTER 343 ACTION:	Construction using State funds, administered through the Hawaii Housing Finance and Development Corp.
ACCEPTING AGENCY:	Hawaii Housing Finance and Development Corp.
CONSULTED AGENCIES:	<u>State of Hawaii:</u> Department of Health, Historic Preservation Division, Department of Land and Natural Resources. <u>City & County of Honolulu:</u> Department of Environmental Services, Board of Water Supply.
DETERMINATION:	Finding of No Significant Impact (FONSI)

2. General Description of the Action

2.1 PROJECT PURPOSE

Chartered in 1955, the Building Industry Association of Hawaii (BIA) is a professional trade organization that represents the building industry and associated professionals. The BIA is affiliated with the National Association of Home Builders.

Through its Construction Training Center (CTC), BIA provides educational courses for industry workers, including pre-apprenticeship training and continuing education. The Construction Training Center of the Pacific (CTC) is the workforce development arm of BIA.

2.2 SITE DESCRIPTION

The project is located in Waipahu Town, within an industrial subdivision developed from part of the old Waipahu Sugar Mill property (see **Figure 1**, Location Map).

The project site consists of two adjacent lots zoned I-1 Limited Industrial; together the two lots total 32,430 square feet (sq.ft.) – about three-quarters of an acre.

The project site was rezoned from R-6 (residential) to I-1 (limited industrial) in 1986. Upon closure of mill operations in 1990, Amfac Property Development Corporation (APDC) became the owner and controller of the properties. In 1990, APDC became the Oahu MS Development Corporation who sold the Mill Town Center, which encompassed the project site, to Alexander & Baldwin Properties, Inc (A & B) in 1998. A & B was authorized to subdivide the town center (lot 33) into 41 light industrial lots in 2000¹. A & B in sold parcels 28 and 29 to FiG, LLC in 2006 who in turn resold the property to BIA Hawaii in 2007. A Conditional Use Permit minor for joint development of lots 28 and 29 was approved in 2007.

¹ City and County of Hawaii, Department of Planning and Permitting, permit 2000/SB-8, Development Division Master Application, January 6, 2000.

2.3 TECHNICAL CHARACTERISTICS

According to the floor plans created by Rim Architects, the gross floor area including third floor lanai will be 22,105 sq.ft. (18,640 w/o lanai).

The building will be constructed of metal and pre-cast concrete. The foundation will be slab on grade. **Figure 4** shows building elevations.

The project includes paved utility, parking and loading areas that wrap around the north and west sides of the building. The paved area will provide one large loading space next to the materials storage room, 35 parking spaces (including two handicapped stalls), and a trash enclosure.

The site will be graded to provide a pad for the building. Earthwork will entail approximately 300 cubic yards (c.y.) of excavation, and 50 c.y. of fill.

The project cost is about \$5 million. Construction is scheduled to begin in November 2008 and to be completed by August 2010.

2.4 ECONOMIC AND SOCIAL CHARACTERISTICS

The project will result in an increase in long-term employment for administrative personnel and faculty of the training center. In addition, the project will create short-term construction employment.

The Training Center will benefit the community by providing education and training to local residents.

2.5 ENVIRONMENTAL CHARACTERISTICS

The property was graded and developed as a part of an industrial subdivision by the Oahu Sugar Mill Company (OSCo). Between 1966 and 1989, the site was used as a service station for canehaul trucks. Demolition of structures revealed that underground fuel storage tanks had been leaking. A Voluntary Response Program agreement between the State Department of Health and the property owners set forth a plan to contain and clean-up the leakage. As of December 2007, institutional controls have been noted to the property deed to ensure the controls are followed into the future. To prevent health

hazards, use of ground water and excavation of soil that approaches contaminated soils is restricted.

The project site is currently an open, grassed area that has no exceptional or unique biological or cultural features. USGS aerial imagery dated August 2004 indicates that the properties are mostly bare ground sparsely vegetated with grasses.

2.6 CULTURAL IMPACT

Since 1894 the project site has been used in support of the Oahu Sugar Mill. More specifically, between 1966 and 1989, the site was a service station. Because the land has been in private control and use since at least 1894, the site has not been used for any native Hawaiian cultural practices since. Redevelopment of the site into a training center will have no impact on native Hawaiian cultural rights or practices.

Description of the Affected Environment, Impacts and Mitigation

2.7 DESCRIPTION OF THE SURROUNDING AREA

The site lies between Farrington Highway and the H-1 Freeway. Managers Drive and Mokuola Street run between the H-1 and Farrington highways, linking the subject area to each major roadway. Access to the subject area is from Managers Drive via Lauko Street and Akoki Street.

The subject area is surrounded by several City & County of Honolulu zoning classifications. Within a one-quarter mile radius of the subject area, zoning includes Residential (R-5, R-7.5), Apartment (A-1), Neighborhood Business (B-1), Community Business (B-2), Limited Industrial (I-1), Intensive Industrial (I-2), and General Preservation (P-2). The site is bordered by Akoki Street to the north-northwest, a vacant lot to the north-northeast, the Sugar Mill Glen-owned portion of the former OSCo Waipahu Sugar Mill to the south-southeast, and a vacant lot to the west.

2.8 CLIMATE

Located in the south-central region of Oahu, the site has an annual high temperature range of 79 to 85 degrees Fahrenheit. Northeasterly tradewinds blow across the site typically at 18 to 25 miles per hour. Rainfall ranges between 25 and 35 inches annually, with most occurring between November and April.

2.9 SOILS, TOPOGRAPHY AND DRAINAGE

The topography of the site is relatively level. The elevation at the northwest side of the project site is at a higher elevation than the south side of the site. The approximate slope of the site is 2%.

According to the USDA Soil Conservation Service “Soil Survey of the Islands of Kauai, Oahu, Maui, Molokai and Lanai, State of Hawaii”, the soil at the site is Waipahu silty clay (WzC), consisting of well-drained soils on marine terraces. Soils have a slow infiltration rate when thoroughly wet. Composition consists chiefly of soils having a layer

that impedes the downward movement of water or soils of moderately fine texture or fine texture. These soils have a slow rate of water transmission. Permeability is moderately slow, runoff is slow, and the erosion hazard is slight.

The site drains towards Pearl Harbor to the south. There are no streams running through the property.

2.10 NATURAL HAZARDS

The Flood Insurance Rate Map designates the project site as Zone D, unstudied areas where floods are undetermined but possible. The site has no special risk for other hazards, such as volcanic events or earthquakes. The proposed project will not exacerbate any natural hazard.

2.11 FLORA AND FAUNA

Vegetation on the subject property consists primarily of grasses and alien weeds. Faunal species including cats, rats, and mice that are common to urban environments are probably present at the site. Avifaunal species common to urban areas such as the ring neck dove and mynah are also likely to be present.

No federally protected, threatened or endangered species of plants or animals are known to inhabit the project area, nor has any critical habitat been identified.

2.12 ARCHAEOLOGICAL AND HISTORIC RESOURCES

The State Historic Preservation Division (SHPD), Department of Land and Natural Resources, has determined that the presence of historically significant sites is unlikely due to historic use for sugarcane agriculture. Even though no surface sites have been identified, subsurface remains and artifacts remain a possibility. Both Hawaiian and non-Hawaiian remains have been inadvertently discovered during construction activities on nearby properties².

² Memo from State of Hawaii, DLNR, Historic Preservation Division dated July 2006.

Any historic sites that might have been present most likely have been destroyed during development as a service station with underground storage tanks.

SHPD requires an acceptable archaeological monitoring plan to be submitted for review prior to the commencement of any ground altering activities.

2.13 VISUAL RESOURCES

The subject site is surrounded by public right-of-ways which provide public views of the property from most directions. Located approximately 500 ft. west on Akoki Street is a warehouse built in 2002 by the Fuji Photo Film Hawaii, Inc.

The height of the proposed training center will not exceed the I-1 Limited Industry maximum height of 40 feet. Its larger size and distinctive architecture will make the new building a prominent feature of the area.

Visual resources such as mountain or ocean views will not be impacted by the proposed development.

2.14 SUBSURFACE CONTAMINATION

Demolition of the service station and removal of the related underground fuel storage tanks revealed that the fuel tanks had been leaking, releasing diesel fuel and related constituents into the substrate between 30 and 60 feet below the surface. Historic soil sample and analytical results indicate the contamination is confined. In November 1998, A & B entered into a Voluntary Response Program (VRP) Agreement with the Department of Health. Upon subsequent sale of the properties, the VRP Agreement was transferred to the new owners. BIA accepted transfer of the agreement in April 2007. A letter of completion from the Department of Health dated December 6, 2007 states that BIA has completed the investigation and voluntary response action set forth in the Agreement, and is released from liability of contamination released into the environment during sugar mill operations. Institutional controls outlined by the Hawaii Department of Health (HDOH), Hazard Evaluation and Emergency Response Office state that soil excavation that approaches the depth of contaminated soils is restricted. Soil excavations

approaching 20 feet in depth are only allowed under a site-specific soil management plan approved by HDOH³.

2.15 WATER QUALITY

Because the project will be less than one acre in open ground area during construction, an NPDES permit for discharge of construction waters will not be required under HAR Chapter 11-55. The soils report showed no evidence of groundwater in any boring samples at the time of the field investigation, so there will be no need for dewatering during construction.

Demolition of the service station and removal of the fuel storage tanks described in section 3.8 of this EA also revealed groundwater contamination by dissolved-phase petroleum hydrocarbon constituents covering an area approximately 24,000 sq.ft. Long-term monitoring of the “plume” has shown that it is not migrating, decreasing in size, decreasing in constituent make-up, and decreasing in concentration. In November 1998, A & B entered into a Voluntary Response Program (VRP) Agreement with the Department of Health. Upon subsequent sale of the properties, the VRP Agreement was transferred to the new owners. BIA accepted transfer of the agreement in April 2007. A letter of completion from the Department of Health dated December 6, 2007 states that BIA has completed the investigation and voluntary response action set forth in the Agreement, and is released from liability of contamination released into the environment during sugar mill operations. Institutional controls outlined by the Hawaii Department of Health (HDOH), Hazard Evaluation and Emergency Response Office state that groundwater beneath the site is restricted and is not to be used as a drinking water source or for irrigation or industrial purposes until dissolved-phase petroleum hydrocarbon concentrations meet applicable HDOH Environmental Action Levels⁴.

³ Final Response Action Memorandum, Hawaii Department of Health (HDOH), Hazard Evaluation and Emergency Response Office, December 2007

⁴ Final Response Action Memorandum, Hawaii Department of Health (HDOH), Hazard Evaluation and Emergency Response Office, December 2007

The proposed construction of the new building is expected to have no impact on ocean waters or existing water quality. Short term impacts during the construction period will be mitigated using best management practices for erosion control. These include, but are not limited to, installing silt fences, providing gravel entrances for trucks and heavy equipment, and providing sediment basins. The project will comply with the City's *Rules Relating to Soil Erosion Standards and Guidelines*.

2.16 AIR QUALITY

Ambient concentrations of air pollution are regulated under both federal and State ambient air quality standards (AAQS). The State Department of Health (DOH) operates air quality monitoring stations at Barbers Point, Pearl City, Downtown Honolulu and Sand Island.

The 2001 *Annual Summary Hawaii Air Quality Data*, which is the latest publicly available annual report, shows that State AAQS are currently being met, with one minor exception: PM₁₀ (particulate matter 10 microns or less) pollution standards were exceeded at the Pearl City site once in 354 valid measurement periods during the year. In 2001, no sites exceeded the less strict Federal AAQS.

Air quality impacts attributed to project development would include exhaust emissions of construction vehicles and dust generated by short-term construction-related activities. Site work such as clearing and grading would generate particulate matter. Dust control measures, such as use of dust curtains and regular watering and sprinkling, would be implemented to minimize wind-blown emissions during construction. All construction activities would comply with the provisions of *Hawaii Administrative Rules, Chapter 11-60.1-33, Fugitive Dust*.

2.17 NOISE

Construction will generate noise from the use of heavy equipment, but will be confined to daylight hours and will be relatively short-term. Construction activities will comply with *Hawaii Administrative Rules, Chapter 11-46, Community Noise Control*, administered by the State Department of Health.

2.18 ROADS AND TRANSPORTATION

Access to the project site is from Farrington Highway via Mokuola Street, Managers Drive, Lauko Street, and Akoki Street. The Bus runs several routes in either direction on Farrington Highway. An instructional facility will cause a long-term increase in local traffic. However, the relatively small size of the facility will generate minimal increases in traffic volumes. In the short-term, there will be an increase in construction-related traffic.

2.19 PUBLIC UTILITIES

Water Supply

Potable water will be provided via an existing City & County water main that runs along Akoki Street.

Wastewater Service

The properties are serviced by a sewer mainline along Akoki Street with laterals extending to each lot. Sewer connections to county lines are available to service the proposed training center.

Electrical Power

Electrical power for the new facility will be provided from local power infrastructure, served by Hawaiian Electric Company. Energy efficient glass and photovoltaic panels incorporated into the structural design will help to decrease demand for municipal power.

2.20 OTHER PUBLIC FACILITIES AND SERVICES

The new instructional facility is not expected to have a significant impact on police or fire services, or on recreational facilities.

2.21 SOCIAL AND ECONOMIC CONDITIONS

The project will increase permanent employment. The entire community will benefit from the new facility in training and preparation for jobs and careers in the industrial field.

The total estimated cost of the project will be \$4.8 million, which will be partially funded by both Federal and State sources. A direct Federal grant from the Economic Development Administration, U.S. Dept. of Commerce will finance \$2 million of the project cost. A State grant dispersed through the Hawaii Housing Finance and Development Corporation will finance an additional \$1 million.

2.22 SUMMARY OF ADVERSE ENVIRONMENTAL EFFECTS WHICH CANNOT BE AVOIDED

As indicated above, the project will cause no significant long-term adverse impacts to social, economic or environmental resources.

2.23 IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES

The project involves irretrievable commitment of construction materials, human effort, and Federal and State funds.

Consideration of Alternatives

2.24 NO ACTION

The subject site is currently vacant land that was formerly used as a canehaul truck service station supporting sugar mill operations. The no-action alternative would have neither adverse nor positive impacts.

2.25 ALTERNATIVE PROJECT

There are no alternatives locations or designs for this project. The subject location was chosen in part because of the large potential student population within the surrounding area.

2.26 RECOMMENDED ACTION

The proposed development is preferable because of its beneficial economic impacts to the community. Development is not expected to interfere with the surrounding land uses.

Permits and Approvals Required

The project will require: (1) an archaeological monitoring plan, approved by the State Historic Preservation Division; (2) a grading permit; and (3) a building permit.

3. Determination of Significance

According to the Department of Health Rules (11-200-12), an applicant or agency must determine whether an action may have a significant impact on the environment, including all phases of the project, its expected consequences both primary and secondary, its cumulative impact with other projects, and its short and long-term effects. In making the determination, the Rules establish "Significance Criteria" to be used as a basis for identifying whether significant environmental impact will result from the development. According to the Rules, an action shall be determined to have a significant impact on the environment if it meets any one of the criteria listed below.

1. Involves an irrevocable commitment to loss or destruction of any natural or cultural resources.

The proposed project is on a formerly developed site and will not cause loss or destruction of any natural or cultural resources.

2. Curtails the range of beneficial uses of the environment.

The proposed development site and its surroundings are currently zoned for industrial use. The proposed development will help prevent contaminated soil and water resources from the site from being used in ways that may be detrimental to public health.

3. Conflicts with the State's long-term environmental policies or goals and guidelines as expressed in Chapter 344, HRS; and any revisions thereof and amendments thereto, court decisions, or executive orders.

The proposed development does not conflict with the Environmental Policies established in Chapter 344, HRS. The new facility will not affect the State's natural resources, and it will improve the quality of life for Waipahu residents by creating opportunities for residents to improve their quality of life through education.

4. Substantially affects the economic or social welfare of the community or state.

The proposed project will benefit the socio-economic welfare of the community

and the state by providing permanent employment positions and training/learning opportunities for the populous.

5. Substantially affects public health.

The proposed project will not affect public health.

6. Involves substantial secondary impacts, such as population changes or effects on public facilities.

The proposed project will cause slight increases in local traffic and utility demands for of day-to-day operations.

7. Involves a substantial degradation of environmental quality.

The proposed project will not degrade environmental quality.

8. Is individually limited but cumulatively has considerable effect on the environment, or involves a commitment for larger actions.

The proposed project is individually limited, will itself have an insignificant effect on the environment, and does not involve a commitment for larger actions.

9. Substantially affects a rare, threatened or endangered species or its habitat.

There are no endangered plants or animal species located on the subject property.

10. Detrimentially affects air or water quality or ambient noise levels.

Construction may produce temporary impacts on air quality and noise levels, but these impacts will be negligible. Water quality will not be affected.

11. Affects or is likely to suffer damage by being located in an environmentally sensitive area, such as a flood plain, tsunami zone, beach, erosion-prone area, geologically hazardous land, estuary, freshwater, or coastal waters.

The proposed is not located in a flood zone or other hazard zone.

12. Substantially affects scenic vistas and view planes identified in county or state plans or studies.

The proposed project will not affect any public scenic vistas or view planes identified by the county or state.

13. Requires substantial energy consumption.

The proposed facility will increase electrical demand for normal day-to-day operations. Construction activities will require fuel resources for machinery.

4. Determination

Based on the findings of this Environmental Assessment, the approving agency has determined that the proposed project will not have a significant environmental impact, and an Environmental Impact Statement (EIS) will not be required. Therefore, a Finding of No Significant Impact (FONSI) is rendered.

5. Draft Environmental Assessment Distribution and Review

No comments were received by any individual or agency during the 30 day public comment period beginning upon publication in the State Environmental Notice dated May 8, 2008.

Office of Environmental Quality Control

Hawaii Housing Finance and Development Corporation

City and County of Honolulu Department of Planning and Permitting

Waipahu Public Library (nearest State library to project site)

FIGURES

BIA Hawaii
94-487/493 Akoki Street
Waipahu, Hawaii
9-4-166:028 & 029

 Subject Property
 TMK

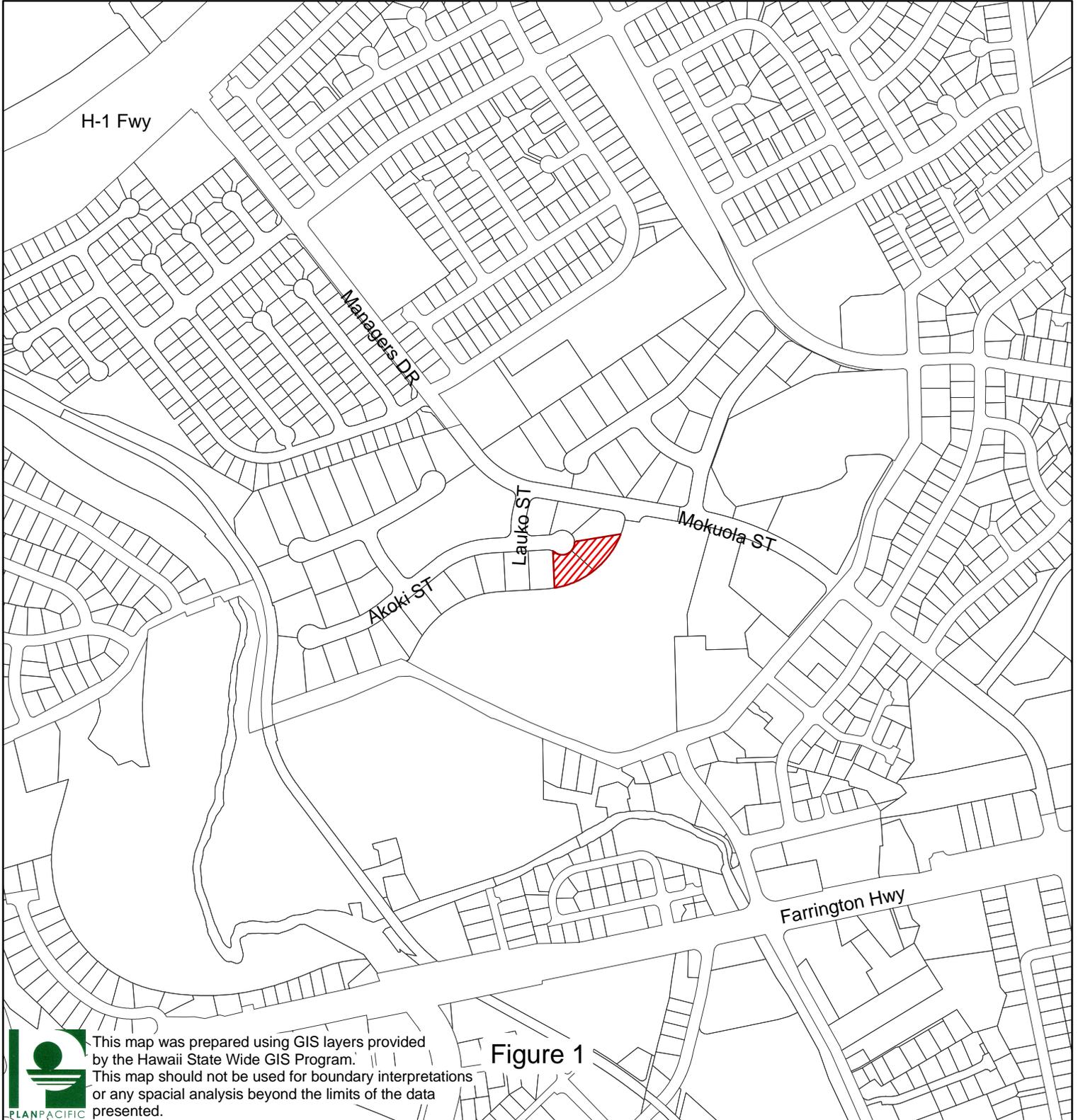
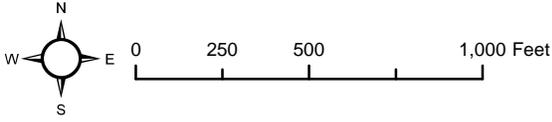
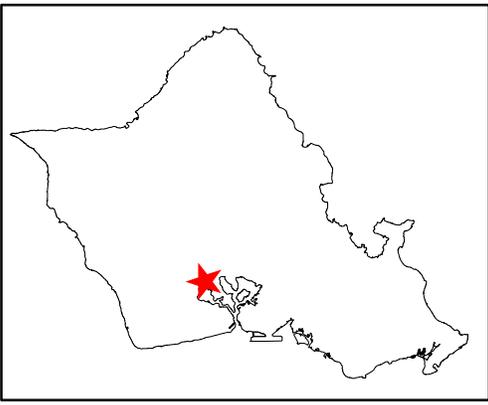
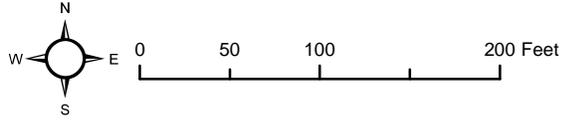
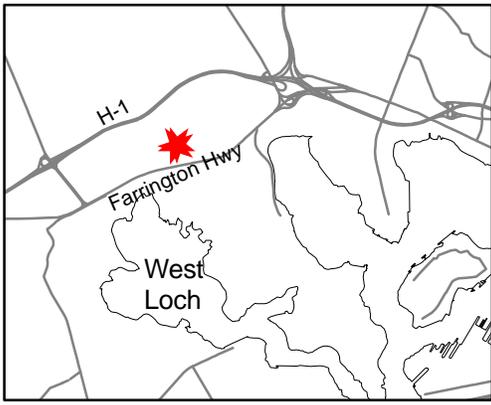
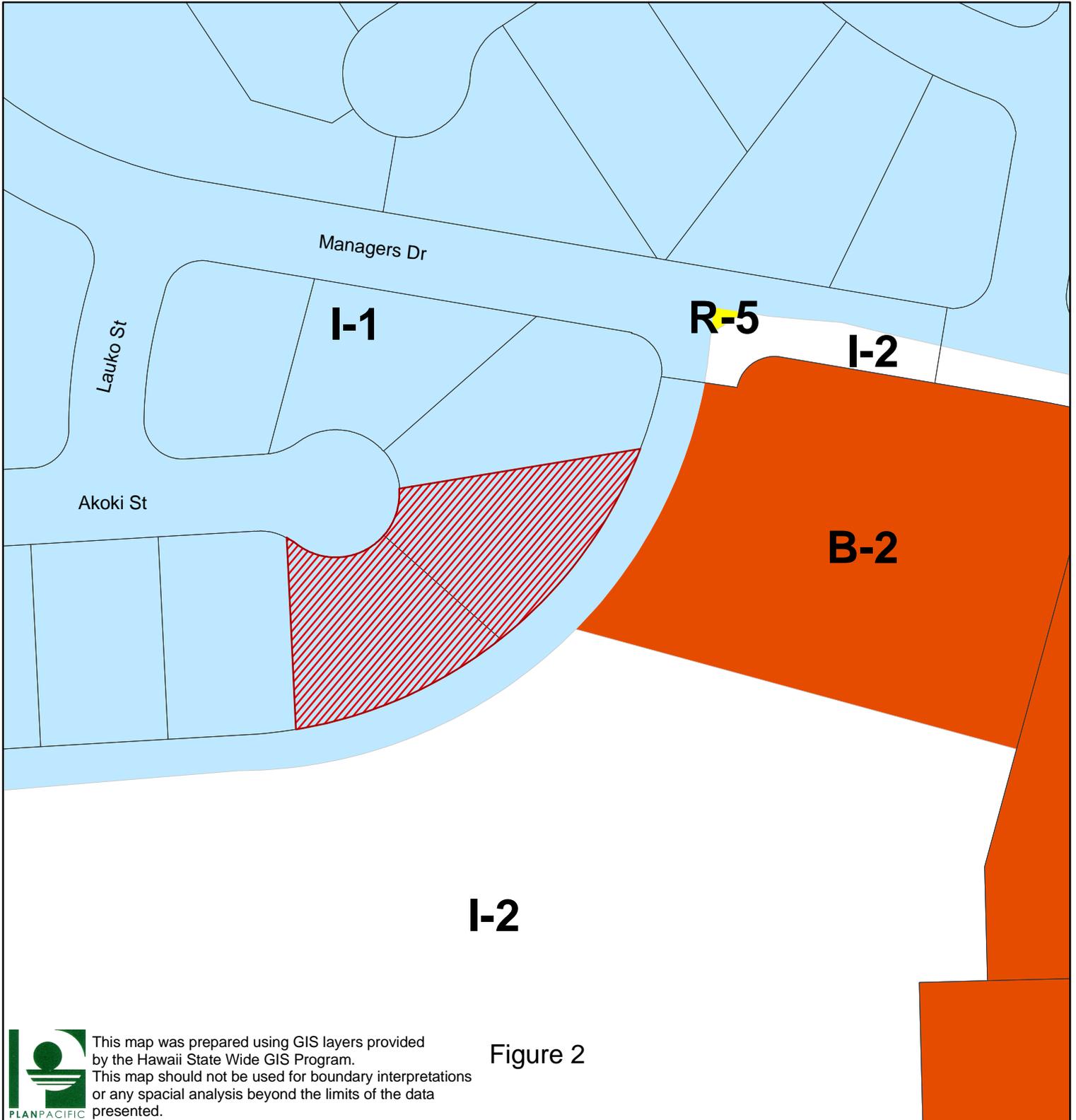


Figure 1

BIA Hawaii
94-487/493 Akoki Street
Waipahu, Hawaii
9-4-166:028 & 029



-  Subject Property
-  TMK
- C&C Zoning**
-  I-1
-  I-2
-  B-2
-  R-5



I-2



This map was prepared using GIS layers provided by the Hawaii State Wide GIS Program. This map should not be used for boundary interpretations or any spacial analysis beyond the limits of the data presented.

Figure 2

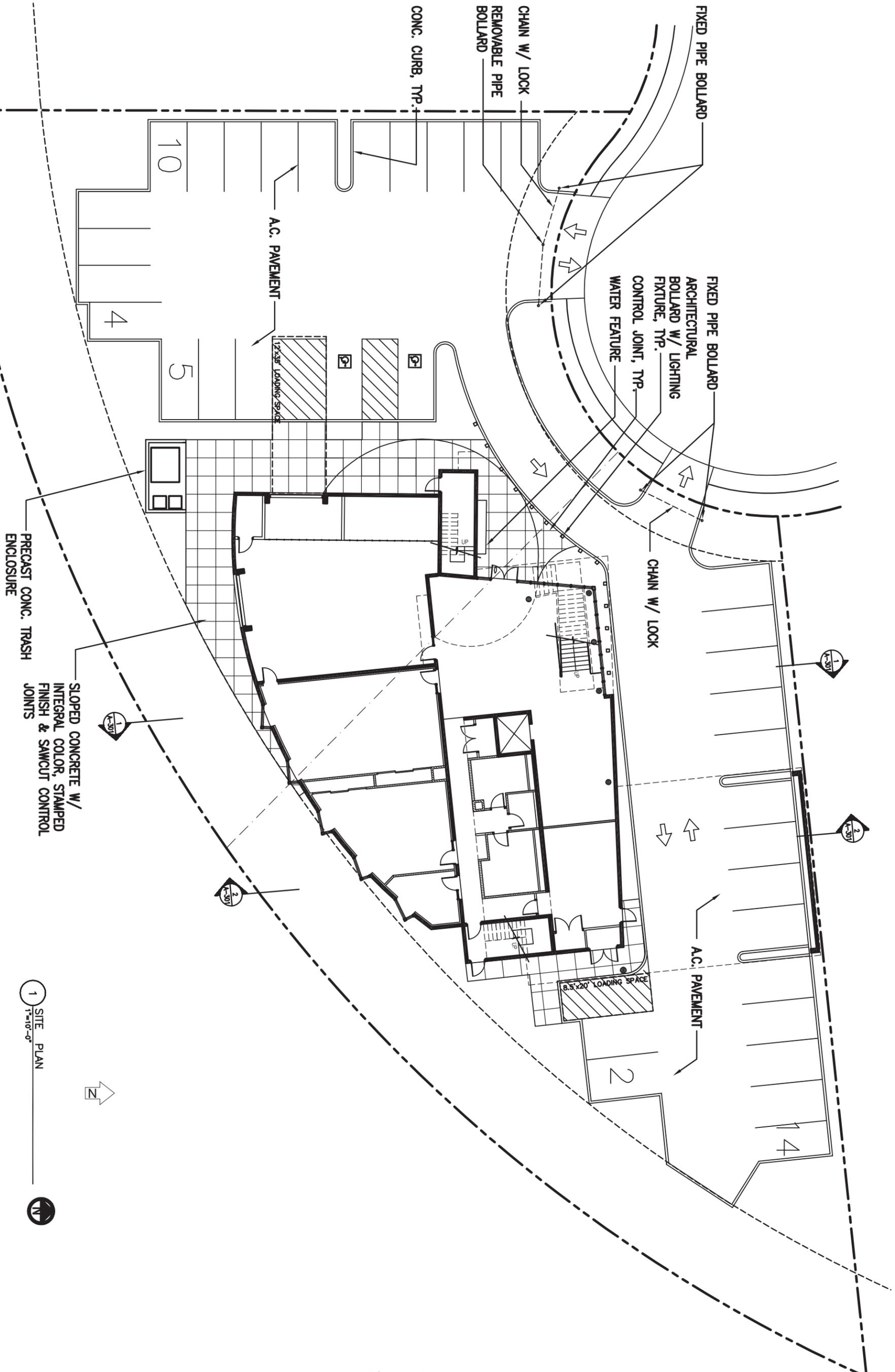


Figure 3



PROJECT TITLE :
BIA-HAWAII
 CONSTRUCTION TRAINING
 CENTER OF THE PACIFIC

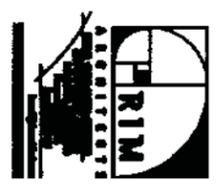
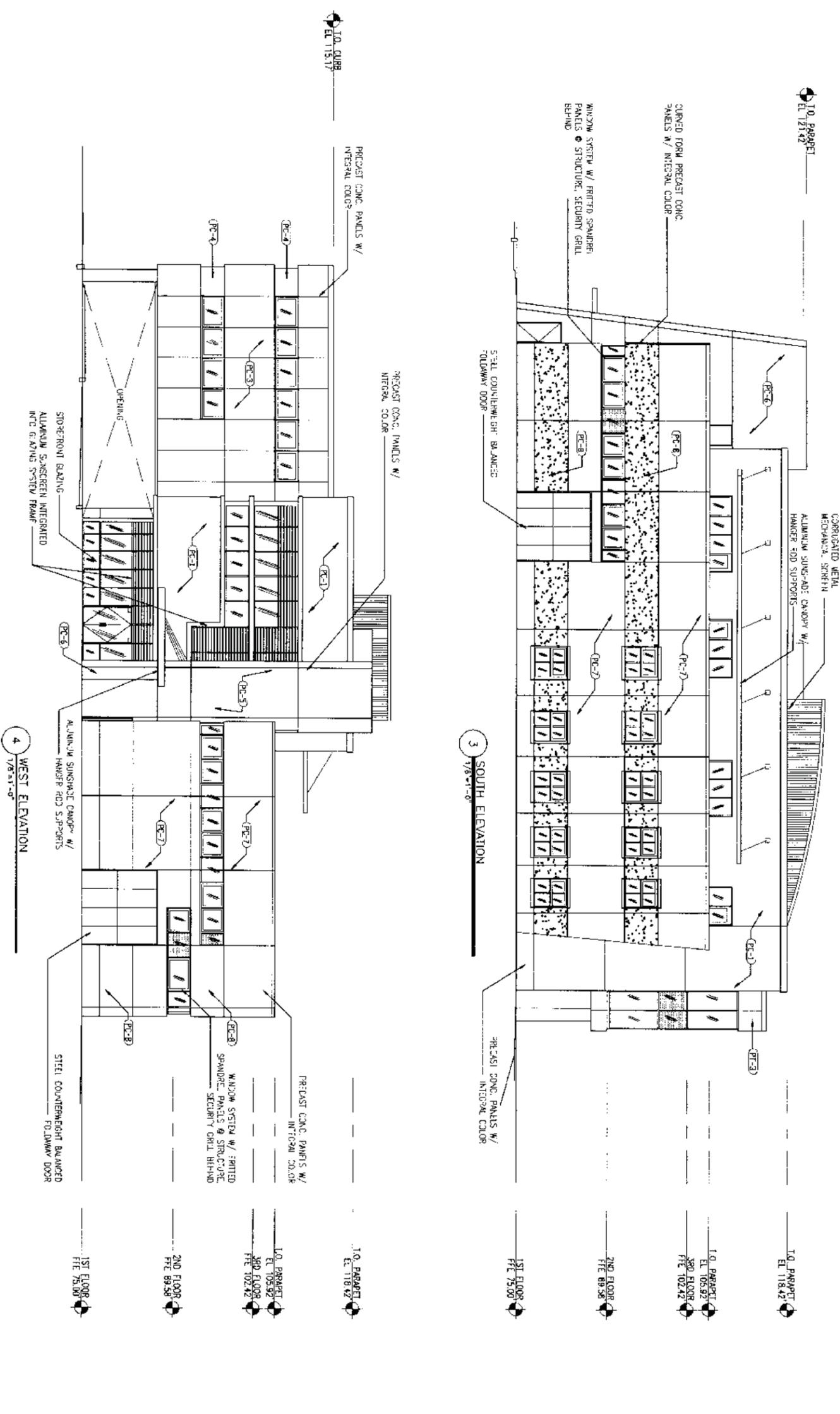
SHEET TITLE :
SITE PLAN

REVISIONS:

△	DATE:	

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 EVENT: SD BID PACKAGE
 DATE: OCT 9, 2007
 EVENT: PRELIM SD SET
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 DESIGNED : MG / JME / JD
 DRAWN : JME
 CHECKED : DW
 SCALE :
 JOB NO. :

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A-100



PROJECT TITLE:
**BIA-HAWAII
 CONSTRUCTION TRAINING
 CENTER OF THE PACIFIC**

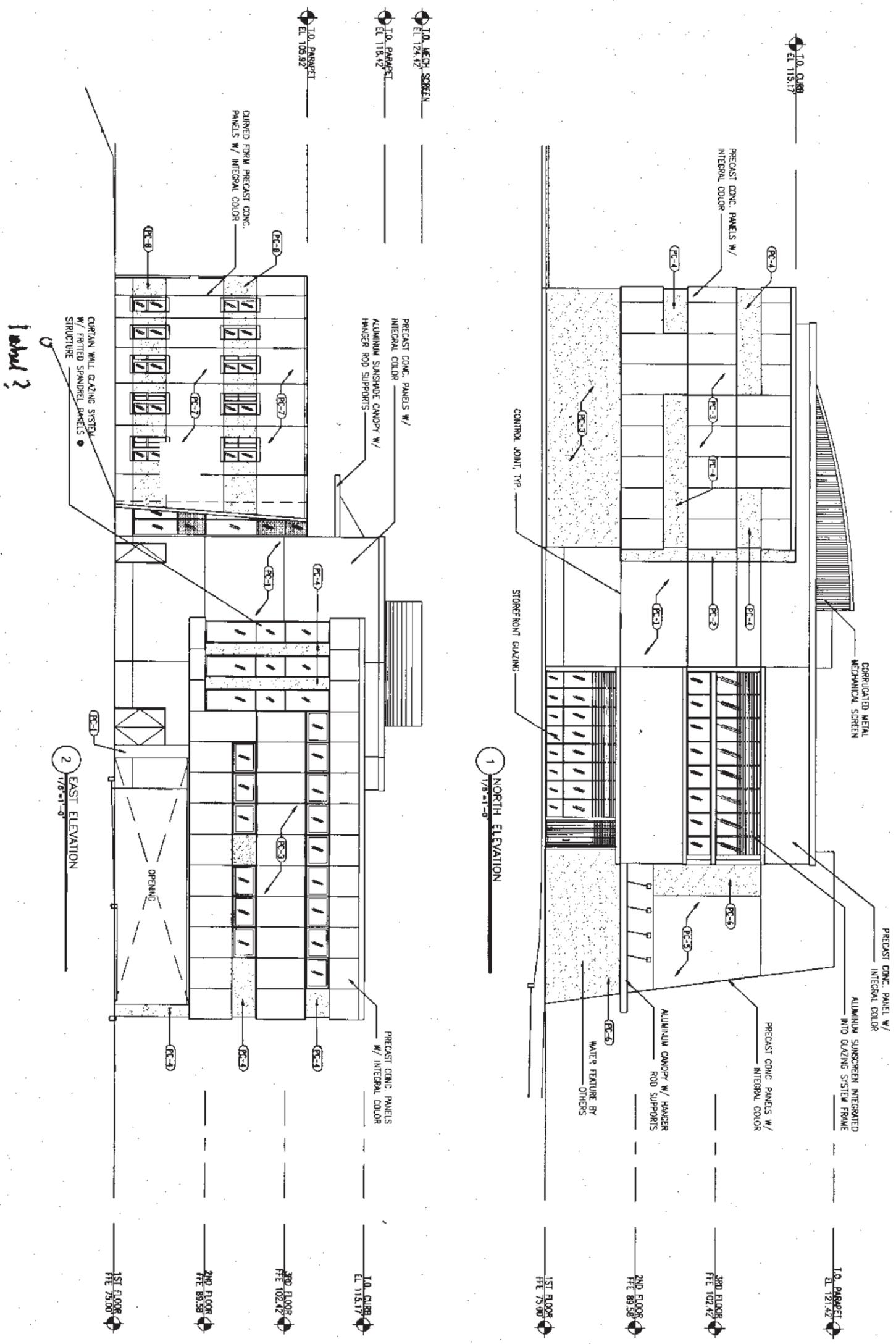


**EXTERIOR
 ELEVATIONS**

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19 1/4" = 1'-0"	19 1/4" = 1'-0"
19 1/2" = 1'-0"	19 1/2" = 1'-0"
19 3/4" = 1'-0"	19 3/4" = 1'-0"
20" = 1'-0"	20" = 1'-0"

A-202

Figure 4a



			
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Figure 4b

APPENDIX A

Pre-Assessment Consultation

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

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ENGINEERING
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HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

July 20, 2006

Ms. Karen T. Nakamura, CEO
BIA-Hawaii
1727 Dillingham Boulevard
Honolulu, Hawai'i 96819

LOG NO: 2006.2460
DOC NO: 0607CM22
Archaeology
Architecture

Dear Mr. Nakamura:

**SUBJECT: Chapter 6E-42 Historic Preservation Review –
Construction of Training Center of the Pacific
Waipahu, 94-487/493 Akoki Street
Waialeale Ahupua'a, 'Ewa District, Island of O'ahu
TMK: (1) 9-4-166:028 & 029**

Thank you for the opportunity to comment on the aforementioned project, which we received on April 12, 2006. We apologize for the delay in responding. The proposed undertaking consists of the development of a new training and educational resource center, with infrastructure and utilities, at a vacant parcel. Our review is based on records available at the State Historic Preservation Division (SHPD). No site inspection was conducted.

In 1993, a field inspection (one-day walk-through survey) was conducted of the project area (then known as TMK: 9-4-002) by Scientific Consultants Services (SCS), Inc. (Spear 1993, *A Reconnaissance Survey Letter Report, The Oahu Sugar Mill Project, Waipahu, Hawaii*, SHPD Rpt. No. O-1191). No historically-significant sites were documented, although one Land Commission Award (LCA 60) containing a historic houselot was noted. No subsurface testing (excavation) was conducted, citing probable historic-era ground disturbance due to commercial sugarcane agriculture associated with the Oahu Sugar Company (OSC). OSC maps show residential housing located in the current project area.

In 1990, during backhoe grading of a construction site, located in the adjacent TMK (1) 9-4-026:078, a single burial (SIHP No. 50-80-09-4245) was inadvertently discovered. The remains, which were interpreted as consistent with non-Hawaiian ethnicity (including direct association with early-historic artifacts), were located approximately 1.0 m below the (pre-grading) ground surface. This site is located approximately 300 m from the proposed location of the current project area.

In 2001, during utility installation at the Filipino Community Center, located in the adjacent TMK (1) 9-4-161:001, a single burial (SIHP No. 50-80-09-5882) was inadvertently discovered in a trench. The remains, which were interpreted as consistent with Native Hawaiian ethnicity (no cultural materials were associated), were located approximately 100–125 cm below the ground surface. This site is located approximately 400 m from the proposed location of the current project area.

Mr. Nakamura

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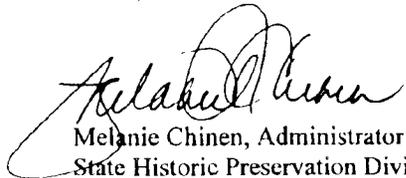
For these reasons, and although there are no surface sites and no historically-significant structures in the vicinity of the project area, we have determined that this project area may have an adverse effect on historic sites that may be present in subsurface deposits. We require that a qualified archaeologist shall be present during all ground-altering activities in order to document any historic properties that may be encountered, and to provide mitigation measures as necessary.

An acceptable archaeological monitoring plan (AMP) will need to be submitted to the State Historic Preservation Division (SHPD) for review, prior to the commencement of any ground-altering activities. The AMP must contain the following ten (10) specifications: (1) The specific scope of work for the proposed undertaking; (2) The kinds of remains that are anticipated and where in the construction area the remains are likely to be found; (3) How the remains and deposits will be documented; (4) How the expected types of remains will be treated; (5) The monitoring archaeologist has the authority to halt construction in the immediate area of the find in order to carry out the plan; (6) A coordination meeting between the archaeologist and construction crew is scheduled, so that the construction team is aware of the plan; (7) What laboratory work will be done on remains that are collected; (8) A schedule of report preparation; (9) Details concerning the archiving of any collections that are made; and (10) An acceptable monitoring report shall be submitted to the SHPD for review following completion of the proposed undertaking. The SHPD shall be notified via facsimile upon the on-set and completion of the proposed undertaking.

We look forward to receiving an archaeological monitoring plan for review.

Please contact Dr. Chris Monahan at (808) 692-8015 if you have questions about this letter.

Aloha,



Melanie Chinen, Administrator
State Historic Preservation Division

CM

CMW 8/1/06

LINDA LINGLE
GOVERNOR OF HAWAII



CHIYOME L. FUKINO, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File: EHA/HEER Office

07-789-JP

December 6, 2007

Ms. Karen Nakamura
Chief Executive Officer
Building Industry Association of Hawaii
1727 Dillingham Boulevard
Honolulu, Hawaii 96819

Facility/Site: Lots 28 and 29 Former Waipahu Sugar Mill Diesel Plume
Honolulu, Hawaii

Subject: Letter of Completion Pursuant to the Voluntary Response Program
Agreement dated November 5, 1998, as Amended and Assigned,
Between Building Industry Association of Hawaii and the Hawaii
Department of Health

Dear Ms. Nakamura:

This letter of completion ("Letter") is sent in accordance with Hawaii Revised Statutes ("HRS") § 128D-39, and the Voluntary Response Program Agreement ("Agreement") dated November 5, 1998, updated February 27, 2006, and revised May 5, 2006, between Building Industry Association of Hawaii and the Hawaii Department of Health (HDOH). The purpose of HRS Chapter 128D is to facilitate voluntary and timely responses to hazardous substance releases and provide relief from liability for prospective owners, operators, tenants, developers, lenders, or any other party who would not otherwise be liable under HRS § 128D-6, prior to a voluntary response action being conducted ("Prospective Purchasers").

For the purposes of this Letter and the relief from liability envisioned in the Agreement, the Department does and shall continue to interpret the definition of a "prospective purchaser" found in HRS § 128D-32 to be consistent with and encompass the term "future owner" found in HRS § 128D-39(d).

Land Area Addressed in the Voluntary Response Action

This letter pertains to environmental contamination at and related to real property, known as the Waipahu Sugar Mill Site and designated Tax Map Key Nos. (1) 9-4-166-28 and 29, and described in detail in Exhibit 1.

Ms. Karen Nakamura
December 6, 2007
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Acknowledgement of Work Satisfactorily Completed

Building Industry Association of Hawaii has completed the investigation and voluntary response action set forth in Exhibit B of the Agreement ("Voluntary Response Action") to ensure that exposure to the contaminants listed on Exhibit 2 attached hereto ("Contaminants") in soil and groundwater, do not pose an incremental cancer risk in excess of a one in one million risk level, do not pose a chronic non-cancer risk that exceeds a hazard quotient greater than one, and do not pose a significant risk to ecological receptors.

Subject to the terms and provisions set forth herein, HDOH acknowledges satisfactory completion of the Voluntary Response Action in accordance with the Agreement and Hawai'i Revised Statutes (HRS), Chapter 128D.

These terms and provisions assure the long-term effectiveness of the Voluntary Response Action. HDOH has determined that the Voluntary Response Action is an acceptable approach to managing the potential risks of exposure to the Contaminants at the Property, and that this Voluntary Response Action constitutes the "clean up" specified in HRS § 128D-40(c).

Exemptions from Future Liability

Subject to the terms and conditions set forth in Exhibit 3, HDOH hereby grants to Building Industry Association of Hawaii in its capacity as present owner of the Property and to its assigns including prospective owners, operators, tenants, developers, lenders or any other parties as defined in HRS § 128D-32 as a "prospective purchaser," an exemption from future liability to HDOH for all Contaminants listed in Exhibit 2 in soil and groundwater, and to the extent authorized by law, to third parties. Exemptions from future liability apply only to contamination that is not the result of new releases by Building Industry Association of Hawaii or its assigns including prospective owners, operators, tenants, developers, lenders or any other parties as defined in HRS § 128D-32 as a "prospective purchaser." Also, as provided for in HRS § 128D-40, § 113(f) of the Federal Comprehensive Environmental Response, Compensation, and Liability Act (P.L. 96-510) ("CERCLA"), and to the fullest extent authorized by law, Building Industry Association of Hawaii shall not be liable for claims for contribution or indemnity regarding matters and Contaminants addressed in the Voluntary Response Action.

Potential Termination from Future Liability

Exemptions from future liability conveyed by this letter may be terminated in writing by the Director of Health ("Director") only for non-adherence to the terms and provisions in Exhibit 3. In addition, the Director will consider Building Industry Association of Hawaii's

Ms. Karen Nakamura
December 6, 2007
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good faith efforts to resolve any issues that arise under this section before deciding to terminate the exemption conveyed by this letter.

HDOH hereby exercises its administrative authority and holds Building Industry Association of Hawaii and its assigns including prospective owners, operators, tenants, developers, lenders or any other parties as defined in HRS § 128D-32 as a "prospective purchaser," harmless from liability to HDOH and, to the extent authorized by law, third parties for the Contaminants, land area, and specific media as addressed in the Voluntary Response Action. Exemptions from liability herein include Contaminants migrating to or from the property. The exemptions from liability herein include any potential liability of Building Industry Association of Hawaii to HDOH, and to the extent authorized by law, third parties which may arise regarding matters and Contaminants addressed in the Voluntary Response Action under state law, CERCLA, the Resource Conservation and Recovery Act, and the Oil Pollution Act of 1990.

In closing, I thank Building Industry Association of Hawaii for its participation in the State of Hawai'i's Voluntary Response Program.

Sincerely,

A handwritten signature in black ink, appearing to read "Chiyome Leinaala Fukino". The signature is fluid and cursive, written over a white background.

Chiyome Leinaala Fukino, M.D.
Director of Health

EXHIBIT 1

-PARCEL FIRST:-

All of that certain parcel of land situate at Ahualii, Waikele, District of Ewa, City and County of Honolulu, State of Hawaii, being LOT 28 of the "A & B INDUSTRIAL SUBDIVISION, PHASE 1B", as shown on File Plan Number 2317, filed in the Bureau of Conveyances of the State of Hawaii, and containing an area of 16,197 square feet, more or less.

-PARCEL SECOND:-

All of that certain parcel of land situate at Ahualii, Waikele, District of Ewa, City and County of Honolulu, State of Hawaii, being LOT 29 of the "A & B INDUSTRIAL SUBDIVISION, PHASE 1B", as shown on File Plan Number 2317, filed in the Bureau of Conveyances of the State of Hawaii, and containing an area of 16,233 square feet, more or less.

-AS TO PARCELS FIRST AND SECOND:-

Together with a non-exclusive appurtenant easement for access and utility purposes over and across Lots 34 through 37, inclusive, of the "A & B INDUSTRIAL SUBDIVISION, PHASE 1B", as shown on File Plan 2317, and PROVIDED, HOWEVER, that in the event that said Lots or portions thereof shall be conveyed to the City and County of Honolulu, State of Hawaii, or other governmental authority and dedicated to public use, said easement as to said Lots or portions thereof so conveyed and dedicated shall immediately terminate.

**BEING THE PREMISES ACQUIRED BY DEED AND
RESERVATION OF RIGHTS AND EASEMENTS**

GRANTOR : A & B PROPERTIES, INC., a Hawaii corporation

GRANTEE : FIG, LLC, a Hawaii limited liability company

DATED : June 21, 2006

RECORDED : Document No. 2006-149704

SUBJECT, HOWEVER, TO THE FOLLOWING:

1. **Reservation in favor of the State of Hawaii of all mineral and metallic mines.**
2. **The terms and provisions contained in the following:**

**INSTRUMENT : UNILATERAL AGREEMENT AND
DECLARATION FOR CONDITIONAL ZONING**

**DATED : November 6, 1996
RECORDED : Document No. 96-159180
PARTIES : OAHU SUGAR COMPANY, LIMITED, a
Hawaii corporation**

3. **The terms and provisions contained in the following:**

**INSTRUMENT : AMENDED UNILATERAL AGREEMENT AND
DECLARATION FOR CONDITIONAL ZONING**

**DATED : November 12, 1996
RECORDED : Document No. 96-160631
PARTIES : OAHU SUGAR COMPANY, LIMITED, a
Hawaii corporation**

4. **The terms and provisions contained in the following:**

**INSTRUMENT : DECLARATION OF COVENANTS,
CONDITIONS AND RESTRICTIONS FOR MILL
TOWN CENTER BUSINESS AND INDUSTRIAL
PARK**

**DATED : June 30, 1997
RECORDED : Document No. 97-088665
CONSENT : Given by CITY BANK, a Hawaii corporation, by
instrument dated July 2, 1997, recorded as
Document No. 97-088666**

**Said Declaration was supplemented by instruments dated October 13,
1997, recorded as Document No. 97-146921, dated October 22, 1998,
recorded as Document No. 98-161344, and dated October 29, 2003,
recorded as Document No. 2003-243007.**

MILL TOWN CENTER BUSINESS AND INDUSTRIAL PARK

DESIGNATION OF SUCCESSOR DECLARANT dated November 9, 1998, recorded as Document No. 98-167364, by and between AMFAC PROPERTY DEVELOPMENT CORP., a Hawaii corporation, "APDC", and A&B PROPERTIES, INC., a Hawaii corporation, "A&B"; re: APDC does hereby designate A&B as the Declarant for all purposes under the foregoing Declaration.

5. RESTRICTION OF VEHICLE ACCESS RIGHTS

SHOWN ON : File Plan No. 2317

6. DESIGNATION OF EASEMENT "8"

PURPOSE : landscape buffer purposes
SHOWN : as shown on File Plan No. 2317

7.. GRANT

TO : MILL TOWN CENTER BUSINESS AND
INDUSTRIAL PARK ASSOCIATION, a Hawaii
nonprofit corporation

DATED : March 10, 2003
RECORDED : Document No. 2003-055137
GRANTING : a perpetual non-exclusive easement over said
Easement "8" for landscape buffer purposes

8. The terms and provisions contained in the following:

INSTRUMENT : DEED AND RESERVATION OF RIGHTS AND
EASEMENTS

DATED : as of June 21, 2006
RECORDED : Document No. 2006-149704

9. Any unrecorded leases and matters arising from or affecting the same.

10. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other matters which a correct survey or archaeological study would disclose.

Exhibit 2

List of Contaminants and Specific Media

Contaminants

Total petroleum hydrocarbons as gasoline (including free product on groundwater)

Total petroleum hydrocarbons as diesel (including free product on groundwater)

Benzene

Toluene

Ethylbenzene

Xylenes

Lead

Benzo(a)pyrene

Naphthalene

Acenaphthene

Fluoranthene

Media

Soil

Groundwater

Exhibit 3

Terms and Conditions

The site owner shall record this Letter of Completion to help ensure that the identified institutional controls are recognized with the deed to the Property in the future. The site owner agrees to incorporate the following terms and conditions into an environmental covenant pursuant to Hawaii Revised Statutes Chapter 508C if the form of covenant is agreed to by the Director and the site owner.

1. Groundwater beneath the Property will not be used as a drinking water source or for irrigation or industrial purposes until dissolved petroleum hydrocarbon concentrations meet the applicable regulatory standards.
2. If future development requires deep excavations (approaching 20 feet beneath ground surface), a Soil Management Plan shall be submitted to and approved by HDOH prior to site development that will encounter the residual petroleum impacted portion of the Property as shown on Exhibit 4 attached hereto.
3. The recorded LOC shall be sent to the county agency that issues building permits.

LEGEND:
 GS GROUND SURFACE
 GW GROUND WATER
 BGS BELOW GROUND SURFACE



SOIL MANAGEMENT PLAN AREA

MILL TOWN CENTER/FORMER C&D WAPAHI SUGAR MILL, WAPAHI, OAHU

Job No: 408-010-002

Date: 05-24-07



Environect, Inc.

