

SPECIAL PERMIT APPLICATION

EXHIBIT 7 -
2011 DOH SOLID WASTE MGT APP AND PERMIT



STATE OF HAWAII
DEPARTMENT OF HEALTH

P.O. BOX 3378
HONOLULU, HI 96801-3378

In reply, please refer to:
EMD/SHWB

October 7, 2011

S1012SL

**CERTIFIED MAIL NO. 7010 2780 0000 4780 2659
RETURN RECEIPT REQUESTED**

Mr. Jason Macy, Vice President
Mr. George Purdy III, Aggregate Division Manager
West Hawaii Concrete
P.O. Box 1390
Kailua-Kona, Hawaii 96745

Dear Messrs. Macy and Purdy III:

SUBJECT: Solid Waste Management Permit by Rule No. CO-0076-11
Greenwaste Composting Operations
West Hawaii Concrete
68-1244 Waikoloa Road
TMK: 6-8-001:066, Lot 3-B-2 (Portion, 2 acres)

This is in response to your solid waste management permit application, which was initially received on July 12, 2011, requesting a permit for a greenwaste composting facility at the subject location. Your application was incomplete until your revised application package was received on October 3, 2011. Your revised application package included the following items:

1. An application form dated July 18, 2011 with corrected TMK (TMK 6-8-001:006),
2. A new Attachment P-5, which was approved by the County on September 12, 2011,
3. Attachment P-6 dated July 28, 2011, and
4. An authorization and confirmation letter dated September 6, 2011.

We understand that your operation remains the same, based on our telephone conversation with Mr. Mel Macy of West Hawaii Concrete on September 22, 2011. The operations narrative entitled, *West Hawaii Concrete – Processing Procedures for Recycling Green Waste* and the site plan *Figure A* submitted with your 2009 application will be followed.

In accordance with the provisions of Chapter 58.1, *Solid Waste Management Control*, of the Hawaii Administrative Rules (HAR), West Hawaii Concrete is approved to operate a greenwaste composting facility that processes not more than three thousand (3,000) tons of greenwaste per year. Enclosed is a copy of the *Permit-by-Rule for Certain Solid Waste Handling and Disposal Facilities of Limited Impact*. West Hawaii Concrete, as permittee, must comply with the enclosed permit by rule conditions listed under items A, B, C and E, and additional conditions as specified below, in accordance with HAR §11-58.14(i)(1)(B)(iv). This permit expires on March 6, 2016.

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Additional Permit Conditions:

1. Should the permittee choose to operate the facility after the expiration date, the permittee shall submit a permit renewal application at least thirty (30) days prior to the expiration date. The application for a renewal permit shall contain an operations narrative, a site plan drawn to appropriate scale, a zoning clearance form, a property owner approval form, and filing fee. The operations narrative should include a brief description of the greenwaste operations, screening procedures for incoming materials, quantities of materials accepted, processing procedures and storage capacities, equipment usages and processing rate, fire and nuisance control measures, and final use of the processed material.
2. The permittee shall notify the Department of Health (DOH) of its intent to close ninety (90) days prior to final closure. Closure shall consist of the removal and proper management of the accumulated solid waste from the facility, assessment of the site, and any remedial activity, as necessary. Removed waste shall only be transported to DOH-permitted solid waste management facilities.
3. This facility may only accept and process less than three thousand (3,000) tons per year of clean, source-separated greenwaste as defined in HAR 11-58.1-03. No other municipal solid waste shall be accepted at this facility.
4. No regulated hazardous waste as defined in the state hazardous waste laws and regulations shall be accepted at this facility.
5. The permittee shall screen incoming materials to ensure that incoming greenwaste entering the facility, meet the conditions of this permit. Should waste other than greenwaste inadvertently enter the facility, these wastes should be removed, properly managed, and disposed of or recycled at an appropriate DOH-permitted solid waste facility prior to causing or creating a nuisance condition, health, safety, or environmental hazard.
6. The facility shall be supervised, secured, and have a permanent sign identifying the facility, hours of operation, materials accepted, operator name, and a telephone number to contact in case of emergencies.
7. Scavenging at the facility by the general public is prohibited.
8. Adequate measures shall be provided to control litter, scattering of wastes, dust, insects, odors, and vectors. Incoming greenwaste shall be handled and managed properly as soon as it arrives to prevent a litter, fire, vector, or nuisance situation.
9. Suitable means shall be provided to minimize fire hazards and prevent fires. Adequate spacing shall be provided between all windrows to provide firebreaks and

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to ensure access to these piles in case of an emergency. A minimum twenty-foot buffer zone shall be provided between windrows and composting operation boundaries.

10. The site shall be provided with suitable surface water control and adequate drainage shall be provided to prevent standing water inside the facility. Any discharges from the site shall be in accordance with applicable federal, state, and local laws and regulations.
11. The application dated July 18, 2011, the operations narrative and site plan submitted on February 17, 2009, and any approved subsequent submissions shall become part of this permit. A copy of the operations narrative and site plan shall be maintained at or near the facility. Should there be any discrepancies between the submitted operations narrative, site plan, and these permit conditions, these conditions will take precedence.
12. Incoming greenwaste shall be taken directly to a designated location to form a windrow and to start the composting process as soon as it arrives. The size of the windrow shall not exceed four (4) feet in height, twelve (12) feet in width, and seventy (70) tons or three hundred fifty (350) cubic yards in total weight or volume. The total composting material at the facility shall not exceed eight (8) windrows.
13. Temperature monitoring shall be conducted on a daily basis for the active composting period, and it may be reduced to once a week during the curing period.
14. Greenwaste windrows shall be monitored for moisture content and turned at a minimum of once every week during the active composting period. The windrows may be turned once every three (3) weeks during the curing period.
15. The composting time including both active and curing composting periods shall not be less than six (6) months. The composted material shall be screened at the facility using a one-inch screener and conveyor to produce final compost, and the rejected material shall be further composted to meet the requirement in this permit.
16. If composting material leaves this facility before it reaches the final composting stage and before it meets the full requirements of this permit (i.e., unscreened or having partially decomposed material), this compost material shall only be transported to a facility that is permitted by DOH to accept this material.
17. The finished compost must be sufficiently stable that it can be stored or applied on land without producing a nuisance.
18. The permittee shall maintain the records on greenwaste processing including, but not limited to, date and weight or volume of greenwaste received; date, time,

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windrow turning and temperature monitoring; and type of complaint and incidents. The identification number of the windrow shall be included in Figure D on the "Greenwaste Temperature Log." Records shall be maintained by the facility and shall be made available to the DOH.

19. An annual report shall be submitted to the DOH reporting the quantities by weight or volume of greenwaste received and processed, and of finished compost distributed, and by-products or unacceptable items disposed. The report shall also include a summary of incidents outside of normal operations. The report shall be for July 1 to June 30 of the previous year and submitted by July 31 of each year. Reports shall be submitted to:

Department of Health
Environmental Management Division
Solid and Hazardous Waste Branch
919 Ala Moana Blvd., Room 212
Honolulu, Hawaii 96814

The permittee may appeal to the Director of Health any of the conditions to the subject permit. The appeal must be in writing and submitted to the Director of Health within twenty (20) days after the receipt of this notice.

Hawaii Revised Statutes 342H-14 states that unless the submitted documents and other information secured by the DOH from the permittee contain confidential information, such as secret processes or methods of manufacture, they shall be made available for inspection by the public. Please notify the Solid and Hazardous Waste Branch within twenty (20) days of the receipt of this letter if you would like to make a claim of confidentiality. Otherwise, your entire application will be available for public inspection.

Should you have any questions regarding this letter, please call Ms. Sue Liu of the Solid and Hazardous Waste Branch at (808) 586-4226.

Sincerely,



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

Enclosure: Permit by Rule

c: Mr. Stephen Goodfellow, WQJ2008 Investment, LLC, Ukumehame Quarry
Company Limited Partnership (w/o enc.)

**PERMIT BY RULE FOR CERTAIN SOLID WASTE HANDLING AND
DISPOSAL FACILITIES OF LIMITED IMPACT**

Permit by rule: Small, low impact solid waste management facilities such as convenience centers, composting facilities handling not more than three thousand tons per year of green wastes, clearing and grubbing landfills, certain agricultural landfills, and recycling drop-off facilities shall be deemed to have a solid waste handling and disposal permit if the following conditions are met:

- A. Notification. At least thirty days prior to commencing solid waste handling activities which are covered under a permit by rule, written notification of such activity must be made to the director. Written notification shall be made on such forms as are provided by the director. Persons failing to notify the director of such activities shall be deemed to be operating without a permit. Notification shall include a site plan of appropriate scale and an operations narrative describing the proposed activity.
- B. Submittal of a \$25.00 application filing fee.
- C. General conditions of every facility.
 - 1. No regulated hazardous waste in accordance with 40 CFR Part 261 may be collected, transported, or disposed at any of the facilities.
 - 2. Nuisance control. Suitable means shall be employed to prevent solid wastes from scattering, control of litter, odors, and vectors such as rodents and insects.
 - 3. Suitable means shall be provided to prevent and control fires, including an emergency response plan when appropriate.
 - 4. It is the responsibility of the owner and/or operator to comply with all the local rules, regulations, and ordinances, and the director may add additional conditions deemed appropriate.
 - 5. Each facility shall be supervised, secured, and have a permanent sign identifying the facility, hours and days of operation, materials accepted or not accepted, the owner and/or operator, a person to contact, and other pertinent information.
- D. Convenience centers.
 - 1. Only household and/or residential solid waste will be accepted.
 - 2. Car batteries and waste oil may be collected at the convenience centers but must be collected and stored in a safe and orderly manner.

- E. Green wastes (landscape waste) composting facilities.
1. Composting facilities accepting only green waste, less than three thousand tons per year, are permitted by rule unless exempted.
 2. The finished compost must be sufficiently stable that it can be stored or applied on land without producing a nuisance.
 3. The facility must control surface water run-on and run off from a twenty-five year, twenty-four hour storm.
 4. An annual report shall be prepared and submitted to the department, reporting the tonnage of green waste accepted, the composted tonnage produced, and residual disposed.
 5. The department reserves the right to add additional requirements as necessary.
- F. Land clearing, grubbing, and certain agricultural landfills and inert waste landfills.
1. All persons exempted under Section 11-58.1, 4(b)(3) and landfilling more than one hundred fifty tons per year shall be permitted by rule.
 2. Only waste that will not or is not likely to produce leachate of environmental concerns shall be disposed of in the landfill. Acceptable materials for disposal in the land clearing, grubbing, and certain agricultural landfill are earth and earth-like products, and land clearing debris such as stumps, limbs, and leaves. Acceptable materials for disposal in the inert waste landfill are earth and earth-like products, concrete, cured asphalt, rocks, and bricks.
 3. Materials placed in the landfill shall be generated on site and spread in layers and compacted to the smallest practicable volume.
 4. Public access to the landfills shall be limited to authorized entrances which shall be closed when the site is not in operation.
 5. The final cover shall consist of eighteen inches of earthen material to minimize infiltration and six inches of earthen material to minimize erosion or as approved by the director. A vegetative cover shall be placed over the final lift, not later than one month following final placement of waste within that lift. The vegetative cover must be maintained a minimum of a year after the closure of the landfill.
 6. A written notice of final closure must be provided to the director within one hundred eighty (180) days of receiving the final load of material. Any site not receiving waste for in excess of 180 days shall be deemed abandoned and in violation of these rules unless properly closed. Notice of closure must include the date of final material receipt and an accurate legal description of the boundaries of the landfill.

7. A permanent notation of the landfill location shall be added at the bureau of conveyances to the facility property and on any other instrument that would normally be examined during the title search and note any land use restrictions from the closure plan. The notation shall notify any potential purchaser of the property that the area has been used for land clearing and grubbing and agricultural solid waste landfills.
8. All other applicable federal, state, and local laws, rules, and ordinances, including erosion and sediment control, and any applicable federal wetlands permit, must be fully complied with, prior to commencement of land filling operations.

G. Recycling drop-off and processing facilities.

1. An annual report shall be prepared and submitted to the department, reporting the amounts and types of recyclable materials or scrap metals received and distributed by weight. The report is due on July 31 of each year for the preceding fiscal year.
2. Scavenging at the facility by the general public is prohibited.
3. Recycling processing facilities utilizing single source-separated material for reuse. The single source-separated items include, but are not limited to: cardboard, newspaper print, office paper, glass, aluminum containers, plastics, tires, and nonferrous scrap metals.

Mailed Original
Signature to Sul 4/22/11

STATE OF HAWAII
DEPARTMENT OF HEALTH
ENVIRONMENTAL MANAGEMENT DIVISION
SOLID AND HAZARDOUS WASTE BRANCH
PERMIT BY RULE APPLICATION FOR
CERTAIN SOLID WASTE MANAGEMENT FACILITIES

This permit application was developed in accordance with the requirements of Hawaii Administrative Rules (HAR), Title 11, Chapter 58.1. **In order for this application to be considered complete, the site plan, operations narrative, Attachments P-5 and P-6, and filing fee must accompany this application form.** Please read the general instructions before completing.

I. Type of Application (check all that apply)

- A. Permit to establish a new facility
B. Permit to modify an existing facility
C. Permit renewal with no modification
D. Permit renewal with modification
E. Change in ownership
F. Other

Describe _____

II. Type of Facility (check one)

- A. Convenience center (residential transfer station, <40 tons/day)
B. Greenwaste composting facility (<3,000 tons/year)
C. Land clearing, grubbing, and certain agricultural or inert waste landfill
D. Recycling drop-off and single source-separated processing facility

III. Existing pollution control permits and/or variances issued to facility:

IV. General Information

A. Name and address of the owner of the solid waste facility:

Jason E. Macy – Vice President - West Hawaii Concrete

P.O. Box 1390

Kailua- Kona, Hawaii, 96745 Telephone: 808-329-3561

B. Name and address of the operator of the solid waste facility:

George Purdy III – Aggregate Division Manager - West Hawaii Concrete

P.O. Box 1390

Kailua- Kona, Hawaii, 96745 Telephone: 808-329-3561 – cell 960-3048

C. Name and address of individual authorized to act for the owner and operator:

George Purdy III – Aggregate Division Manager - West Hawaii Concrete

P.O. Box 1390

Kailua- Kona, Hawaii, 96745 Telephone: 808-329-3561 – cell 960-3048

D. Name and address of landowner (if landowner is other than the owner/operator of the solid waste facility, include Attachment P-6):

WQJ2008 Investment, LLC
P.O. Box 220
Kihei, HI 96753-0000 Telephone: 808-874-5263

E. Name and address of lessee, if appropriate:

West Hawaii Concrete – P.O. Box 1390 – Kailua-Kona, HI 96745
P.O. Box 1390
Kailua Kona, HI 96745 Telephone: 808-329-3561

F. Facility Name and Location:

Name: West Hawaii Concrete
Address: 68-1244 Waikoloa Raod
Waikoloa, HI 96738-3729

Tax Map Key: 6-8-01:0066, Lot 3-B-2

(if appropriate)

Latitude: ° ' " N
Longitude: ° ' " W
UTM Coordinates: Zone East North

V. Normal Operating Schedule

A. Shifts Worked: HOURS OF DAY

1. From: 6:00 am To: 6:00 pm
2. From: To:
3. From: To:

B. Days per week: 6 days per week, Monday – Saturday

C. Weeks per year: 52

D. Operation is seasonal or irregular, describe:

VI. For Permit Renewals and Modifications: Is the existing facility in compliance with Hawaii Revised Statutes (HRS) 342G, 342H and 342I; and Hawaii Administrative Rules (HAR), Title 11, Chapter 58.1, "Solid Waste Management Control"?

Yes No

If the existing facility is not in compliance with HRS 342G, H and/or I; and/or HAR, Title 11, Chapter 58.1, "Solid Waste Management Control", provide a detailed implementation plan as an attachment to the application. The implementation plan should include but is not limited to areas of noncompliance, reason for noncompliance, proposed actions towards achieving compliance, and implementation schedule, as an attachment to the application.

VI. Certification by owner and operator:

We, Jason E. Macy, Vice President (owner)
(name) (title)
and George Purdy III, Aggregate Division Manager (operator)
(name) (title)

certify that we have knowledge of the facts hereby submitted and that the same are true and correct to the best of our knowledge and belief, and that all information not identified as confidential in nature shall be treated by the Department of Health as public record. We further state that we will assume responsibility for the construction, modification, operation, maintenance, closure and post-closure of the facility in accordance with Hawaii Revised Statutes, 342G, H and I; and Hawaii Administrative Rules, Title 11, Chapter 58.1, and any permit issued thereof. As co-permittees, we understand that we share joint and several liability for compliance with aforementioned statutes, regulations, and permits. We also understand that we are responsible to construct and operate the facility in accordance with the conditions listed in Hawaii Administrative Rules Chapter 11-58.1-04(i), and any other conditions that may be specified by the Department. If the owner/operator is a partnership or group other than a corporation or a county, one individual who is a member of the group shall sign the application. If the applicant is a corporation or a county, an officer of the corporation, general manager of the facility, or an authorized representative of the county shall sign the application.

Date: 7-18-11 Owner: Jason E. Macy
Signature: 
Title: Vice President
Company Name: West Hawaii Concrete
Address: P.O. Box 1390, Kailua-Kona, HI 96745
Telephone: 808-329-3561

Date: 7-18-11 Operator: George Purdy III
Signature: 
Title: Aggregate Division Manager
Company Name: West Hawaii Concrete
Address: P.O. Box 1390, Kailua-Kona, HI 96745
Telephone: 808-329-3561 cell 808-960-3048

DO NOT WRITE BELOW ----- FOR AGENCY USE ONLY

VII. Date application received: _____

VIII. Received by: _____

IX. Application number: _____

X. Evaluating Official: _____

XI. Filing fee attached: Yes _____ No _____

XII. Site Plan attached: Yes _____ No _____

Operations Narrative attached: Yes _____ No _____

Attachment P-5 attached: Yes _____ No _____

Attachment P-6 attached: Yes _____ No _____

XIII. Action on application: Approved: _____

Disapproved: _____

Conditional Approved: _____

XIV. Date of action on application: _____

XV. Permit number: _____

**ATTACHMENT P-5
ZONING CLEARANCE FORM
SOLID WASTE PERMIT APPLICATION**

TO THE APPLICANT:

Please be advised that a requirement for the issuance of a solid waste management permit in Hawaii is that the facility meets local ordinances and zoning requirements, including the recording of its disposal facility with the Bureau of Conveyances.

In order that the SHWB may determine whether the facility is in compliance with local land use policy, **we require that this attachment be completed and signed by the appropriate county**

land use/planning agency (on Oahu, contact the Department of Planning and Permitting). No permit will be issued unless this form has been properly completed and returned. If a Use Permit or SMA Permit is required, submit a copy of said permit with this form.

Name of Applicant: West Hawaii Concrete
Name and phone number of primary contact for applicant:
George Purdy III, Aggregate Division Manager
office 808-329-3561 cell 808-960-3048

Address of proposed facility:
Waikoloa Quarry 68-1244 Waikoloa Rd.
Waikoloa, HI 96738
Tax Map Key: (TMK) 6-8-001:0066 Lot 3-B-2

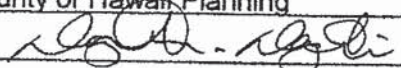
Description of proposed facility [e.g., waste processing, waste storage (indoor or outdoor), recycling, composting, waste disposal, etc.): collecting green waste such as grass and shrub clippings and coconut tree fronds and composting. Once the composting process is complete the product will be removed from the site, mixed with cinder or soil and used as a soil amendment, on local landscaping projects.

COUNTY AGENCY APPROVAL:

The Current Zoning of the Proposed site for the Proposed Activity / Facility / Operation is:

Allowed Identify Approved Use Permit/SMA, other Restrictions/Limitations:
Property is zoned Agricultural-5 acres (A-5a). Proposed facility is a permitted use within this zoning classification.

Not Allowed Reason (ex: Use Permit/SMA required, application pending, etc.):

Name: Daryn Arai
Title: Planning Program Manager
Agency: County of Hawaii Planning
Signature:  Date: 9/12/11

**ATTACHMENT P-6
PROPERTY OWNER APPROVAL FORM
SOLID WASTE PERMIT APPLICATION**

TO THE APPLICANT:

In order that the SHWB may determine whether the property owner and/or master lessee is knowingly allowing the proposed solid waste activity, we require that this attachment be completed and signed by the property owner and the master lessee, if appropriate. **No permit will be issued unless this form has been properly completed and returned.**

Name of Applicant: West Hawaii Concrete
Name and phone number of primary contact for applicant:
George Purdy III, Aggregate Division Manager
office 808-329-3561 cell 808-960-3048


Address of proposed facility:
68-1244 Waikoloa Road
Waikoloa, HI 96738

Tax Map Key: (TMK) 6-8-01: Parcel 4 Subdivision No. 2, Lot 3-B-2

PROPERTY OWNER / MASTER LESSEE APPROVAL:

I/We certify that I/we have knowledge and approve of the applicant's proposed solid waste management facility for the subject location. I/We further certify that I/we fully understand the requirements under HAR Chapter 11-58.1, Subchapter 6, such that I/we am/are also responsible for the aesthetic, nonhazardous, sanitary storage, and removal of solid waste to approved solid waste management facilities.

If the property owner/master lessee is a partnership or group other than a corporation, a county, or state entity, one individual who is a member of the group shall sign this form. If the property owner/master lessee is a corporation, a county, or a state entity, an officer of the corporation, or an authorized representative of the county or state shall sign this form.

Property Owner: WQJ2008 Investment, LLC
Name of Authorized Representative: Daniel R. Goodfellow
Signature:  Date: July 13, 2011
Title: Secretary, Columbia Valley Investments, Inc., Manager Telephone: 808-879-5205
Company Name: _____
Termination Date of Lease: No Specific Termination Date, until material runs out
current land use permit runs out in 2018 -
Address: P.O. Box 220, Kihei, Hawaii 96753 lease/approval: Same as above

Master Lessee:
Name of Authorized Representative: _____
Signature: _____ Date: _____
Title: _____ Telephone: _____
Company Name: _____ Termination date of
Address: _____ lease/approval: _____

Master Lessee:

Name of Authorized Representative: _____
Signature: _____ Date: _____
Title: _____ Telephone: _____
Company Name: _____ Termination date of
Address: _____ lease/approval: _____

September 6, 2011

To: Sue Liu, State of Hawaii

From: The property owners of the Waikoloa Quarry Co-tenancy

Dear Sue:

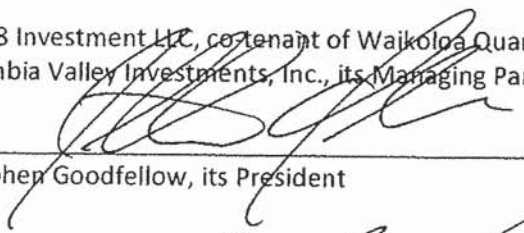
Please accept this letter as our authorization & confirmation that Columbia Valley Investments Inc. is authorized to sign all business documents on behalf of the Waikoloa Quarry Co-tenancy.

To recap the "chain of ownership", the Waikoloa quarry property is operated as a co-tenancy. The co-tenants are WQJ2008 Investment LLC and Ukumehame Quarry Company Limited Partnership. The co-tenants jointly own an undivided interest in the subject quarry property; i.e. the co-tenants are the Property Owners.

The managing partner of WQJ is Columbia Valley Investments Inc.

The managing partner of Ukumehame Quarry Company Limited Partnership is Ukumehame Quarry Management Inc.

WQJ2008 Investment LLC, co-tenant of Waikoloa Quarry Co-tenancy
By Columbia Valley Investments, Inc., its Managing Partner

By 

J. Stephen Goodfellow, its President

Ukumehame Quarry Company Limited Partnership, co-tenant of Waikoloa Quarry Co-tenancy
By Ukumehame Quarry Management Inc., its Managing Partner

By 

J. Stephen Goodfellow, its President