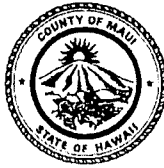


CHARMAINE TAVARES  
Mayor

JEFFREY S. HUNT  
Director

KATHLEEN ROSS AOKI  
Deputy Director



COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**

February 12, 2009

CERTIFIED MAIL - #7007 2560 0001 7799 8585

Mr. Mich Hirano, AICP  
Munekiyo & Hiraga, Inc.  
305 High Street, Suite 104  
Wailuku, Hawaii 96793

Dear Mr. Hirano:

**SUBJECT: COUNTY OF MAUI HANA LANDFILL AND LAND  
ACQUISITION AT TMK: (2) 1-3-006:007 AND 012 (POR.)  
(SUP1 2007/0002) (CUP 2007/0001) (SM1 2007/0003)**

At the regular meeting on July 22, 2008, the Maui Planning Commission (Commission) reviewed the above County Special Use Permit (CUP 2007/0001) request, and after due deliberation and receipt of testimony and exhibits from the Department of Planning (Department) and the February 21, 2008 meeting of the Hana Advisory Committee (HAC), approval of the request was granted, subject to the following conditions:

STANDARD CONDITIONS

1. That the State Land Use Commission Special Use Permit (SUP1) and County Special Use Permit (CUP) shall be valid until February 28, 2018, subject to further extensions by the Land Use Commission and/or the Commission as required by each permit accordingly, upon a timely request for extension filed at least one-hundred twenty (120) days prior to its expiration. The 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 SUP1 shall be enforced pursuant to Sections 205-12 and 205-13, Hawaii Revised Statutes (HRS). The CUP conditions will be enforced pursuant to the provisions of Chapter 19.530, Section 19.530.030 of the Maui County Code (MCC), as amended, 1980. Failure to comply with one (1) 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

7. That the applicant shall begin construction of the landfill storm water drainage retention basin within three (3) years from issuance of the Land Use Commission's decision and order.
8. That the Applicant shall take appropriate mitigative measures to minimize erosion, prevent cement products, oil, fuel, and other toxic substances associated with heavy machinery from spilling or leaching into the ground.
9. That the Applicant shall comply with Department of Health Ambient Air Quality Standards, Hawaii Administrative Rules (HAR), Title 11, Chapter 59, and Air Pollution Control, HAR 11-60.
10. That the Applicant shall comply with the EPA's New Source Performance Standards.
11. That provisions shall be enacted to ensure emergency access to the sanitary landfill in case of fire or any other disaster.
12. That the Applicant shall utilize non-potable water, to the extent possible, for grading, dust control, and irrigation of the landfill.
13. That the Applicant shall ensure that windblown debris around the perimeter of the landfill, particularly within areas visible from the public right-of-way, be removed in a timely manner.
14. That full compliance with the requirements of the State's Department of Health for sanitary landfill operation shall be rendered.
15. That the Applicant inform the Department of Public Works of HAC's safety concerns, and the departments make best efforts to insure daily operations are conducted in a safe manner, and undertake an engineering slope and soil stability analysis prior to construction within the three (3) year period.
16. That a cultural assessment be conducted to address impacts to cultural resources resulting from the excavation of cinder ash and that the Office of Hawaiian Affairs (OHA) shall be consulted prior to construction within the three (3) year period.
17. That the Applicant execute a legal document with the State of Hawaii and the County of Maui regarding the removal of cinder ash from the Kaeleku area.
18. That mitigation measures be taken to address the visual height of the landfill by landscaping or other methods such as: waste diversion, recycling, etc. within the ten (10) year permit period.

19. That a recycling program begin immediately, thereafter permits are issued and/or the Department of Health grants approval. The recycling program may consider, but not be limited to glass, aluminum, plastics, batteries, newspapers, cardboard, appliances, and oil.
20. That the Applicant increase its groundwater monitoring at the landfill from semi-annually to quarterly.

Further, the Commission adopted the Report and Revised Recommendation prepared by the Department for the July 22, 2008, meeting as its Findings of Fact, Conclusions of Law, and Decision and Order. Parties to proceedings before the Commission may obtain Judicial review of Decision and Orders issued by the Commission in the manner set forth in Chapter 91-14, HRS.

Thank you for your cooperation. If additional clarification is required, please contact Staff Planner Paul Fasi via email at [paul.fasi@mauicounty.gov](mailto:paul.fasi@mauicounty.gov) or by phone at 270-7814.

Sincerely,



JEFFREY S. HUNT, AICP  
Planning Director

xc: Clayton I. Yoshida, AICP, Planning Program Administrator  
Aaron H. Shinmoto, PE, Planning Program Administrator (2)  
Cheryl K. Okuma, Director, Department of Environmental Management  
Paul F. Fasi, Staff Planner  
Development Services Administration  
CZM File  
Project File  
General File

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