

# Exhibit C

(Agency Comments)

COUNTY OF KAUAI  
PLANNING DEPARTMENT  
4444 RICE STREET, SUITE A473, LIHUE, HI 96766  
(808) 241-4050

OCT - 2 2015

FROM: Michael A. Dahilig, Director (15 OCT 16 Kaaina ) Thursday, October 01, 2015

SUBJECT: Class IV Zoning Permit Z-IV-2015-5, Use Permit U-2015-5, Special Permit SP-2015-2, Construction and Operation of a Solar Power Facility, Tax Map Key:(4)3-8-2:2, SolarCity Corporation

TO:

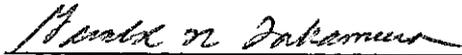
- |   |   |
|---|---|
| <input type="checkbox"/> Department of Transportation - STP       | <input checked="" type="checkbox"/> DPW-Engineering       |
| <input type="checkbox"/> DOT-Highway, Kauai(info only)            | <input type="checkbox"/> DPW-Wastewater                   |
| <input type="checkbox"/> DOT-Airports, Kauai (info only)          | <input checked="" type="checkbox"/> DPW-Building          |
| <input type="checkbox"/> DOT-Harbors, Kauai (info only)           | <input type="checkbox"/> DPW-Solid Waste                  |
| <input checked="" type="checkbox"/> State Department of Health    | <input type="checkbox"/> Department of Parks & Recreation |
| <input type="checkbox"/> State Department of Agriculture          | <input checked="" type="checkbox"/> Fire-Department       |
| <input type="checkbox"/> State Office of Planning                 | <input type="checkbox"/> County Housing-Agency            |
| <input type="checkbox"/> State Dept. of Bus. & Econ. Dev. Tourism | <input type="checkbox"/> County Economic Development      |
| <input type="checkbox"/> State Land Use Commission                | <input type="checkbox"/> KHPRC                            |
| <input type="checkbox"/> State Historic Preservation Division     | <input checked="" type="checkbox"/> Water Department      |
| <input type="checkbox"/> DLNR- Land Management                    | <input type="checkbox"/> Kauai Civil Defense              |
| <input type="checkbox"/> DLNR-Foresty & Wildlife                  | <input type="checkbox"/> U.S. Postal Department           |
| <input type="checkbox"/> DLNR-Aquatic Resources                   | <input type="checkbox"/> UH Sea Grant                     |
| <input type="checkbox"/> DLNR- OCCL                               | <input type="checkbox"/> Other:                           |
|   | <input type="checkbox"/> County Transportation Agency     |

FOR YOUR COMMENTS(pertaining to your department):

See comments on attached sheets.

GNT:DTT:LV:LK:GU/ckn

October 13, 2015

  
Gerald N. Takamura, Chief  
District Environmental Health Program  
Kauai

This matter is scheduled for a public hearing before the County of Kauai Planning Commission on Tuesday, October 27, 2015 at the Lihue Civic Center, Moikeha Building, Meeting Room 2A-2B, 4444 Rice Street, Lihue, Kauai, at 9:00 am or soon thereafter.

If we do not receive your agency comments within one (1) month from the date of this request, we will assume that there are no objections to this permit request. Mahalo!

Class IV Zoning Permit Application: **Z-IV-2015-5**  
Use Permit Application: **U-2015-5**  
Special Permit: **SP-2015-2**  
Applicant: **SolarCity Corporation**

Based on our review of the application, we offer the following environmental health concern for your consideration:

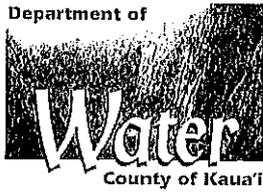
1. The use of portable toilets are limited to temporary use only. The long term use of portable toilets are not allowed and shall not be used for any permanent structure.
2. Temporary fugitive dust emissions could be emitted when the project site is prepared for construction and when construction activities occur. In accordance with Title 11, Hawaii Administrative Rules (HAR), Chapter 11-60.1 "Air Pollution Control", effective air pollution control measures shall be provided to minimize or prevent any fugitive dust emissions caused by the construction work from affecting the surrounding areas. This includes the off-site roadways used to enter/exit the project. The control measures include but are not limited to the use of water wagons, sprinkler systems, dust fences, etc.
3. In accordance with Title 11, HAR, Chapter 11-58.1 "Solid Waste Management Control", if grubbed material and construction waste is generated by the project, the waste shall be disposed of at a solid waste disposal facility that complies with the State Department of Health (DOH). The open burning of any of these wastes on or off site is prohibited.
4. The DOH, Clean Water Branch (CWB) has reviewed the subject document and offers these comments on your project. Please note that our review is based solely on the information provided in the subject document and its compliance with HAR, Chapters 11-54 and 11-55. You may be responsible for fulfilling additional requirements related to our program. We recommend that you also read our standard comments on our website at <http://www.hawaii.gov/health/environmental/env-planning/landuse/CWB-standardcomment.pdf>.
  - I. Any project and its potential impacts to State waters must meet the following criteria:
    - a. Antidegradation policy (HAR, Section 11-54-1.1), which requires that the existing uses and the level of water quality necessary to protect the existing uses of the receiving State water be maintained and protected.
    - b. Designated uses (HAR, Section 11-54-3), as determined by the classification of the receiving State waters.

- c. Water quality criteria (HAR, Sections 11-54-4 through 11-54-8).
- II. Please call the Army Corps of Engineers at (808) 438-9258 to see if this project requires a Department of the Army (DA) permit. Permits may be required for work performed in, over, and under navigable waters of the United States. Projects requiring a DA permit also require a Section 401 Water Quality Certification (WQC) from our office.
- III. You are required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for discharges of wastewater, including storm water runoff, into State surface waters (HAR, Chapter 11-55). For the following types of discharges into Class A or Class 2 State waters, you may apply for NPDES general permit coverage by submitting a Notice of Intent (NOI) form:
- a. Storm water associated with industrial activities, as defined in Title 40, Code of Federal Regulations, Sections 122.26(b)(14)(i) through 122.26(b)(14)(ix) and 122.26(b)(14)(xi).
  - b. Storm water associated with construction activities, including clearing, grading, and excavation, that result in the disturbance of equal to or greater than one (1) acre of total land area. The total land area includes a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under a larger common plan of development or sale. **An NPDES permit is required before the start of the construction activities.**
  - c. Treated effluent from leaking underground storage tank remedial activities.
  - d. Once through cooling water less than one (1) million gallons per day.
  - e. Hydrotesting water.
  - f. Construction dewatering effluent.
  - g. Treated effluent from petroleum bulk stations and terminals.
  - h. Treated effluent from well drilling activities.
  - i. Treated effluent from recycled water distribution systems.
  - j. Storm water from a small municipal separate storm sewer system.

- k. Circulation water from decorative ponds or tanks.
5. You must submit a separate NOI form for each type of discharge at least 30 days prior to the start of the discharge activity, except when applying for coverage for discharges of storm water associated with construction activity. For this type of discharge, the NOI must be submitted 30 before to the start of construction activities. The NOI forms may be picked up at our office or downloaded from our website at:  
<http://www.hawaii.gov/health/environmental/water/cleanwater/forms/genl-index.html>.
  6. For types of wastewater not listed in Item 3 above or wastewater discharging into Class 1 or Class AA waters, you must obtain an NPDES individual permit. An application for an NPDES individual permit must be submitted at least 180 days before the commencement of the discharge. The NPDES application forms may be picked up at our office or downloaded from our website at  
<http://www.hawaii.gov/health/environmental/water/cleanwater/forms/indiv-index.html>.
  7. You must also submit a copy of the NOI or NPDES permit application to the State Department of Land and Natural Resources, State Historic Preservation Division (SHPD), or demonstrate to the satisfaction of the CWB that SHPD has or is in the process of evaluating your project. Please submit a copy of your request for review by SHPD or SHPD's determination letter for the project along with your NOI or NPDES permit application, as applicable.
  8. Please note that all discharges related to the project construction or operation activities, whether or not NPDES permit coverage and/or Section 401 WQC are required, must comply with the State's Water Quality Standards. Noncompliance with water quality requirements contained in HAR, Chapter 11-54 and/or permitting requirements, specified in HAR, Chapter 11-55 may be subject to penalties of \$25,000 per day per violation.

If you have any questions, please visit our website at <http://www.hawaii.gov/health/environmental/water/cleanwater/index.html>, or contact the Engineering Section, CWB, at (808) 586-4309.

Due to the general nature of the application submitted, we reserve the right to implement future environmental health restrictions when more detailed information is submitted.



Water has no substitute.....Conserve it!

4398 PUA LOKE STREET, PO BOX 1708  
LIHU'E, KAUAI, HAWAII 96766  
PHONE: 808-245-5400 FAX: 808-245-5813

75 OCT 26 11:11

DATE: October 21, 2015  
TO: Planning Department  
Michael Dahilig, Director (Kaaina)  
SUBJECT: Class IV Zoning Permit Z-IV-2016-5, U-2016-5; Special Permit SP-2016-2,  
Construction & Operation of a Solar Power Facility, TMK: 3-8-02:002  
(SolarCity Corporation)

DOW COMMENTS:

At the present time, the Department of Water (DOW) does not have a domestic water system serving this area.

We recommend to the Planning Department that any approval of the proposed Class IV Zoning Permit Z-IV-2016-5, U-2016-5, and Special Permit SP-2016-2 Applications for the construction and operation of a Solar Power Facility on TMK: 3-8-02:002 be conditioned; whereby, the applicant shall be made aware that prior to the DOW recommending building permit approval, the applicant must:

Either:

- a) Complete a Waiver and Release Agreement with the Department of Water agreeing that domestic water service is not available from the Department of Water for this project.

Or:

- b) Submit a copy of the current deed for this lot to the Department of Water. The deed must specifically indicate that County (Department of Water) water service is not available to the lot or similar wording, as approved by the Department.

Edward Doi  
Edward Doi  
Chief of Water Resources and Planning

10/22/15  
Date

Z-IV-2016-5 Solar City Corp-Solar Power Facility/JB:mll

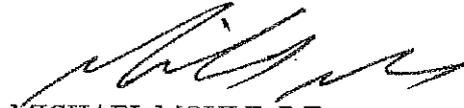
E.I.a.l. (K)  
OCT 27 2015

Z-IV-2015-5 Solar City Corporation  
TMK: (4) 3-8-002-002  
October 30, 2015  
Page 2

PW 10.15.013

property owner shall be responsible to ensure that BMPs are satisfactorily implemented at all times.

Sincerely,



MICHAEL MOULE, P.E.  
Chief, Engineering Division

SI

cc: Design and Permitting

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County of Kaua'i  
PLANNING DEPT.

COUNTY OF KAUAI-2 A8:43  
PLANNING DEPARTMENT  
4444 RICE STREET, SUITE A473, LIHU'E, HI 96766  
Phone: (808) 241-4050  
RECEIVED

TO: Michael A. Dahilig, Planning Director (Kaaina)

Date: Thursday October 1, 2015

SUBJECT: Class IV Zoning Permit Z-IV-2015-5, Use Permit U-2015-5, Special Permit SP-2015-2 Construction and Operation of a Solar Power Facility, Tax Map Key: (4) 3-8-2: 002  
Solar City Corporation  
PW 10.15.013

FROM:

<input type="checkbox"/>	Department of Transportation – STP	<input checked="" type="checkbox"/>	DPW - Engineering
<input checked="" type="checkbox"/>	DOT- Highways, Kaua'i (info only)	<input type="checkbox"/>	DPW - Wastewater
<input type="checkbox"/>	DOT-Airports, Kaua'i (info only)	<input type="checkbox"/>	DPW - Building
<input type="checkbox"/>	DOT-Harbors, Kaua'i (info only)	<input type="checkbox"/>	DPW - Solid Waste
<input checked="" type="checkbox"/>	State Department of Health	<input type="checkbox"/>	Department of Parks & Recreation
<input type="checkbox"/>	State Department of Agriculture	<input checked="" type="checkbox"/>	Fire Department
<input type="checkbox"/>	State Office of Planning	<input type="checkbox"/>	County Housing Agency
<input type="checkbox"/>	State Dept. of Bus. Econ, Dev. Tourism	<input type="checkbox"/>	County Economic Development
<input type="checkbox"/>	State Land Use Commission	<input type="checkbox"/>	KHPRC
<input checked="" type="checkbox"/>	State Historic Preservation Division	<input checked="" type="checkbox"/>	Water Department
<input type="checkbox"/>	DLNR – Land Management	<input type="checkbox"/>	Kaua'i Civil Defense
<input type="checkbox"/>	DLNR – Forestry & Wildlife	<input type="checkbox"/>	U. S. Postal Department
<input type="checkbox"/>	DLNR – Aquatic Resources	<input checked="" type="checkbox"/>	Other
<input type="checkbox"/>	DLNR – OCCL		

FOR YOUR COMMENTS (pertaining to your department):

October 30, 2015

We have reviewed the permit application to construct a Solar Power Facility in Kapaia and have the following comments on drainage and grading:

1. The applicant shall provide a drainage study to evaluate and mitigate drainage impacts of the increased storm water runoff generated from the proposed development. The development is required to keep peak storm flow rates leaving the site to predevelopment levels and to detain the increase storm runoff volume in accordance with the County's Storm Water Runoff System Manual.
2. A grading and grubbing permit may be required. The maximum area that may be opened for grading or grubbing at any time is ten (10) acres. The grading and/or grubbing plan shall be phased where the phasing is limited to increments of 10 acre maximum.
3. Best management Practices (BMPs) shall be incorporated to the maximum extent practicable to prevent damage by sedimentation, erosion, or dust from entering into connecting watercourses, natural areas, and other properties. The permittee and the