



Staying Abreast of New Regs



When filing taxes, you need to know the latest changes in the tax code, or at least your CPA does. The same goes for land development: new government regulations and policies may affect your project. The R.M. Towill Corporation (RMTC) can alert you to regulatory and policy issues and help you wade through the processes at hand. Here are a few issues that may be of interest:

- You may know that NPDES (National Pollutant Discharge Elimination System) permits are in place to protect bodies of water. But did you know that NPDES permits are also reviewed by the SHPD (State Historic Preservation Division) and unmet requirements could stop construction?
- The City and County of Honolulu has changed its policy on subdivisions, ushering in “Smart Growth” over curvilinear roads and cul-de-sacs.
- A new interpretation of the shoreline is coming out of the storm surge. Be aware that changes in the demarcation between private and public land may affect beachfront development.

NPDES and SHPD Permits

An NPDES permit is required for any project that will create ground disturbance greater than one acre. These permits protect natural water bodies—including ground and surface water—from pollutants. But what does that have to do with preserving historical artifacts? Maybe nothing, because SHPD requirements are usually met by the time an NPDES permit is filed and the required copy is sent to SHPD. However, certain projects may not trigger other permits that would alert the SHPD to a project beforehand, and the NPDES application becomes the only mechanism that informs the SHPD of a project. An SHPD-triggered archeological inventory survey at this late

stage can stop development and add four to six weeks to a project.

The SHPD factor is little known because requirements have usually been met and don't delay a project. However, to avoid delays in projects in which requirements are not met before NPDES permit filing, there should be advance consultation with SHPD to address any concerns at the time the NPDES application is being prepared.

Another issue related to NPDES is EPA authorization of the program. Every five years, the EPA reauthorizes the State to oversee the NPDES program. The current authorization period ends on November 6, 2007, at which time all NPDES permits are terminated. If a project will extend past this date, you should apply to renew your permit at least six months beforehand. If a project is scheduled to begin close to that date, then you should apply for your NPDES permit after that date. Clients of RMTC will be notified of NPDES issues that directly affect their projects.

New Subdivisions and Smart Growth

There are a number of ways to carve up land to develop a subdivision. Smart Growth has been adopted by the City and County to promote town-centered, transit and pedestrian-oriented communities with a greater mix of housing, commercial and retail space.

Designed on a grid rather than on curved roads and cul-de-sacs, Smart Growth principles are being promoted as policy after a series of public meetings and workshops were conducted to develop a vision reflecting shared community values. Smart Growth is not new; Kaimuki and Kapahulu are older examples, while Ocean Pointe and Ewa by Gentry are current ones.

The reasoning is that a grid design allows

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Photos:

1. DLNR must interpret physical evidence to determine the shoreline.
2. Land on a grid: Smart Growth organizes housing, transportation and commerce for easy access in Ocean Pointe, Ewa Beach.
3. Grading uncovers a lava tube on a recent RMTC project. No historical artifacts were found on the site, however.

Staying Abreast (Continued)

easier access to retail areas, transportation and neighbors, making a subdivision more friendly toward pedestrians, bicycling and public transportation. Interconnectivity between subdivisions is also promoted to make better use of shared resources. Safety is improved by the elimination of loops, which create identically named intersections that may confuse ambulance and fire personnel.

Whatever one's vision for a new subdivision entails, the principles of Smart Growth need to be taken into account at the early stages of development. RMTC can provide you with the details of designing a Smart Growth community.

The Shifting Sands of the Shoreline

As you probably already know, when property is developed along shoreline areas, the property

boundary must be set by the Department of Land and Natural Resources (DLNR). In the past, DLNR determined the boundary between private and public property by examining the debris and vegetation line along the beach.

Unfortunately, there are indications that some, coming to Hawaii from places where private beaches are the norm, are planting vegetation to artificially define the shoreline. As a result, DLNR is suggesting that the boundary will now be determined by observing the highest level of debris during the highest storm surge to assure that natural processes define the shoreline. This interpretation will push back the setback and has the potential to decrease lot size and limit the area for development. DLNR must protect Hawaii's shoreline, so property owners should act in good faith with DLNR to negotiate a fair interpretation of the shoreline.

RMTC PROFILES

“I just wanted to get off the rock, but landed on a different rock,” said Collins Lam, with his characteristically wry sense of humor. The Sr. Environmental Engineer (RMTC water and wastewater projects) was talking about his 1990 emigration from the island of Mauritius to the island of Maui. Actually, his whole family—father, mother, brother and two sisters—had decided to move from the Maui-sized republic located east of Madagascar, to the United States. An uncle lived on Maui and it was, of course, expedient to go to relatives first. Although the cultural mix of Mauritius is quite different (mainly Indian, French, English, Creole with a population of about 1.2 million), the island is remarkably like the Hawaiian Islands.

Island hopping notwithstanding, Lam left to attend Louisiana State University, where he earned his Bachelor of Science degree in Civil Engineering. There he attended classes with the future basketball giant Shaquille O'Neal, who ducked doorjamb and had to bring his own chair to class. Lam then came back to earn his Master of Science degree in Civil Engineering from the University of Hawai'i.

Why Environmental Engineering as a career? Lam answered: “Job security....No matter what, we all need water and we all need to use the restroom.” But Lam also frequented construction sites with his contractor father, and wastewater has elements of his favorite school subject: biology.

Lam first worked as a hazardous waste/enviromental

Like the U.S. tax code, regulations and policies periodically change for a variety of reasons. Tax professionals take care of your tax filing needs; in the same way, RMTC can take care of your project needs—and help you navigate through government regulations and policies, both old and new.

engineer for Clayton Group Services. When the work became routine, he decided to move on. Lam came on board at RMTC in 2000. “At RMTC, every day is different,” he says. Today, Lam is involved in a variety of wastewater projects ranging from large wastewater plant designs to small water studies. In 2004, he took on a year long RMTC project on Lana'i to manage the island's sewer and water utilities. He directed daily operations and fiscal policy for both the sewer and water companies. It was a time of great personal growth, where Lam learned to run five unique companies—and work with executives, labor unions and the community at the same time. “[The people] grow on you,” he says fondly.

Lam isn't the worrying type, but does play “what appears to be golf” to reduce stress. Other than that, he likes to hang out at home, where he and wife Dale live across the street from his in-laws. “It reminds me of ‘Everybody Loves Raymond,’” he quips, referring to the TV sitcom, “but I'm not Raymond!”

Lam downplays his business philosophy as “pretty typical,” but nevertheless, it's something everyone can bank on: “Remember who your clients are and see how you can help solve their problems.”



Above: Collins Lam with a map of Lana'i, the island he has come to love.



808 842 1133 www.rmtowill.com

R. M. TOWILL CORPORATION

420 Waiakamilo Road Suite 411 Honolulu Hawaii 96817-4941

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