

August 29, 2013

Dan Orodenker, Executive Officer  
State of Hawaii  
State Land Use Commission  
P.O. Box 2359  
Honolulu, Hawaii 96804

William Spence, Director  
County of Maui  
**Attention: Paul Fasi**  
Department of Planning  
2200 Main Street, Suite 315  
Wailuku, Hawaii 96793

SUBJECT: State Special Use Permit and County Special Use Permit for Puunene Rock Quarry, TMK: (2)3-8-004:001(por.), and 002(por.), (2)3-8-008:001(por.) and 031(por.), Pulehunui, Wailuku, Hawaii (SP 92-380) (SUP1 91-0013) (CUP 2006/0002)

Dear Mr. Orodenker and Mr. Spence:

The State Land Use Commission (SLUC) at a regularly scheduled meeting on May 5, 2005, voted to approve a time extension request for the existing State Special Use Permit (SUP) (SP92-380) for the Puunene Quarry. The SUP time extension was granted for 15 years from the date of July 13, 2002. The approval of the time extension request was subject to 11 conditions. See **Exhibit "A"**. It is noted that the Commission also voted to further amend the conditions of the SUP, effective December 18, 2006. See **Exhibit "B"**.

Condition Number 11 of the 2005 SUP time extension approval stated:

*"An annual progress report shall be submitted to the Planning Director and the State Land Use Commission prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required."*

Further, at its regular meeting of June 27, 2006, the Maui Planning Commission (Commission) voted to recommend approval of an amendment to the SUP for the existing Puunene Rock Quarry to add additional areas to the SUP. Additionally, the Commission voted to approve an amendment to the existing County Special Use Permit (CUP) for the Puunene Rock Quarry to expand the area for the quarry. See **Exhibit "C"**.

Condition Number 5 of the CUP approval states,

*"That the applicant shall submit to the Planning Department five copies of a detailed report addressing its compliance with the conditions established with the subject County Special Use Permit and State Land Use Commission Special Use Permit SUP 91/0013 (SP 92-380). The compliance report shall be submitted to the Planning Department for review and approval prior to a time extension request or an amendment to the existing County Special Use Permit."*

On behalf of the SUP and CUP permit holder, Hawaiian Cement, we are submitting this compliance report to meet Condition No. 11 of the SUP and Condition No. 5 of the CUP. No changes in the operations have occurred since 2011.

### **STATE SPECIAL USE PERMIT CONDITIONS**

#### **Condition No. 1**

***That the State Land Use Commission Special Use Permit shall be valid for a period of fifteen (15) years from July 13, 2002, subject to further extensions by the Land Use Commission upon a timely request for extension filed at least one-hundred twenty (120) days prior to its expiration. The appropriate Planning Commission shall make a recommendation to the Land Use Commission and may require a public hearing on the time extension.***

**Response:** The permittee concurs with the condition and will comply with the extension request procedures. We note that the SUP for the Puunene Quarry would expire in July 2017. It is noted that the applicant, with the support of the County of Maui, Department of Planning, will seek a 15-year time extension for the SUP, such that the new deadline for the permit will be 2032.

**Condition No. 2**

***That the conditions of this Land Use Commission Special Use Permit shall be enforced pursuant to Sections 205-12 and 205-13, Hawaii Revised Statutes. Failure to comply with one or more of the conditions herein shall result in a notice of 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 AND NO/100 DOLLARS (\$1,000.00) per violation; that a civil fine not to exceed FIVE THOUSAND AND NO/100 DOLLARS (\$5,000.00) shall be issued if violation not cured within six 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 planning department within said (30) days. Upon receipt of a request for a hearing, the Planning 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.***

**Response:** The permittee concurs with this condition.

**Condition No. 3**

***That the subject State Land Use Commission Special Use Permit shall not be transferred without the prior written approval of the Land Use Commission. The appropriate Planning Commission shall make a recommendation to the Land Use Commission. 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.***

**Response:** The permittee concurs with this condition. No permit transfer request is anticipated for the SUP.

**Condition No. 4**

***That the applicant, its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject State Land Use Commission Special Use Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this State Land Use Commission Special Use Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00) naming the County of Maui and State of Hawaii as an additional named insured, insuring and defending the applicant, County of Maui and State of Hawaii against any and all claims or demands for property damage, personal injury and/or death arising out of this permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the applicant of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the nonobservance or nonperformance of any of the terms and conditions of this permit. A copy of a policy naming County of Maui as an additional named insured shall be submitted to the Department within ninety (90) calendar days from the date of transmittal of the decision and order.***

**Response:** Please find attached, as **Exhibit "D"**, current Certificates of Insurance for the Puunene Quarry, naming the State of Hawaii and County of Maui as an additional insured.

**Condition No. 5**

***That full compliance with all applicable governmental requirements shall be rendered.***

**Response:** The permittee concurs with the condition.

**Condition No. 6**

***That a restoration plan be submitted, showing upon termination of operations, depleted and excavated areas shall be graded to blend with the surrounding natural contours and that appropriate vegetative cover consisting of trees, shrubs, and ground cover shall be established.***

**Response:** The permittee understands this condition. A restoration plan, approved by the landowner, has previously been submitted to the SLUC upon termination of the quarry operations. See **Exhibit "E"**.

**Condition No. 7**

***That a detailed drainage plan be submitted to the Department of Public Works and Department of Transportation for their review and approval.***

**Response:** A detailed drainage plan was submitted and approved by the Department of Public Works (DPW). Said plan approvals have been previously submitted by the applicant.

**Condition No. 8**

***That a detailed solid waste management plan be submitted to the Public Works for their review and approval.***

**Response:** A solid waste management plan was submitted to the DPW for their review and approval. Said plan approval has been previously submitted by the applicant.

**Condition No. 9**

***That a regular maintenance program for the access road be submitted to Department of Transportation Highways Division and Department of Public Works for review and approval to ensure that loose aggregate, which may have fallen from trucks coming from the quarry site, shall be removed.***

**Response:** A maintenance program was for the access road and was submitted to the SDOT, Highway Division and DPW for review and approval. The SDOT approved said plan. See **Exhibit "F"**.

**Condition No. 10**

***That the applicant shall continue to comply with air pollution control and all other permits for rock crushing, asphalt batching, and all other operations, including the restoration of the site.***

**Response:** The permittee understands this condition and is continuing to comply with air pollution control and other related permits for the

quarry operation. Copies of the current permits for the Pu'unene Quarry site are attached as **Exhibit "G"**.

**Condition No. 11**

***An annual progress report shall be submitted to the Planning Director and the State Land Use Commission prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required.***

**Response:** This report is being submitted to satisfy this condition for the years 2012 and 2013.

At a meeting held on December 8, 2006, the SLUC voted to grant approval of an amendment to the SUP, thereby including an additional 41.968 acres of land to the existing Puunene Quarry site. As such, the new total acreage covered by the SUP was 105.957 acres. The approval of the amendment included five (5) additional conditions. Refer to **Exhibit "B"**. The permittee's responses to compliance with the five (5) additional conditions are noted below as Condition Nos. 12, 13, 14, 15, and 16.

**Condition No. 12**

***That prior to commencement of quarry operations into the Expansion Areas, the applicant shall provide evidence of approval from the State Department of Transportation regarding a maintenance program for the driveway and surrounding roadway.***

**Response:** As previously noted in the response to Condition No. 9, the SDOT has approved the maintenance program for the Puunene Quarry. Refer to **Exhibit "F"**.

**Condition No. 13**

***That prior to commencement of quarry operations into the Expansion Areas, the applicant shall provide evidence of approval from the State Department of Health regarding modifications to the Clean Air Branch permit.***

**Response:** The permittee understands this condition. Copies of the State Department of Health permits are included. Refer to **Exhibit "G"**.

**Condition No. 14**

***That prior to commencement of quarry operations into the Expansion Areas, the applicant shall submit an archaeological inventory survey to the State Historic Preservation Division for their review; and shall comply with their subsequent comments.***

**Response:** The permittee had an archaeological inventory survey report prepared for the expansion area at the Puunene Quarry. The report was submitted to the State Historic Preservation Division (SHPD) for review and approval on January 24, 2011. SHPD approved said report via letter dated August 8, 2012. See **Exhibit "H"**. The SHPD concurred that no further archaeological work is required for the site.

**Condition No. 15**

***That the new quarry operations shall be confined to the areas depicted on Exhibit 2 of the Planning Department staff report as "24.476 Acres" and "41.968 Acres" (attached as "Proposed Quarry Mining Site" map, dated July 7, 2005).***

**Response:** The permittee understands this condition. New quarry activities are limited to the expansion area identified on the "Proposed Quarry Mining Site" map that was attached to the SLUC Decision and Order.

It is noted that a request to amend the SUP and CUP to add approximately 42 acres to the quarry operation was filed with the County of Maui, Planning Department in February 2013.

**Condition No. 16**

***That the applicant shall file within one year of the issuance of this Decision and Order a request with the County of Maui Department of Planning to amend the special use permit to reflect the current boundaries of the existing 105.957-acre quarry site.***

**Response:** The permittee concurs with this condition. As previously noted, Hawaiian Cement received approval for the amendment to the CUP from the County of Maui in July 2006 to reflect the expanded quarry area at the Puunene Quarry. Refer to **Exhibit "C"**.

### **COUNTY SPECIAL USE PERMIT CONDITIONS**

#### **Condition No. 1**

***That the County Special Use Permit shall be valid until July 31, 2018, or the expiration date for the State Land Use Commission Special Use Permit, whichever is longer, subject to extension by the Maui Planning Commission upon a timely request for extension filed at least ninety (90) days prior to its expiration. The Commission may require a public hearing on the time extension.***

**Response:** The permittee concurs with this condition and will comply with time extension request procedures. Based on discussions with the Planning Department, Hawaiian Cement is seeking a time extension request for the CUP permit for 14 years, such that the permit will expire in 2032, the same year as the current expiration of Hawaiian Cement's lease with the landowner.

#### **Condition No. 2**

***That the County Special Use Permit shall not be transferred without the prior written approval of the Maui Planning Commission.***

**Response:** The permittee concurs with this condition. No permit transfer request is anticipated for the CUP.

#### **Condition No. 3**

***That the applicant, its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject County Special Use Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this County Special Use Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (1,000,000.00) naming the County of Maui as an additional named insured, insuring and defending the applicant and County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of***



***this permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the applicant of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this permit. A copy of a policy naming the County of Maui as an additional named insured shall be submitted to the Department within ninety (90) calendar days from the date of transmittal of the decision and order.***

**Response:** A current Certificate of Insurance is provided in Exhibit "D".

**Condition No. 4**

***That full compliance with all applicable governmental requirements shall be rendered.***

**Response:** The permittee concurs with this condition.

**Condition No. 5**

***That the applicant shall submit to the Planning Department five copies of a detailed report addressing its compliance with the conditions established with the subject County Special Use Permit and State Land Use Commission Special Use Permit SUP 91/0013 (SP 92-380). The compliance report shall be submitted to the Planning Department for review and approval prior to a time extension request or an amendment to the existing County Special Use Permit.***

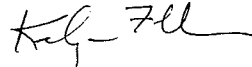
**Response:** This report is being submitted to satisfy this condition.

Finally, we would like to note that to date, Hawaiian Cement has extended its quarry operation to approximately 75 percent (75%) of the 24.5 acre expansion area at the Puunene Quarry. The 41-acre expansion area parcel has not been quarried to date.

Dan Orodenker and William Spence  
August 29, 2013  
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Should you have any further questions regarding this annual report, please do not hesitate to contact me at (808) 244-2015.

Very truly yours,



Karlynn Fukuda  
Executive Vice President

KF:yp

Enclosures

cc: Dave Gomes, Hawaiian Cement (w/enclosures)

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# **EXHIBIT A.**

## **Decision and Order Approving a Time Extension to a Special Use Permit**

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

|  |   |                     |
|--|---|---------------------|
| In The Matter Of The Application Of          | ) | DOCKET NO. SP92-380 |
|  | ) |                     |
| HAWAIIAN CEMENT                              | ) | DECISION AND ORDER  |
|  | ) | APPROVING A TIME    |
| For A Special Permit To Allow A Rock         | ) | EXTENSION TO A      |
| Quarrying/Crushing Operation And Related     | ) | SPECIAL USE PERMIT  |
| Uses On Approximately 105.957 Acres Of       | ) |                     |
| Land Situated Within The State Land Use      | ) |                     |
| Agricultural District At Pulehunui, Wailuku, | ) |                     |
| Maui, Tax Map Key: 3-8-08: Portion Of 1 And  | ) |                     |
| Portion Of 31                                | ) |                     |
| <hr/>  |   |                     |

DECISION AND ORDER APPROVING A TIME  
EXTENSION TO A SPECIAL USE PERMIT

This is to certify that this is a true and correct  
copy of the document on file in the office of the  
State Land Use Commission, Honolulu, Hawaii.

JUL 15 2003

Date

by *Anthony Adams*  
Executive Officer

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAII

|  |   |                     |
|--|---|---------------------|
| In The Matter Of The Application Of          | ) | DOCKET NO. SP92-380 |
|  | ) |                     |
| HAWAIIAN CEMENT                              | ) | DECISION AND ORDER  |
|  | ) | APPROVING A TIME    |
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| Quarrying/Crushing Operation And Related     | ) | SPECIAL USE PERMIT  |
| Uses On Approximately 105.957 Acres Of       | ) |                     |
| Land Situated Within The State Land Use      | ) |                     |
| Agricultural District At Pulehunui, Wailuku, | ) |                     |
| Maui, Tax Map Key: 3-8-08: Portion Of 1 And  | ) |                     |
| Portion Of 31                                | ) |                     |
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DECISION AND ORDER APPROVING A TIME  
EXTENSION TO A SPECIAL USE PERMIT

On February 13, 2002, Hawaiian Cement ("Applicant") filed a written request to amend the special use permit issued in the above-entitled docket with the County of Maui Department of Planning ("DP"), pursuant to section 205-6, Hawai'i Revised Statutes ("HRS"), and sections 15-15-95 and 15-15-96, Hawai'i Administrative Rules ("HAR"). The Applicant requested a 15-year time extension to the life of the special use permit to allow for the continued operation of the Applicant's rock quarry and concrete aggregate operations ("Request").<sup>1</sup>

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<sup>1</sup> By Findings Of Fact, Conclusions Of Law, And Decision And Order issued on July 13, 1992, the Land Use Commission ("Commission") approved the special use permit to establish the rock quarry on approximately 45.957 acres of land. The special use permit was valid for a period of 10 years to July 13, 2002. By Findings Of Fact, Conclusions Of Law, And Decision And Order ("Decision and Order") issued on November 25, 1996,

The Commission has jurisdiction over the Applicant's Request. Section 205-6, HRS, and sections 15-15-95 and 15-15-96, HAR, authorize this Commission to approve special use permits and amendments thereto for areas greater than 15 acres.

On July 8, 2003, the County of Maui Planning Commission ("Planning Commission") conducted a hearing on the Applicant's Request. A member of the public provided testimony on the Request. After due deliberation, the Planning Commission recommended approval of the Applicant's Request to this Commission, subject to the following amendments to Condition Numbers 1, 2, 3, 4, 6, 7, 8, 9, and 12 of the Decision and Order issued on November 25, 1996:

1. That the State Land Use Commission Special Use Permit shall be valid until for a period of fifteen (15) years from the date of its granting, subject to further extensions by the Land Use Commission upon a timely request for extension filed at least one-hundred twenty (120) days prior to its expiration. The appropriate Planning Commission shall make a recommendation to the Land Use Commission and may require a public hearing on the time extension.
2. That the conditions of this Land Use Commission Special Use Permit shall be enforced pursuant to Sections 205-12 and 205-13, Hawaii Revised Statutes. Failure to comply with one or more of the conditions herein shall result in a notice of 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;

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the Commission approved an additional 60 acres of land to the quarry for a total special use permit area of 105.957 acres. The 60 acres of land were previously the subject of another special use permit approved in LUC Docket No. SP90-376/Hawaiian Cement.

that a civil fine be paid not to exceed ONE THOUSAND AND NO/100 DOLLARS (\$1,000.00) per violation; that a civil fine not to exceed FIVE THOUSAND AND NO/100 DOLLARS (\$5,000.00) shall be issued if violation not cured within six 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 planning department within said thirty (30) days. Upon receipt of a request for a hearing, the Planning 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.

3. That the subject State Land Use Commission Special Use Permit shall not be transferred without the prior written approval of the Land Use Commission. The appropriate Planning Commission shall make a recommendation to the Land Use Commission. 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.
4. That the applicant, its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject State Land Use Commission Special Use Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this State Land Use Commission Special Use Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00) naming the County of Maui and State of Hawaii as an additional named insured, insuring and defending the applicant, County of Maui and State of Hawaii against any and all claims or demands for property damage, personal injury and/or death arising out of this permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the applicant of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the nonobservance or nonperformance of any of the terms and conditions

of this permit. A copy of a policy naming County of Maui as an additional named insured shall be submitted to the Department within ninety (90) calendar days from the date of transmittal of the decision and order.

6. That a restoration plan be submitted, showing upon termination of operations, depleted and excavated areas shall be graded to blend with the surrounding natural contours and that appropriate vegetative cover consisting of trees, shrubs, and ground cover shall be established.
7. That a detailed drainage plan be submitted to the Department of Public Works and Department of Transportation for their review and approval.
8. That a detailed solid waste management plan be submitted to Public Works for their review and approval.
9. That a regular maintenance program for the access road be submitted to Department of Transportation Highways Division and Department of Public Works for review and approval to ensure that loose aggregate, which may have fallen from trucks coming from the quarry site, shall be removed.
12. That the applicant shall submit to the Maui Planning Department copies of a detailed report addressing its compliance with the conditions established with the subject State Land Use Commission Special Use Permit. The compliance report shall be reviewed and approved by the Maui Planning Department prior to a time extension request or an amendment to the existing Land Use Commission Special Use Permit.

The Planning Commission also recommended that Condition Number 5 be retained and that Condition Numbers 10 and 11 be deleted.

On January 29, 2004, the Commission received a copy of the decision and a portion of the record of the Planning Commission's proceedings on the Applicant's



Request. On April 6, 2005, the Commission received the remaining portion of the record.

On May 5, 2005, the Commission met in Makena, Maui, to consider the Applicant's Request. Bill Horneman appeared on behalf of the Applicant. Jane E. Lovell, Esq., and Robyn Loudermilk appeared on behalf of the DP. John W. K. Chang, Esq.; Abe Mitsuda; and Mary Alice Evans also were present on behalf of the State Office of Planning ("OP").

At the meeting, Commissioner Ransom Piltz disclosed that he served on the Planning Commission when the Applicant's Request was considered. There were no objections to Commissioner Piltz's participation in this proceeding. Following a presentation by the Commission's staff on the Applicant's Request, the Commission raised questions regarding the Applicant's compliance with the conditions of approval. The OP and the DP affirmed that the Applicant complied with Condition Numbers 6, 7, 8, 9, 10, and 11. Upon further questioning by the Commission, the DP and the Applicant stated that they had no objections to retaining the requirement that the Applicant file an annual report with the Planning Director and the Commission. The DP also clarified that the Planning Commission's recommendation to approve the Applicant's Request for a 15-year time extension was based on the understanding that it would commence from the July 13, 2002, expiration date of the special use permit.

Following further discussion, the Commission noted that the Applicant should continue to comply with all required permits for its operations and the restoration of the site.

Thereafter, a motion was made and seconded to approve the Applicant's Request, subject to the following conditions to replace all previous conditions imposed on the special use permit:

1. That the State Land Use Commission Special Use Permit shall be valid for a period of fifteen (15) years from July 13, 2002, subject to further extensions by the Land Use Commission upon a timely request for extension filed at least one-hundred twenty (120) days prior to its expiration. The appropriate Planning Commission shall make a recommendation to the Land Use Commission and may require a public hearing on the time extension.
  
2. That the conditions of this Land Use Commission Special Use Permit shall be enforced pursuant to Sections 205-12 and 205-13, Hawai'i Revised Statutes. Failure to comply with one or more of the conditions herein shall result in a notice of 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 AND NO/100 DOLLARS (\$1,000.00) per violation; that a civil fine not to exceed FIVE THOUSAND AND NO/100 DOLLARS (\$5,000.00) shall be issued if violation not cured within six 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 planning department within said thirty (30) days. Upon receipt of a request for a hearing, the Planning 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.

3. That the subject State Land Use Commission Special Use Permit shall not be transferred without the prior written approval of the Land Use Commission. The appropriate Planning Commission shall make a recommendation to the Land Use Commission. 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.
4. That the applicant, its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject State Land Use Commission Special Use Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this State Land Use Commission Special Use Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00) naming the County of Maui and State of Hawai'i as an additional named insured, insuring and defending the applicant, County of Maui and State of Hawai'i against any and all claims or demands for property damage, personal injury and/or death arising out of this permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the applicant of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the nonobservance or nonperformance of any of the terms and conditions of this permit. A copy of a policy naming County of Maui as an additional named insured shall be submitted to the Department within ninety (90) calendar days from the date of transmittal of the decision and order.
5. That full compliance with all applicable governmental requirements shall be rendered.
6. That a restoration plan be submitted, showing upon termination of operations, depleted and excavated areas shall be graded to blend with the surrounding natural contours and that appropriate vegetative

cover consisting of trees, shrubs, and ground cover shall be established.

7. That a detailed drainage plan be submitted to the Department of Public Works and Department of Transportation for their review and approval.
8. That a detailed solid waste management plan be submitted to Public Works for their review and approval.
9. That a regular maintenance program for the access road be submitted to Department of Transportation Highways Division and Department of Public Works for review and approval to ensure that loose aggregate, which may have fallen from trucks coming from the quarry site, shall be removed.
10. That the applicant shall continue to comply with air pollution control and all other permits for rock crushing, asphalt batching, and all other operations, including the restoration of the site.
11. An annual progress report shall be submitted to the Planning Director and the State Land Use Commission prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required.

Following deliberation by the Commissioners, a vote was taken on the motion. There being a vote tally of 6 ayes, 0 nays, and 3 absent, the motion carried.

#### ORDER

Having duly considered the complete record of the Applicant's Request and the oral arguments presented by the parties present in the proceeding, and a

motion having been made at a meeting on May 5, 2005, in Makena, Maui, and the motion having received the affirmative votes required by section 15-15-13, HAR, and there being good cause for the motion, this Commission hereby APPROVES the Applicant's Request, subject to the following conditions to replace all previous conditions imposed on the special use permit:

1. That the State Land Use Commission Special Use Permit shall be valid for a period of fifteen (15) years from July 13, 2002, subject to further extensions by the Land Use Commission upon a timely request for extension filed at least one-hundred twenty (120) days prior to its expiration. The appropriate Planning Commission shall make a recommendation to the Land Use Commission and may require a public hearing on the time extension.
2. That the conditions of this Land Use Commission Special Use Permit shall be enforced pursuant to Sections 205-12 and 205-13, Hawai'i Revised Statutes. Failure to comply with one or more of the conditions herein shall result in a notice of 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 AND NO/100 DOLLARS (\$1,000.00) per violation; that a civil fine not to exceed FIVE THOUSAND AND NO/100 DOLLARS (\$5,000.00) shall be issued if violation not cured within six 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 planning department within said thirty (30) days. Upon receipt of a request for a hearing, the Planning 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.

3. That the subject State Land Use Commission Special Use Permit shall not be transferred without the prior written approval of the Land Use Commission. The appropriate Planning Commission shall make a recommendation to the Land Use Commission. 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.
4. That the applicant, its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject State Land Use Commission Special Use Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this State Land Use Commission Special Use Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00) naming the County of Maui and State of Hawai'i as an additional named insured, insuring and defending the applicant, County of Maui and State of Hawai'i against any and all claims or demands for property damage, personal injury and/or death arising out of this permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the applicant of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the nonobservance or nonperformance of any of the terms and conditions of this permit. A copy of a policy naming County of Maui as an additional named insured shall be submitted to the Department within ninety (90) calendar days from the date of transmittal of the decision and order.
5. That full compliance with all applicable governmental requirements shall be rendered.
6. That a restoration plan be submitted, showing upon termination of operations, depleted and excavated areas shall be graded to blend with the surrounding natural contours and that appropriate vegetative

cover consisting of trees, shrubs, and ground cover shall be established.

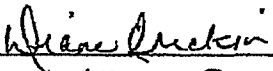
7. That a detailed drainage plan be submitted to the Department of Public Works and Department of Transportation for their review and approval.
8. That a detailed solid waste management plan be submitted to Public Works for their review and approval.
9. That a regular maintenance program for the access road be submitted to Department of Transportation Highways Division and Department of Public Works for review and approval to ensure that loose aggregate, which may have fallen from trucks coming from the quarry site, shall be removed.
10. That the applicant shall continue to comply with air pollution control and all other permits for rock crushing, asphalt batching, and all other operations, including the restoration of the site.
11. An annual progress report shall be submitted to the Planning Director and the State Land Use Commission prior to the anniversary date of the approval of the permit. The report shall include, but not be limited to, the status of the development and to what extent the conditions of approval are being complied with. This condition shall remain in effect until all of the conditions of approval have been complied with and the Planning Director acknowledges that further reports are not required.

ADOPTION OF ORDER

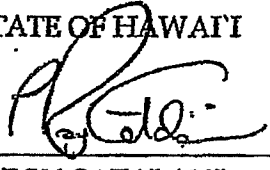
The undersigned Commissioners, being familiar with the record and proceedings, hereby adopt and approve the foregoing ORDER this 15th day of July, 2005. This ORDER and its ADOPTION shall take effect upon the date this ORDER is certified and filed by this Commission.

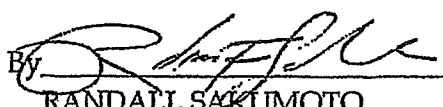
Done at Honolulu, Hawai'i, this 15th day of July, 2005, per motion on May 5, 2005.

APPROVED AS TO FORM

  
Deputy Attorney General

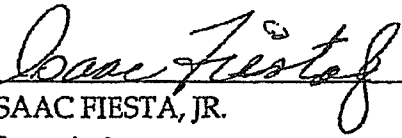
LAND USE COMMISSION  
STATE OF HAWAII

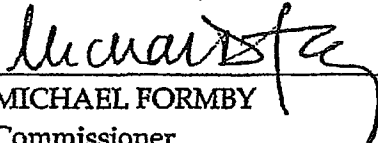
By   
P. ROY CATALANI  
Chairperson and Commissioner

By   
RANDALL SAKUMOTO  
Vice-Chairperson and Commissioner

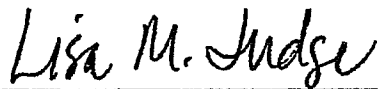
By (absent)  
STEVEN LEE MONTGOMERY  
Vice Chair and Commissioner

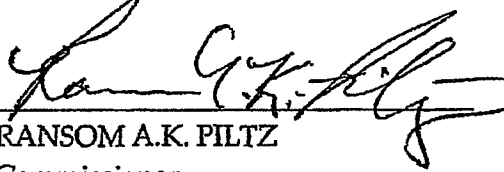


By   
ISAAC FIESTA, JR.  
Commissioner

By   
MICHAEL FORMBY  
Commissioner

By (absent)  
KYONG-SU IM  
Commissioner

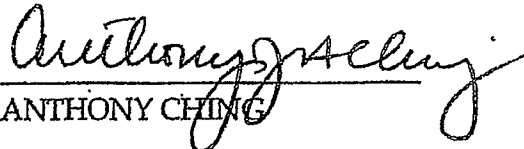
By   
LISA M. JUDGE  
Commissioner

By   
RANSOM A.K. PILTZ  
Commissioner

Filed and effective on  
JUL 15 2005

By (absent)  
PETER YUKIMURA  
Commissioner

Certified by:

  
ANTHONY CHING



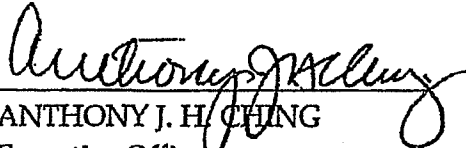
MICHAEL FOLEY, Director  
County of Maui, Planning Department  
250 South High Street  
Wailuku, Hawaii 96793

BRIAN MOTO, Esq.  
Corporation Counsel  
County of Maui  
250 South High Street  
Wailuku, Hawaii 96793

CERT.

WILDER W. HORNEMAN  
Vice President Concrete & Aggregate Operations  
Hawaiian Cement  
P. O. Box 488  
Kahului, Hawaii 96732

Dated: Honolulu, Hawaii, JUL 15 2005

  
ANTHONY J. H. CHING  
Executive Officer

# **EXHIBIT B.**

## **Decision and Order Approving Amendment to Special Use Permit**

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In The Matter Of The Application Of ) DOCKET NO. SP92-380  
)  
HAWAIIAN CEMENT ) DECISION AND ORDER  
) APPROVING AMENDMENT  
For A Special Permit To Allow A Rock ) TO SPECIAL USE PERMIT  
Quarrying/Crushing Operation And Related )  
Uses On Approximately 105.957 Acres Of )  
Land Situated Within The State Land Use )  
Agricultural District At Pulehunui, Wailuku, )  
Maui, Hawai'i, Tax Map Keys: 3-8-04: Portion )  
Of 1 And Portion Of 2 And 3-8-08: Portion Of )  
1 And Portion Of 31 )  
\_\_\_\_\_ )

DECISION AND ORDER APPROVING AMENDMENT TO SPECIAL USE PERMIT

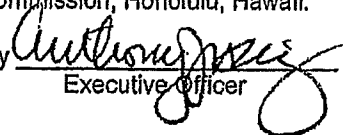
This is to certify that this is a true and correct  
copy of the document on file in the office of the  
State Land Use Commission, Honolulu, Hawaii.

DEC 18 2008

Date

by

Executive Officer



BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

|  |   |                       |
|--|---|-----------------------|
| In The Matter Of The Application Of          | ) | DOCKET NO. SP92-380   |
|  | ) |                       |
| HAWAIIAN CEMENT                              | ) | DECISION AND ORDER    |
|  | ) | APPROVING AMENDMENT   |
| For A Special Permit To Allow A Rock         | ) | TO SPECIAL USE PERMIT |
| Quarrying/Crushing Operation And Related     | ) |                       |
| Uses On Approximately 105.957 Acres Of       | ) |                       |
| Land Situated Within The State Land Use      | ) |                       |
| Agricultural District At Pulehunui, Wailuku, | ) |                       |
| Maui, Hawai'i, Tax Map Keys: 3-8-04: Portion | ) |                       |
| Of 1 And Portion Of 2 And 3-8-08: Portion Of | ) |                       |
| 1 And Portion Of 31                          | ) |                       |
| <hr/>  |   |                       |

DECISION AND ORDER APPROVING AMENDMENT TO SPECIAL USE PERMIT

On August 30, 2005, Hawaiian Cement ("Applicant") filed a written request to amend the special use permit issued in the above-entitled docket ("Proposed Amendment") with the County of Maui Department of Planning ("DP"), pursuant to section 205-6, Hawai'i Revised Statutes ("HRS"), and sections 15-15-95 and 15-15-96, Hawai'i Administrative Rules ("HAR"). The Applicant requested the expansion of its existing rock quarry and concrete aggregate operations on approximately 66.444 acres of land within the State Land Use Agricultural District,

identified as Tax Map Key: 3-8-04: por. 1, at Pulehunui, Wailuku, Maui, Hawai'i ("Expansion Areas").<sup>1</sup>

The LUC has jurisdiction over the Applicant's Proposed Amendment. Section 205-6, HRS, and sections 15-15-95 and 15-15-96, HAR, authorize the LUC to approve special use permits and amendments thereto for areas greater than 15 acres.

On June 27, 2006, the County of Maui Planning Commission ("Planning Commission") conducted a hearing on the Applicant's Proposed Amendment. There was no public testimony provided on the Proposed Amendment. After due deliberation, the Planning Commission recommended approval of the Applicant's Proposed Amendment to the LUC, subject to the following five additional conditions, which augment the existing 11 conditions previously imposed by the LUC in its Decision And Order Approving A Time Extension To A Special Use Permit ("Decision And Order Approving A Time Extension") dated July 15, 2005:

12. That a grading permit from the Public Works Department shall be obtained prior to any land disturbance in the new quarry areas.

---

<sup>1</sup> By Findings Of Fact, Conclusions Of Law, And Decision And Order issued on July 13, 1992, the Land Use Commission ("LUC") approved the special use permit to establish the rock quarry and concrete aggregate operations on approximately 45.957 acres of land. By Findings Of Fact, Conclusions Of Law, And Decision And Order issued on November 25, 1996, the LUC approved an additional approximately 60 acres of land to the special use permit for a total area of 105.957 acres. Based on the configuration of the 105.957 acres in the record and the current tax maps, the existing rock quarry and concrete aggregate operations are located on Tax Map Keys: 3-8-04: por. 1 and 3-8-08: por. 20 and por. 31.

The existing configuration of the 105.957 acres in the record differs significantly from the boundaries of the actual area of use.

13. That prior to issuance of a grading permit, the applicant shall provide evidence of approval from the State Department of Transportation regarding a maintenance program for the driveway and surrounding roadway.
14. That prior to issuance of a grading permit, the applicant will provide evidence of approval from the State Department of Health regarding modifications to the Clean Air Branch permit.
15. That prior to issuance of a grading permit, the applicant shall submit an archeological [sic] inventory survey to the State Historic Preservation Division for their review; and shall comply with their subsequent comments.
16. That the new quarry operations shall be confined to the areas depicted on Exhibit 2 of the Planning Department staff report as "24.476 Acres" and "41.968 Acres" (attached as "Proposed Quarry Mining Site" map, dated July 7, 2005).

On August 25 and October 30, 2006, the LUC received a copy of the decision and a portion of the record of the Planning Commission's proceedings on the Applicant's Proposed Amendment. On November 14, 2006, the LUC received the remaining portion of the record.

On December 8, 2006, the LUC met at the Hapuna Beach Prince Hotel located on the Kohala Coast, South Kohala, Hawai'i, to consider the Applicant's Proposed Amendment. William Horneman appeared on behalf of the Applicant. Jeff Hunt appeared on behalf of the DP. Bryan C. Yee, Esq., and Abe Mitsuda also were present on behalf of the State Office of Planning ("OP").



At the meeting, the DP stated, among other things, that based on an e-mail received on July 18, 2006, the County Department of Public Works and Environmental Management clarified that the expansion of the quarry was in fact exempt from a grading permit, and therefore Condition Number 12 should be deleted and that references to the issuance of a grading permit in Condition Numbers 13, 14, and 15 should be rephrased to require that the respective actions occur prior to initiating the proposed quarry operations. The DP also clarified that Condition Number 13 addresses a maintenance program for the driveway and surrounding roadway including Mokulele Highway, whereas Condition Number 9 pertains primarily to a maintenance program for the access road. The Applicant then provided a background of the existing rock quarry and concrete aggregate operations. The Applicant pointed out, among other things, that he provided approximately 80,000 tons of aggregate per year and in excess of 160,000 cubic yards of concrete from the existing quarry to the economy of Maui. The Applicant noted that at the current rate of mining, he would run out of material at the current site by the middle of 2007, and therefore he intended to start quarrying operations into the Expansion Areas as soon as possible. In response to questioning from the LUC, the Applicant clarified that its existing restoration plan will apply to the Expansion Areas, and that it will amend or supplement its existing solid waste management plan to include the Expansion Areas. The Applicant further noted that it had no

objections to the revisions to Condition Numbers 13, 14, and 15 as recommended by the DP. The OP was then asked to provide comments on the Proposed Amendment. The OP stated that it had not yet received confirmation that the State Department of Transportation ("DOT") reviewed and approved the Applicant's maintenance program. The OP added, however, that with the assumption that (i) the term "surrounding roadway" in Condition Number 13 includes Mokulele Highway; (ii) the DOT's approval of a maintenance program is necessary prior to commencement of quarrying in the Expansion Areas; and (iii) the County of Maui will enforce violations of any maintenance program approved by the DOT, the OP had no objections to the Proposed Amendment.

Thereafter, a motion was made and seconded to approve the Applicant's Proposed Amendment, subject to the following additional conditions to the Decision And Order Approving A Time Extension dated July 15, 2005:

12. That prior to commencement of quarry operations into the Expansion Areas, the applicant shall provide evidence of approval from the State Department of Transportation regarding a maintenance program for the driveway and surrounding roadway.
13. That prior to commencement of quarry operations into the Expansion Areas, the applicant shall provide evidence of approval from the State Department of Health regarding modifications to the Clean Air Branch permit.
14. That prior to commencement of quarry operations into the Expansion Areas, the applicant shall submit an archaeological inventory survey to the State Historic Preservation Division for their review; and shall comply with their subsequent comments.

15. That the new quarry operations shall be confined to the areas depicted on Exhibit 2 of the Planning Department staff report as "24.476 Acres" and "41.968 Acres" (attached as "Proposed Quarry Mining Site" map, dated July 7, 2005).
16. That the applicant shall file within one year of the issuance of this Decision and Order a request with the County of Maui Department of Planning to amend the special use permit to reflect the current boundaries of the existing 105.957-acre quarry site.

Following deliberation by the Commissioners, a vote was taken on the motion. There being a vote tally of 7 ayes, 0 nays, and 2 absent, the motion carried.

ORDER

The LUC, having duly considered the complete record of the Applicant's Proposed Amendment and the oral arguments presented by the parties present in the proceeding, and a motion having been made at a meeting on December 8, 2006, at the Hapuna Beach Prince Hotel located on the Kohala Coast, South Kohala, Hawai'i, and the motion having received the affirmative votes required by section 15-15-13, HAR, and there being good cause for the motion,

HEREBY ORDERS that the Applicant's Proposed Amendment to expand its existing rock quarry and concrete aggregate operations on approximately 66,444 acres of land within the State Land Use Agricultural District at Pulehunui, Wailuku, Maui, Hawai'i, identified as Tax Map Key: 3-8-04: por. 1, and approximately identified on Exhibit "A," attached hereto and incorporated by

reference herein, be APPROVED, subject to the following conditions to the Decision

And Order Approving A Time Extension dated July 15, 2005:

12. That prior to commencement of quarry operations into the Expansion Areas, the applicant shall provide evidence of approval from the State Department of Transportation regarding a maintenance program for the driveway and surrounding roadway.
13. That prior to commencement of quarry operations into the Expansion Areas, the applicant shall provide evidence of approval from the State Department of Health regarding modifications to the Clean Air Branch permit.
14. That prior to commencement of quarry operations into the Expansion Areas, the applicant shall submit an archaeological inventory survey to the State Historic Preservation Division for their review; and shall comply with their subsequent comments.
15. That the new quarry operations shall be confined to the areas depicted on Exhibit 2 of the Planning Department staff report as "24.476 Acres" and "41.968 Acres" (attached as "Proposed Quarry Mining Site" map, dated July 7, 2005).
16. That the applicant shall file within one year of the issuance of this Decision and Order a request with the County of Maui Department of Planning to amend the special use permit to reflect the current boundaries of the existing 105.957-acre quarry site.

All other conditions to the Decision And Order Approving A Time Extension dated July 15, 2005, are hereby reaffirmed and shall continue in effect.

Done at Honolulu, Hawai'i, this 18th day of

December, 2006.

APPROVED AS TO FORM:

Dean Duckert  
Deputy Attorney General

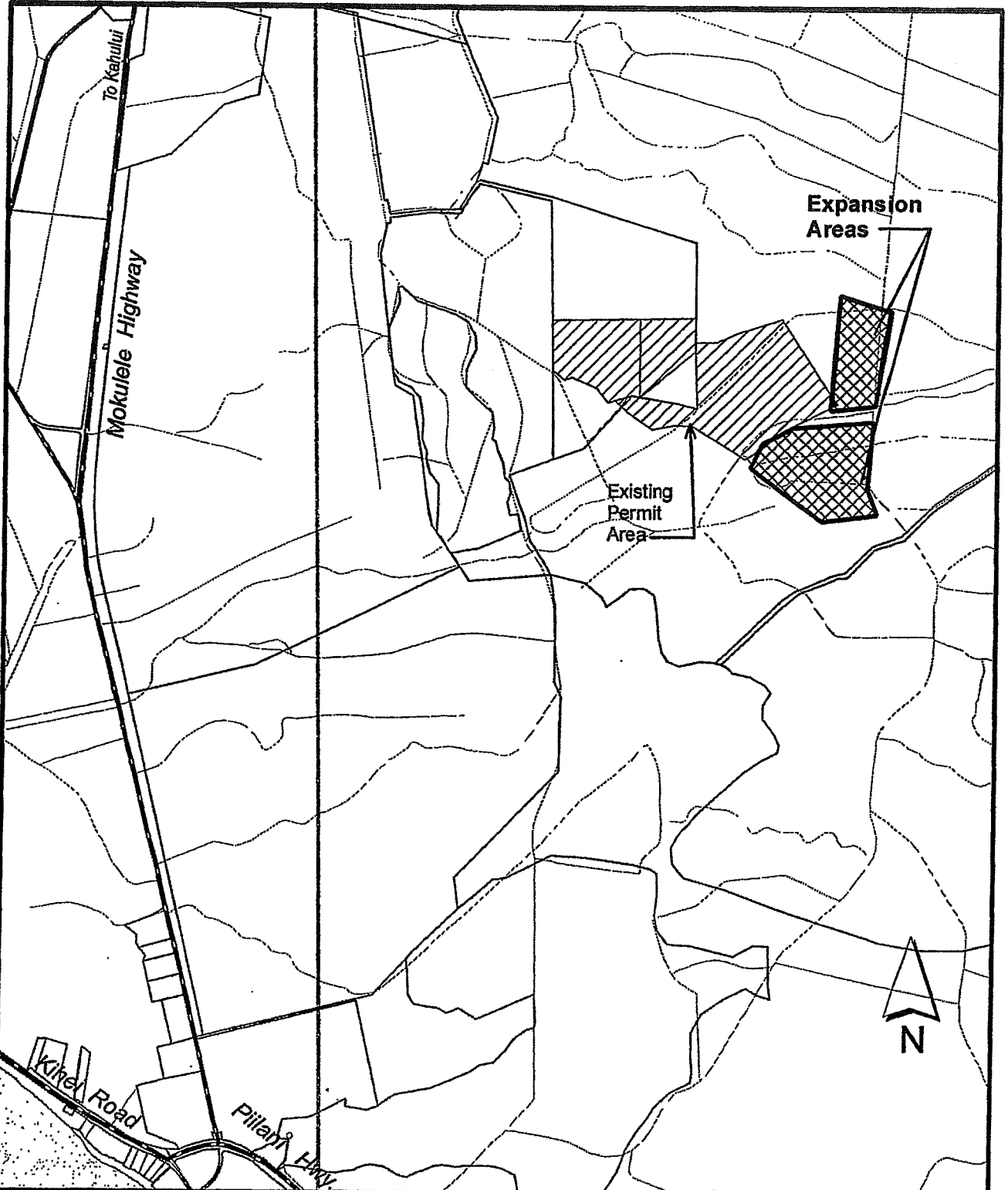
LAND USE COMMISSION  
STATE OF HAWAII

By Lisa Judge  
LISA JUDGE  
Chairperson and Commissioner

Filed and effective on  
DEC 18 2006

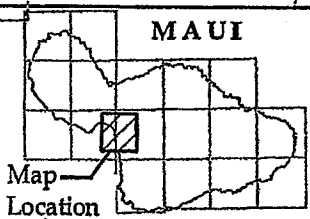
Certified by:

Anthony J. H. Chung  
ANTHONY J. H. CHUNG, Executive Officer



**SP92-380 HAWAIIAN CEMENT  
LOCATION MAP**

Tax Map Key: 3-8-04: 1 (por.), 2 (por.), and  
3-8-08: 1 (por.) and 31 (por.)  
Pulehunui, Wailuku, Maui, Hawai'i  
Scale 1" = 2,000 feet  
Exhibit "A"







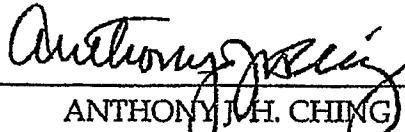


MICHAEL FOLEY, Director  
County of Maui, Planning Department  
250 South High Street  
Wailuku, Hawaii 96793

BRIAN MOTO, Esq.  
JANE LOVELL, Esq.  
Corporation Counsel  
County of Maui  
250 South High Street  
Wailuku, Hawaii 96793

CERT: WILLIAM HORNEMAN  
99-130 Halawa Valley Street  
Aiea, Hawaii 96701-3289

Honolulu, Hawai'i, DEC 18 2006

  
\_\_\_\_\_  
ANTHONY J. H. CHING  
Executive Officer

# **EXHIBIT C.**

**Letter from Department of  
Planning Dated  
June 27, 2006**

ALAN M. ARAKAWA  
Mayor

MICHAEL W. FOLEY  
Director

Don Couch  
Deputy Director



COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**

June 27, 2006

Mr. Wilder W. Hornerman  
Vice President  
Hawaiian Cement  
P. O. Box 488  
Kahului, Hawaii 96733

Dear Mr. Hornerman:

RE: Amendment to State Land Use Commission Special Use Permit and a County Special Use Permit to Move the Location of the Pu'unene Rock Quarry at TMK (2) 3-8-004: 001 por., Pulehunui, Wailuku, Island of Maui, Hawaii (SUP 92-380), (SUP1 91-0013), (CUP 2006/0002)

At its regular meeting on June 27, 2006, the Maui Planning Commission reviewed the above requests and voted to recommend approval for the amendment to the State Land Use Commission Special Use Permit (SUP 92-380) (SUP1 91-0013) subject to the following conditions:

**STATE SPECIAL USE PERMIT AMENDMENT CONDITIONS:**

In addition to compliance with conditions 1 through 11 from the July 15, 2005 Order approving the timeline extension, compliance with the following additional conditions for the proposed quarry sites of 24.47 acres and 41.96 acres:

12. That a grading permit from the Public Works Department shall be obtained prior to any land disturbance in the new quarry areas;
13. That prior to issuance of a grading permit, the applicant shall provide evidence of approval from the State Department of Transportation regarding a maintenance program for the driveway and surrounding roadway;
14. That prior to issuance of a grading permit, the applicant will provide evidence of approval from the State Department of Health regarding modifications to the Clean Air Branch permit;

Mr. Wilder W. Hornerman  
June 27, 2006  
Page 2

15. That prior to issuance of a grading permit, the applicant shall submit an archeological inventory survey to the State Historic Preservation Division for their review; and shall comply with their subsequent comments; and
16. That the new quarry operations shall be confined to the areas depicted on Exhibit 2 of the Planning Department staff report as "24.476 Acres" and "41.968 Acres" (attached as "Proposed Quarry Mining Site" map, dated July 7, 2005).

Furthermore, at its regular meeting on June 27, 2006, the Maui Planning Commission voted to approve the County Special Use Permit (CUP 2006/0002) to include the new quarry area, subject to the following conditions:

**STANDARD CONDITIONS:**

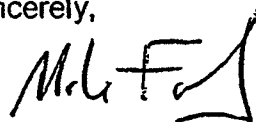
1. That the County Special Use Permit shall be valid until July 31, 2018, or the expiration date for the State Land Use Commission Special Use Permit, whichever is longer, subject to extension by the Maui Planning Commission upon a timely request for extension filed at least ninety (90) days prior to its expiration. The Commission may require a public hearing on the time extension;
2. That the County Special Use Permit shall not be transferred without the prior written approval of the Maui Planning Commission;
3. That the applicant, its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject County Special Use Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this County Special Use Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (1,000,000.00) naming the County of Maui as an additional named insured, insuring and defending the applicant and County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the applicant of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this permit. A copy of a policy naming County of Maui as an additional named insured shall be submitted to the Department within ninety (90) calendar days from the date of transmittal of the decision and order;

Mr. Wilder W. Hornerman  
June 27, 2006  
Page 3

4. That full compliance with all applicable governmental requirements shall be rendered; and
5. That the applicant shall submit to the Planning Department five copies of a detailed report addressing its compliance with the conditions established with the subject County Special Use Permit and State Land Use Commission Special Use Permit SUP 91/0013 (SP 92-380). The compliance report shall be submitted to the Planning Department for review and approval prior to a time extension request or an amendment to the existing County Special Use Permit.

Thank you for your cooperation. If additional clarification is required, please contact Mr. Jeff Hunt, AICP, Staff Planner, of this office at 270-6271.

Sincerely,



MICHAEL W. FOLEY  
Planning Director

Enclosure

MWF:JH:sec

c: Clayton I. Yoshida, AICP, Planning Program Administrator  
Aaron H. Shinmoto, Planning Program Administrator (2)  
Development Services Administration (2)  
Anthony Ching, Executive Officer, State Land Use Commission  
Herbert S. Matsubayashi, State Department of Health, Maui District  
Rodney K. Haraga, State Department of Transportation  
Melanie Chinen, State Historic Preservation Division  
Jeff Hunt, AICP, Staff Planner  
Bob Tanaka, Tanaka Engineers, Inc.  
Project File  
General File  
K:\WP\_DOCS\PLANNING\SUP1\1991\0013\_HawaiianCementQuarry\_bdQuarryExpansion2005\MPC\_approval.wpd

# **EXHIBIT D.**

## **Certificates of Insurance**



Policy Number: AS2-641-005097-053

Issued By: Liberty Mutual Fire Insurance Co.

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

**NOTICE OF CANCELLATION TO THIRD PARTIES**

This endorsement modifies insurance provided under the following:

BUSINESS AUTO COVERAGE PART  
MOTOR CARRIER COVERAGE PART  
GARAGE COVERAGE PART  
TRUCKERS COVERAGE PART  
EXCESS AUTOMOBILE LIABILITY INDEMNITY COVERAGE PART  
SELF-INSURED TRUCKER EXCESS LIABILITY COVERAGE PART  
COMMERCIAL GENERAL LIABILITY COVERAGE PART  
EXCESS COMMERCIAL GENERAL LIABILITY COVERAGE PART  
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART  
LIQUOR LIABILITY COVERAGE PART

| Schedule                                     |                                      |                           |
|--|--------------------------------------|---------------------------|
| Name of Other Person(s)/<br>Organization(s): | Email Address or mailing<br>address: | Number<br>Days<br>Notice: |
| Per schedule on file with the<br>company     |                                      | 90                        |
|  |                                      |                           |
|  |                                      |                           |
|  |                                      |                           |
|  |                                      |                           |
|  |                                      |                           |

A. If we cancel this policy for any reason other than nonpayment of premium, we will notify the persons or organizations shown in the Schedule above. We will send notice to the email or mailing address listed above at least 10 days, or the number of days listed above, if any, before the cancellation becomes effective. In no event does the notice to the third party exceed the notice to the first named insured.

B. This advance notification of a pending cancellation of coverage is intended as a courtesy only. Our failure to provide such advance notification will not extend the policy cancellation date nor negate cancellation of the policy.

All other terms and conditions of this policy remain unchanged.



Policy Number **TB2-641-005097-043**

Issued by **LIBERTY MUTUAL FIRE INSURANCE COMPANY**

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

**NOTICE OF CANCELLATION TO THIRD PARTIES**

This endorsement modifies insurance provided under the following:

BUSINESS AUTO COVERAGE PART  
MOTOR CARRIER COVERAGE PART  
GARAGE COVERAGE PART  
TRUCKERS COVERAGE PART  
EXCESS AUTOMOBILE LIABILITY INDEMNITY COVERAGE PART  
SELF-INSURED TRUCKER EXCESS LIABILITY COVERAGE PART  
COMMERCIAL GENERAL LIABILITY COVERAGE PART  
EXCESS COMMERCIAL GENERAL LIABILITY COVERAGE PART  
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART  
LIQUOR LIABILITY COVERAGE PART  
COMMERCIAL LIABILITY – UMBRELLA COVERAGE FORM

| Schedule                                   |                                   |                     |
|--|-----------------------------------|---------------------|
| Name of Other Person(s) / Organization(s): | Email Address or mailing address: | Number Days Notice: |
| Per Schedule on file with the Company      |                                   | 90                  |
|  |                                   |                     |
|  |                                   |                     |

- A. If we cancel this policy for any reason other than nonpayment of premium, we will notify the persons or organizations shown in the Schedule above. We will send notice to the email or mailing address listed above at least 10 days, or the number of days listed above, if any, before the cancellation becomes effective. In no event does the notice to the third party exceed the notice to the first named insured.
- B. This advance notification of a pending cancellation of coverage is intended as a courtesy only. Our failure to provide such advance notification will not extend the policy cancellation date nor negate cancellation of the policy.

All other terms and conditions of this policy remain unchanged.

**NOTICE OF CANCELLATION TO THIRD PARTIES**

- A. If we cancel this policy for any reason other than nonpayment of premium, we will notify the persons or organizations shown in the Schedule below. We will send notice to the email or mailing address listed below at least 10 days, or the number of days listed below, if any, before cancellation becomes effective. In no event does the notice to the third party exceed the notice to the first named insured.
- B. This advance notification of a pending cancellation of coverage is intended as a courtesy only. Our failure to provide such advance notification will not extend the policy cancellation date nor negate cancellation of the policy.

**Schedule**

| <b>Name of Other Person(s) / Organization(s):</b> | <b>Email Address or mailing address:</b> | <b>Number Days Notice:</b> |
|---|--|----------------------------|
| Per schedule on file with the company             |  | 90                         |

All other terms and conditions of this policy remain unchanged.

Issued by Liberty Insurance Corporation 21814

For attachment to Policy No. WA7-64D-005097-013      Effective Date      Premium \$

Issued to Centennial Energy Holdings, Inc.

**NOTICE OF CANCELLATION TO THIRD PARTIES**

- A. If we cancel this policy for any reason other than nonpayment of premium, we will notify the persons or organizations shown in the Schedule below. We will send notice to the email or mailing address listed below at least 10 days, or the number of days listed below, if any, before cancellation becomes effective. In no event does the notice to the third party exceed the notice to the first named insured.
- B. This advance notification of a pending cancellation of coverage is intended as a courtesy only. Our failure to provide such advance notification will not extend the policy cancellation date nor negate cancellation of the policy.

**Schedule**

| <b>Name of Other Person(s) / Organization(s):</b> | <b>Email Address or mailing address:</b> | <b>Number Days Notice:</b> |
|---|--|----------------------------|
| Per schedule or file with the company             |  | 90                         |

All other terms and conditions of this policy remain unchanged.

Issued by Liberty Insurance Corporation 21814

For attachment to Policy No. WC7-641-005097-023      Effective Date      Premium \$

Issued to MDU Resources Group, Inc.

**NOTICE OF CANCELLATION TO THIRD PARTIES**

- A. If we cancel this policy for any reason other than nonpayment of premium, we will notify the persons or organizations shown in the Schedule below. We will send notice to the email or mailing address listed below at least 10 days, or the number of days listed below, if any, before cancellation becomes effective. In no event does the notice to the third party exceed the notice to the first named Insured.
- B. This advance notification of a pending cancellation of coverage is intended as a courtesy only. Our failure to provide such advance notification will not extend the policy cancellation date nor negate cancellation of the policy.

**Schedule**

| <b>Name of Other Person(s) / Organization(s):</b> | <b>Email Address or mailing address:</b> | <b>Number Days Notice:</b> |
|---|--|----------------------------|
| Per schedule on file with the company             |  | 90                         |

All other terms and conditions of this policy remain unchanged.

Issued by Liberty Insurance Corporation 21814

For attachment to Policy No. WC7-641-005097-033      Effective Date      Premium \$

Issued to Centennial Energy Holdings, Inc.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

## DESIGNATED INSURED

This endorsement modifies insurance provided under the following:

BUSINESS AUTO COVERAGE FORM  
GARAGE COVERAGE FORM  
MOTOR CARRIER COVERAGE FORM  
TRUCKERS COVERAGE FORM

With respect to coverage provided by this endorsement, the provisions of the Coverage Form apply unless modified by this endorsement.

This endorsement identifies person(s) or organization(s) who are "insureds" under the Who Is An Insured Provision of the Coverage Form. This endorsement does not alter coverage provided in the Coverage Form.

### SCHEDULE

**Name of Person(s) or Organization(s):**

Any person or organization for whom you have agreed in writing to add as an additional insured, but only to coverage and minimum limit of insurance required by the written agreement, and in no event to exceed either the scope of coverage or the limits of insurance provided in this policy.

This policy will be primary and non-contributory to any like insurance available to the person or organization noted above.

(If no entry appears above, information required to complete this endorsement will be shown in the Declarations as applicable to the endorsement.)

Each person or organization shown in the Schedule is an "insured" for Liability Coverage, but only to the extent that person or organization qualifies as an "insured" under the Who Is An Insured Provision contained in **Section II** of the Coverage Form.

Policy No: AS2-641-005097-053  
Effective Date: 01/01/2013  
Expiration Date: 01/01/2014  
Sales Office: 0465

Issued By: Liberty Mutual Fire Insurance Co.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**ADDITIONAL INSURED – OWNERS, LESSEES OR  
CONTRACTORS – SCHEDULED PERSON OR  
ORGANIZATION**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

**SCHEDULE**

|  |   |
|--|---|
| <b>Name of Person or Organization:</b> | Any person or organization for whom you have agreed in writing prior to a loss to provide liability insurance |
|--|---|

(If no entry appears above, information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

**A. Section II – Who Is An Insured** is amended to include as an insured the person or organization shown in the Schedule, but only with respect to liability arising out of your ongoing operations performed for that insured.

**B.** With respect to the insurance afforded to these additional insureds, the following exclusion is added:

**2. Exclusions**

This insurance does not apply to "bodily injury" or "property damage" occurring after:

(1) All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the site of the covered operations has been completed; or

- (2) That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.

This endorsement is executed by the LIBERTY MUTUAL FIRE INSURANCE COMPANY

Premium \$

Effective Date

Expiration Date

For attachment to Policy No.

TB2-641-005097-043

Audit Basis

Issued To

Countersigned by

-----  
Authorized Representative

Issued

Sales Office and No.

End. Serial No.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

## ADDITIONAL INSURED – OWNERS, LESSEES OR CONTRACTORS – COMPLETED OPERATIONS

This endorsement modifies insurance provided under the following:

### COMMERCIAL GENERAL LIABILITY COVERAGE PART

Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury" or "property damage" caused, in whole or in part, by "your work" at the location designated and described in the schedule of this endorsement performed for that additional insured and included in the "products-completed operations hazard".

#### SCHEDULE

Name Of Additional Insured Person(s)  
Or Organization(s):

Location And Description Of Completed Operations

Any person or organization for whom you have agreed in writing prior to loss to provide liability insurance

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.





Policy Number: AS2-641-005097-053  
Issued By: Liberty Mutual Fire Insurance Co.

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

**NOTICE OF CANCELLATION TO THIRD PARTIES**

This endorsement modifies insurance provided under the following:

- BUSINESS AUTO COVERAGE PART
- MOTOR CARRIER COVERAGE PART
- GARAGE COVERAGE PART
- TRUCKERS COVERAGE PART
- EXCESS AUTOMOBILE LIABILITY INDEMNITY COVERAGE PART
- SELF-INSURED TRUCKER EXCESS LIABILITY COVERAGE PART
- COMMERCIAL GENERAL LIABILITY COVERAGE PART
- EXCESS COMMERCIAL GENERAL LIABILITY COVERAGE PART
- PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART
- LIQUOR LIABILITY COVERAGE PART

| Schedule                                     |                                      |                           |
|--|--------------------------------------|---------------------------|
| Name of Other Person(s)/<br>Organization(s): | Email Address or mailing<br>address: | Number<br>Days<br>Notice: |
| Per schedule on file with the<br>company     |                                      | 90                        |
|  |                                      |                           |
|  |                                      |                           |
|  |                                      |                           |
|  |                                      |                           |
|  |                                      |                           |

- A. If we cancel this policy for any reason other than nonpayment of premium, we will notify the persons or organizations shown in the Schedule above. We will send notice to the email or mailing address listed above at least 10 days, or the number of days listed above, if any, before the cancellation becomes effective. In no event does the notice to the third party exceed the notice to the first named insured.
- B. This advance notification of a pending cancellation of coverage is intended as a courtesy only. Our failure to provide such advance notification will not extend the policy cancellation date nor negate cancellation of the policy.

All other terms and conditions of this policy remain unchanged.

Policy Number TB2-641-085097-043

Issued by LIBERTY MUTUAL FIRE INSURANCE COMPANY

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

NOTICE OF CANCELLATION TO THIRD PARTIES

This endorsement modifies insurance provided under the following:

- BUSINESS AUTO COVERAGE PART
- MOTOR CARRIER COVERAGE PART
- GARAGE COVERAGE PART
- TRUCKERS COVERAGE PART
- EXCESS AUTOMOBILE LIABILITY INDEMNITY COVERAGE PART
- SELF-INSURED TRUCKER EXCESS LIABILITY COVERAGE PART
- COMMERCIAL GENERAL LIABILITY COVERAGE PART
- EXCESS COMMERCIAL GENERAL LIABILITY COVERAGE PART
- PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART
- LIQUOR LIABILITY COVERAGE PART
- COMMERCIAL LIABILITY – UMBRELLA COVERAGE FORM

| Schedule                                   |                                   |                     |
|--|-----------------------------------|---------------------|
| Name of Other Person(s) / Organization(s): | Email Address or mailing address: | Number Days Notice: |
| Per Schedule on file with the Company      |                                   | 90                  |
|  |                                   |                     |
|  |                                   |                     |

- A. If we cancel this policy for any reason other than nonpayment of premium, we will notify the persons or organizations shown in the Schedule above. We will send notice to the email or mailing address listed above at least 10 days, or the number of days listed above, if any, before the cancellation becomes effective. In no event does the notice to the third party exceed the notice to the first named insured.
- B. This advance notification of a pending cancellation of coverage is intended as a courtesy only. Our failure to provide such advance notification will not extend the policy cancellation date nor negate cancellation of the policy.

All other terms and conditions of this policy remain unchanged.

**NOTICE OF CANCELLATION TO THIRD PARTIES**

- A. If we cancel this policy for any reason other than nonpayment of premium, we will notify the persons or organizations shown in the Schedule below. We will send notice to the email or mailing address listed below at least 10 days, or the number of days listed below, if any, before cancellation becomes effective. In no event does the notice to the third party exceed the notice to the first named insured.
- B. This advance notification of a pending cancellation of coverage is intended as a courtesy only. Our failure to provide such advance notification will not extend the policy cancellation date nor negate cancellation of the policy.

**Schedule**

| <b>Name of Other Person(s) / Organization(s):</b> | <b>Email Address or mailing address:</b> | <b>Number Days Notice:</b> |
|---|--|----------------------------|
| Per schedule on file with the company             |  | 90                         |

All other terms and conditions of this policy remain unchanged.

Issued by Liberty Insurance Corporation 21814

For attachment to Policy No. WA7-64D-005097-013      Effective Date      Premium \$

Issued to Centennial Energy Holdings, Inc.

**NOTICE OF CANCELLATION TO THIRD PARTIES**

- A. If we cancel this policy for any reason other than nonpayment of premium, we will notify the persons or organizations shown in the Schedule below. We will send notice to the email or mailing address listed below at least 10 days, or the number of days listed below, if any, before cancellation becomes effective. In no event does the notice to the third party exceed the notice to the first named insured.
- B. This advance notification of a pending cancellation of coverage is intended as a courtesy only. Our failure to provide such advance notification will not extend the policy cancellation date nor negate cancellation of the policy.

**Schedule**

| <b>Name of Other Person(s) / Organization(s):</b> | <b>Email Address or mailing address:</b> | <b>Number Days Notice:</b> |
|---|--|----------------------------|
| Per schedule or file with the company             |  | 90                         |

All other terms and conditions of this policy remain unchanged.

Issued by Liberty Insurance Corporation 21814

For attachment to Policy No. WC7-641-005097-023      Effective Date      Premium \$

Issued to MDU Resources Group, Inc.

**NOTICE OF CANCELLATION TO THIRD PARTIES**

- A. If we cancel this policy for any reason other than nonpayment of premium, we will notify the persons or organizations shown in the Schedule below. We will send notice to the email or mailing address listed below at least 10 days, or the number of days listed below, if any, before cancellation becomes effective. In no event does the notice to the third party exceed the notice to the first named insured.
- B. This advance notification of a pending cancellation of coverage is intended as a courtesy only. Our failure to provide such advance notification will not extend the policy cancellation date nor negate cancellation of the policy.

**Schedule**

| <b>Name of Other Person(s) / Organization(s):</b> | <b>Email Address or mailing address:</b> | <b>Number Days Notice:</b> |
|---|--|----------------------------|
| Per schedule on file with the company             |  | 90                         |

All other terms and conditions of this policy remain unchanged.

Issued by Liberty Insurance Corporation 21814

For attachment to Policy No. WC7-641-005097-033      Effective Date      Premium \$

Issued to Centennial Energy Holdings, Inc.

**THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.**

## **DESIGNATED INSURED**

This endorsement modifies insurance provided under the following:

BUSINESS AUTO COVERAGE FORM  
GARAGE COVERAGE FORM  
MOTOR CARRIER COVERAGE FORM  
TRUCKERS COVERAGE FORM

With respect to coverage provided by this endorsement, the provisions of the Coverage Form apply unless modified by this endorsement.

This endorsement identifies person(s) or organization(s) who are "insureds" under the Who Is An Insured Provision of the Coverage Form. This endorsement does not alter coverage provided in the Coverage Form.

### **SCHEDULE**

**Name of Person(s) or Organization(s):**

Any person or organization for whom you have agreed in writing to add as an additional insured, but only to coverage and minimum limit of insurance required by the written agreement, and in no event to exceed either the scope of coverage or the limits of insurance provided in this policy.

This policy will be primary and non-contributory to any like insurance available to the person or organization noted above.

(If no entry appears above, information required to complete this endorsement will be shown in the Declarations as applicable to the endorsement.)

Each person or organization shown in the Schedule is an "insured" for Liability Coverage, but only to the extent that person or organization qualifies as an "insured" under the Who Is An Insured Provision contained in **Section II** of the Coverage Form.

Policy No: AS2-641-005097-053  
Effective Date: 01/01/2013  
Expiration Date: 01/01/2014  
Sales Office: 0465

Issued By: Liberty Mutual Fire Insurance Co.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**ADDITIONAL INSURED – OWNERS, LESSEES OR  
CONTRACTORS – SCHEDULED PERSON OR  
ORGANIZATION**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

**SCHEDULE**

|  |   |
|--|---|
| <b>Name of Person or Organization:</b> | Any person or organization for whom you have agreed in writing prior to a loss to provide liability insurance |
|--|---|

(If no entry appears above, information required to complete this endorsement will be shown in the Declarations as applicable to this endorsement.)

**A. Section II – Who Is An Insured** is amended to include as an insured the person or organization shown in the Schedule, but only with respect to liability arising out of your ongoing operations performed for that insured.

**B.** With respect to the insurance afforded to these additional insureds, the following exclusion is added:

**2. Exclusions**

This insurance does not apply to "bodily injury" or "property damage" occurring after:

**(1)** All work, including materials, parts or equipment furnished in connection with such work, on the project (other than service, maintenance or repairs) to be performed by or on behalf of the additional insured(s) at the site of the covered operations has been completed; or



- (2) That portion of "your work" out of which the injury or damage arises has been put to its intended use by any person or organization other than another contractor or subcontractor engaged in performing operations for a principal as a part of the same project.

This endorsement is executed by the LIBERTY MUTUAL FIRE INSURANCE COMPANY

Premium \$

Effective Date

Expiration Date

For attachment to Policy No.

TB2-641-005097-043

Audit Basis

Issued To

Countersigned by

-----  
Authorized Representative

Issued

Sales Office and No.

End. Serial No.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

## ADDITIONAL INSURED – OWNERS, LESSEES OR CONTRACTORS – COMPLETED OPERATIONS

This endorsement modifies insurance provided under the following:

### COMMERCIAL GENERAL LIABILITY COVERAGE PART

Section II – Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to liability for "bodily injury" or "property damage" caused, in whole or in part, by "your work" at the location designated and described in the schedule of this endorsement performed for that additional insured and included in the "products-completed operations hazard".

#### SCHEDULE

Name Of Additional Insured Person(s)  
Or Organization(s):

Location And Description Of Completed Operations

Any person or organization for whom you have agreed in writing prior to loss to provide liability insurance

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

# **EXHIBIT E.**

## **Restoration Plan**

## RECLAMATION PLAN

### EXHIBIT "C"

#### 1. Objective

To reclaim, for sugar cane cultivation, all areas quarried under subject licenses.

#### 2. Specifications

The reclaimed areas shall be prepared as per specifications issued by HC&S Co. from time to time. Initially, these specifications shall be as follows:

- a. Overburden (soil) shall be placed over the quarry floor at a depth not less than 18" and no deeper than the original overburden existing in the general area prior to quarrying. No rocks over 6" diameter shall be utilized. It is the intent to provide 18" of rock-free soil if at all possible, given the nature of the overburden.
- b. The overburden shall be spread over the quarry floor as evenly as possible with crawler equipped bulldozers. The surface slope should not exceed 5% and should be considered ready for harrowing without further leveling operations.
- c. Where the overburden depth permits, the topsoil shall be removed and stored separately from the underlying subsoil. During reclamation, the subsoil shall be spread first and the final layer spread shall consist of topsoil.

#### 3. Methodology

- a. As soon as the open area at the quarry face exceeds 15 acres in size, reclamation activities shall be initiated. Reclamation shall proceed at a pace equal to or exceeding the pace of quarrying.
  - b. Reclaimed land shall be turned over to the Planation within six months of initiation of reclamation activities.
  - c. Cane shall be taken to avoid drainage problems in areas to be reclaimed. Berms and cut-off ditches shall be used to prevent unwanted drainage into low lying reclaimed canefield areas.
-

- d. Annually, the Licensee shall submit to the Planation, on or before December 31st of each year, a specific reclamation plan for their review and approval. The area selected for reclamation shall be selected after careful consideration of the following factors:
    - (1) location, relative to Licensee's quarrying operations to minimize interference between Planation and Licensee activities
    - (2) location, relative to availability of irrigation water, access to haul cane roads, etc.
    - (3) relationship of area chosen to adjoining field configurations, etc.
    - (4) other factors that may relate to early utilization of land for cane
  - e. All costs of the reclamation plan shall be borne by the Licensee. This shall include the cost of installing irrigation mains and sub-mains required for drip irrigation. The Plantation shall assume the costs involved in harrowing, planting and drip tubing installation.
4. Disputes relative to the reclamation plan or activities therein shall be subject to arbitration is otherwise provided in the basic agreement.
-

# **EXHIBIT F.**

## **State Department of Transportation Approval of Maintenance Plan**

**Gomes, David**

---

**From:** Karlynn Kawahara [karlynn@mhinconline.com]  
**Sent:** Wednesday, October 31, 2007 10:59 AM  
**To:** Gomes, David  
**Subject:** FW: Hawaiian Cement Maintenance Plan

**Attachments:** 081506 Transmittal to DOT Regarding Letter from Hawaiian Cement.pdf



081506  
mittal to DOT R

Hi Dave,

Got your message. I am researching the original permit and will try to e-mail to you soon. This is the DOT message on the maintenance plan.

Thank you,  
Karlynn

Karlynn Kawahara  
Munekiyo & Hiraga, Inc.  
305 High Street, Suite 104  
Wailuku, Hawaii 96793  
Telephone: (808) 244-2015  
Facsimile: (808) 244-8729  
Email: karlynn@mhinconline.com

**CONFIDENTIAL COMMUNICATION:** This message is intended for the use of the designated recipient(s) named above. If you have received this message in error, kindly notify us immediately by email or telephone. Thank you.

-----Original Message-----

**From:** Douglas.Meller@hawaii.gov [mailto:Douglas.Meller@hawaii.gov]  
**Sent:** Wednesday, November 15, 2006 3:18 PM  
**To:** Karlynn Kawahara  
**Subject:** Hawaiian Cement Maintenance Plan

Here are Freddie's comments on the proposed maintenance plan.

----- Forwarded by Douglas Meller/HWY/HIDOT on 11/15/2006 03:01 PM -----

Ferdinand

Cajigal/HWY/HIDOT

To 11/15/2006 12:34 PM Antonie Wurster/HWY/HIDOT@HIDOT

cc Ronald Tsuzuki/HWY/HIDOT@HIDOT,  
Douglas Meller/HWY/HIDOT@HIDOT,  
David Shimokawa/ADMIN/HIDOT@HIDOT

Subject

Hawaiian Cement Maintenance Plan

Toni: I understand that the matter will be heard by State Land Use Commission tomorrow. The maintenance plans is acceptable to us --- therefore recommend approval of the special use permit. My understanding is that the Maui Planning Commission granted the applicant a 3 year extension, thus, we recommend the same. Fifteen years would be too long for us..... fred

----- Forwarded by Ferdinand Cajigal/HWY/HIDOT on 11/15/2006 12:29 PM  
-----

"Karlynn  
Kawahara"  
<karlynn@mhincorl  
To ine.com> <ferdinand.cajigal@hawaii.gov>  
cc 11/15/2006 12:01 "David Gomes"  
PM <Dave.Gomes@hawaiiancement.com>  
Subject Hawaiian Cement Maintenance Plan

Hi Freddie,

Per your request, please see attached transmittal and maintenance plan for



Hawaiian Cement. Please let me know if you have trouble opening the file or if you have questions.

Thank you,  
Karlynn

Karlynn Kawahara  
Munekiyo & Hiraga, Inc.  
305 High Street, Suite 104  
Wailuku, Hawaii 96793  
Telephone: (808) 244-2015  
Facsimile: (808) 244-8729  
Email: karlynn@mhinonline.com

CONFIDENTIAL COMMUNICATION: This message is intended for the use of the designated recipient(s) named above. If you have received this message in error, kindly notify us immediately by email or telephone. Thank you.  
(See attached file: 081506 Transmittal to DOT Regarding Letter from Hawaiian Cement.pdf)

# **EXHIBIT G.**

## **Current Permits**

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



LORETTA J. FUDDY, A.C.S.W., M.P.H.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P. O. BOX 3378  
HONOLULU, HI 96801-3378

In reply, please refer to:  
File:

April 20, 2011

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
(7009 0960 0000 3848 6299)

11-251E CAB  
File No. 0252-01

Mr. John DeLong  
President  
Hawaiian Cement  
99-1300 Halawa Valley Street  
Aiea, Hawaii 96701

Dear Mr. DeLong:

**Subject: Covered Source Permit (CSP) No. 0252-01-C**  
**Application for Renewal and Significant Modification No. 0252-06**  
**Hawaiian Cement**  
**653 TPH Aggregate Processing Facility**  
**Located at: Camp 6, Puunene, Maui**  
**Date of Expiration: April 19, 2016**

The subject covered source permit is issued in accordance with Hawaii Administrative Rules (HAR), Title 11, Chapter 60.1. The issuance of this permit is based on the plans, specifications, and information that you submitted as part of your application received on February 26, 2008 and the additional information that you submitted as part of your application received on June 19, August 2, September 10 and 27, 2010, and February 11, 2011. The permit supersedes in its entirety covered Source Permit No. 0252-01-C issued on September 23, 2003.

The covered source permit is issued subject to the conditions/requirements set forth in the following attachments:

- Attachment I: Standard Conditions
- Attachment II: Special Conditions
- Attachment II – INSIG: Special Conditions – Insignificant Activities
- Attachment III: Annual Fee Requirements
- Attachment IV: Annual Emissions Reporting Requirements

Mr. John DeLong  
April 20, 2011  
Page 2

The following forms are enclosed for your use and submittal as required:

Compliance Certification Form  
Annual Emissions Report Form: Diesel Engine Generator and  
Stone Processing Plant  
Monitoring Report Form: Diesel Engine Generator  
Monitoring Report Form: Facility Production  
Monitoring Report Form: Opacity Exceedances

The following forms are enclosed for your use and submittal as required:

Visible Emissions Form Requirements, State of Hawaii  
Visible Emissions Form

This permit: (a) shall not in any manner affect the title of the premises upon which the equipment is to be located; (b) does not release the permittee from any liability for any loss due to personal injury or property damage caused by, resulting from or arising out of the design, installation, maintenance, or operation of the equipment; and (c) in no manner implies or suggests that the Hawaii Department of Health, or its officers, agents, or employees, assumes any liability, directly or indirectly, for any loss due to personal injury or property damage caused by, resulting from or arising out of the design, installation, maintenance, or operation of the equipment.

Sincerely,



STUART YAMADA, P.E., CHIEF  
Environmental Management Division

CL:smk

Enclosures

c: Blake Shiigi, EHS – Maui  
CAB Monitoring Section

**ATTACHMENT I: STANDARD CONDITIONS  
COVERED SOURCE PERMIT NO. 0252-01-C**

**Issuance Date: April 20, 2011**

**Expiration Date: April 19, 2016**

This permit is granted in accordance with the Hawaii Administrative Rules (HAR), Title 11, Chapter 60.1, Air Pollution Control, and is subject to the following standard conditions:

1. Unless specifically identified, the terms and conditions contained in this permit are consistent with the applicable requirement, including form, on which each term or condition is based.

(Auth.: HAR §11-60.1-90)

2. This permit, or a copy thereof, shall be maintained at or near the source and shall be made available for inspection upon request. The permit shall not be willfully defaced, altered, forged, counterfeited, or falsified.

(Auth.: HAR §11-60.1-6; SIP §11-60-11)<sup>2</sup>

3. This permit is not transferable whether by operation of law or otherwise, from person to person, from place to place, or from one piece of equipment to another without the approval of the Department of Health, except as provided in HAR, Section 11-60.1-91.

(Auth.: HAR §11-60.1-7; SIP §11-60-9)<sup>2</sup>

4. A request for transfer from person to person shall be made on forms furnished by the Department of Health.

(Auth.: HAR §11-60.1-7)

5. In the event of any changes in control or ownership of the facilities to be constructed or modified, this permit shall be binding on all subsequent owners and operators. The permittee shall notify the succeeding owner and operator of the existence of this permit and its conditions by letter, copies of which will be forwarded to the Department of Health and the U.S. Environmental Protection Agency (EPA), Region 9.

(Auth.: HAR §11-60.1-5, §11-60.1-7, §11-60.1-94)

6. The facility covered by this permit shall be constructed and operated in accordance with the application, and any information submitted as part of the application, for the Covered Source Permit. There shall be no deviation unless additional or revised plans are submitted to and approved by the Department of Health, and the permit is amended to allow such deviation.

(Auth.: HAR §11-60.1-2, §11-60.1-4, §11-60.1-82, §11-60.1-84, §11-60.1-90)

7. This permit (a) does not release the permittee from compliance with other applicable statutes of the State of Hawaii, or with applicable local laws, regulations, or ordinances, and (b) shall not constitute, nor be construed to be an approval of the design of the covered source.

(Auth.: HAR §11-60.1-5, §11-60.1-82)

8. The permittee shall comply with all the terms and conditions of this permit. Any permit noncompliance constitutes a violation of HAR, Chapter 11-60.1 and the Clean Air Act and is grounds for enforcement action; for permit termination, suspension, reopening, or amendment; or for denial of a permit renewal application.

(Auth.: HAR §11-60.1-3, §11-60.1-10, §11-60.1-19, §11-60.1-90)

9. If any term or condition of this permit becomes invalid as a result of a challenge to a portion of this permit, the other terms and conditions of this permit shall not be affected and shall remain valid.

(Auth.: HAR §11-60.1-90)

10. The permittee shall not use as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity to maintain compliance with the terms and conditions of this permit.

(Auth.: HAR §11-60.1-90)

11. This permit may be terminated, suspended, reopened, or amended for cause pursuant to HAR, Sections, 11-60.1-10 and 11-60.1-98, and Hawaii Revised Statutes (HRS), Chapter 342B-27, after affording the permittee an opportunity for a hearing in accordance with HRS, Chapter 91.

(Auth.: HAR §11-60.1-3, §11-60.1-10, §11-60.1-90, §11-60.1-98)

12. The filing of a request by the permittee for the termination, suspension, reopening, or amendment of this permit, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

(Auth.: HAR §11-60.1-90)

13. This permit does not convey any property rights of any sort, or any exclusive privilege.

(Auth.: HAR §11-60.1-90)

14. The permittee shall notify the Department of Health and U.S. EPA, Region 9, in writing of the following dates:

- a. The **anticipated date of initial start-up** for each emission unit of a new source or significant modification not more than sixty (60) days or less than thirty (30) days prior to such date;
- b. The **actual date of construction commencement** within fifteen (15) days after such date; and
- c. The **actual date of start-up** within fifteen (15) days after such date.

(Auth.: HAR §11-60.1-90)

15. The permittee shall furnish, in a timely manner, any information or records requested in writing by the Department of Health to determine whether cause exists for terminating, suspending, reopening, or amending this permit, or to determine compliance with this permit. Upon request, the permittee shall also furnish to the Department of Health copies of records required to be kept by the permittee. For information claimed to be confidential, the Director of Health may require the permittee to furnish such records not only to the Department of Health but also directly to the U.S. EPA, Region 9, along with a claim of confidentiality.

(Auth.: HAR §11-60.1-14, §11-60.1-90)

16. The permittee shall notify the Department of Health in writing, of the **intent to shut down air pollution control equipment for necessary scheduled maintenance** at least twenty-four (24) hours prior to the planned shutdown. The submittal of this notice shall not be a defense to an enforcement action. The notice shall include the following:
  - a. Identification of the specific equipment to be taken out of service, as well as its location and permit number;
  - b. The expected length of time that the air pollution control equipment will be out of service;
  - c. The nature and quantity of emissions of air pollutants likely to be emitted during the shutdown period;
  - d. Measures such as the use of off-shift labor and equipment that will be taken to minimize the length of the shutdown period; and
  - e. The reasons why it would be impossible or impractical to shut down the source operation during the maintenance period.

(Auth.: HAR §11-60.1-15; SIP §11-60-16)<sup>2</sup>

17. **Except for emergencies which result in noncompliance with any technology-based emission limitation in accordance with HAR, Section 11-60.1-16.5, in the event any emission unit, air pollution control equipment, or related equipment malfunctions or breaks down in such a manner as to cause the emission of air pollutants in violation of HAR, Chapter 11-60.1 or this permit, the permittee shall immediately notify** the Department of Health of the malfunction or breakdown, unless the protection of personnel or public health or safety demands immediate attention to the malfunction or breakdown and makes such notification infeasible. In the latter case, the notice shall be provided as

soon as practicable. Within five (5) working days of this initial notification, the permittee shall also submit, in writing, the following information:

- a. Identification of each affected emission point and each emission limit exceeded;
- b. Magnitude of each excess emission;
- c. Time and duration of each excess emission;
- d. Identity of the process or control equipment causing the excess emission;
- e. Cause and nature of each excess emission;
- f. Description of the steps taken to remedy the situation, prevent a recurrence, limit the excessive emissions, and assure that the malfunction or breakdown does not interfere with the attainment and maintenance of the National Ambient Air Quality Standards and state ambient air quality standards;
- g. Documentation that the equipment or process was at all times maintained and operated in a manner consistent with good practice for minimizing emissions; and
- h. A statement that the excess emissions are not part of a recurring pattern indicative of inadequate design, operation, or maintenance.

The submittal of these notices shall not be a defense to an enforcement action.

(Auth.: HAR §11-60.1-16; SIP §11-60-16)<sup>2</sup>

18. The permittee may request confidential treatment of any records in accordance with HAR, Section 11-60.1-14.

(Auth.: HAR §11-60.1-14, §11-60.1-90)

19. This permit shall become invalid with respect to the authorized construction if construction is not commenced as follows:

- a. Within eighteen (18) months after the permit takes effect, is discontinued for a period of eighteen (18) months or more, or is not completed within a reasonable time.
- b. For phased construction projects, each phase shall commence construction within eighteen (18) months of the projected and approved commencement dates in the permit. This provision shall be applicable only if the projected and approved commencement dates of each construction phase are defined in Attachment II, Special Conditions, of this permit.

(Auth.: HAR §11-60.1-9, §11-60.1-90)

20. The Department of Health may extend the time periods specified in Standard Condition No. 19 upon a satisfactory showing that an extension is justified. Requests for an extension shall be submitted in writing to the Department of Health.

(Auth.: HAR §11-60.1-9, §11-60.1-90)



21. The permittee shall submit fees in accordance with HAR, Chapter 11-60.1, Subchapter 6.  
(Auth.: HAR §11-60.1-90)
22. All certifications shall be in accordance with HAR, section 11-60.1-4.  
(Auth.: HAR §11-60.1-4, HAR §11-60.1-90)
23. The permittee shall allow the Director of Health, the Regional Administrator for the U.S. EPA and/or an authorized representative, upon presentation of credentials or other documents required by law:
  - a. To enter the premises where a source is located or emission-related activity is conducted, or where records must be kept under the conditions of this permit and inspect at reasonable times all facilities, equipment, including monitoring and air pollution control equipment, practices, operations, or records covered under the terms and conditions of this permit and request copies of records or copy records required by this permit; and
  - b. To sample or monitor at reasonable times substances or parameters to ensure compliance with this permit or applicable requirements of HAR, Chapter 11-60.1.  
(Auth.: HAR §11-60.1-11, §11-60.1-90)
24. Within thirty (30) days of **permanent discontinuance of the construction, modification, relocation, or operation of a stationary source covered by this permit**, the discontinuance shall be reported in writing to the Department of Health by a responsible official of the source.  
(Auth.: HAR §11-60.1-8; SIP §11-60-10)<sup>2</sup>
25. Each permit renewal application shall be submitted to the Department of Health and the U.S. EPA, Region 9, no less than twelve (12) months and no more than eighteen (18) months prior to the permit expiration date. The Director may allow a permit renewal application to be submitted no less than six (6) months prior to the permit expiration date, if the Director determines that there is reasonable justification.  
(Auth.: HAR §11-60.1-101, 40 CFR §70.5(a)(1)(iii))<sup>1</sup>
26. The terms and conditions included in this permit, including any provision designed to limit a source's potential to emit, are federally enforceable unless such terms, conditions, or requirements are specifically designated as not federally enforceable.  
(Auth.: HAR §11-60.1-93)
27. The compliance plan and compliance certification submittal requirements shall be in accordance with HAR, Sections 11-60.1-85 and 11-60.1-86. As specified in HAR,

Section 11-60.1-86, the compliance certification shall be submitted to the Department of Health and the U.S. EPA, Region 9, once per year, or more frequently as set by any applicable requirement.

(Auth.: HAR §11-60.1-90)

28. **Any document (including reports) required to be submitted by this permit shall be certified as being true, accurate, and complete by a responsible official in accordance with HAR, Sections 11-60.1-1 and 11-60.1-4, and shall be mailed to the following address:**

**Clean Air Branch  
Environmental Management Division  
Hawaii Department of Health  
919 Ala Moana Boulevard, Room 203  
Honolulu, HI 96814**

**Upon request and as required by this permit, all correspondence to the State of Hawaii Department of Health associated with this Covered Source Permit shall have duplicate copies forwarded to:**

**Chief  
Permits Office, (Attention: Air-3)  
Air Division  
U.S. Environmental Protection Agency  
Region 9  
75 Hawthorne Street  
San Francisco, CA 94105**

(Auth.: HAR §11-60.1-4, §11-60.1-90)

29. To determine compliance with submittal deadlines for time-sensitive documents, the postmark date of the document shall be used. If the document was hand-delivered, the date received ("stamped") at the Clean Air Branch shall be used to determine the submittal date.

(Auth.: HAR §11-60.1-5, §11-60.1-90)

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<sup>1</sup>The citations to the Code of Federal Regulations (CFR) identified under a particular condition, indicate that the permit condition complies with the specified provision(s) of the CFR. Due to the integration of the preconstruction and operating permit requirements, permit conditions may incorporate more stringent requirements than those set forth in the CFR.

<sup>2</sup>The citations to the State Implementation Plan (SIP) identified under a particular condition, indicate that the permit condition complies with the specified provision(s) of the SIP.

**ATTACHMENT II: SPECIAL CONDITIONS  
COVERED SOURCE PERMIT NO. 0252-01-C**

**Issuance Date: April 20, 2011**

**Expiration Date: April 19, 2016**

In addition to the standard conditions of the covered source permit, the following special conditions shall apply to the permitted facility:

**Section A. Equipment Description**

1. This permit encompasses the following equipment and associated appurtenances for the 653 TPH Stone Processing Plant:
  - a. One 720 TPH Pioneer Grizzly Feeder, Model 50x24, Serial No. 408532.
  - b. One 653 TPH Pioneer (Primary) Jaw Crusher, Model 4450, Serial No. 408531.
  - c. One 840 TPH JCI 3-Deck Screen, Model JCI620332LP, Serial No. 00LP12132.
  - d. One 525 TPH Deister 2-Deck Screen, Model 5x14, Serial No. 2001169.
  - e. One 645 TPH Cedarapids (Secondary) Rollercone Crusher, Model MVP450.
  - f. One 400 TPH Canica (Tertiary No. 1) Impact Crusher, Model 100VSI, Serial No. 125120-87.
  - g. One 600 TPH Canica (Tertiary No. 2) Impact Crusher, Model 125VSI, Serial No. 125140-92.
  - h. Two Simplicity 8' x 20' Triple Deck Tertiary Screens, Serial Nos. 3820-M160A-3887 and 3820-M160A-3886.
  - i. 150 TPH Fisher Industries Stationary Air Classifier, Serial No. AS-67-607347.
  - j. 525 TPH Syntron Feeder, Model F-480, Serial No. T102615.
  - k. Two Jeffrey Feeders, Model 250, Serial Nos. 884516 and 884517.
  - l. One Surge Rock Feeder.
  - m. Various Conveyors;
  - n. Enclosures; and
  - o. Water spray system.
  - p. One 950 HP Caterpillar Diesel Engine Generator, CAT C27 ATAAC Diesel Engine and CAT SR4B Generator, Diesel Engine Serial No. MJE00535.

**Backup Equipment:**

- q. One 700 TPH Cedarapids Apron Feeder with Hopper, Model VGF4220-15, Serial No. 50058 (backup for 720 TPH Pioneer Grizzly Feeder).
- r. One 800 TPH Pioneer Jaw Crusher, Model 3042, Serial No. UH-3769 (backup for 653 TPH Pioneer Jaw Crusher).
- s. One 600 TPH Metso Minerals 4' x 8' Double Deck Scalping Screen, Model HRVX-9, Serial No. C001061401 (backup for 840 TPH JCI 3-Deck Screen).

(Auth.: HAR §11-60.1-3)

2. An identification tag or name plate shall be displayed on each crusher, screen, feeder, and diesel engine generator listed above to show model no., serial/identification no., and manufacturer. The identification tag or name plate shall be permanently attached to the equipment in a conspicuous location.

(Auth.: HAR §11-60.1-5, §11-60.1-90)

**Section B. Applicable Federal Regulations**

1. The stone processing plant, excluding the 800 TPH Pioneer Jaw Crusher, Model 3042, is subject to the provisions of the following federal regulations:
  - a. 40 CFR Part 60, Standards of Performance for New Stationary Sources, Subpart A, General Provisions; and
  - b. 40 CFR Part 60, Standards of Performance for New Stationary Sources, Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants.

(Auth.: HAR §11-60.1-3, §11-60.1-90, §11-60.1-161; 40 CFR §60.1, §60.670)<sup>1</sup>

2. The diesel engine generator is subject to the provisions of the following federal regulations:
  - a. 40 CFR Part 60, Standards of Performance for New Stationary Sources, Subpart A, General Provisions;
  - b. 40 CFR Part 60, Standards of Performance for New Stationary Sources, Subpart IIII, Standards of Performance for Stationary Compression Ignition Internal Combustion Engines;
  - c. 40 CFR Part 63, National Emission Standards for Hazardous Air Pollutants for Source Categories, Subpart A, General Provisions; and
  - d. 40 CFR Part 63, National Emission Standards for Hazardous Air Pollutants for Source Categories, Subpart ZZZZ, National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines.

(Auth.: HAR §11-60.1-3, §11-60.1-90, §11-60.1-161; 40 CFR § 60.1, § 60.4200, § 63.1, § 63.6585)<sup>1</sup>

3. The permittee shall comply with all of the applicable provisions of these standards, including all emission limits, notification, testing, monitoring, and reporting requirements. The major requirements of these standards are detailed in the special conditions of this permit.

(Auth.: HAR §11-60.1-3, §11-60.1-90, §11-60.1-161; 40 CFR Part 60)<sup>1</sup>

**Section C. Operational and Emission Limitations**

**1. Operating Limits Diesel Engine Generator**

- a. The total operating hours of the diesel engine generator shall not exceed 4,380 hours in any rolling twelve-month (12-month) period.
- b. The diesel engine generator shall be fired only on fuel oil no. 2 with:
  - i. A maximum sulfur content not to exceed 0.0015% by weight; and
  - ii. A cetane index or aromatic content as follows:
    - 1) Minimum cetane index of forty (40); or
    - 2) Maximum aromatic content of thirty-five (35) volume percent.
- c. For any six (6) minute averaging period, the diesel engine generator shall not exhibit visible emissions of twenty (20) percent opacity or greater, except as follows: during start-up, shutdown, or equipment breakdown, the diesel engine generator may exhibit visible emissions greater than twenty (20) percent opacity but not exceeding sixty (60) percent opacity for a period aggregating not more than six (6) minutes in any sixty (60) minutes.

(Auth.: HAR §11-60.1-3, §11-60.1-32, §11-60.1-38, §11-60.1-90; SIP §60.1-24)<sup>2</sup>

**2. Minimum Stack Height Diesel Engine Generator**

The stack height for the diesel engine generator shall be at least twenty-four (24) feet above base elevation.

(Auth.: HAR §11-60.1-3, §11-60.1-90)

**3. Operating Limits Stone Processing Plant**

- a. The maximum production of material from the facility shall not exceed 1,000,000 tons in any rolling twelve-month (12-month) period.

(Auth.: HAR §11-60.1-3, §11-60.1-90)

- b. The permittee shall not cause to be discharged into the atmosphere from the 653 TPH Pioneer (Primary) Jaw Crusher, fugitive emissions which exhibit greater than twelve (12) percent opacity.

(Auth.: HAR §11-60.1-3, §11-60.1-90, §11-60.1-161; 40 CFR §60.672)

- c. The permittee shall not cause to be discharged into the atmosphere, fugitive emissions which exhibit greater than seven (7) percent opacity, from the:

- i. 840 TPH JCI 3-Deck Screen;
- ii. 525 TPH Deister 2-Deck Screen;
- iii. Any transfer point on the belt conveyors (starting from the 720 TPH Pioneer Grizzly Feeder up to and including conveyor C9 and the conveyor transfer points from the Canica tertiary crushers to the Simplicity tertiary screens of application 0252-06 rev 100618); or
- iv. Any other affected facility (as defined in § 60.670 and 60.671).

(Auth.: HAR §11-60.1-3, §11-60.1-90, §11-60.1-161; 40 CFR §60.672)

- d. The permittee shall not cause to be discharged into the atmosphere, fugitive emissions which exhibit greater than fifteen (15) percent opacity, from the:
  - i. 645 TPH Cedarapids (Secondary) Rollercone Crusher;
  - ii. 400 TPH Canica (Tertiary No. 1) Impact Crusher; and
  - iii. 600 TPH Canica (Tertiary No. 2) Impact Crusher.

(Auth.: HAR §11-60.1-3, §11-60.1-90, §11-60.1-161; 40 CFR §60.672)

- e. The permittee shall not cause to be discharged into the atmosphere from the two (2) Simplicity 8' x 20' Triple Deck Tertiary Screens, any transfer point on the belt conveyors (beginning with conveyor C6 of application 0252-06 rev 100617 and all conveyor transfer points following conveyor C6 in the process line, excluding the conveyor transfer points from the Canica tertiary crushers to the Simplicity tertiary screens) or from any other affected facility (as defined in § 60.670 and 60.671), fugitive emissions which exhibit greater than ten (10) percent opacity.

(Auth.: HAR §11-60.1-3, §11-60.1-90, §11-60.1-161; 40 CFR §60.672)

f. Backup Equipment

- i. The permittee shall not cause to be discharged into the atmosphere from the 600 TPH Metso Minerals 4' x 8' Double Deck Scalping Screen and all associated conveyor transfer points, fugitive emissions which exhibit greater than ten (10) percent opacity.

(Auth.: HAR §11-60.1-3, §11-60.1-90, §11-60.1-161; 40 CFR §60.672)

- g. The stone processing plant shall be configured to the layout identified in the covered source permit application, or to an alternate configuration meeting the following:
  - i. The permittee shall not operate the stone processing plant in a configuration that would result in an increase in the number of emission points, such as the addition of more transfer or stacking conveyors; and
  - ii. The permittee shall not operate the stone processing plant in a configuration that would cause an increase in the capacity of the process flow.

iii. The permittee shall not operate the backup equipment at the same time as the equipment it replaces. The permittee may replace the:

- 1) 720 TPH Pioneer Grizzly Feeder with the 700 TPH Cedarapids Apron Feeder with Hopper;
- 2) 653 TPH Pioneer Jaw Crusher with the 800 TPH Pioneer Jaw Crusher; and
- 3) 840 TPH JCI 3-Deck Screen with the 600 TPH Metso Minerals 4' x 8' Double Deck Scalping Screen.

(Auth.: HAR §11-60.1-3, §11-60.1-90)

#### 4. Fugitive Emission Control

a. The permittee shall take measures to control fugitive dust (e.g., wet suppression, enclosures, dust screens, etc.) at the crushers, screens, material transfer points, stockpiles, and throughout the facility. The Department of Health may at any time require the permittee to further abate fugitive dust emissions if an inspection indicates poor or insufficient control.

(Auth.: HAR §11-60.1-3, §11-60.1-33, §11-60.1-90)

b. The permittee shall not cause or permit fugitive dust to become airborne without taking reasonable precautions and shall not cause or permit the discharge of visible emissions of fugitive dust beyond the lot line of the property boundary on which the emissions originate.

(Auth.: HAR §11-60.1-3, §11-60.1-33, §11-60.1-90)

c. Water spray bars shall be installed, maintained, and utilized as needed during operation of the plant to minimize fugitive dust at the following material drop off points:

- i. Exit of the Primary Crusher;
- ii. Exit of Secondary Crusher to Secondary Screen Exit Conveyor;
- iii. Entrance and Exit of the Tertiary Crushers;
- iv. Entrance to Tertiary Screens;
- v. Entrance to Tertiary Crushing Bin from Secondary Screen Exit Conveyor and Recirculating Conveyor;
- vi. Secondary Screen Exit Conveyor to Tertiary Screens Feed Conveyor;
- vii. Tertiary Crushers Exit Conveyor to Tertiary Screens Feed Conveyor;
- viii. Tertiary Screens Feed Conveyor to Tertiary Screens;
- ix. Conveyor Transfer Points (P)C2 to (P)C4 and (P)C3 to (P)C4; and
- x. Conveyor discharge to all stockpiles.

The Department of Health at any time may require additional water sprays, manual water spraying, and/or enclosures at pertinent locations if an inspection indicates that more fugitive dust control is needed.

(Auth.: HAR §11-60.1-3, §11-60.1-33, §11-60.1-90)

- d. The stone processing plant shall not be operated if observation, or the routine inspection required in Special Condition D.3.b indicates a significant drop in water pressure and/or flow rate, plugged nozzle(s), leak in the piping system, or other problems which affect the efficiency of its water spray system. The permittee shall investigate and correct the problem before resuming operations. The normal operating flow rate (gal/min) for the water spray system shall be established in the performance test conducted pursuant to this Attachment, Section F, and may be incorporated into the permit.

(Auth.: HAR §11-60.1-3, §11-60.1-33, §11-60.1-90)

- e. A water spray system and/or an on-site water truck shall be maintained and utilized during the facility's operating hours and at other times as necessary to minimize fugitive dust on haul roads, facility grounds, and storage piles.

(Auth.: HAR §11-60.1-3, §11-60.1-33, §11-60.1-90)

## 5. Maintenance

The stone processing plant, including the water spray system and enclosures, shall be maintained in good operating condition at all times with scheduled inspections and maintenance as recommended by the manufacturer, or as needed.

(Auth.: HAR §11-60.1-3, §11-60.1-33, §11-60.1-90)

## 6. Alternate Operating Scenario

- a. The permittee may replace the diesel engine generator with a temporary replacement unit if any repair reasonably warrants the removal of the diesel engine generator from its site (i.e., equipment failure, engine overhaul, or any major equipment problems requiring maintenance for efficient operation), permit requirements for the permitted diesel engine generator do not conflict with those required for the replacement unit, and the following provisions are adhered to:
  - i. The installation/operation of the temporary replacement diesel engine generator shall not exceed twelve (12) consecutive months.
  - ii. A request for replacing the diesel engine generator with a temporary replacement unit shall be submitted in accordance with Special Condition E.8.a.
  - iii. The temporary replacement unit must be similar in size to the diesel engine generator being replaced with equal or lesser emissions.



- iv. The temporary replacement unit shall comply with all applicable conditions required for the primary unit including all air pollution control equipment requirements, operating restrictions, and emission limits.
  - v. The diesel engine generator shall be repaired and returned to service at the same location in a timely manner.
  - vi. Removal and return information shall be submitted as required by Special Condition E.8.b.
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- b. The Department of Health may require an ambient air quality assessment of the temporary unit, and/or provide a conditional approval to impose additional monitoring, testing, recordkeeping, and reporting requirements to ensure the temporary unit is in compliance with the applicable requirements of the permitted unit being temporarily replaced.
  - c. Records shall be maintained in accordance with Special Condition D.10.
  - d. The terms and conditions under each operating scenario shall meet all applicable requirements, including the special conditions of this permit.

(Auth.: HAR §11-60.1-3, §11-60.1-5, §11-60.1-90)

#### **Section D. Monitoring and Recordkeeping Requirements**

##### **1. Records**

All records, including support information, shall be maintained for at least five (5) years from the date of the monitoring sample, measurement, test, report, or application. Support information includes all maintenance, inspection, and repair records, and copies of all reports required by this permit. These records shall be true, accurate, and maintained in a permanent form suitable for inspection and made available to the Department of Health or its representative(s) upon request.

(Auth.: HAR §11-60.1-3, §11-60.1-5, §11-60.1-81, §11-60.1-90)

##### **2. Production**

Invoice and inventory records shall be maintained to document the total amount of product produced from the facility on a monthly and twelve-month (12-month) rolling basis for the purpose of the limitation specified in Special Condition C.3.a and for annual emissions reporting. Monthly records shall include the type (e.g., cinder, gravel, fines, etc.) and the amount of material (tons) processed.

(Auth.: HAR §11-60.1-3, §11-60.1-90)

3. Water Spray System

- a. A non-resetting water meter shall be installed, operated and maintained for the water spray system of the 653 TPH stone processing plant to determine the cumulative gallons of water used for fugitive dust control and gallon per minute flow rate of the water spray system for the plant.
- b. The water spray system, to include the water pump, piping system, spray nozzles and any gauges (i.e., water pressure, water flow meter, etc.) shall be checked routinely or at least once per week to insure proper operation of the water spray system.

(Auth.: HAR §11-60.1-3, §11-60.1-11, §11-60.1-90)

4. Visible Emissions (VE)

- a. The permittee shall conduct **monthly** (calendar month) VE observations of the diesel engine generator by a certified reader in accordance with 40 CFR Part 60, Appendix A, Method 9. For each month, two (2) consecutive six (6) minute observations shall be taken at fifteen (15) second intervals. For the VE observations of the diesel engine generator, the observer shall comply with the following additional requirements:
  - i. The distance between the observer and the emission source shall be at least three (3) stack heights, but not more than 402 meters (0.25 miles); and
  - ii. The observer shall, when possible, select a position that minimizes interference from other sources of visible emissions. The required observer position relative to the sun (Method 9, 40 CFR Part 60, Appendix A-4, Section 2.1) shall be followed.
- b. Except in those months where a performance test is conducted pursuant to Special Condition D.5 below, the permittee shall conduct **monthly** (calendar month) VE observations for the stone processing plant. Observations shall be made at emission points subject to an opacity limit, and shall be performed by a certified reader in accordance with 40 CFR Part 60, Appendix A, Method 9. For the monthly observation, two (2) consecutive six (6) minute observations shall be taken at fifteen (15) second intervals for each emission point. The observer shall comply with the following additional requirements:
  - i. The minimum distance between the observer and the emission source shall be 4.57 meters (15 feet);
  - ii. The observer shall, when possible, select a position that minimizes interference from other fugitive emission sources. The required observer position relative to the sun (Method 9; Section 2.1) shall be followed; and
  - iii. The observer shall record the operating capacity (ton/hr) of the plant at the time the observations were made.

The Department of Health may allow observation of a portion of the total emission points at the stone processing plant, if it can be demonstrated that operations have been in compliance with the permit. At a minimum, at least three (3) emission points

from the stone processing plant shall be observed each month. At a minimum, the three (3) selected points from the plant shall include one (1) crusher, one (1) screen, and one (1) transfer point or those points as specified by the Department of Health. The points observed shall be rotated so that each crusher, screen, and transfer point is eventually observed. The Department may require additional emission points to be observed. Allowance to observe a portion of the total required emission points shall be obtained in writing from the Department of Health.

- c. Records shall be completed and maintained in accordance with the **Visible Emissions Form Requirements**.

(Auth.: HAR §11-60.1-3, §11-60.1-32, §11-60.1-90)

#### 5. Performance Test

Source performance tests shall be conducted on the stone processing plant pursuant to this Attachment, Section F. Test plans, summaries and results shall be maintained in accordance with the requirements of this section.

(Auth.: HAR §11-60.1-3, §11-60.1-5, §11-60.1-90)

#### 6. Operating Hours

A non-resetting hour meter shall be installed, operated, and maintained on the diesel engine generator for the permanent recording of the total hours operated. The non-resetting meter shall not allow the manual resetting or other manual adjustments of the meter readings. The installation of any new non-resetting meters or the replacement of any existing non-resetting meters shall be designed to accommodate a minimum of five (5) years of equipment operation, considering any operational limitations, before the meter returns to a zero reading.

The meter shall permanently record the total hours of operation for the purpose of the hour limitations specified in Special Condition C.1.a. The following information shall be recorded for the diesel engine:

- a. Date of meter readings;
- b. Beginning and ending meter readings for each month;
- c. Total hours of operation for each month; and
- d. Total hours of operation on a rolling twelve-month (12-month) basis.

(Auth.: HAR §11-60.1-3, §11-60.1-11, §11-60.1-90)

#### 7. Fuel Specification

Fuel purchase receipts, showing the fuel type, sulfur content (percent by weight), minimum cetane index or maximum aromatic content (volume percent), date of delivery, and amount

(gallons) of fuel delivered for the diesel engine generator shall be maintained for purposes of the fuel limits specified in Special Condition C.1.b, and annual emissions reporting. Fuel sulfur content, cetane index, and aromatic content may be demonstrated by providing the supplier's fuel specification sheet for the type of fuel purchased and received.

(Auth.: HAR §11-60.1-3, §11-60.1-5, §11-60.1-11, §11-60.1-90)

#### 8. Inspection, Maintenance, and Repair Log

Equipment inspection, maintenance, and repair work. An inspection, maintenance and repair log shall be maintained for the equipment covered under this permit. Inspection of, and replacement of parts and repairs to the diesel engine generator, crushers, screens, conveyors, and water-spray system, shall be well documented. At a minimum, the following records shall be maintained:

- a. The date of the inspection/maintenance/repair work;
- b. A description of the part(s) inspected or repaired;
- c. A description of the findings and any maintenance or repair work performed; and
- d. The name and title of the personnel performing inspection/work.

(Auth.: HAR §11-60.1-3, §11-60.1-5, §11-60.1-90)

#### 9. Operation of Backup Equipment

The permittee shall record the following information for each period of time the Backup Equipment is operated:

- a. The date the Backup Equipment begins operating;
- b. The date the Backup Equipment stops operating; and
- c. All periods of time during which the Backup Equipment and the equipment it is allowed to replace, as specified in Special Condition C.3.g.iii, are operated simultaneously. Record the start date and end date of simultaneous operation.

(Auth.: HAR §11-60.1-3, §11-60.1-5, §11-60.1-90)

#### 10. Alternate Operating Scenario

The permittee shall contemporaneously with making a change from one operating scenario to another, record in a log at the permitted facility, the scenario under which it is operating.

(Auth.: HAR §11-60.1-3, §11-60.1-5, §11-60.1-90)

**Section E. Notification and Reporting Requirements**

1. Standard Conditions Reporting

Notification and reporting pertaining to the following events shall be done in accordance with Attachment I, Standard Condition Nos. 14, 16, 17, and 24, respectively:

- a. Anticipated date of initial start-up, actual date of construction commencement, and actual date of start-up;
- b. Intent to shut down air pollution control equipment for necessary scheduled maintenance;
- c. Emissions of air pollutants in violation of HAR, Chapter 11-60.1 or this permit (excluding technology-based emission exceedances due to emergencies); and
- d. Permanent discontinuance of construction, modification, relocation, or operation of the facility covered by this permit.

(Auth.: HAR §11-60.1-8, §11-60.1-15, §11-60.1-16, §11-60.1-90; SIP §11-60-10, §11-60-16)<sup>2</sup>

2. Deviations

The permittee shall report (in writing) **within five (5) working days** any deviations from permit requirements, including those attributable to upset conditions, the probable cause of such deviations and any corrective actions or preventive measures taken. Corrective actions may include a requirement for additional testing, or more frequent monitoring, or could trigger implementation of a corrective action plan.

(Auth.: HAR §11-60.1-3, §11-60.1-15, §11-60.1-16, §11-60.1-90)

3. Notification of Constructed Stack Height

The permittee shall submit to the Department of Health written notification of the final constructed stack height of the diesel engine generator within **fifteen (15) days** following receipt of this covered source permit.

4. Annual Emissions Reports

- a. As required by Attachment IV and in conjunction with the requirements of Attachment III, Annual Fee Requirements, the permittee shall report **annually** the total tons per year emitted of each regulated pollutant, including hazardous air pollutants. The report is due **within sixty (60) days** following the end of each calendar year. The following enclosed forms shall be used for reporting:

**Annual Emissions Report Form: Diesel Engine Generator and Stone Processing Plant**

- b. Upon the permittee's written request, the deadline for annual emissions reporting may be extended, if the Department of Health determines that reasonable justification exists for the extension.

(Auth.: HAR §11-60.1-3, §11-60.1-90)

5. Monitoring Reports

The permittee shall submit **semi-annually** the following reports to the Department of Health. The reports shall be submitted **within sixty (60) days** after the end of each semi-annual calendar period (January 1 - June 30 and July 1 - December 31), shall be signed and dated by a responsible official, and shall include the following:

- a. The total production (tons) of the stone processing plant on a monthly and twelve-month (12-month) rolling basis;
- b. The total operating hours of the diesel engine generator on a monthly and twelve-month (12-month) rolling basis;
- c. Identification of the type of fuel fired in the 950 HP Diesel Engine Generator. Including:
  - i. The maximum sulfur content (percent by weight) of the fuel; and
  - ii. The minimum cetane index or maximum aromatic content of the fuel.
- d. All periods of time during which the Backup Equipment and the equipment it is allowed to replace, as specified in Special Condition C.3.g.iii, are operated at the same time; and
- e. Identification of any opacity exceedances as determined by the required VE monitoring of the stone processing plant. Each exceedance reported shall include the date, six (6) minute average opacity reading, possible reason for exceedance, duration of exceedance, and corrective actions taken. If there were no exceedances, the permittee shall submit in writing a statement indicating that for each equipment there were no exceedances for that semi-annual period for the stone processing plant.

The following enclosed **Monitoring Report Forms: Diesel Engine Generator; Facility Production; and Opacity Exceedances** shall be used.

(Auth.: HAR §11-60.1-3, §11-60.1-5, §11-60.1-90)

6. Performance Testing

- a. At least **thirty (30) days prior** to conducting a source performance test pursuant to Attachment II, Section F, the permittee shall submit a written performance test plan to the Department of Health in accordance with Special Condition F.4.

- b. Written reports of the results of the performance tests conducted to demonstrate compliance shall be submitted to the Department of Health **within sixty (60) days** after the completion of the performance test, and shall be in conformance with Special Condition F.6.

(Auth.: HAR §11-60.1-3, §11-60.1-90, §11-60.1-161; 40 CFR § 60.676)<sup>1</sup>

## 7. Compliance Certification

During the permit term, the permittee shall submit at least **annually** to the Department of Health and U.S. EPA, Region 9, the attached **Compliance Certification Form** pursuant to HAR, §11-60.1-86. The permittee shall indicate whether or not compliance is being met with each term or condition of this permit. The compliance certification shall be submitted **within ninety (90) days after the end of each calendar year**, and shall be signed and dated by a responsible official. The compliance certification shall include, at a minimum, the following information:

- a. The identification of each term or condition of the permit that is the basis of the certification;
- b. The compliance status;
- c. Whether compliance was continuous or intermittent;
- d. The methods used for determining the compliance status of the source currently and over the reporting period;
- e. Any additional information indicating the source's compliance status with any applicable enhanced monitoring and compliance certification including the requirements of Section 114(a)(3) of the Clean Air Act or any applicable monitoring and analysis provisions of Section 504(b) of the Clean Air Act; and
- f. Any additional information as required by the Department of Health including information to determine compliance. Upon written request of the permittee, the deadline for submitting the compliance certification may be extended, if the Department of Health determines that reasonable justification exists for the extension.

(Auth.: HAR §11-60.1-4, §11-60.1-86, §11-60.1-90)

## 8. Alternate Operating Scenario

- a. The permittee shall submit a written request and receive prior written approval from the Department of Health before exchanging a permitted diesel engine generator with a temporary replacement unit. The written request shall identify, at a minimum, the reasons for the replacement of the diesel engine generator from the site of operation and the estimated time period/dates for the temporary replacement, type, size, and manufacturing date of the temporary unit, emissions data, and stack parameters.

- b. Prior to the removal and return of the permitted diesel engine generator, the permittee shall submit to the Department of Health written documentation on the removal and return dates and on the make, size, model, and serial numbers for both the temporary replacement unit and the installed unit.

(Auth.: HAR §11-60.1-3, §11-60.1-5, §11-60.1-90)

#### **Section F. Testing Requirements**

##### **1. Performance Testing**

###### **a. Initial and Annual Testing**

Within sixty (60) days after achieving the maximum production rate at which the equipment will be operated but not later than one-hundred eighty (180) days after the initial startup of the equipment, and annually thereafter the permittee shall conduct or cause to be conducted, performance tests on the equipment subject to the opacity limits of Special Condition C.3.b. and C.3.c.

###### **b. Annual Testing**

On an annual basis the permittee shall conduct or cause to be conducted, performance tests on the equipment subject to the opacity limits of Special Condition C.3.d, C.3.e, and C.3.f.

- c. The Department of Health may require testing at other points in the facility if an inspection indicates poor or insufficient controls.

- d. Source performance testing is not required for a specific calendar year, for the following equipment, under the following circumstances:

- i. The 600 TPH Metso Minerals 4' x 8' Double Deck Scalping Screen is not operated at any time during the specific calendar year;
- ii. The 653 TPH Pioneer Jaw Crusher is not operated at any time during the specific calendar year; and
- iii. The 840 TPH JCI 3-Deck Screen is not operated at any time during the specific calendar year.

(Auth.: HAR §11-60.1-3, §11-60.1-11, §11-60.1-90; §11-60.1-161, 40 CFR §60.675, SIP §11-60.15)<sup>1,2</sup>



## 2. Performance Test Methods

- a. The performance tests for the stone processing plant shall be conducted by a certified reader using Method 9 of 40 CFR Part 60, Appendix A-4, and the procedures in 40 CFR §60.11 with the following additions for the fugitive emissions observations:
  - i. The minimum distance between the observer and the emission source shall be 4.57 meters (15 feet);
  - ii. The observer shall, when possible, select a position that minimizes interference from other fugitive emission sources (e.g., road dust). The required observer position relative to the sun (Method 9, 40 CFR Part 60, Appendix A-4, Section 2.1) shall be followed; and
  - iii. The observer shall record the operating capacity (tons/hr) of the crushing plant at the time observations were made.
- b. When determining compliance with the fugitive emissions standards of Special Condition C.3.b, C.3.c, C.3.d, C.3.e, and C.3.f, the duration of Method 9 observations must be thirty (30) minutes (five (5) 6-minute averages). Compliance with the applicable fugitive emission limits specified in Special Condition C.3.b, C.3.c, C.3.d, C.3.e, and C.3.f must be based on the average of the five (5) 6-minute averages.
- c. When determining compliance with the fugitive emissions standards of Special Condition C.3.b, C.3.c, C.3.d, C.3.e, and C.3.f, if emissions from two (2) or more facilities continuously interfere so that the opacity of fugitive emissions from an individual affected facility cannot be read, either of the following procedures may be used:
  - i. Use for the combined emission stream, the highest fugitive opacity standard applicable to any of the individual affected facilities contributing to the emissions stream; or
  - ii. Separate the emissions so that the opacity of emissions from each affected facility can be read.
- d. When determining compliance with the fugitive emissions standard of Special Condition C.3.b, C.3.c, C.3.d, C.3.e, and C.3.f, a single visible emission observer may conduct visible emission observations for up to three (3) fugitive emission points within a fifteen-second (15-second) interval if the following conditions are met:
  - i. No more than three (3) emission points may be read concurrently;
  - ii. All three (3) emission points must be within a seventy (70) degree viewing sector or angle in front of the observer such that the proper sun position can be maintained for all three (3) points; and
  - iii. If an opacity reading for any one (1) of the three (3) emission points equals or exceeds the applicable standard, then the observer must stop taking readings for the other two (2) points and continue reading just that single point.

- e. If, after **thirty (30) days** notice for an initially scheduled performance test, there is a delay, for example, due to operational problems, in conducting any rescheduled performance test required by Section F, the permittee shall submit a notice to the Department of Health at least **seven (7) days prior** to any rescheduled performance test.

(Auth.: HAR §11-60.1-3, §11-60.1-11, §11-60.1-90, §11-60.1-161; 40 CFR §60.675)<sup>1</sup>

3. Performance Test Expense and Monitoring

The performance tests shall be made at the expense of the permittee and shall be conducted at the maximum expected operating capacity of the stone processing plant. All performance tests may be monitored by the Department of Health.

(Auth.: HAR §11-60.1-3, §11-60.1-11, §11-60.1-90; §11-60.1-161, 40 CFR §60.675)<sup>1</sup>

4. Performance Test Plan

**At least thirty (30) days prior** to conducting the performance test, the permittee shall submit a written performance test plan to the Department of Health and U.S. EPA, Region 9, that includes date(s) of the test, test duration, test locations, test methods, source operation, locations of visible emissions readings, and other parameters that may affect the test results. Such a plan shall conform to U.S. EPA guidelines including quality assurance procedures. A test plan or quality assurance plan that does not have the approval of the Department of Health may be grounds to invalidate any test and require a retest.

(Auth.: HAR §11-60.1-3, §11-60.1-11, §11-60.1-90; 40 CFR 60.8, SIP §11-60.1-15)<sup>1,2</sup>

5. Deviations

Any deviations from these conditions, test methods, or procedures may be cause for rejection of the test results unless such deviations are approved by the Department of Health before the tests are performed.

(Auth.: HAR §11-60.1-3, §11-60.1-11, §11-60.1-90)

6. Performance Test Report

**Within sixty (60) days after** completion of the performance test, the permittee shall submit to the Department of Health and U.S. EPA, Region 9, the test report which shall include the operating conditions of the facility at the time of the test (e.g., operating rate in tons/hr, water meter flow rate in gal/min, etc.), locations where the visible emissions were read, visible emission readings, location of water sprays, summarized test results, comparative

results with the permit emission limits, other pertinent support calculations, and field/laboratory data. The results shall be recorded and reported in accordance with 40 CFR Part 60, Appendix A, and §60.8.

The normal operating water flow rate (gal/min) of the water spray system shall be determined by the water flow rate used during the performance test that demonstrates compliance with the opacity limits of this permit.

(Auth.: HAR §11-60.1-3, §11-60.1-11, §11-60.1-90, §11-60.1-161; 40 CFR §60.675; SIP §11-60-15)<sup>1,2</sup>

#### 7. Performance Test Waiver

Upon written request and justification, the Department of Health may waive the requirement for, or a portion of, a specific source performance test. The waiver request is to be submitted prior to the required test and must include documentation justifying such action. Documentation should include, but is not limited to, the results of the prior performance test indicating compliance by a wide margin, documentation of continuing compliance, and further that operations of the source have not changed since the previous source test.

(Auth.: HAR §11-60.1-3, §11-60.1-90)

### **Section G. Agency Notification**

Any document (including reports) required to be submitted by this covered source permit shall be done in accordance with Attachment I, Standard Condition No. 28.

(Auth.: HAR §11-60.1-4, §11-60.1-90)

<sup>1</sup> The citations to the Code of Federal Regulations (CFR) identified under a particular condition, indicate that the permit condition complies with the specified provision(s) of the CFR. Due to the integration of the preconstruction and operating permit requirements, permit conditions may incorporate more stringent requirements than those set forth in the CFR.

<sup>2</sup> The citations to the State Implementation Plan (SIP) identified under a particular condition, indicate that the permit condition complies with the specified provision(s) of the SIP.

**ATTACHMENT II - INSIG  
SPECIAL CONDITIONS - INSIGNIFICANT ACTIVITIES  
COVERED SOURCE PERMIT NO. 0252-01-C**

**Issuance Date:** April 20, 2011

**Expiration Date:** April 19, 2016

In addition to the Standard Conditions of the Covered Source Permit, the following Special Conditions shall apply to the permitted facility:

**Section A. Equipment Description**

This attachment encompasses insignificant activities listed in HAR, §11-60.1-82(f) and (g) for which provisions of this permit and HAR, Subchapter 2, General Prohibitions, apply.

(Auth.: HAR §11-60.1-3)

**Section B. Operational Limitations**

1. The permittee shall take measures to operate applicable insignificant activities in accordance with the provisions of HAR, Subchapter 2 for visible emissions, fugitive dust, incineration, process industries, sulfur oxides from fuel combustion, storage of volatile organic compounds, volatile organic compound water separation, pump and compressor requirements, and waste gas disposal.

(Auth.: HAR §11-60.1-3, §11-60.1-82, §11-60.1-90)

2. The Department of Health may at any time require the permittee to further abate emissions if an inspection indicates poor or insufficient controls.

(Auth.: HAR §11-60.1-3, §11-60.1-5, §11-60.1-82, §11-60.1-90)

**Section C. Monitoring and Recordkeeping Requirements**

1. The Department of Health reserves the right to require monitoring, recordkeeping, or testing of any insignificant activity to determine compliance with the applicable requirements.

(Auth.: HAR §11-60.1-3, §11-60.1-90)

2. All records shall be maintained for at least five (5) years from the date of any required monitoring, recordkeeping, testing, or reporting. These records shall be true, accurate, and maintained in a permanent form suitable for inspection and made available to the Department of Health or its authorized representative upon request.

(Auth.: HAR §11-60.1-3, §11-60.1-11, §11-60.1-90)

#### **Section D. Notification and Reporting**

##### Compliance Certification

During the permit term, the permittee shall submit at least **annually** to the Department of Health and U.S. EPA, Region 9, the attached *Compliance Certification Form* pursuant to HAR, Subsection 11-60.1-86. The permittee shall indicate whether or not compliance is being met with each term or condition of this permit. The compliance certification shall include, at a minimum, the following information:

1. The identification of each term or condition of the permit that is the basis of the certification;
2. The compliance status;
3. Whether compliance was continuous or intermittent;
4. The methods used for determining the compliance status of the source currently and over the reporting period;
5. Any additional information indicating the source's compliance status with any applicable enhanced monitoring and compliance certification including the requirements of Section 114(a)(3) of the Clean Air Act or any applicable monitoring and analysis provisions of Section 504(b) of the Clean Air Act; and
6. Any additional information as required by the Department of Health including information to determine compliance.

The compliance certification shall be submitted **within ninety (90) days** after the end of each calendar year, and shall be signed and dated by a responsible official.

Upon written request of the permittee, the deadline for submitting the compliance certification may be extended, if the Department of Health determines that reasonable justification exists for the extension.

In lieu of addressing each emission unit as specified in *Compliance Certification Form*, the permittee may address insignificant activities as a single unit provided compliance is met with all applicable requirements. If compliance is not totally attained, the permittee shall identify the specific insignificant activity and provide the details associated with the noncompliance.

(Auth.: HAR §11-60.1-4, §11-60.1-86, §11-60.1-90)

#### **Section E. Agency Notification**

Any document (including reports) required to be submitted by this Covered Source Permit shall be done in accordance with Attachment I, Standard Condition No. 28.

(Auth.: HAR §11-60.1-4, §11-60.1-90)

**ATTACHMENT III: ANNUAL FEE REQUIREMENTS  
COVERED SOURCE PERMIT NO. 0252-01-C**

**Issuance Date: April 20, 2011**

**Expiration Date: April 19, 2016**

The following requirements for the submittal of annual fees are established pursuant to Hawaii Administrative Rules (HAR), Title 11, Chapter 60.1, Air Pollution Control. Should HAR, Chapter 60.1 be revised such that the following requirements are in conflict with the provisions of HAR, Chapter 60.1, the permittee shall comply with the provisions of HAR, Chapter 60.1.

1. Annual fees shall be paid in full:
  - a. Within **sixty (60) days** after the end of each calendar year; and
  - b. Within **thirty (30) days** after the permanent discontinuance of the covered source.
2. The annual fees shall be determined and submitted in accordance with Hawaii Administrative Rules, Chapter 11-60.1, Subchapter 6.
3. The annual emissions data for which the annual fees are based shall accompany the submittal of any annual fees and be submitted on forms furnished by the Department of Health.
4. The annual fees and the emission data shall be mailed to:

**Clean Air Branch  
Environmental Management Division  
Hawaii Department of Health  
919 Ala Moana Boulevard, Room 203  
Honolulu, HI 96814**

**ATTACHMENT IV: ANNUAL EMISSIONS REPORTING REQUIREMENTS  
COVERED SOURCE PERMIT NO. 0252-01-C**

**Issuance Date: April 20, 2011**

**Expiration Date: April 19, 2016**

In accordance with the Hawaii Administrative Rules, Title 11, Chapter 60.1, Air Pollution Control, the permittee shall report to the Department of Health the nature and amounts of emissions.

1. Complete the attached form(s):

Annual Emissions Report Form: Diesel Engine Generator and Stone Processing Plant

2. The reporting period shall be from January 1 to December 31 of each year. All reports shall be submitted to the Department of Health within **sixty (60) days** after the end of each calendar year and shall be mailed to the following address:

**Clean Air Branch  
Environmental Management Division  
Hawaii Department of Health  
919 Ala Moana Boulevard, Room 203  
Honolulu, HI 96814**

3. The permittee shall retain the information submitted, including all emission calculations. These records shall be in a permanent form suitable for inspection, retained for a minimum of five (5) years, and made available to the Department of Health upon request.
4. Any information submitted to the Department of Health without a request for confidentiality shall be considered public record.
5. In accordance with HAR, Section 11-60.1-14, the permittee may request confidential treatment of specific information, including information concerning secret processes or methods of manufacture, by submitting a written request to the Director and clearly identifying the specific information that is to be accorded confidential treatment.

**COMPLIANCE CERTIFICATION FORM  
COVERED SOURCE PERMIT NO. 0252-01-C  
PAGE 1 OF \_\_\_\_\_**

**Issuance Date:** April 20, 2011

**Expiration Date:** April 19, 2016

In accordance with the Hawaii Administrative Rules, Title 11, Chapter 60.1, Air Pollution Control, the permittee shall report to the Department of Health the following certification at least annually, or more frequently as requested by the Department.

(Make Copies of the Compliance Certification Form for Future Use)

For Period: \_\_\_\_\_ Date: \_\_\_\_\_

Company/Facility Name: \_\_\_\_\_

Responsible Official (Print): \_\_\_\_\_

Title: \_\_\_\_\_

Responsible Official (Signature): \_\_\_\_\_

I certify that I have knowledge of the facts herein set forth, that the same are true, accurate and complete to the best of my knowledge and belief, and that all information not identified by me as confidential in nature shall be treated by Department of Health as public record. I further state that I will assume responsibility for the construction, modification, or operation of the source in accordance with the Hawaii Administrative Rules, Title 11, Chapter 60.1, Air Pollution Control, and any permit issued thereof.



**COMPLIANCE CERTIFICATION FORM  
COVERED SOURCE PERMIT NO. 0252-01-C  
(CONTINUED, PAGE 2 OF \_\_\_)**

**Issuance Date:** April 20, 2011

**Expiration Date:** April 19, 2016

The purpose of this form is to evaluate whether or not the facility was in compliance with the permit terms and conditions during the covered period. If there were any deviations to the permit terms and conditions during the covered period, the deviation(s) shall be certified as *intermittent compliance* for the particular permit term(s) or condition(s). Deviations include failure to monitor, record, report, or collect the minimum data required by the permit to show compliance. In the absence of any deviation, the particular permit term(s) or condition(s) may be certified as *continuous compliance*.

**Instructions:**

Please certify Sections A, B, and C below for continuous or intermittent compliance. Sections A and B are to be certified as a group of permit conditions. Section C shall be certified individually for each operational and emissions limit condition as listed in the Special Conditions section of the permit (list all applicable equipment for each condition). Any deviations shall also be listed individually and described in Section D. The facility may substitute its own generated form in verbatim for Sections C and D.

**A. Attachment I, Standard Conditions**

|   |  |   |
|---|--|---|
| <u>Permit term/condition</u><br>All standard conditions | <u>Equipment</u><br>All Equipment listed in the permit | <u>Compliance</u><br><input type="checkbox"/> Continuous<br><input type="checkbox"/> Intermittent |
|---|--|---|

**B. Special Conditions - Monitoring, Recordkeeping, Reporting, Testing, and INSIG**

|  |  |   |
|--|--|---|
| <u>Permit term/condition</u><br>All monitoring conditions    | <u>Equipment</u><br>All Equipment listed in the permit | <u>Compliance</u><br><input type="checkbox"/> Continuous<br><input type="checkbox"/> Intermittent |
| <u>Permit term/condition</u><br>All recordkeeping conditions | <u>Equipment</u><br>All Equipment listed in the permit | <u>Compliance</u><br><input type="checkbox"/> Continuous<br><input type="checkbox"/> Intermittent |
| <u>Permit term/condition</u><br>All reporting conditions     | <u>Equipment</u><br>All Equipment listed in the permit | <u>Compliance</u><br><input type="checkbox"/> Continuous<br><input type="checkbox"/> Intermittent |
| <u>Permit term/condition</u><br>All testing conditions       | <u>Equipment</u><br>All Equipment listed in the permit | <u>Compliance</u><br><input type="checkbox"/> Continuous<br><input type="checkbox"/> Intermittent |
| <u>Permit term/condition</u><br>All INSIG conditions         | <u>Equipment</u><br>All Equipment listed in the permit | <u>Compliance</u><br><input type="checkbox"/> Continuous<br><input type="checkbox"/> Intermittent |

**COMPLIANCE CERTIFICATION FORM  
COVERED SOURCE PERMIT NO. 0252-01-C  
(CONTINUED, PAGE \_\_\_\_ OF \_\_\_\_)**

Issuance Date: April 20, 2011

Expiration Date: April 19, 2016

**C. Special Conditions - Operational and Emissions Limitations**

Each permit term/condition shall be identified in chronological order using attachment and section numbers (e.g., Attachment II, B.1, Attachment IIA, Special Condition No. B.1.f, etc.). Each equipment shall be identified using the description stated in Section A of the Special Conditions (e.g., unit no., model no., serial no., etc.). Check all methods (as required by permit) used to determine the compliance status of the respective permit term/condition.

| Permit term/condition | Equipment | Method  | Compliance   |
|-----------------------|-----------|---|--|
|                       |           | <input type="checkbox"/> monitoring<br><input type="checkbox"/> recordkeeping<br><input type="checkbox"/> reporting<br><input type="checkbox"/> testing<br><input type="checkbox"/> none of the above | <input type="checkbox"/> Continuous<br><input type="checkbox"/> Intermittent |
|                       |           | <input type="checkbox"/> monitoring<br><input type="checkbox"/> recordkeeping<br><input type="checkbox"/> reporting<br><input type="checkbox"/> testing<br><input type="checkbox"/> none of the above | <input type="checkbox"/> Continuous<br><input type="checkbox"/> Intermittent |
|                       |           | <input type="checkbox"/> monitoring<br><input type="checkbox"/> recordkeeping<br><input type="checkbox"/> reporting<br><input type="checkbox"/> testing<br><input type="checkbox"/> none of the above | <input type="checkbox"/> Continuous<br><input type="checkbox"/> Intermittent |
|                       |           | <input type="checkbox"/> monitoring<br><input type="checkbox"/> recordkeeping<br><input type="checkbox"/> reporting<br><input type="checkbox"/> testing<br><input type="checkbox"/> none of the above | <input type="checkbox"/> Continuous<br><input type="checkbox"/> Intermittent |
|                       |           | <input type="checkbox"/> monitoring<br><input type="checkbox"/> recordkeeping<br><input type="checkbox"/> reporting<br><input type="checkbox"/> testing<br><input type="checkbox"/> none of the above | <input type="checkbox"/> Continuous<br><input type="checkbox"/> Intermittent |
|                       |           | <input type="checkbox"/> monitoring<br><input type="checkbox"/> recordkeeping<br><input type="checkbox"/> reporting<br><input type="checkbox"/> testing<br><input type="checkbox"/> none of the above | <input type="checkbox"/> Continuous<br><input type="checkbox"/> Intermittent |
|                       |           | <input type="checkbox"/> monitoring<br><input type="checkbox"/> recordkeeping<br><input type="checkbox"/> reporting<br><input type="checkbox"/> testing<br><input type="checkbox"/> none of the above | <input type="checkbox"/> Continuous<br><input type="checkbox"/> Intermittent |

**(Make Additional Copies if Needed)**

**COMPLIANCE CERTIFICATION FORM  
COVERED SOURCE PERMIT NO. 0252-01-G  
(CONTINUED, PAGE \_\_\_\_ OF \_\_\_\_)**

Issuance Date: April 20, 2011

Expiration Date: April 19, 2016

**D. Deviations**

| <u>Permit Term/<br/>Condition</u> | <u>Equipment / Brief Summary of Deviation</u> | <u>Deviation Period<br/>time (am/pm) &amp; date<br/>(mo/day/yr)</u> | <u>Date of Written<br/>Deviation Report to<br/>DOH<br/>(mo/day/yr)</u> |
|-----------------------------------|---|---|--|
|                                   |   | Beginning:<br><br>Ending:   |  |
|                                   |   | Beginning:<br><br>Ending:   |  |
|                                   |   | Beginning:<br><br>Ending:   |  |
|                                   |   | Beginning:<br><br>Ending:   |  |
|                                   |   | Beginning:<br><br>Ending:   |  |
|                                   |   | Beginning:<br><br>Ending:   |  |
|                                   |   | Beginning:<br><br>Ending:   |  |

**(Make Additional Copies if Needed)**

**ANNUAL EMISSIONS REPORT FORM  
 DIESEL ENGINE GENERATOR AND STONE PROCESSING PLANT  
 COVERED SOURCE PERMIT NO. 0252-01-C  
 (PAGE 1 of 2)**

**Issuance Date:** April 20, 2011

**Expiration Date:** April 19, 2016

In accordance with the Hawaii Administrative Rules, Title 11, Chapter 60.1, Air Pollution Control, the permittee shall report to the Department of Health the nature and amounts of emissions:

(Make Copies for Future Use)

For Period: \_\_\_\_\_ Date: \_\_\_\_\_

Company name: \_\_\_\_\_

Facility name: \_\_\_\_\_

Equipment location: \_\_\_\_\_

Equipment description: \_\_\_\_\_

Serial/ID Number: \_\_\_\_\_

Serial/ID Number: \_\_\_\_\_

I certify that I have knowledge of the facts herein set forth, that the same are true, accurate and complete to the best of my knowledge and belief, and that all information not identified by me as confidential in nature shall be treated by the Department of Health as public record.

Responsible Official (Print): \_\_\_\_\_

Title: \_\_\_\_\_

Responsible Official (Signature): \_\_\_\_\_

For the reporting period:

1. Report the diesel engine fuel consumption as follows:

| Model | Capacity | Maximum % Sulfur Content by Weight | Total Fuel Oil No. 2 Consumption (gal/yr) |
|-------|----------|------------------------------------|---|
|       |          |                                    |   |
|       |          |                                    |   |
|       |          |                                    |   |
|       |          |                                    |   |

**ANNUAL EMISSIONS REPORT FORM  
DIESEL ENGINE GENERATOR AND STONE PROCESSING PLANT  
COVERED SOURCE PERMIT NO. 0252-01-G  
(PAGE 2 of 2)**

**Issuance Date: April 20, 2011**

**Expiration Date: April 19, 2016**

In accordance with the Hawaii Administrative Rules, Title 11, Chapter 60.1, Air Pollution Control, the permittee shall report to the Department of Health the nature and amounts of emissions:

**2. Report the quantity of material processed:**

| Type of Operation  | Maximum<br>Tons/hour of<br>Material Entering<br>(Tons/hr) | Materials Processed:<br>Type (cinder, gravel, fines, etc.)<br>and Amount (tons/yr) | Air Pollution<br>Control<br>Measures in<br>Use | Control<br>Efficiency<br>(%<br>Reduction) |
|--|---|--|--|---|
| Pioneer Grizzly Feeder<br>(Special Condition A.1.a.)           |   |  |  |   |
| Pioneer Primary Jaw Crusher<br>(Special Condition A.1.b.)      |   |  |  |   |
| JCI 3-Deck Screen<br>(Special Condition A.1.c.)                |   |  |  |   |
| Deister 2-Deck Screen<br>(Special Condition A.1.d.)            |   |  |  |   |
| Cedarapids Secondary Crusher<br>(Special Condition A.1.e.)     |   |  |  |   |
| Canica Tertiary Crusher #1<br>(Special Condition A.1.f.)       |   |  |  |   |
| Canica Tertiary Crusher #2<br>(Special Condition A.1.g.)       |   |  |  |   |
| Two Simplicity Tertiary Screens<br>(Special Condition A.1.h.)  |   |  |  |   |
| Fisher Stationary Air Classifier<br>(Special Condition A.1.i.) |   |  |  |   |
| Syntron Feeder<br>(Special Condition A.1.j.)                   |   |  |  |   |
| Two Jeffrey Feeders<br>(Special Condition A.1.k.)              |   |  |  |   |
| Surge Rock Feeder<br>(Special Condition A.1.l.)                |   |  |  |   |
| Conveyor Transfer<br>(Special Condition A.1.m.)                |   |  |  |   |
| Backup: Cedarapids Apron Feeder<br>(Special Condition A.1.q.)  |   |  |  |   |
| Backup: Pioneer Jaw Crusher<br>(Special Condition A.1.r.)      |   |  |  |   |
| Backup: Metso Minerals Screen<br>(Special Condition A.1.s.)    |   |  |  |   |
| Active Stockpiles  | NA  |  |  |   |
| Truck Loading  | NA  |  |  |   |

Note: Control measures include water sprays, housing and duct work to baghouses.  
Use the following Control Efficiencies, unless documentation is available to show otherwise:  
Water sprays, or Enclosure: 70%      Subsequent transfer points of water sprayed material: 70-(5\*n)%  
Efficiency factors may be reduced by the Department of Health, if there are any indications that a source's air pollution control device is not operating at the specified efficiency.

**MONITORING REPORT FORM  
DIESEL ENGINE GENERATOR  
COVERED SOURCE PERMIT NO. 0252-01-C  
(Page 1 of 2)**

**Issuance Date:** April 20, 2011

**Expiration Date:** April 19, 2016

In accordance with the Hawaii Administrative Rules, Title 11, Chapter 60.1, Air Pollution Control, the permittee shall report to the Department of Health the nature and amounts of emissions.

(Make Copies for Future Use)

For Period: \_\_\_\_\_ Date: \_\_\_\_\_

Company name: \_\_\_\_\_

Facility name: \_\_\_\_\_

Equipment location: \_\_\_\_\_

Equipment description: \_\_\_\_\_

Serial/ID Number: \_\_\_\_\_

Serial/ID Number: \_\_\_\_\_

I certify that I have knowledge of the facts herein set forth, that the same are true, accurate and complete to the best of my knowledge and belief, and that all information not identified by me as confidential in nature shall be treated by the Department of Health as public record.

Responsible Official (Print): \_\_\_\_\_

Title: \_\_\_\_\_

Responsible Official (Signature): \_\_\_\_\_

For the reporting period:

1. Report the total operating hours of the 950 HP diesel engine generator for the reporting period:

| Month     | Total Operating Hours<br>Monthly Basis | Total Operating Hours<br>12-Month Rolling Basis | Notes |
|-----------|--|---|-------|
| January   |  |   |       |
| February  |  |   |       |
| March     |  |   |       |
| April     |  |   |       |
| May       |  |   |       |
| June      |  |   |       |
| July      |  |   |       |
| August    |  |   |       |
| September |  |   |       |
| October   |  |   |       |
| November  |  |   |       |
| December  |  |   |       |

**MONITORING REPORT FORM  
DIESEL ENGINE GENERATOR  
COVERED SOURCE PERMIT NO. 0252-01-C  
(Page 2 of 2)**

**Issuance Date: April 20, 2011**

**Expiration Date: April 19, 2016**

In accordance with the Hawaii Administrative Rules, Title 11, Chapter 60.1, Air Pollution Control, the permittee shall report to the Department of Health the nature and amounts of emissions:

2. Report the maximum fuel sulfur content (% by weight) of fuel oil no. 2, cetane index (or aromatic content) for the reporting period:

| Equipment Description          | Types of Fuel Fired | Maximum Sulfur Content (% by Weight) | Cetane Index (or Aromatic Content in Volume %) |
|--------------------------------|---------------------|--------------------------------------|--|
| 950 HP Diesel Engine Generator |                     |                                      |  |
|                                |                     |                                      |  |
|                                |                     |                                      |  |

If not already on file at the Department of Health, provide the supplier's fuel specification sheet for the type of fuel indicated in the above table. The fuel specification sheet shall indicate the percent sulfur content by weight.

**MONITORING REPORT FORM  
FACILITY PRODUCTION  
COVERED SOURCE PERMIT NO. 0252-01-C  
(Page 1 of 1)**

**Issuance Date:** April 20, 2011

**Expiration Date:** April 19, 2016

In accordance with the Hawaii Administrative Rules, Title 11, Chapter 60.1, Air Pollution Control, the permittee shall report to the Department of Health the nature and amounts of emissions:

(Make Copies for Future Use)

For Period: \_\_\_\_\_ Date: \_\_\_\_\_

Company name: \_\_\_\_\_

Facility name: \_\_\_\_\_

Equipment location: \_\_\_\_\_

Equipment description: \_\_\_\_\_

Serial/ID Number: \_\_\_\_\_

Serial/ID Number: \_\_\_\_\_

I certify that I have knowledge of the facts herein set forth, that the same are true, accurate and complete to the best of my knowledge and belief, and that all information not identified by me as confidential in nature shall be treated by the Department of Health as public record.

Responsible Official (Print): \_\_\_\_\_

Title: \_\_\_\_\_

Responsible Official (Signature): \_\_\_\_\_

For the reporting period: \_\_\_\_\_

1. Report production on a monthly and 12-month rolling basis for the reporting period:

| Month     | Monthly Production (Tons) | Total Production (Tons) on a 12-Month Rolling Basis | Notes |
|-----------|---------------------------|---|-------|
| January   |                           |   |       |
| February  |                           |   |       |
| March     |                           |   |       |
| April     |                           |   |       |
| May       |                           |   |       |
| June      |                           |   |       |
| July      |                           |   |       |
| August    |                           |   |       |
| September |                           |   |       |
| October   |                           |   |       |
| November  |                           |   |       |
| December  |                           |   |       |





VISIBLE EMISSIONS FORM REQUIREMENTS  
STATE OF HAWAII  
COVERED SOURCE PERMIT NO. 0252-01-C

Issuance Date: April 20, 2011

Expiration Date: April 19, 2016

The **Visible Emissions (VE) Form** shall be completed **monthly** (*each calendar month*) for each equipment subject to opacity limits in accordance with 40 CFR Part 60, Appendix A, Method 9. At least **annually** (*calendar year*), VE observation shall be conducted for each equipment subject to opacity limits by a certified reader in accordance with Method 9. The VE Form shall be completed as follows:

1. VE observations shall take place during the day only. The opacity shall be noted in five (5) percent increments (e.g., 25%).
2. Orient the sun within a 140 degree sector to your back. Provide a source layout sketch on the VE Form using the symbols as shown.
3. For VE observations of stacks, stand at least three (3) stack heights but not more than a quarter mile from the stack.
4. For VE observations of fugitive emissions from crushing and screening plants, stand at least 4.57 meters (15 feet) from the visible emissions source, but not more than a quarter mile from the visible emission source.
5. Two (2) consecutive six (6) minute observations shall be taken at fifteen (15) second intervals for each stack or emission point.
6. The six (6) minute average opacity reading shall be calculated for each observation.
7. If possible, the observations shall be performed as follows:
  - a. Read from where the line of sight is at right angles to the wind direction.
  - b. The line of sight shall not include more than one (1) plume at a time.
  - c. Read at the point in the plume with the greatest opacity (without condensed water vapor), ideally while the plume is no wider than the stack diameter.
  - d. Read the plume at fifteen (15) second intervals only. Do not read continuously.
  - e. The equipment shall be operating at the maximum permitted capacity.
8. If the equipment was shut-down for that period, briefly explain the reason for shut-down in the comment column.

The permittee shall retain the completed VE Forms for recordkeeping. These records shall be in a permanent form suitable for inspection, retained for a minimum of five (5) years, and made available to the Department of Health, or their representative upon request.

Any required initial and annual performance test performed in accordance with Method 9 by a certified reader shall satisfy the respective equipment's VE monitoring requirements for the month the performance test is performed.

**VISIBLE EMISSIONS FORM  
COVERED SOURCE PERMIT NO. 0252-01-C**

Issuance Date: April 20, 2011

Expiration Date: April 19, 2016

(Make Copies for Future Use for Each Stack or Emission Point)

Company Name: \_\_\_\_\_

For stacks, describe equipment and fuel: \_\_\_\_\_

For fugitive emissions from crushers and screens, describe:

Fugitive emission point: \_\_\_\_\_

Plant Production (tons/hr): \_\_\_\_\_

(During observation)

Stack **X**  
Sun ●  
Wind →

Draw North Arrow

**Site Conditions:**

Emission point or stack height above ground (ft): \_\_\_\_\_

Emission point or stack distance from observer (ft): \_\_\_\_\_

Emission color (black or white): \_\_\_\_\_

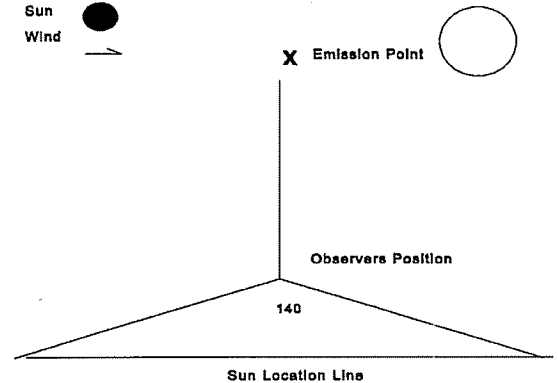
Sky conditions (% cloud cover): \_\_\_\_\_

Wind speed (mph): \_\_\_\_\_

Temperature (°F): \_\_\_\_\_

Observer Name: \_\_\_\_\_

Certified? (Yes/No): \_\_\_\_\_



Observation Date and Start Time: \_\_\_\_\_

Method of observation (Method 9): \_\_\_\_\_

| MINUTES                                     | Seconds |    |    |    | COMMENTS |
|---|---------|----|----|----|----------|
|   | 0       | 15 | 30 | 45 |          |
| 1   |         |    |    |    |          |
| 2   |         |    |    |    |          |
| 3   |         |    |    |    |          |
| 4   |         |    |    |    |          |
| 5   |         |    |    |    |          |
| 6   |         |    |    |    |          |
| Six (6) Minute Average Opacity Reading (%): |         |    |    |    |          |

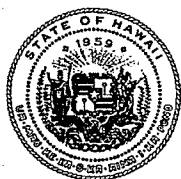
Observation Date and Start Time: \_\_\_\_\_

Method of observation (Method 9): \_\_\_\_\_

| MINUTES                                     | Seconds |    |    |    | COMMENTS |
|---|---------|----|----|----|----------|
|   | 0       | 15 | 30 | 45 |          |
| 1   |         |    |    |    |          |
| 2   |         |    |    |    |          |
| 3   |         |    |    |    |          |
| 4   |         |    |    |    |          |
| 5   |         |    |    |    |          |
| 6   |         |    |    |    |          |
| Six (6) Minute Average Opacity Reading (%): |         |    |    |    |          |



LINDA LINGLE  
GOVERNOR OF HAWAII



CHIYOME L. FUKINO, M.D.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. Box 3378  
HONOLULU, HAWAII 96801-3378

In reply, please refer to:  
File:

March 11, 2010

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**  
(7009 0960 0000 3848 7500)

10-175E CAB  
File No. 0252-02

Mr. John DeLong  
President  
Hawaiian Cement  
99-1300 Halawa Valley Street  
Aiea, Hawaii 96701

Dear Mr. DeLong:

**Subject: Noncovered Source Permit (NSP) No. 0252-02-N/NT**  
**Renewal Application No. 0252-07**  
**Hawaiian Cement**  
**Puunene Transit Mix Concrete Batch Plants**  
**200 cy/hr Concrete Batch Plant**  
**Located at: Camp 6, Puunene, Maui**  
**60 cy/hr Concrete Batch Plant**  
**Located at: Various Sites, State of Hawaii**  
**Date of Expiration: March 10, 2015**

The subject Noncovered Source Permit is issued in accordance with Hawaii Administrative Rules, Title 11, Chapter 60.1. The issuance of this permit is based on the plans, specifications, and additional information that you submitted as part of your application received on April 29, 2009, and additional information received on January 26 and February 8, 2010. This Noncovered Source Permit supersedes NSP No. 0252-02-N issued on June 22, 2004, in its entirety.

The Noncovered Source Permit is issued subject to the conditions/requirements set forth in the following Attachments:

Attachment I: Standard Conditions  
Attachment IIA: Special Conditions – 200 cy/hr Concrete Batch Plant  
Attachment IIB: Special Conditions – 60 cy/hr Concrete Batch Plant (Temporary Noncovered Source)  
Attachment III: Annual Fee Requirements  
Attachment IV: Annual Emissions Reporting Requirements

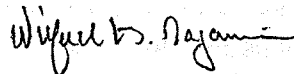
Mr. John DeLong  
March 11, 2010  
Page 2

The forms for submission are as follows:

Annual Fee Form  
Annual Emissions Report Form - Concrete Batching  
Change of Location Request for a Temporary Source - 60 cy/hr Concrete Batch Plant

This permit: (a) shall not in any manner affect the title of the premises upon which the equipment is to be located; (b) does not release the permittee from any liability for any loss due to personal injury or property damage caused by, resulting from or arising out of the design, installation, maintenance, or operation of the equipment; and (c) in no manner implies or suggests that the Department of Health, or its officers, agents, or employees, assumes any liability, directly or indirectly, for any loss due to personal injury or property damage caused by, resulting from or arising out of the design, installation, maintenance, or operation of the equipment.

Sincerely,



WILFRED K. NAGAMINE, P.E., ACTING CHIEF  
Environmental Management Division

CL:smk

Enclosures

c: Blake Shiigi, EHS - Maui  
CAB Monitoring Section

**ATTACHMENT I: STANDARD CONDITIONS  
NONCOVERED SOURCE PERMIT NO. 0252-02-N/NT**

**Issuance Date: March 11, 2010**

**Expiration Date: March 10, 2015**

This permit is granted in accordance with the Hawaii Administrative Rules (HAR), Title 11, Chapter 60.1, Air Pollution Control, and is subject to the following standard conditions:

1. This permit, or a copy thereof, shall be maintained at or near the source and shall be made available for inspection upon request. The permit shall not be willfully defaced, altered, forged, counterfeited, or falsified.
2. This permit is not transferable whether by operation of law or otherwise, from person to person, from place to place, or from one piece of equipment to another without the approval of the Department of Health, except as provided in HAR, Section 11-60.1-69.
3. A request for transfer from person to person shall be made on forms furnished by the Department of Health.
4. In the event of any changes in control or ownership of the facilities to be constructed or modified, this permit shall be binding on all subsequent owners and operators. The permittee shall notify the succeeding owner and operator of the existence of this permit and its conditions by letter.
5. The facility covered by this permit shall be constructed and operated in accordance with the application, and any information submitted as part of the application, for the Noncovered Source Permit. There shall be no deviation unless additional or revised plans are submitted to and approved by the Department of Health.
6. This permit (a) does not release the permittee from compliance with other applicable statutes of the State of Hawaii, or with applicable local laws, regulations, or ordinances, and (b) shall not constitute, nor be construed to be an approval of the design of the noncovered source.
7. The permittee shall comply with all the terms and conditions of this permit. Any permit noncompliance constitutes a violation of HAR, Chapter 11-60.1 and is grounds for enforcement action; for permit termination, suspension, reopening, or amendment; or for denial of a permit renewal application.
8. If any term or condition of this permit becomes invalid as a result of a challenge to a portion of this permit, the other terms and conditions of this permit shall not be affected and shall remain valid.
9. The permittee shall not use as a defense in an enforcement action that it would have been necessary to halt or reduce the permitted activity to maintain compliance with the terms and conditions of this permit.

10. This permit may be terminated, suspended, reopened, or amended for cause pursuant to HAR, Sections 11-60.1-10 and 11-60.1-72, and HRS, Chapter 342B-27, after affording the permittee an opportunity for a hearing in accordance with HRS, Chapter 91.
11. The filing of a request by the permittee for the termination, suspension, reopening, or amendment of this permit, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
12. This permit does not convey any property rights of any sort, or any exclusive privilege.
13. The permittee shall notify the Department of Health in writing of the following dates:
  - a. The anticipated date of initial start-up for each emission unit of a new source or modification not less than thirty (30) days or more than sixty (60) days prior to such date;
  - b. The actual date of construction commencement within fifteen (15) days after such date; and
  - c. The actual date of start-up within fifteen (15) days after such date.
14. The permittee shall furnish, in a timely manner, any information or records requested in writing by the Department of Health to determine whether cause exists for terminating, suspending, reopening, or amending this permit, or to determine compliance with this permit. Upon request, the permittee shall also furnish to the Department of Health copies of records required to be kept by the permittee. For information claimed to be confidential, the permittee shall furnish such records to the Department of Health with a claim of confidentiality.
15. The permittee shall notify the Department of Health in writing, of the intent to shut down air pollution control equipment for necessary scheduled maintenance at least twenty-four (24) hours prior to the planned shutdown. The submittal of this notice shall not be a defense to an enforcement action. The notice shall include the following:
  - a. Identification of the specific equipment to be taken out of service, as well as its location and permit number;
  - b. The expected length of time that the air pollution control equipment will be out of service;
  - c. The nature and quantity of emissions of air pollutants likely to be emitted during the shutdown period;
  - d. Measures such as the use of off-shift labor and equipment that will be taken to minimize the length of the shutdown period; and
  - e. The reasons why it would be impossible or impractical to shut down the source operation during the maintenance period.
16. In the event any emission unit, air pollution control equipment, or related equipment malfunctions or breaks down in such a manner as to cause the emission of air pollutants in violation of Chapter 11-60.1 or this permit, the permittee shall immediately notify the



Department of Health of the malfunction or breakdown, unless the protection of personnel or public health or safety demands immediate attention to the malfunction or breakdown and makes such notification infeasible. In the latter case, the notice shall be provided as soon as practicable. Within five (5) working days of this initial notification, the permittee shall also submit, in writing, the following information:

- a. Identification of each affected emission point and each emission limit exceeded;
- b. Magnitude of the excess emissions;
- c. Time and duration of the excess emissions;
- d. Identity of the process or control equipment causing the excess emissions;
- e. Cause and nature of the excess emissions;
- f. Description of the steps taken to remedy the situation, prevent a recurrence, limit the excessive emissions, and assure that the breakdown does not interfere with the attainment and maintenance of the National Ambient Air Quality Standards and state ambient air quality standards;
- g. Documentation that the equipment or process was at all times maintained and operated in a manner consistent with good practice for minimizing emissions; and
- h. A statement that the excess emissions are not part of a recurring pattern indicative of inadequate design, operation, or maintenance.

The submittal of these notices shall not be a defense to an enforcement action.

17. The permittee may request confidential treatment of any records in accordance with HAR, Section 11-60.1-14.
18. This permit shall become invalid with respect to the authorized construction if construction is not commenced as follows:
  - a. Construction shall be commenced within twelve (12) months after the permit takes effect, shall not be discontinued for a period of twelve (12) months or more, and shall be completed within a reasonable time.
  - b. For phased construction projects, each phase shall commence construction within twelve (12) months of the projected and approved commencement dates in the permit. This provision shall be applicable only if the projected and approved commencement dates of each construction phase are defined in Attachment II, Special Conditions of this permit.
19. The Department of Health may extend the time periods specified in Standard Condition No. 18 upon a satisfactory showing that an extension is justified. Requests for an extension shall be submitted in writing to the Department of Health.
20. The permittee shall submit fees in accordance with HAR, Subchapter 6 of Chapter 11-60.1.
21. All certifications shall be in accordance with HAR, Section 11-60.1-4.

22. The permittee shall allow the Director of Health, the Regional Administrator for the U.S. EPA and/or an authorized representative, upon presentation of credentials or other documents required by law:
- a. To enter the premises where a source is located or emission-related activity is conducted, or where records must be kept under the conditions of this permit and inspect at reasonable times all facilities, equipment, including monitoring and air pollution control equipment, practices, operations, or records covered under the terms and conditions of this permit and request copies of records or copy records required by this permit; and
  - b. To sample or monitor at reasonable times substances or parameters to assure compliance with this permit or applicable requirements of HAR, Chapter 11-60.1.
23. Within thirty (30) days of the permanent discontinuance of the construction, modification, relocation, or operation of the facility covered by this permit, the discontinuance shall be reported in writing to the Department of Health by a responsible official of the facility.
24. Application for permit renewal shall be submitted a minimum of sixty (60) days prior to the permit expiration on forms furnished by the Department of Health.
25. **Any document (including reports) required to be submitted by this permit shall be certified as being true, accurate and complete by a responsible official in accordance with HAR, Sections 11-60.1-1 and 11-60.1-4, and shall be mailed to the following address:**

**Clean Air Branch**  
**Environmental Management Division**  
**Hawaii Department of Health**  
**919 Ala Moana Boulevard, Room 203**  
**Honolulu, HI 96814**

26. To determine compliance with submittal deadlines for time-sensitive documents, the postmark date of the document shall be used. If the document was hand-delivered, the date received ("stamped") at the Clean Air Branch shall be used to determine the submittal date

**ATTACHMENT IIA: SPECIAL CONDITIONS  
NONCOVERED SOURCE PERMIT NO. 0252-02-N/NT**

**200 cy/hr Concrete Batch Plant**

**Issuance Date: March 11, 2010**

**Expiration Date: March 10, 2015**

In addition to the Standard Conditions of the Noncovered Source Permit, the following Special Conditions shall apply to the permitted facility:

**Section A. Equipment Description**

1. This portion of the permit encompasses the C.S. Johnson Company, 200 cy/hr Low Profile Transit Mix Concrete Batch Plant, serial no. 66510, and associated appurtenances consisting of:
  - a. Sand and aggregate hoppers;
  - b. Sand and aggregate storage bins;
  - c. Sand and aggregate weigh hopper;
  - d. Cement silo with a Con-E-Co, model PJC-300S, dust collector;
  - e. Portable cement tank;
  - f. Cement weigh bin with a Con-E-Co, model BV-22-36, dust collector;
  - g. Various conveyors; and
  - h. Transit truck loading with a shroud and C.S. Johnston, model 1000, dust collector.
2. An identification tag or name plate shall be displayed on the equipment above to show model no., serial no., and manufacturer. The identification tag or name plate shall be permanently attached to the equipment in a conspicuous location.

**Section B. Emission and Operational Limitations**

1. The 200 cy/hr concrete batch plant, including the dust collectors, shall be properly maintained and kept in good operating condition at all times. The permittee shall follow a regular maintenance schedule to ensure proper operation of the concrete batch plant, including the dust collectors, as recommended by the manufacturer or as needed.
2. A water truck shall be maintained and utilized on site at the sand and aggregate storage piles and on the roadways to minimize fugitive dust.
3. A dust shroud shall be maintained and utilized at the discharge chute of the 200 cy/hr concrete batch plant.
4. The Con-E-Co, model PJC-300S, dust collector shall be maintained and utilized at all times during the transport of cement into the cement silo and portable cement tank.

5. The Con-E-Co, model BV-22-36, dust collector shall be maintained and utilized to control particulate matter emissions from the cement weigh bin. The dust collector shall be utilized at all times the 200 cy/hr concrete batch plant is producing concrete.
6. The C.S. Johnston, model 1000, dust collector shall be maintained and utilized to control particulate matter emissions from the loading of cement into the transit mix truck. The dust collector shall be utilized at all times the 200 cy/hr concrete batch plant is producing concrete.
7. The permittee shall ensure that the following items of the dust collectors are operating properly:
  - a. The filter bags or cartridges are checked for any tears, holes, abrasions, and scuffs; and replaced as needed.
  - b. The hopper is discharged in a timely manner to prevent excessive particulate buildup which could cause compaction, overflow or plugging.
  - c. The cleaning systems are maintained and operated at sufficient intervals to minimize particulate buildup or caking on the filter bags or cartridges.
  - d. Other miscellaneous items/equipment essential for the effective operation of the dust collectors are maintained.
8. The permittee shall take measures to control fugitive dust (e.g., wet suppression, enclosures, etc.) at all material transfer points, stockpiles, and throughout the work yard. The Department of Health may at any time require the permittee to further abate fugitive dust emissions if an inspection indicates poor or insufficient control.
9. The permittee shall not cause or permit fugitive dust to become airborne without taking reasonable precautions and shall not cause or permit the discharge of visible emissions of fugitive dust beyond the lot line of the property on which the emissions originate.
10. For any six (6) minute averaging period, the dust collectors on the concrete batch plant shall not exhibit visible emissions of twenty (20) percent or greater, except as follows: during startup, shutdown, or equipment breakdown, the dust collectors on the concrete batch plant may exhibit visible emissions greater than twenty (20) but not exceeding sixty (60) percent opacity for a period aggregating not more than six (6) minutes in any sixty (60) minutes.

**Section C. Monitoring and Recordkeeping Requirements**

1. All records, including supporting information, shall be true, accurate and maintained in a permanent form suitable for inspection, retained for a minimum of three (3) years following the date of such records, and made available to the Department of Health or their representative upon request.
2. Equipment inspection, maintenance, and repair work. At a minimum, a log shall be maintained to include the date of the inspection/work, name and title of personnel performing inspection/work, and a description of the findings and any work performed on the equipment covered by this permit. This includes work performed on the concrete batch plant and dust collectors. Replacement dates of the dust collector filter bag(s) and cartridge(s) shall be recorded.
3. The tons of material processed by the 200 cy/hr concrete batch plant shall be maintained on an annual basis for the purpose of complying with the annual emissions reporting requirements of Attachment IIA, Special Condition No. D.2.

**Section D. Notification and Reporting Requirements**

1. Notification and reporting pertaining to the following events shall be done in accordance with Attachment I, Standard Condition Nos. 15, 16 and 23, respectively:
  - a. *Intent to shut down air pollution control equipment for necessary scheduled maintenance;*
  - b. *Emissions of air pollutants in violation of HAR, Chapter 11-60.1 or this permit; and*
  - c. *Permanent discontinuance of construction, modification, relocation, or operation of the facility covered by this permit.*
2. Annual emissions reports for the 200 cy/hr concrete batch plant shall be submitted to the Department of Health on the **Annual Emissions Report Form - Concrete Batching**, in accordance with Attachment IV, Annual Emissions Reporting Requirements. Upon written request of the permittee, the deadline for reporting of annual emissions may be extended, if the Department of Health determines that reasonable justification exists for the extension.

**Section E. Agency Notification**

Any document (including reports) required to be submitted by this noncovered source permit shall be done in accordance with Attachment I, Standard Condition No. 25.

**ATTACHMENT IIB: SPECIAL CONDITIONS  
NONCOVERED SOURCE PERMIT NO. 0252-02-N/NT**

**60 cy/hr Concrete Batch Plant  
(Temporary Noncovered Source)**

**Issuance Date: March 11, 2010**

**Expiration Date: March 11, 2015**

In addition to the Standard Conditions of the Noncovered Source Permit, the following Special Conditions shall apply to the permitted facility:

**Section A. Equipment Description**

1. This portion of the permit encompasses the Rex Lo-GO-5, 60 cy/hr Transit Mix Concrete Batch Plant, serial no. 1705, and associated appurtenances consisting of:
  - a. Sand and aggregate hoppers;
  - b. Sand and aggregate storage bins;
  - c. Sand and aggregate weigh hopper;
  - d. Cement silo with a Con-E-Co, model 30-150, dust collector;
  - e. Portable cement tank;
  - f. Cement weigh bin venting to the Con-E-Co, model 30-150, dust collector;
  - g. Various conveyors; and
  - h. Transit truck loading with a shroud.
2. An identification tag or name plate shall be displayed on the equipment above to show model no., serial no., and manufacturer. The identification tag or name plate shall be permanently attached to the equipment in a conspicuous location.

**Section B. Emission and Operational Limitations**

1. The 60 cy/hr concrete batch plant, including the dust collector, shall be properly maintained and kept in good operating condition at all times. The permittee shall follow a regular maintenance schedule to ensure proper operation of the concrete batch plant, including the dust collector, as recommended by the manufacturer or as needed.
2. A dust shroud shall be maintained and utilized at the discharge chute of the 60 cy/hr concrete batch plant.
3. The Con-E-Co, model 30-150, dust collector shall be maintained and utilized at all times during pneumatic transport of cement into the cement silo and portable cement tank and during the production of concrete at the 60 cy/hr concrete batch plant.
4. The permittee shall ensure the following items of the dust collector are operating properly:
  - a. The filter bags are checked for any tears, holes, abrasions and scuffs; and replaced as needed.

- b. The hopper is discharged in a timely manner to prevent excessive particulate buildup which could cause compaction, overflow or plugging.
  - c. The shaker cleaning system is maintained and operated at sufficient intervals to minimize particulate buildup or caking on the filter bags.
  - d. Other miscellaneous items/equipment essential for the effective operation of the dust collector are maintained.
5. The permittee shall take measures to control fugitive dust (e.g., wet suppression, enclosures, etc.) at all material transfer points, stockpiles, and throughout the work yard. The Department of Health may at any time require the permittee to further abate fugitive dust emissions if an inspection indicates poor or insufficient control.
  6. The permittee shall not cause or permit fugitive dust to become airborne without taking reasonable precautions and shall not cause or permit the discharge of visible emissions of fugitive dust beyond the lot line of the property on which the emissions originate.
  7. For any six (6) minute averaging period, the dust collector on the concrete batch plant shall not exhibit visible emissions of twenty (20) percent or greater, except as follows: during startup, shutdown, or equipment breakdown, the dust collector on the concrete batch plant may exhibit visible emissions greater than twenty (20) but not exceeding sixty (60) percent opacity for a period aggregating not more than six (6) minutes in any sixty (60) minutes.
  8. Location changes of the 60 cy/hr concrete batch plant shall be in accordance with Attachment IIB, Special Conditions, Section E. For each change in location, the Department of Health reserves the right to impose additional operational controls and restrictions if a site evaluation indicates the controls and/or restrictions are necessary.

### **Section C. Monitoring and Recordkeeping Requirements**

1. All records, including supporting information, shall be true, accurate and maintained in a permanent form suitable for inspection, retained for a minimum of three (3) years following the date of such records, and made available to the Department of Health or their representative upon request.
2. Equipment inspection, maintenance, and repair work. At a minimum, a log shall be maintained to include the date of the inspection/work, name and title of personnel performing inspection/work, and a description of the findings and any work performed on the equipment covered by this permit. This includes work performed on the concrete batch plant and dust collector. Replacement dates of the dust collector filter bag(s) shall be recorded.

3. The tons of material processed by the 60 cy/hr concrete batch plant shall be maintained on an annual basis for the purpose of complying with the annual emissions reporting requirements of Attachment IIB, Special Condition No. D.2.

#### **Section D. Notification and Reporting Requirements**

1. Notification and reporting pertaining to the following events shall be done in accordance with Attachment I, Standard Condition Nos. 15, 16 and 23, respectively:
  - a. *Intent to shut down air pollution control equipment for necessary scheduled maintenance;*
  - b. *Emissions of air pollutants in violation of HAR, Chapter 11-60.1 or this permit; and*
  - c. *Permanent discontinuance of construction, modification, relocation, or operation of the facility covered by this permit.*
2. Annual emissions reports for the 60 cy/hr concrete batch plant shall be submitted to the Department of Health on the **Annual Emissions Report Form - Concrete Batching**, in accordance with Attachment IV, Annual Emissions Reporting Requirements. Upon written request of the permittee, the deadline for reporting of annual emissions may be extended, if the Department of Health determines that reasonable justification exists for the extension.

#### **Section E. Change of Location Requirements**

1. The permittee shall submit information regarding all location changes to the Department of Health for approval at least thirty (30) days, or such lesser time as designated and approved by the Department of Health, prior to the change in location. The information submitted shall include:
  - a. Name, address, and phone number of the facility and the plant site manager or other contact;
  - b. Temporary noncovered source permit number and expiration date;
  - c. Location map of the new temporary location containing the following information:
    - i. Identification of the property/fence lines.
    - ii. List structures within **100 meters (330 feet)** of the equipment and which have heights greater than 40% of the equipment stack height. For each structure listed, provide the building dimensions (height, length, and width).
  - d. Projected dates of operation at the new location;
  - e. Certification that no modification will be made to the equipment, and operational methods will remain similar as permitted under this noncovered source permit, Attachment IIB, at the new location;



- f. Any other air pollution sources owned and operated by the permittee at the new location; and
  - g. Any additional information as requested by the Department of Health.
2. The applicable filing fee shall be submitted to the Department of Health with each change in location request.
  3. Prior to any relocation, the Department of Health shall approve, conditionally approve, or deny in writing each location change. If the Department of Health denies a location change, the applicant may appeal the decision pursuant to HRS, chapter 91.
  4. The operation of the 60 cy/hr concrete batch plant shall be temporary and involve at least one (1) change in location during the term of this noncovered source permit. If the 60 cy/hr concrete batch plant remains in any one (1) location for longer than twelve (12) consecutive months, the Department of Health may request an ambient air quality impact assessment of the source.
  5. At each of the authorized locations, the permittee shall operate in accordance with this noncovered source permit, Attachment IIB, and all applicable requirements.

***All the information required in this section shall be submitted to the Department of Health using the attached form, "Change of Location Request for a Temporary Source."***

**Section F. Agency Notification**

Any document (including reports) required to be submitted by this noncovered source permit shall be done in accordance with Attachment I, Standard Condition No. 25.

**ATTACHMENT III: ANNUAL FEE REQUIREMENTS  
NONCOVERED SOURCE PERMIT NO. 0252-02-N/NT**

**Issuance Date:** March 11, 2010

**Expiration Date:** March 10, 2015

The following requirements for the submittal of annual fees are established pursuant to Hawaii Administrative Rules (HAR), Title 11, Chapter 60.1, Air Pollution Control. Should HAR, Chapter 60.1 be revised such that the following requirements are in conflict with the provisions of HAR, Chapter 60.1, the permittee shall comply with the provisions of HAR, Chapter 60.1.

1. Annual fees shall be paid in full:
  - a. Within **sixty (60) days** after the end of each calendar year; and
  - b. Within **thirty (30) days** after the permanent discontinuance of the noncovered source.
2. The permittee shall be assessed \$500.00 annually for each valid noncovered source permit held during the prior calendar year, or \$42.00 per month for any fraction of the year the noncovered source permit is valid.
3. If any part of the annual fee is not paid within thirty (30) days after the due date, a late payment penalty of five (5) percent of the amount due shall at once accrue and be added thereto. Thereafter, on the first day of each calendar month during which any part of the annual fee or any prior accrued late payment penalty remains unpaid, an additional late payment penalty of five (5) percent of the then unpaid balance shall accrue and be added thereto.
4. The permittee shall complete and submit the attached **Annual Fee Form** with the required annual fee. *Make copies for future use.*
5. If any annual fee, including the late payment penalty required by HAR, Chapter 11-60.1, is not paid in full within thirty (30) days after the due date, the Department of Health may terminate or suspend any or all of the permittee's noncovered source permits, after affording the opportunity for a hearing in accordance with HRS, Chapters 91 and 342B.

**ATTACHMENT IV: ANNUAL EMISSIONS REPORTING REQUIREMENTS  
NONCOVERED SOURCE PERMIT NO. 0252-02-N/NT**

**Issuance Date: March 11, 2010**

**Expiration Date: March 10, 2015**

In accordance with the Hawaii Administrative Rules, Title 11, Chapter 60.1, Air Pollution Control, the permittee shall report to the Department of Health the nature and amounts of emissions.

1. Complete the attached form(s):

Annual Emissions Report Form - Concrete Batching

2. The reporting period shall be from January 1 to December 31 of each year. All reports shall be submitted to the Department of Health **within sixty (60) days after the end of each calendar year** and shall be mailed to the following address:

**Clean Air Branch  
Environmental Management Division  
Hawaii Department of Health  
919 Ala Moana Boulevard, Room 203  
Honolulu, HI 96814**

3. The permittee shall retain the information submitted, including all emissions calculations. These records shall be in a permanent form suitable for inspection, retained for a minimum of three (3) years, and made available to the Department of Health upon request.
4. Any information submitted to the Department of Health without a request for confidentiality shall be considered public record.
5. In accordance with HAR, Section 11-60.1-14, the permittee may request confidential treatment of specific information, including information concerning secret processes or methods of manufacturing, by submitting a written request to the Director and clearly identifying the specific information that is to be accorded confidential treatment.



**ANNUAL EMISSIONS REPORT FORM  
CONCRETE BATCHING  
NONCOVERED SOURCE PERMIT NO. 0252-02-N/NT**

**Issuance Date:** March 11, 2010

**Expiration Date:** March 10, 2015

In accordance with the Hawaii Administrative Rules, Title 11, Chapter 60.1, Air Pollution Control, the permittee shall report to the Department of Health the nature and amounts of emissions.

(Make Copies for Future Use)

Complete separate forms for the 200 cy/hr concrete batch plant and the 60 cy/hr concrete batch plant.

For Period: \_\_\_\_\_ Date: \_\_\_\_\_

Company Name: Hawaiian Cement

Facility Name: \_\_\_\_\_

Equipment Location: \_\_\_\_\_

Equipment Description: \_\_\_\_\_

Serial/ID No.: \_\_\_\_\_

**I certify that I have knowledge of the facts herein set forth, that the same are true, accurate and complete to the best of my knowledge and belief, and that all information not identified by me as confidential in nature shall be treated by the Department of Health as public record.**

Responsible Official (Print): \_\_\_\_\_

TITLE: \_\_\_\_\_

Responsible Official (Signature): \_\_\_\_\_

For the reporting period, provide:

Number of Storage Piles: Aggregate \_\_\_\_\_ Sand \_\_\_\_\_  
 Circle One of the following, or Identify Other: Central Truck Mix Other \_\_\_\_\_  
 Cement Unloading to Elevated Storage Silos: Pneumatic \_\_\_\_\_ Bucket \_\_\_\_\_

| <u>Type of Operation</u>                                | <u>Tons of Materials Handled (tons/year)</u> | <u>Air Pollution Control Devices in Use</u> | <u>Control Efficiency % Reduction*</u> |
|---|--|---|--|
| 1. Transfer of aggregate to elevated bins.              | _____  | _____                                       | _____                                  |
| 2. Transfer of sand to elevated bins.                   | _____  | _____                                       | _____                                  |
| 3. Cement unloading from truck to cement silo           | _____  | _____                                       | _____                                  |
| 4. Weigh hopper loading of cement, sand, and aggregate. | _____  | _____                                       | _____                                  |
| 5. Truck loading of cement, sand, and aggregate.        | _____  | _____                                       | _____                                  |

\*Use the following Control Efficiencies, unless documentation is available to show otherwise:

1. Baghouses (dust collector): 99%
2. Water sprays, Damp Material, or Shroud: 70%
3. Wet Slurry: 100%

Efficiency factors may be reduced by the Department of Health, if there are any indications that a source's air pollution control device is not operating at the specified efficiency.

**CHANGE OF LOCATION REQUEST  
FOR A TEMPORARY SOURCE  
NONCOVERED SOURCE PERMIT NO. 0252-02-N/NT**

**60 cy/hr Concrete Batch Plant  
(Temporary Noncovered Source)**

**Issuance Date: March 11, 2010**

**Expiration Date: March 10, 2015**

In accordance with the Hawaii Administrative Rules, Title 11, Chapter 60.1, Air Pollution Control, the permittee shall provide the following information to the Department of Health:

(Make Copies for Future Use)

1. The permittee shall submit a change of location request for all succeeding location changes. The change of location request shall include the attached Change of Location Request for a Temporary Source Form and the items identified in nos. 2, 3, and 4 below. The change of location request shall be submitted to the Department of Health for approval at least thirty (30) days, or such lesser time as designated and approved by the Department of Health, prior to the change in location.
  2. The permittee shall submit a location map of the new temporary location containing the following information:
    - a. Identification of the property boundary, fence lines, and general terrain features (i.e. flat, hilly, steep);
    - b. Location of all structures within 100 meters (330 feet) of the equipment;
    - c. Location of the equipment moving to the new temporary location; and
    - d. Location of other air pollution sources owned and operated by the permittee at the new location, if any.
  3. The permittee shall submit a filing fee with each change in location request. The filing fee shall be made payable to the **Clean Air Special Fund-NON** and is as follows:  
  
Noncovered Sources  
\_\_\_\_\_ \$ 50.00 for Non-Air Toxic  
\_\_\_\_\_ \$ 100.00 for Air Toxic
  4. If requested by the Department of Health, the permittee shall submit any additional information including an ambient air quality impact analysis of the equipment at the new location.
  5. This notification form shall be mailed to the following address:  
**CLEAN AIR BRANCH  
ENVIRONMENTAL MANAGEMENT DIVISION  
HAWAII DEPARTMENT OF HEALTH  
919 Ala Moana Boulevard, Room 203  
Honolulu, HI 96814  
(808) 586-4200**
- 
1. Prior to any relocation, the Department of Health shall approve, conditionally approve, or deny in writing each location change. If the Department of Health denies a location change, the applicant may appeal the decision pursuant to HRS, Chapter 91.
  2. At each new authorized location, the permittee shall operate in accordance with the current Temporary Noncovered Source Permit and all applicable requirements.

**CHANGE OF LOCATION REQUEST  
FOR A TEMPORARY SOURCE  
NONCOVERED SOURCE PERMIT NO. 0252-02-N/NT  
(PAGE 1 OF 2)**

**60 cy/hr Concrete Batch Plant  
(Temporary Noncovered Source)**

**Issuance Date: March 11, 2010**

**Expiration Date: March 10, 2015**

1. Company Name: Hawaiian Cement
2. Mailing Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_
3. Name of Owner/Owner's Agent: \_\_\_\_\_  
 Title: \_\_\_\_\_ Phone Number: \_\_\_\_\_
4. Equipment Description (identify each equipment to be relocated): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

5. Current Location of Equipment: \_\_\_\_\_

**6. New Location Information**

- a. Street Address: \_\_\_\_\_
- b. City: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Island: \_\_\_\_\_
- c. For sites with no street address, provide:  
 Description of location: \_\_\_\_\_  
 or, Tax map key: \_\_\_\_\_
- d. Plant manager/contact: \_\_\_\_\_ Phone: \_\_\_\_\_
- e. Proposed start date at new location: \_\_\_\_\_
- f. Estimated project duration at new location: \_\_\_\_\_
- g. Describe general terrain features (e.g. flat, hilly, steep, etc.): \_\_\_\_\_  
 Approximate Slope (%): \_\_\_\_\_ Direction of increasing slope: \_\_\_\_\_
- h. List structures within **100 meters (330 feet)** of the equipment and which have heights greater than 40% of the equipment stack height. In the following table, provide the height, length, width, and distance to the equipment stack at the new site. If there are no applicable structures, specify "none."

| Structure | Distance from Stack (ft) | Height (ft) | Length (ft) | Width (ft) |
|-----------|--------------------------|-------------|-------------|------------|
|           |                          |             |             |            |
|           |                          |             |             |            |
|           |                          |             |             |            |
|           |                          |             |             |            |

**CHANGE OF LOCATION REQUEST  
FOR A TEMPORARY SOURCE  
NONCOVERED SOURCE PERMIT NO. 0252-02-N/NT  
(CONTINUED, PAGE 2 OF 2)**

**60 cy/hr Concrete Batch Plant  
(Temporary Noncovered Source)**

**Issuance Date: March 11, 2010**

**Expiration Date: March 10, 2015**

i. Brief description of the work to be performed: \_\_\_\_\_  
\_\_\_\_\_

j. Identify other air pollution sources owned and operated by the permittee at the new location, if any: \_\_\_\_\_  
\_\_\_\_\_

k. Provide estimated distances to the nearest residence and/or occupied establishments (e.g. schools, businesses, etc.):

| Distance | Identify if residence, school, business, etc. |
|----------|---|
|          |   |
|          |   |
|          |   |
|          |   |

I certify that I have knowledge of the facts herein set forth, that the same are true, accurate and complete to the best of my knowledge and belief, and that all information not identified by me as confidential in nature shall be treated by the Department of Health as public record. I further state that no modifications will be made to the equipment and operational methods will remain similar as permitted under the current temporary covered source permit at this new location.

Responsible Official (Print name): \_\_\_\_\_ Date: \_\_\_\_\_

Title of Responsible Official: \_\_\_\_\_

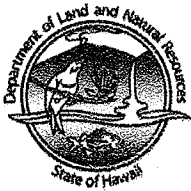
Responsible Official (Signature): \_\_\_\_\_



# **EXHIBIT H.**

**State Historic Preservation  
Division Approval Letter,  
Dated August 8, 2012**

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION  
601 KAMOKILA BOULEVARD, ROOM 555  
KAPOLEI, HAWAII 96707

WILLIAM J. AILA  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

PAUL CONRY  
INTERIM FIRST DEPUTY

WILLIAM M. TAM  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

August 8, 2012

Mr. Jeffrey Pantaleo, Principal Investigator  
C/O Ms. Lisa Rutunno-Hazuka  
Archaeological Services Hawai'i  
Via Email: [lisa@ashMaui.com](mailto:lisa@ashMaui.com)

LOG NO: 2011.0298  
LOG NO: 2011.0340  
DOC NO: 1208JP01

Aloha Ms. Rotunno-Hazuka:

**SUBJECT: Chapter 6E-42 Historic Preservation Review-  
Archaeological Assessment Report for the Hawaiian Cement Quarry Expansion Project  
Pulehunui Ahupua'a, Wailuku District, Island of Maui  
TMK (2) 3-8-004:001 (por.)**

Thank you for the opportunity to review the report titled *Draft Archaeological Assessment Report for Hawaiian Cement Quarry Expansion Located at TMK [2] 3-8-04:001 pars., Pulehunui Ahupua'a, Kula Moku, Wailuku District, Island of Maui* by Rotunno-Hazuka, Fuentes, O'Claray and Pantaleo (January 2011). The report was originally received on January 26, 2011. We apologize for the delayed response.

The archaeological survey with negative findings was conducted for the 24.476-acre proposed rock quarry expansion site. A surface investigation occurred along with twenty excavated mechanical backhoe test trenches. Over the years, the project area has been disturbed continuously by intensive agricultural propagation and rock mining. Approximately 9.5 acres are active sugarcane fields. No further archaeological work is recommended for the project area, we concur with this recommendation.

The report contains information as required for assessment reports, pursuant to Hawaii Administrative Rule (HAR) 13-284 and 13-276-5; it is accepted as final. We request that a few corrections to be included in the final report (see attachment). Please send one hardcopy of the corrected final document, clearly marked **FINAL**, along with a copy of this review letter and a text-searchable PDF version on CD to the Kapolei SHPD office, attention SHPD Library. Please send a corrected final report to the Maui SHPD office as well. For questions about this letter, please contact Jenny at (808) 243-5169 or [Jenny.L.Pickett@Hawaii.gov](mailto:Jenny.L.Pickett@Hawaii.gov).

Mahalo,

A handwritten signature in black ink, appearing to read "Theresa K. Donham".

Theresa K. Donham  
Archaeology Branch Chief

cc: County of Maui, Planning fax: (808) 270-7634  
County of Maui DSA fax: (808) 270-7972

**ATTACHMENT**

Requested corrections for: *Draft Archaeological Assessment Report for Hawaiian Cement Quarry Expansion Located at TMK [2] 3-8-04:001 pors., Pulehunui Ahupua'a, Kula Moku, Wailuku District, Island of Maui* by Rotunno-Hazuka, Fuentes, O'Claray and Pantaleo (January 2011).

**Previous Archaeological Studies**

- 1) Please add the recent Cultural Surveys Hawaii archaeological surveys (2007 etc) to the map (Figure 9) and to the previous archaeology background text.

**Lab Work**

- 2) Please edit this section to indicate nothing was identified, collected, or being curated.

**Trench Descriptions**

- 3) Please correct the associated trench Figures to correspond with the accurate text references.

**Additional Comment**

- 4) Please adjust the contents regarding archaeological recommendations for adjacent areas accordingly. In the final copy of the report, please adjust the associated contents accordingly. As we recently discussed in meeting regarding the project report, individual projects are usually treated separately so each project needs to be evaluated on a case-by-case basis. We hope to continue evaluating and providing recommendations regarding future proposed projects for the surrounding areas.