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STATE OF HAWAII

ORIGINAL

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GOVERNOR

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Ref. No. P-14075

August 6, 2013

To: Gary Gill, Deputy Director
Environmental Health Administration
Department of Health

From: *Jesse K. Souki* Jesse K. Souki, Director *Roddy Lila*

Subject: **Petition for Amendment of the State Land Use District Boundaries:
Land Use Commission Docket No. A13-797, CMBY 2011 INVESTMENTS,
LLC**

Requested Change: State Agricultural to State Urban District,
approx. 86.030 acres

Proposed Use: Puunene Heavy Industrial Subdivision

Location: Wailuku, Maui, Hawaii

Tax Map Key No.: (2) 3-8-008: 019

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LAND USE COMMISSION
STATE OF HAWAII

As a follow-up to staff discussions with Laura McIntyre and Ed Bohlen regarding the subject petition, this is to request your consideration of a proposed condition to mitigate potential impacts on water resources.

Approval from the Land Use Commission (LUC) to reclassify the Petition area is required prior to rezoning and subdivision. On September 5-6, 2013, the LUC will be holding a public hearing on this petition. The Office of Planning (OP) is required to present testimony and make recommendations on this Petition by August 15, 2013.

Project Summary

The Petitioner proposes to develop the approximately 86-acre area with 28 lots, drainage areas and internal roadways. The Puunene Heavy Industrial Subdivision is proposed to be located approximately 1 mile southeast of the intersection of Mokulele Highway, Mehameha Loop, and Kamaaina Road. According to the Petition, the proposed heavy industrial subdivision will be situated adjacent to a reservoir located north in which waterbird species have been observed. The project area is about 1.75 miles away from the Kealia Pond National Wildlife Refuge. (See attached map.) According to the Final Environmental Assessment (FEA), stormwater runoff will be directed to the west side of the property within a series of retention basins. Also, according to the fauna study, no endangered waterbirds were found on the project site, however, its proximity to the Kealia Pond refuge and the adjacent reservoir suggests that

water birds might fly over and/or otherwise utilize this area while traveling within and among the water bodies within the entire region.

Mitigation is needed to address reasonably foreseeable water quality impacts to Maalaea Beach and other downstream properties, such as the Kealia Pond National Wildlife Refuge. As discussed with Department of Health staff, the following is our proposed condition for your consideration and approval. This condition is consistent with conditions for similar impacts addressed in previous LUC decision and orders.

Proposed Condition

- #. **Pollution Prevention Best Management Practices.** Petitioner shall prepare and implement a pollution prevention plan that incorporates Best Management Practices (“BMPs”) for the operational phase of the Project, and shall be directed at preventing all pollutants that may be associated with a specified industrial use from being released into the environment, including structural BMPs such as oil/water separators, detention ponds, lined containment pits, and stormwater filtration units designed to contain and remove industrial contamination. The pollution prevention plan shall include but not be limited to:
- a. Cleaning, repair, and maintenance of equipment involving the use of industrial liquid such as gasoline, diesel, solvent, motor oil, hydraulic oil, gear oil, brake fluid, acidic or caustic liquids, antifreeze, detergents, degreasers, etc., shall be conducted on a concrete floor, whether roofed or unroofed. The concrete floor shall be constructed to contain any drip or spills and to provide for the recovery of any spilled liquids. Water drainage from these concrete floors shall, if necessary, pass through a separator sump before being discharged.
 - b. Any containers used for storage of used oil or other industrial liquids shall be kept on a concrete surface. The surface shall be bermed to prevent the loss of liquid in the event of spills or leaks. The containers shall be sealed and kept under shelter from the rain.
 - c. All employees shall be informed to immediately collect and contain any industrial liquid spills on the concrete floor and should be informed against discharging or spilling any industrial liquids. Employees shall be aware to prevent any industrial spill onto the bare ground.
 - d. For parking areas, BMPs emphasizing pollution prevention shall be established. Large vehicles such as trucks and construction equipment shall utilize drip pans to avoid release of petroleum onto paved surfaces. Areas

Gary Gill
Page 3
August 6, 2013

used primarily for automobile parking shall be periodically checked and cleaned to avoid buildup of oil or other automotive fluids. Maintenance work other than emergency work on vehicles should be prohibited in parking areas.

Our OP testimony which includes proposed conditions of approval is required to be submitted to the LUC by August 15, 2013. As such, we would appreciate a response no later than Tuesday, **August 13, 2013, 11:51 am**. Thank you for your consideration of our request. If you have any questions, please contact Lorene Maki of our Land Use Division at 587-2888, or lmaki@dbedt.hawaii.gov.

Attachment

c: Laura McIntyre, Department of Health
Bryan C. Yee, Department of the Attorney General