

**CENTRAL MAUI LANDFILL EXPANSION
STATE LAND USE COMMISSION
FY2015 ANNUAL REPORT
SP97-390**

Part 1: Project Summary

Wind Turbine Generators

The Central Maui Landfill Wind Turbine Generator project was bid in the fall of 2013 and a contract awarded to Despina General Construction in February 2014. A building permit was obtained in September 2014 and construction commenced in October 2014. Tower bases and the electrical equipment pad were poured in November. In December the electrical permit was obtained and the towers assembled with wind turbines bolted. They were erected in January 2015. During the remainder of FY 2015 electrical equipment was ordered, necessary improvements approved by the designer, additional funding applied, with installation completed early in August 2015, when the work passed the final electrical inspection. The building permit work was final shortly afterward.

Nonpotable Water Production Well

Design and preparation of plans and specifications, for bidding in fall with FY 2015 capital improvement funds, continued from a FY 2013 contract for \$89,515.64 for an aboveground storage tank, pump and pad for the production well. The well is intended to produce enough water for landfill operation needs, primarily dust control, to eliminate the cost of purchasing water. Previous work included \$235,663.59 for well design, testing, and reporting with \$168,005 for drilling and installation in FY 2012.

Leachate Recirculation

Design and preparation of plans and specifications, for bidding in fall with FY 2015 capital improvement funds, began in FY 2015 for leachate recirculation trenching and piping in Phase V-B.

Closure Design of Phase IV

The closure design contract for \$249,300 from FY 2012 is on hold until final elevations are reached.

Design of Phase VI-A

In FY 2015 the design of Phase VI-A was contracted for \$247,200 with capital improvement funds.

Scrap Metal Collection

Vendors changed for the collection of scrap metal in roll-off containers at the entrance facility. Scrap metal is prepared for shipping in cargo containers.

Equipment Bay

The coverall erected in FY 2014 provided shelter for heavy equipment repair on an existing concrete slab.

Part 2: Project Compliance

Condition 1: That the Land Use Commission Special Permit shall be valid until October 31, 2018, subject to further time 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 Commission shall make a recommendation to the Land Use Commission and may require a public hearing on the time extension.

Report: This condition was approved by Land Use Commission at the February 19, 2009 meeting when the request for the Third Amendment was under discussion. Accordingly, the permit remains valid for three more years.

Condition 2: That the conditions of this State 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) 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.

Report: The County is complying with all conditions.

Condition 3: That the subject 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.

Report: No request for transfer has been made.

Central Maui Landfill Expansion FY2015 LUC Annual Report for SP97-390
Page 3

Condition 4: That full compliance with all applicable governmental requirements shall be rendered.

Report: The landfill is compliant with federal laws and state regulations which govern landfill operations and environmental monitoring with both groundwater sampling and analysis and landfill gas collection and flaring. NPDES permit rules are followed for stormwater.

Condition 5: That the Applicant shall develop the Property in substantial compliance with the representations made to the Land Use Commission in obtaining the State Land Use Commission Special Use Permit. Failure to so develop the Property may result in the revocation of the permit.

Report: The Property has been developed as proposed to the Land Use Commission.

Condition 6: That the Applicant shall begin construction of the landfill expansion within 12 months from issuance of the Land Use Commission's decision and order dated May 13, 2002. Construction shall include any improvements necessary to the operation of the landfill pursuant to all applicable laws and regulations.

Report: The construction of the entrance facility began on March 3, 2003.

Condition 7: That the Applicant shall take appropriate mitigative measures to minimize erosion, and prevent cement products, oil, fuel, and other toxic substances associated with the use of heavy machinery from spilling or leaching into the ground.

Report: Landfill equipment is maintained regularly, replaced or repaired when needed; contractor equipment is in good operating condition with no leaking parts. A Spill Prevention and Containment Plan was written for the landfill by CH2MHill in 2009.

Condition 8: That the Applicant shall comply with the Department of Health Ambient Air Quality Standards, Hawaii Administrative Rules, Title 11, Chapter 59 and Air Pollution Control, HAR 11-60.

Report: Landfill operations comply with air quality regulations. Dust is controlled by paved roadways around the landfill and with the water truck for the heavily traveled roadways that remain unpaved. Dust from cover soil is controlled by moisture conditioning. Tarp use decreases the use of cover soil which results in less dust.

Condition 9: That the Applicant shall comply with the EPA's New Source Performance Standards.

Central Maui Landfill Expansion FY2015 LUC Annual Report for SP97-390
Page 4

Report: The County continues to monitor gas wells and the cap at the closed Phases I and II in addition to perimeter monitoring wells at I and II as well as Phases IV and V. Gas well measurements are compiled in reports submitted to the Hawaii Dept. of Health, Clean Air Branch for review. Perimeter monitoring results are sent to the Hawaii Dept. of Health, Solid Waste Branch. A landfill gas collection system installed in Phases I and II pipes landfill gas to the flare in Phase IV where the emissions are ignited. Design and construction of a gas collection system for Phase IV was funded in FY2010 for \$2M. Cornerstone was the designer; gas well construction was completed by Goodfellow Bros. in June 2011. This work was part of a recent settlement agreement with the U.S.E.P.A. for \$5.1 million which also includes the design and installation of wind turbines to produce electricity for landfill facilities. Sampling and testing of gas is done on a routine basis by Cornerstone.

Condition 10: That the Applicant shall immediately stop work and contact the State Historic Preservation Division, Department of Land and Natural Resources should any previously unidentified archaeological resources such as artifacts, shell, bone, charcoal deposits, human burial, rock or coral alignments, pavings or wall be encountered during development of the Special Use Permit area.

Report: No archaeological resources such as artifacts, shell, bone, charcoal deposits, human burial, rock or coral alignments have been discovered during any construction.

Condition 11: That provisions shall be enacted to ensure emergency access to the sanitary landfill in case of fire or any other disaster.

Report: Fire Dept. and Police Dept. have keys to the gate to enter the landfill anytime.

Condition 12: That the Applicant shall timely provide without any prior notice, annual reports to the Land Use Commission and the County of Maui Planning Department in connection with the status of the subject project and Applicant's progress in complying with the conditions imposed herein. The annual report shall also include the capacity remaining in the landfill at the time of submission of the annual report. The annual report shall be submitted in a form prescribed the Executive Officer of the Land Use Commission.

Report: This annual report is submitted to meet this condition. With the completion of Phase V-B construction in 2012, the landfill has projected capacity to 2020.

Condition 13: That the Applicant shall utilize non-drinking water, to the extent possible, for grading, dust control, and irrigation of the landfill.

Report: The landfill recycles leachate for dust control. The non-potable water production well ensures that non-drinking water is used to meet the landfill's operational needs.

Central Maui Landfill Expansion FY2015 LUC Annual Report for SP97-390
Page 5

Condition 14: That the Applicant shall reasonably ensure that windblown debris around the perimeter of the landfill, particularly within areas visible from the public right of way, are removed on a daily basis.

Report: Portable litter fences are installed near the working face to catch any litter from the trucks as they dump. The landfill uses a vacuum to collect litter from around the entrance facility while crews from Kalima O Maui manually pick up litter along Pulehu Rd. and the grounds not reached by the vacuum. A permanent, 30 ft. tall litter fence has been installed between Phases V-A and V-B and Pulehu Rd.

Condition 15: That full compliance with the requirements of the State's Department of Health for sanitary landfill operation shall be rendered.

Report: Landfill operations are in compliance with the terms and conditions of Permit No. LF-0091-04 issued by the Department of Health and effective to October 2014.

Condition 16: That the Applicant shall clarify the entire acreage that is the subject of LUC Docket No. SP97-390 with the Maui Planning Commission and the LUC by filing an aerial photographic map with overlay and a site map clearly depicting the proper acreage of SP97-390.

Report: The maps were sent to the Maui Planning Commission and the LUC at the time they were requested.

Condition 17: That to the extent practicable, leachate generated at the landfill shall be returned to the landfill.

Report: In FY 2013, quantities of leachate, in compliance with the operating permit, generated at the active area were applied to the working face for increased compaction and litter control. A leachate recirculation plan was prepared by the landfill consultant and submitted to the Dept. of Health in 2013. The plan includes placing pipes in the waste to circulate leachate collected at the sump. Piping and trenching was done by Goodfellow Bros. in 2014 at Phase V-A. The FY 2015 capital improvement project budget includes \$500,000 for construction of a leachate recirculation system for V-B, including trenching, piping with appropriate bedding and backfill, and pumps. A contract for design with SSFM in FY 2015 for \$108,500 includes preparation of plans and specifications to be bid in fall of 2015.