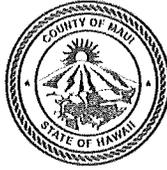


ALAN M. ARAKAWA
Mayor

WILLIAM R. SPENCE
Director

MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

September 2, 2015

LAND USE COMMISSION
STATE OF HAWAII
2015 SEP - 8 A 8:04

Mr. Kyle Ginoza, Director
Department of Environmental Management
2050 Main Street, Suite 1C
Wailuku, Hawaii 96793

Dear Mr. Ginoza:

SUBJECT: RECOMMENDATION OF APPROVAL OF TIME EXTENSION OF LAND USE COMMISSION (LUC) SPECIAL PERMIT FOR LUC DOCKET NO. SP94-386 PERTAINING TO THE LANAI SANITARY LANDFILL, LOCATED AT KAUMALAPAU HIGHWAY, LANAI CITY, LANAI, HAWAII; TMK: (2) 4-9-002:060 (POR.)

At its regular meeting on August 19, 2015, the Lanai Planning Commission (Commission) reviewed the above-referenced request and, after due deliberation and receipt of testimony and exhibits, hereby recommends approval to the LUC the time-extension request for the Lanai Sanitary Landfill, subject to the following conditions:

1. That the LUC Special Use Permit shall be valid until **September 13, 2029**, subject to further extensions by the Commission and the LUC upon a timely request for extension filed at least ninety (90) days prior to its expiration.
2. That full compliance with all applicable governmental requirements shall be rendered.
3. That Petitioner shall use non-potable water, to the extent possible, for grading and dust control of the landfill.
4. That Petitioner shall ensure that impacts from wind-blown debris into Kalamaiki Gulch are mitigated in a timely manner.
5. That Petitioner shall immediately stop work and contact the Department of Land and Natural Resources-State Historic Preservation Division (DLNR-SHPD) should any previously unidentified archaeological resources such as artifacts, shell, bone, charcoal deposits, human burial, rock or coral alignments, pavings or wall be encountered during development of the Special Permit area.
6. That Petitioner shall fully comply with requirements of the State Department of Health for sanitary landfill operation.

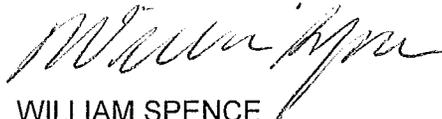
Mr. Kyle Ginoza, Director
September 2, 2015
Page 2

7. That Petitioner shall timely provide, without any prior notice, annual reports to the LUC and the County of Maui Planning Department (Department) in connection with the status of the subject project and Petitioner's progress in complying with the conditions imposed herein. The annual report shall also include the capacity remaining in the landfill at the time of submission of the annual report. The annual report shall be submitted in a form prescribed by the Executive Officer of the Commission.
8. That the conditions imposed herein may be fully or partially released upon timely motion to the Commission and LUC and upon the provision of adequate assurance of satisfaction of these conditions by the Petitioner.
9. That the Petitioner shall address in the annual report how the County and/or State are addressing solid waste diversion that may include recycling, re-use, and reduction.
10. That the Petitioner implements the attached Best Management Practices (BMPs) designed to minimize infiltration and runoff during the operation of the landfill.

Further, the Commission adopted the Report and Recommendation, prepared by the Department for the August 19, 2015 meeting as the Findings of Fact, Conclusions of Law, and Decision and Order. Parties to proceed before the Commission may obtain Judicial Review of Decision and Orders issued by the Commission in the manner set forth in Chapter 91-14, Hawaii Revised Statutes.

Thank you for your cooperation. If additional clarification is required, please contact Staff Planner Kurt Wollenhaupt at kurt.wollenhaupt@mauicounty.gov or at (808) 270-1789.

Sincerely,



WILLIAM SPENCE
Planning Director

Attachment

xc: Clayton I. Yoshida, AICP, Planning Program Administrator (PDF)
John S. Rapacz, Planning Program Administrator (PDF)
Kurt F. Wollenhaupt, Staff Planner (PDF)
Michael Miyamoto (PDF)
Elaine Baker (PDF)
State Land Use Commission
Project File
General File

WRS:KFW:sn

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