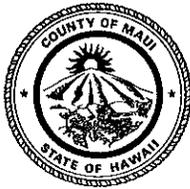


CHARMAINE TAVARES  
Mayor  
MILTON M. ARAKAWA, A.I.C.P.  
Director  
MICHAEL M. MIYAMOTO  
Deputy Director



**COUNTY OF MAUI  
DEPARTMENT OF PUBLIC WORKS  
AND ENVIRONMENTAL MANAGEMENT**

200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793

September 22, 2010

RALPH NAGAMINE, L.S., P.E.  
Development Services Administration  
DAVID TAYLOR, P.E.  
Wastewater Reclamation Division  
CARY YAMASHITA, P.E.  
Engineering Division  
TRACY N. TAKAMINE, P.E.  
Solid Waste Division  
BRIAN HASHIRO, P.E.  
Highways Division

Mr. Orlando Davidson  
Executive Officer  
State of Hawaii  
Land Use Commission  
P.O. Box 2359  
Honolulu, Hawaii 96804-2359

Dear Mr. Davidson:

**SUBJECT: HANA LANDFILL  
LUC DOCKET NO. SP93-383  
FILING OF ANNUAL REPORT 2010**

Transmitted for your review are one original and one copy of the 2010 annual report for the Hana Landfill. An email .pdf version will also be sent to [luc@dbedt.hi.gov](mailto:luc@dbedt.hi.gov).

If you have any questions, please contact Elaine Baker at 270-7872.

SINCERELY,

A handwritten signature in cursive script, appearing to read "Cheryl Okuma".

CHERYL OKUMA, ESQ.  
Director of Environmental Management

CO:eb  
Encl:

2010 SEP 29 P 1:44  
LAND USE COMMISSION  
STATE OF HAWAII

**HANA LANDFILL  
STATE LAND USE COMMISSION  
FY2010 ANNUAL REPORT  
SP08-402**

**Part 1: Project Summary**

**Land Use Permits**

On August 24, 2010, the Maui Planning Commission granted the Special Management Area (SMA) permit to the Department of Environmental Management for acquisition of land around the landfill as a buffer where gas probes and groundwater monitoring wells are located as well as make good an encroachment of the active area onto State land. This was the last of a series of permits for the land acquisition project: A County Special Use Permit (CUP 2007/0001) was granted by the Maui Planning Commission on February 12, 2009 and the State Special Use Permit SUP1 2007/0002) was granted on September 1, 2009. An Environmental Assessment was finalized in October 2007 and a Finding of No Significant Impact declared subsequent to public review and comments. Subdivision work and surveying preliminary to the Executive Order will begin shortly.

**Detention Pond**

Brown & Caldwell completed the detention pond design in July 2010. Drawings and specifications have been prepared for construction; funding will be requested for FY12.

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Brown & Caldwell completed a draft of a Master Plan, Operations Plan, and Closure Plan to be included with the operating permit application. The conservation district line is currently being staked so that facility activities can remain outside the area. Property corners are being staked so that operators know where the boundaries are located.

**Part 2: Project Compliance**

Condition 1: That the State Land Use Commission Special Use Permit and County Special Use Permit shall be valid until February 28, 2018, subject to further extensions by the Land Use Commission and/or the Maui Planning Commission as required by each permit accordingly, upon a timely request for extension filed at least one-hundred twenty (120) days prior to its expiration. The Maui Planning Commission shall make a recommendation to the Land Use Commission and may require a public hearing on the time extension.

Report: The current State Land Use Special Permit dated September 1, 2009 is valid.

Condition 2: That the conditions of this State Land Use Commission Special Use Permit shall be enforced pursuant to Sections 205-12 and 205-13, Hawaii Revised Statutes. The County Special Use Permit conditions will be enforced pursuant to the provisions of Chapter 19.530, Section 19.530.030 of the Maui County Code, as amended, 1980. Failure to comply with one or more of the conditions herein shall result in a notice of

## Hana Landfill FY10 LUC Annual Report for SP08-402 - 2

violation issued by the appropriate enforcement agency, notifying the permit holder of the violation and providing the permit holder no more than sixty (60) days to cure the violation. If the permit holder fails to cure the violation within sixty (60) days of said notice, the appropriate enforcement agency shall issue an order which may require one or more of the following: that the violative activity cease; that the violative development be removed; that a civil fine be paid not to exceed One Thousand Dollars (\$1,000.00) per violation; and that a civil fine not to exceed Five Thousand Dollars (\$5,000.00) shall be issued if violation not cured within six (6) months of the issuance of the order. The order shall become final thirty (30) days after the date of its mailing or hand-delivery, unless written request for a hearing is mailed or delivered to the Department of Planning ("Department") within said thirty (30) days. Upon receipt of a request for a hearing, the Department shall specify a time and place for the permit holder to appear and be heard. The hearing shall be conducted by the Planning Director or the Director's designee in accordance with the provisions of Chapter 91, HRS, as amended.

Report: The County continues to work in compliance of all permit conditions of both the State and County Special Use permits. Compliance details are discussed in the Report portion following each condition listed in this Annual Report.

Condition 3: That the subject State Land Use Commission Special Use Permit and County Special Use Permit shall not be transferred without the prior written approval of the Land Use Commission and/or the Maui Planning Commission as required by permit requirements accordingly. The appropriate Planning Commission shall make a recommendation to the Land Use Commission as necessary. However, in the event that a contested case hearing preceded issuance of said State Land use Commission Special use permit, a public hearing shall be held by the appropriate Planning Commission upon due published notice, including actual written notice to the last known addresses of parties to said contested case and their counsel.

Report: No request for transfer has been made.

Condition 4: That full compliance with all applicable governmental permits and requirements shall be rendered.

Report: The landfill is operated in compliance with permits and their requirements. An application to renew the operating permit will be made to the Department of Health (DOH). All land use permits, required for the operating permit, have been obtained. The landfill continues to operate in compliance with the regulations. Landfill gas is monitored quarterly for methane; groundwater is sampled and tested quarterly. A fourth groundwater monitoring well will be installed in accordance with one of the conditions of the recently acquired Special Management Permit (SMA) contingent on a request for funding in the FY12 budget. Use of a tarp as alternative cover, three days a week out of the five the landfill is open, will commence as part of a DOH pilot program.

### **Hana Landfill FY10 LUC Annual Report for SP08-402 - 3**

Condition 5: That the Applicant shall timely provide without any prior notice, annual reports to the Land Use Commission and the Department in connection with the status of the Project and the Applicant's progress in complying with the conditions imposed herein. The annual report shall be submitted in a form prescribed by the Executive Officer of the Commission.

Report: The filing of this annual report for FY10 meets this requirement.

Condition 6: That the Applicant shall develop the property in substantial compliance with the representations made to the Land Use Commission in obtaining the State Land Use Commission Special use Permit and the Maui Planning Commission in obtaining the County Special Use Permit. Failure to so develop the Property may result in the revocation of the permit.

Report: The property continues as a landfill with related improvements as proposed.

Condition 7: That the Applicant shall begin construction of the landfill storm water drainage retention basin within three (3) years from issuance of the Land Use Commission's decision and order. Construction shall include any improvements necessary to operate the landfill pursuant to all applicable laws and regulations.

Report: The design and bid package prepared by Brown & Caldwell with FY09 funds of \$100,000 was finalized July 2010; funding for construction of the drainage retention basin, estimated at \$500,000, will be requested for FY12.

Condition 8: That the Applicant shall take appropriate mitigative measures to minimize erosion, prevent cement products, oil, fuel, and other toxic substances associated with heavy machinery from spilling or leaching into the ground.

Report: Equipment is kept in good repair, a new dozer was purchased this past year and is currently on-site with preventative maintenance done regularly. There is a recently constructed solar operated diesel tank with secondary containment on a concrete slab located at the landfill to fuel the dozer and loader.

Condition 9: That the Applicant shall comply with Department of Health Ambient Air Quality Standards, Hawaii Administrative Rules, Title 11, Chapter 59 and Air Pollution Control, HAR 11-60.

Report: Neither the cinder used as cover, nor the tarp when it is used, produces dust. The buffer area next to the landfill is either grassed or landscaped with ornamentals. The area around the landfill is wooded which keeps dust to a minimum in the area.

Condition 10: That the Applicant shall comply with the EPA's New Source Performance Standards.

## **Hana Landfill FY10 LUC Annual Report for SP08-402 - 4**

Report: Four landfill gas probes are monitored quarterly to check for emissions outside the perimeter. All readings are within regulatory limits.

Condition 11: That provisions shall be enacted to ensure emergency access to the sanitary landfill in case of fire or any other disaster.

Report: The Hana District Supervisor has keys to the landfill in case emergency access is needed.

Condition 12: That the Applicant shall utilize non-drinking water, to the extent possible, for grading, dust control, and irrigation of the landfill.

Report: A non-drinking source will have to be located. Currently dust is not a problem at the landfill due to the vegetation surrounding it and adjacent to it.

Condition 13: That the Applicant shall ensure that windblown debris around the perimeter of the landfill, particularly within areas visible from the public right of way, be removed in a timely manner.

Report: The laborer at the landfill maintains the grounds and removes any windblown litter or debris that may be found away from the active area.

Condition 14: That full compliance with the requirements of the State's Department of Health for sanitary landfill operation shall be rendered.

Report: The landfill is operated in accordance with State DOH requirements.

Condition 15: That the Applicant inform the Department of Public Works of HAC's safety concerns, and further that the Applicant shall make its best effort to ensure daily operations are conducted in a safe manner. The Applicant shall undertake an engineering slope and soil stability analysis prior to construction within the three (3) year period.

Report: The cinder pit slope stability analysis with a safety operations plan was advertised to consultants in June 2009; Yogi Kwong Engineers, a Honolulu firm, was selected using Qualifications Based Selection. A scope of work was written and proposal received and the County is currently drafting a contract for the work which will take approximately one year to complete. The consultant visited the cinder pit with the Hana Highways Supervisor in May 2010 prior to submitting the proposal for the work.

Condition 16: That a cultural assessment be conducted to address impacts to cultural resources resulting from the excavation of cinder ash and that the Office of Hawaiian Affairs shall be consulted prior to construction within the three (3) year period.

## **Hana Landfill FY10 LUC Annual Report for SP08-402 - 5**

Report: The cultural assessment will be included in the Environmental Assessment (EA) for the cinder pit to meet Department of Land and Natural Resources (DLNR) requirements for license renewal. A budget request of \$100,000 will be made for FY12.

Condition 17: That the Applicant execute a legal document with the State of Hawaii and the County of Maui regarding the removal of cinder ash from the Ka'eleku area.

Report: The planning consultant will prepare a proposal for the work preliminary to the license which includes an EA for the cinder pit and will be budgeted next year, if approved. Currently the planning consultant is proposing on the tasks to be done for the subdivision application for the landfill buffer zone, the subject of the recent land use permits, preliminary to the Executive Order. DLNR has provided the County with the requirements for both Executive Order approval and cinder license renewal.

Condition 18: That mitigation measures be taken to address the visual height of the landfill by landscaping or other methods such as waste diversion, recycling, etc. within the ten (10) year period.

Report: The Master Plan draft prepared in 2009 by Brown & Caldwell addresses mitigation measures for the visual height concern, recycling being the primary one.

Condition 19: That a recycling program begin immediately after permits are issued and/or the Department of Health grants approval. The recycling program may consider, but not be limited to, glass, aluminum, plastics, batteries, newspapers, cardboard, appliances, and oil.

Report: Seven containers, three roll-offs and four Matson containers, have been purchased for the Hana recycling program and have been on-site awaiting permitting. The Solid Waste Division is working on a site plan and the logistics needed to be adequately described in the operating permit application as well as a proposed hauling budget to transport the recyclables to processing facilities located in central Maui.

Condition 20: That the Applicant increase its groundwater monitoring at the landfill from semi-annually to quarterly.

Report: URS increased the groundwater monitoring to quarterly as of October 2009.

Condition 21: That the Applicant shall periodically monitor the Property for the presence of miconia plants and eradicate any individuals found while they are still immature.

Report: The laborer, as a part of his landscaping duties, checks for miconia. The brush cutter, weed eater, and lawn mower are all used to control vegetation growth near and around the landfill. The Miconia Task Force is a resource to be contacted in the event any miconia should be observed in and around the landfill.

## **Hana Landfill FY10 LUC Annual Report for SP08-402 - 6**

Condition 22: That the Applicant shall file a boundary interpretation request with the LUC staff to determine the location of the Agricultural and Conservation District boundary relative to Waste Area No. 2, as identified on the survey map dated September 8, 2007, within 30 days following the issuance of the Decision and Order granting the Application. The boundary interpretation request shall be accompanied by a metes and bounds survey prepared by a licensed professional land surveyor.

Report: Newcomer-Lee provided the boundary interpretation request with a metes and bounds survey within 30 days of the Decision and Order. An updated survey was done based on the Commission's map for staking of the conservation district line in the field.

Condition 23: That the Applicant shall be prohibited from utilizing any Conservation District lands that may be present in Waste Area No. 2, as determined by the boundary interpretation prepared by the LUC staff, for the purposes of municipal solid waste disposal in connection with the Hana Landfill.

Report: Controlpoint Surveying is completing the field staking of the Conservation District line by September 23, 2010 so that operations can remain outside this area.

**HANA LANDFILL  
STATE LAND USE COMMISSION  
FY2010 ANNUAL REPORT  
SP08-402**

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## Hana Landfill FY10 LUC Annual Report for SP08-402 - 2

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## Hana Landfill FY10 LUC Annual Report for SP08-402 - 3

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