



1     **8. Have you ever been qualified as an expert witness in geological engineering before**  
2     **the State Land Use Commission?**

3             Yes. I appeared as an expert approximately three times before the State Land Use  
4     Commission.

5     **9. Do you specialize in any particular areas?**

6             Yes, several areas. However, in this case MEV was retained by Petitioner CMBY 2011  
7     Investments, LLC in December 2010 to review the environmental documentation that was  
8     prepared by EnviroServices & Training Center, LLC ("ETC") in March 2011 for the then-owner  
9     of the Petition Area, A&B Properties, Inc. The Petition Area, located at Pulehunui, District of  
10    Wailuku, Island and County of Maui, at Tax Map Key No. (2) 3-8-008: 019 was conveyed from  
11    Alexander & Baldwin, Inc. to the Petitioner by deed dated March 17, 2011, a copy of which  
12    Limited Warranty Deed with Reservation of Easements, Covenants, Reservations and  
13    Restrictions was filed as Petitioner's Exhibit 6.

14    **10. Are you familiar with the proposed Pu'unene Heavy Industrial Subdivision**  
15    **("Project") and the Petition Area?**

16             Yes. I understand that the Project is proposed to be developed as a heavy industrial  
17    subdivision that may contain up to 28 developable lots ranging in size from 0.5 acres to 20 acres.  
18    Related improvements include grading, the construction of a drainage system and retention basin,  
19    construction of internal roadways, utilities, a private water system and individual wastewater  
20    systems.

21    **11. What report did MEV prepare for the Petition Area?**

22             As mentioned above, MEV was retained to conduct project monitoring and review of the  
23    environmental documentation prepared by ETC. ETC prepared a Phase I Environmental Site  
24    Assessment, a copy of which was included as Appendix L of Petitioner's Exhibit 1 (Petitioner's  
25    Exhibit 1 is the Environmental Assessment prepared by Chris Hart & Partners for the Project).  
26    ETC also prepared a Site Investigation Report, Former Puunene Piggery, a copy of which is  
27    included as part of Appendix L of Petitioner's Exhibit 1. ETC prepared a draft Phase II Limited  
28    Environmental Site Assessment for the former property owner, A&B, but that document was not

1 submitted to the Department of Health (the "DOH") and was not included in Petitioner's Exhibit  
2 1.

3 12. **Please describe the scope of the work that MEV did for the Project.**

4 A copy of MEV's letter report is included as part of Appendix L of Petitioner's Exhibit 1.  
5 MEV's scope of work included reviewing the reports prepared by ETC, including field work  
6 plans and sampling plans, the Phase I and Limited Phase II Environmental Site Assessments and  
7 the Site Investigation Report, the field sampling monitoring of ETC personnel, the sample  
8 preparation and chain of custody for the chosen lab, the lab qualifications and analytical methods  
9 chosen, and the conclusions made by ETC.

10 13. **Did you rely on any other studies or consultations in drawing your conclusions and**  
11 **making your assessment of the Project?**

12 Yes. As stated above, MEV's report was based on: (i) ETC's Phase I Environmental Site  
13 Assessment; (ii) ETC's draft Phase II Limited Environmental Site Assessment; and (iii) ETC's  
14 Site Investigation Report.

15 14. **Please describe the methodology MEV used to review the environmental**  
16 **documentation.**

17 We used site investigation by monitoring the surface sampling conducted by ETC on  
18 August 30, 2011 in order to witness the sampling process, photo document the event, and  
19 interview ETC field technicians. We compared the lab results from ETC's samples against the  
20 DOH's Environmental Action Levels ("EAL").

21 15. **Are the methodologies that you used consistent with generally accepted industry**  
22 **standards?**

23 Yes.

24 16. **Please describe the methodology ETC used to conduct its study.**

25 ETC conducted sampling on contaminants of potential concern previously identified on  
26 the subject property. The samples were delivered to Test America – Honolulu with completed  
27 chain of custody forms so the lab could conduct analysis.

1 17. **Are the methodologies that ETC used consistent with generally accepted industry**  
2 **standards?**

3 Yes.

4 18. **Are there government regulatory guidelines applicable to work ETC performed?**

5 Yes. We compared ETC's sample collection with the Interim Final-Technical Guidance  
6 Manual for the Implementation of the Hawaii State Contingency Plan and the DOH's Summer  
7 2008 (Updated March 2009) Evaluation of Environmental Hazards at Sites with Contaminated  
8 Soil and Groundwater. In our opinion, ETC conducted its research and studies in accordance  
9 with these guidelines.

10 19. **What were MEV's final recommendations?**

11 We felt that the work conducted by ETC was done according to protocol and in a  
12 professional and knowledgeable manner. We agree with ETC's conclusions that there appear to  
13 be no retained environmental hazards for the site and that no further action is necessary to address  
14 concerns associated with the former solid waste operations on the Property.

15 Based upon our review of the Draft Phase II Limited Environmental Site Assessment that  
16 was at the former gunnery at the southernmost portion of the Petition Area, we also agree with  
17 ETC's conclusions that total lead concentrations are below the laboratory reporting limit and/or  
18 below the default DOH EAL for unrestricted land use. Based on those findings, ETC concluded,  
19 and MEV concurs, that the gunnery did not cause any adverse environmental impacts to the  
20 Petition Area within the recommended soil fraction size of less than 2 millimeters, and that no  
21 further action is needed.

22 20. **Were any of ETC's reports submitted to the DOH?**

23 Yes. The report titled "Site Investigation Report, Former Puunene Piggery" that was  
24 prepared by ETC in October 2011 was submitted to the DOH Solid and Hazardous Waste Branch.  
25 The DOH provided a "No Further Action" letter.

26 21. **Please summarize the contents of the letter from the DOH.**

27 The DOH inspected the site on July 8, 2011 and confirmed that the solid waste previously  
28 at the Petition Area had been removed, and that the impacts from the solid waste activities that

1 had previously taken place at the Petition Area had been addressed. The DOH required no further  
2 action regarding the solid waste activities that occurred at the site.

3 22. **In your professional opinion are there any unresolved environmental concerns with**  
4 **developing the Petition Area as proposed by CMBY?**

5 No. Our review of ETC's reports and conclusions, which were concurred with by the  
6 DOH, determined that the former solid waste activities and former machine gunnery have not  
7 caused any adverse environmental impacts to the Petition Area. The proposed use of the Petition  
8 Area as a heavy industrial subdivision does not require any further environmental sampling or  
9 investigation.

11 DATED: Pukalani, Hawaii, August 15, 2013.

13 Respectfully submitted,

14 /s/ John S. Vuich

15 JOHN S. VUICH

16 4825-7443-0741.2.064670-00001