

**HANA LANDFILL
STATE LAND USE COMMISSION
FY2017 ANNUAL REPORT
FOR SP08-402**

Part 1: Project Summary

Makai Hana Landfill Permits

A draft Environmental Assessment (EA) was published on August 8, 2015 following a declaration of a Finding of No Significant Impact on July 22, 2015. On December 29, 2015 the Final Environmental Assessment was transmitted to the Office of Environmental Quality Control for the final comment period which was completed on February 23, 2016. An application for a County Special Management Area Permit (SMA) was submitted to the Planning Department on February 26, 2016. On April 12, 2016 the Maui Planning Commission designated the Hana Advisory Committee to hear the application. On June 30, 2016 the Hana Advisory Committee hearing was held in Hana and the Committee voted unanimously to recommend approval of an SMA permit.

The Planning Commission approved the SMA on August 8, 2016 and the permit was issued August 11, 2016. On September 8, 2016 the Conservation District Use Permit (CDUP) notice of application was published in *The Environmental Notice* to solicit comments. On February 10, 2017 the Board of Land and Natural Resources met and approved the CDUP and the permit was issued on February 13, 2017. The SMA Compliance Report was submitted to the Planning Department on April 6, 2017 and approved on April 24, 2017. Permitting work was performed by Munekiyo Hiraga for \$180,860 as a sub-consultant to A-Mehr, Inc.

Makai Hana Landfill Construction

A second preconstruction meeting with the contractor, Stewart D. Norrie dba Stewart Norrie Backhoe Service, was held on April 19, 2017 and the Notice to Proceed issued the same day. The contractor was contracted with FY2015 funds for \$618,883.75 out of a budget of \$750,000 on December 29, 2015. The difference between the contract date and start date was the time required to obtain all the necessary land use permits. In addition, the work pace of the contractor was proposed to proceed at a volume many times the daily rate of the landfill staff so that two amendments were issued for the contractor to do the fill work for the excavated waste: one for Phase 1A for \$827,697.05 on March 16, 2017 and the second for Phase 1B for \$697,540.20 on July 26, 2017. A civil service exemption was obtained. The total for the contractor was \$2,144,121. The contractor cleared and grubbed in May 2017 after obtaining a grading permit in April 2017. Excavation and filling commenced in late June 2017.

Archaeological sub-consultant work and soil sampling by the design consultant, A-Mehr, Inc., was included in an amendment to the design contract on November 18, 2016 for \$95,990 using the last of the FY2016 funds remaining from the construction contract. The total for the design consultant was \$376,850 which included sub work and construction quality assurance tasks.

Part 2: Project Compliance

Condition 1: That the State Land Use Commission Special Use Permit and County Special Use Permit shall be valid until February 28, 2018, subject to further extensions by the Land Use Commission and/or the Maui Planning 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 Maui Planning Commission shall make a recommendation to the Land Use Commission and may require a public hearing on the time extension.

Report: An application for renewal was submitted to the Planning Department early in FY2018 after discussions with the planner at the end of FY2017.

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. The County Special Use Permit conditions will be enforced pursuant to the provisions of Chapter 19.530, Section 19.530.030 of the Maui County Code, as amended, 1980. 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 Dollars (\$1,000.00) per violation; and that a civil fine not to exceed Five Thousand Dollars (\$5,000.00) shall be issued if violation not cured within six (6) 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 Department of Planning ("Department") within said thirty (30) days. Upon receipt of a request for a hearing, the 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 continues to work in compliance of all permit conditions of both the State and County Special Use permits. Details are reported in the annual reports.

Condition 3: That the subject State Land Use Commission Special Use Permit and County Special Use Permit shall not be transferred without the prior written approval of the Land Use Commission and/or the Maui Planning Commission as required by permit requirements accordingly. The appropriate Planning Commission shall make a recommendation to the Land Use Commission as necessary. However, in the event that a contested case hearing preceded issuance of said State Land Use Commission upon due published notice, including actual written notice to the last known addresses

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of parties to said contested case and their counsel.

Report: No request for transfer has been made.

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

Report: The landfill is operated in compliance with permits and their requirements. Landfill gas is monitored quarterly for methane; groundwater is sampled and tested quarterly. Use of a tarp as alternative daily cover, for four days a week out of the five the landfill is open, has continued with written approval by the Department of Health. NPDES permit conditions are met with the Storm Water Pollution Control Plan updated annually.

Condition 5: That the Applicant shall timely provide without any prior notice, annual reports to the Land Use Commission and the Department in connection with the status of the Project and the Applicant's progress in complying with the conditions imposed herein. The annual report shall be submitted in a form prescribed by the Executive Officer of the Commission.

Report: The filing of this annual report for FY 2017 meets this requirement.

Condition 6: 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 and the Maui Planning Commission in obtaining the County Special Use Permit. Failure to so develop the Property may result in the revocation of the permit.

Report: The property continues as a landfill with related improvements as proposed. Landfill improvements have included the installation of solar panels to power the office and the preparation of a fenced, cinder pad for the placement of roll-off containers to collect permitted recyclables. Periodic collections occur for scrap metal and electronics. The storm water system controls run-on and runoff to and from the landfill.

Condition 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. Construction shall include any improvements necessary to operate the landfill pursuant to all applicable laws and regulations.

Report: The Hana Landfill Basin System project was bid in August 2012 which met the three year deadline. Construction commenced in FY 2013 and finished in Sept. 2013.

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Condition 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.

Report: Recent purchases have provided new equipment for Hana Landfill. A new tractor mower purchased in 2013 was on-site in the spring of 2014. A 14 yard Peterbilt dump truck and a 950 Caterpillar wheel loader were purchased in 2014 and were on-site in 2015. A 2500 gallon Peterbilt water truck was purchased with a grant from Community Block funds and was on-site in 2015. A dozer purchased in 2010 has preventative maintenance done regularly by an assigned mechanic who makes scheduled visits to check it and the track loader which is also on-site.

Condition 9: That the Applicant shall comply with Department of Health Ambient Air Quality Standards, Hawaii Administrative Rules, Title 11, Chapter 59 and Air Pollution Control, HAR 11-60.

Report: Neither the cinder used as cover, nor the tarp when it is used, produces dust. The buffer area next to the landfill is either grassed or landscaped with ornamentals. The area around the landfill is wooded which keeps dust to a minimum in the area. The water truck minimizes dust during dry conditions. The Landfill has a dedicated water meter off of Hana Highway so refilling of the water truck can be done by landfill staff as needed for dust control.

Condition 10: That the Applicant shall comply with the EPA's New Source Performance Standards.

Report: Four landfill gas probes, newly constructed in 2012, are monitored quarterly and all readings are within regulatory limits. Tonnages do not meet NSPS thresholds.

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

Report: The Hana District Supervisor has keys to the landfill in case emergency access is needed. These keys are kept at the Hana Highways District Office. The Fire Department is located adjacent to the Highways District Office.

Condition 12: That the Applicant shall utilize non-drinking water, to the extent possible, for grading, dust control, and irrigation of the landfill.

Report : A non-drinking source will have to be located. Dust is minimized due to the abundant vegetation surrounding and adjacent to the landfill. Rainfall provides dust control as it is frequent and light, without a lot of wash-outs. The new water truck with access to a dedicated water meter provides dust control during prolonged dry periods.

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Condition 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.

Report: The staff at the landfill maintains the grounds and removes any windblown litter or debris that may be found either away from or nearby the active area. Netting, anchored by poles, is placed downwind of the working face to prevent any litter from blowing away from the active area into the perimeter stormwater collection swale.

Condition 14: That full compliance with the requirements of the State's Department of Health for sanitary landfill operation shall be rendered.

Report: The landfill is operated in accordance with State DOH requirements. Landfill gas is monitored quarterly and groundwater is sampled and tested quarterly.

Condition 15: That the Applicant inform the Department of Public Works of HAC's safety concerns, and further that the Applicant shall make its best effort to ensure daily operations are conducted in a safe manner. The Applicant shall undertake an engineering slope and soil stability analysis prior to construction within the three (3) year period.

Report: YKE, a geotechnical firm from Honolulu, met with the Hana Highways Division in December 2010 prior to taking soil samples and installing piezometers to assess water conditions at the cinder pit between December 2010 and June 2011. The consultants met with Hana Highways and the Solid Waste engineer in July 2011 to discuss operating issues prior to preparation of an Operations Plan for the cinder pit. The *Geotechnical Exploration & Evaluation Report, Hana Landfill Borrow Pit Slope Stability Analysis, Hana, Maui, Hawaii*, was finalized in August 2012. The *Operations Plan, Hana Landfill Borrow Pit, Hana, Maui, Hawaii* was finalized in October 2012. Solid Waste took over cinder pit operations from Hana Highways in July 2013. The contractor hired by Solid Waste has followed the recommendations and the plan to leave the cinder pit at the end of 2016 was implemented.

Condition 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 shall be consulted prior to construction within the three (3) year period.

Report: Hana Pono, sub-consultant to Munikeyo and Hiraga, finalized their cultural assessment in October 2011 and a copy was sent to the Office of Hawaiian Affairs.

Condition 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 Ka'eleku area.

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Report: On May 27, 2011 the Board of Land and Natural Resources granted the County a right-of-entry for the removal of cinders from the Hana cinder pit. The license, drafted by the Dept. of Land and Natural Resources (DLNR) and sent to the County for signature, was returned to the State by the County's Corporation Counsel for further clarification of conditions required for closure. A copy of the Operations Plan by YKE was transmitted to the Maui District Supervisor after a meeting during which the license was discussed. The plan to cease operations at the cinder pit some time after FY 2016 was implemented, with notification made to the Maui District of DLNR.

Condition 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 period.

Report: The Master Plan finalized in 2013 by Brown & Caldwell addresses mitigation measures for the visual height concern, recycling being the primary one. The Hana Recycling Center opened in late January 2012. Cardboard, glass, plastic, and newspaper are collected in roll-off containers with used motor oil collected in drums with secondary containment inside a container. The roll-offs are hauled when full. Greenwaste is separated prior to being hauled to EKO Systems in Kahului for the return trip when cover soil is hauled in from central Maui.

Condition 19: That a recycling program begin immediately after 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.

Report: The Recycling Center was permitted Dec. 30, 2011 and a month later was open for customers. Event recycling is permitted at the center for the collection of scrap metal, appliances, tires, batteries, and computers and occurs on a periodic basis.

Condition 20: That the Applicant increase its groundwater monitoring at the landfill from semi-annually to quarterly.

Report: URS was contracted for quarterly groundwater monitoring as of October 2009 and the quarterly schedule continues with CH2MHill performing the monitoring currently.

Condition 21: That the Applicant shall periodically monitor the Property for the presence of miconia plants and eradicate any individuals found while they are still immature.

Report: The staff, while conducting landscaping duties, checks for miconia. The brush cutter, weed eater, lawn mower, and tractor mower are all used to control vegetation growth the landfill. The Miconia Task Force is a resource to be contacted in the event any miconia should be observed in and around the landfill. None have been observed.

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Condition 22: That the Applicant shall file a boundary interpretation request with the LUC staff to determine the location of the Agricultural and Conservation District boundary relative to Waste Area No. 2, as identified on the survey map dated September 8, 2007, within 30 days following the issuance of the Decision and Order granting the Application. The boundary interpretation request shall be accompanied by a metes and bounds survey prepared by a licensed professional land surveyor.

Report: Newcomer-Lee provided the boundary interpretation request with a metes and bounds survey within 30 days of the Decision and Order.

Condition 23: That the Applicant shall be prohibited from utilizing any Conservation District lands that may be present in Waste Area No. 2, as determined by the boundary interpretation prepared by the LUC staff, for the purposes of municipal solid waste disposal in connection with the Hana Landfill.

Report: Controlpoint Surveying completed the field staking of the Conservation District line on September 23, 2010. No activities occur in the Conservation District. However, subsurface waste was discovered in this area and a Conservation District Use permit (CDUP) was subsequently obtained following the SMA permit to remove the waste and clean close the area.