

BEFORE THE HANA ADVISORY COMMITTEE

COUNTY OF MAUI

STATE OF HAWAII

In the Matter of the Application of:)	SM1 2007/0003, SUP 2007/0004
)	CUP 2007/0001
County of Maui, Department of Environ-)	County of Maui
mental Management to Obtain a Special)	(PFF)
Management Area Use Permit, Land)	
Use Commission Special Use Permit,)	
County Special Use Permit for the)	
County's Hana Landfill for Land Consoli-)	
dation, Boundary Realignment and)	
Grading Activity on Approx. 74 Acres at)	
Maui TMKs: (2) 1-3-006:012 (por.) and)	
(2) 1-3-006:007 (por.), Hana, Maui,)	
<u>Hawaii</u>)	

MAUI PLANNING DEPARTMENT'S REPORT
TO THE HANA ADVISORY COMMITTEE

February 21, 2008

DEPARTMENT OF PLANNING
COUNTY OF MAUI
250 S. HIGH STREET
WAILUKU, MAUI, HI. 96793

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EXHIBIT 1

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(2) 1-3-006:007 (por.), Hana, Maui,)	
Hawaii)	

THE APPLICATION

This matter arises from applications for a Special Management Area Permit, County Special Use Permit and a Land Use Commission Special Use Permit received on June 12, 2007. The application was filed pursuant to Special Management Area Rules of the Maui Planning Commission, Section 19.510.070, 19.510.010, and 19.510.020 of the Maui County Code, Chapter 205-6, Hawaii Revised Statutes by the Department of Environmental Management, Solid Waste Division, ("Applicant"); on 74.19 acres of land in the State Agricultural/Conservation District, situated in Hana, Island of Maui and County of Maui, identified as Maui Tax Map Keys Nos. 1-3-006:12 (por.) and 1-3-006:007 (por.), ("Property").

PURPOSE OF THE APPLICATION

The Applicant is requesting a Special Management Area Use Permit, Land Use Commission Special Use Permit, and a County Special Use Permit in order to consolidate approximately 45.14 acres of State owned land (Parcel 7) into the Hana Landfill site (Parcel 12), to realign the landfill boundaries after consolidation and the creation of a 100' x 100' runoff detention basin.

APPLICABLE REGULATIONS

Special Management Area (SMA)

Standards for reviewing a special management area application are found under HRS 205A-26 and § 12-202-10 and § 12-202-11 of Chapter 202, Special Management Area (SMA) Rules of the Maui Planning Commission.

In evaluating an action the following factors, but not limited to same, may constitute a significant adverse effect on the environment:

- (A) Involves an irrevocable commitment to loss or destruction of any natural or cultural resources;
- (B) Significantly curtails the range of beneficial uses of the environment;
- (C) Conflicts with the County's or the State's long-term environmental policies or goals;
- (D) Substantially affects the economic or social welfare and activities of the community, County or State;
- (E) Involves substantial secondary impacts, such as population changes and increased effects on public facilities, streets, drainage, sewage, and water systems, and pedestrian walkways;
- (F) In itself has no significant adverse effect but cumulatively has considerable effect upon the environment or involves a commitment for larger actions;
- (G) Substantially affects a rare, threatened, or endangered species of animal or plant, or its habitat;
- (H) Is contrary to the state plan, county's general plan, appropriate community plans, zoning and subdivision ordinances;
- (I) Detrimentially affects air or water quality or ambient noise levels;
- (J) Affects an environmentally sensitive area, such as flood plain, shoreline, tsunami zone, erosion-prone area, geologically hazardous land, estuary, fresh waters or coastal waters;
- (K) Substantially alters natural land forms and existing public views to and along the shoreline; or
- (L) Is contrary to the objectives and policies of chapter 205A, HRS.

The following guidelines shall be used by the Authority in reviewing developments within the special management area:

- (1) All development in the special management area shall be subject to reasonable terms and conditions set forth by the authority to ensure:

- (A) Adequate access, by dedication or other means, to publicly owned or used beaches, recreation areas, and natural reserves is provided to the extent consistent with sound conservation principles;
 - (B) Adequate and properly located public recreation areas and wildlife preserves are reserved;
 - (C) Provisions are made for solid and liquid waste treatment, disposition, and management which will minimize adverse effects upon special management area resources; and
 - (D) Alterations to existing land forms and vegetation, except crops, and construction of structures shall cause minimum adverse effect to water resources and scenic and recreational amenities and minimum danger of floods, wind damage, storm surge, landslides, erosion, siltation, or failure in the event of earthquake.
- (2) No development shall be approved unless the Authority has first found that:
- (A) The development will not have any substantial adverse environmental or ecological effect, except as such adverse effect is minimized to the extent practicable and clearly outweighed by public health, safety, or compelling public interest. Such adverse effects shall include, but not be limited to, the potential cumulative impact of individual developments, each one of which taken in itself might not have a substantial adverse effect, and the elimination of planning options;
 - (B) The development is consistent with the objectives, policies, and special management area guidelines of this chapter and any guidelines enacted by the legislature; and
 - (C) That the development is consistent with the county general plan and zoning. Such a finding of consistency does not preclude concurrent processing when a general plan or zoning amendment may also be required.
- (3) The Authority shall seek to minimize, where reasonable:
- (A) Dredging, filling or otherwise altering any bay, estuary, salt marsh, river mouth, slough, or lagoon;
 - (B) Any development which would reduce the size of any beach or other area usable for public recreation;
 - (C) Any development which would reduce or impose restrictions upon public access to tidal and submerged lands, beaches, portions of rivers and streams within the special management areas and the mean high tide line where there is no beach;

- (D) Any development which would substantially interfere with or detract from the line of sight toward the sea from the state highway nearest the coast; and
- (E) Any development which would adversely affect water quality, existing areas of open water free of visible structures, existing and potential fisheries and fishing grounds, wildlife habitats, or potential or existing agricultural uses of land.

County Special Use Permit (CUP)

Pursuant to Section 19.510.070 Special Use Permits of the Maui County Code, a special use permit shall comply with the criteria established for a permit and the policies and objectives of the general plan and community plans of the county, the Hawaii revised statutes, and the revised Charter of the county.

A special use permit may be granted by the appropriate planning commission provided the following criteria have been met:

1. The proposed request meets the intent of the general plan, and the objectives and policies of the applicable community plan of the county;
2. The proposed request is consistent with the applicable community plan land use map of the county;
3. The proposed request meets the intent and purpose of the applicable district;
4. The proposed development will not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, roadway and transportation systems, or other public requirements, conveniences, and improvements;
5. The proposed development will not adversely impact the social, cultural, economic, environmental, and ecological character and quality of the area;
6. That the public shall be protected from the deleterious effects of the proposed use;
7. That the need for public service demands created by the proposed use shall be fulfilled; and
8. If the use is located in the state agricultural and rural district, the commission shall review whether the use complies with the guidelines established in section 15-15-95 of the rules of the land use commission of the state.

State Land Use Commission Special Use Permit (SUP1)

Pursuant to Section 205-6 Special permit, Hawaii Revised Statutes, the county planning commission may permit certain unusual and reasonable uses within agricultural and rural districts other than those for which the district is classified. Special permits for land the area of which is greater than fifteen acres shall be subject to approval by the land use commission.

Standards for reviewing a Land Use Commission Special Use Permit are found under Title 15 Department of Business, Economic Development, and Tourism; Subtitle 3 State Land Use Commission, Chapter 15 Land Use Commission Rules, Subchapter 12 Special Permits, § 15-15-95 of the Hawaii Administrative Rules.

Certain "unusual and reasonable" uses within agricultural and rural districts other than those for which the district is classified may be permitted. The following guidelines are established in determining an "unusual and reasonable use":

- (1) The use shall not be contrary to the objectives sought to be accomplished by chapters 205 and 205A, HRS, and the rules of the Land Use Commission.
- (2) The desired use would not adversely affect surrounding property;
- (3) The use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements, and police and fire protection;
- (4) Unusual conditions, trends and needs have arisen since the district boundaries and rules were established;
- (5) The land upon which the proposed use is sought is unsuited for the uses permitted within the district.

Agricultural District, Title 19, Chapter 19.30A.060(L)

Within the Agricultural District, pursuant to Title 19, Chapter 19.30A.060(L) Special uses; Maui County Code, landfills are a special use permitted upon approval by the Maui Planning Commission or State Land Use Commission.

Chapter 343 HRS, Environmental Impact Statements

Pursuant to Chapter 343, Hawaii Revised Statutes, relating to Environmental Impact Statements, a Findings of No Significant Impact (FONSI) was issued by the Department

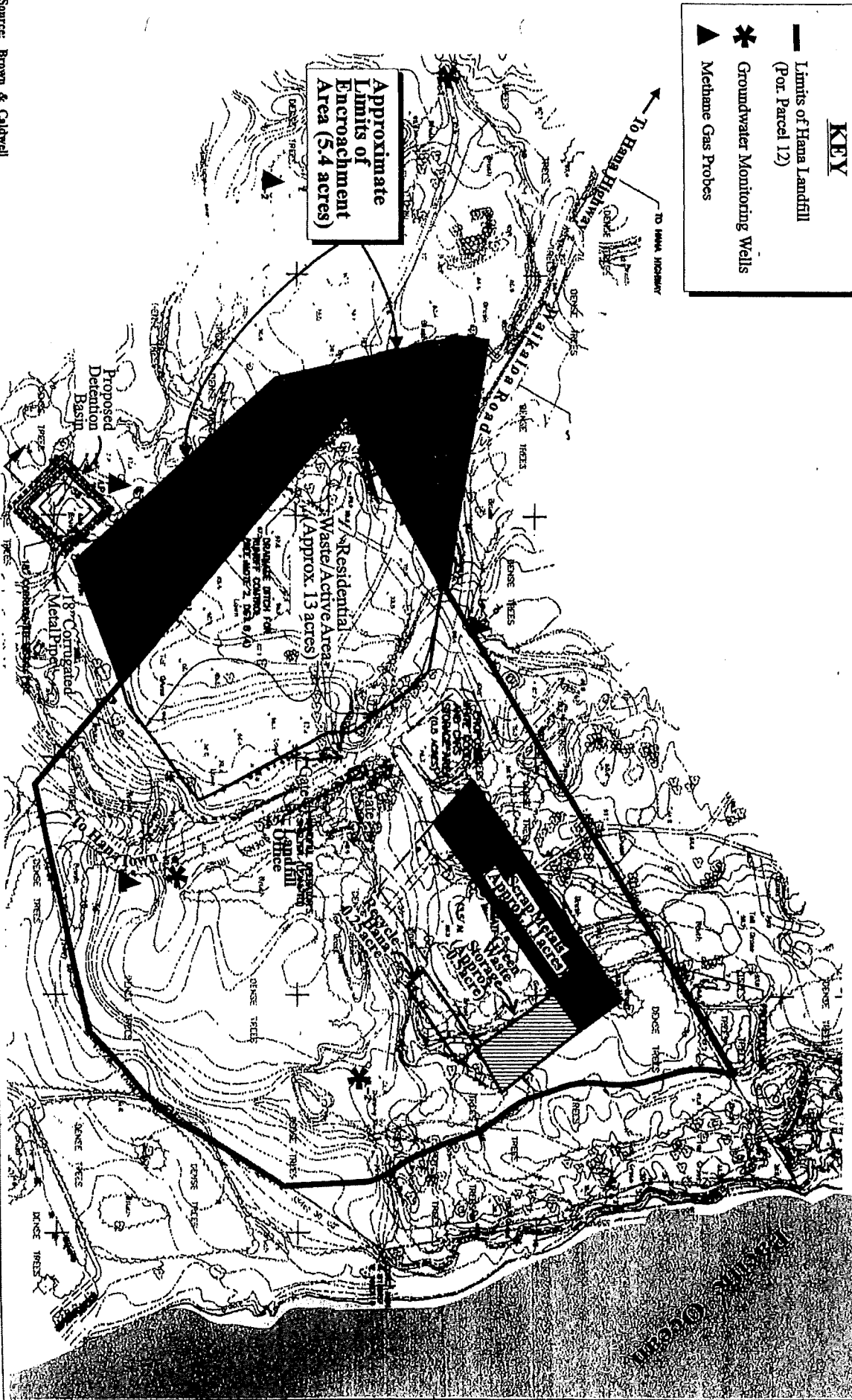
of Public Works and Waste Management and filed with the Office Of Environmental Quality Control (OEQC) for publication in the August 8, 2001 Environmental Bulletin.

PROCEDURAL MATTERS

1. On August 2, 2007, the applicant published a SMA Notice of Application in the Maui News.
2. On May 17, 2007, the applicant mailed a "Notice of Application" to all owners and recorded lessees within 500 ft. of the subject property notifying them of the applicant's intent to file for the County Special Use Permit application with the County of Maui. A copy of the "Notice of Application" is on file in the Maui Planning Department.
3. On January 7, 2008 the Maui Planning Department mailed a notice to the applicant and appropriate State and County agencies notifying them of the scheduled public hearing.
4. On January 17, 2008, the applicant mailed a letter of notification and location map to all owners and recorded lessees adjacent to and within 500 ft. of the subject property describing the applications and notifying them of the scheduled hearing date, time and place by either certified or registered mail receipt. Copies of the letter, location map, list of owners and recorded lessees, certified and registered mail receipts are on file in the Planning Department.
5. On January 30, February 7, and 14, 2008, the applicant published a Notice and location map in the Maui News once a week for three consecutive weeks prior to the date of the hearing.
6. On January 18, 2008, a notice of hearing on the application(s) was published in the Maui News, Star Bulletin, West Hawaii Today, The Garden Island and the Hawaii Tribune Herald by the Maui Planning Department.
7. Pursuant to Chapter 343, Hawaii Revised Statutes, relating to Environmental Impact Statements, a Findings of No Significant Impact (FONSI) was issued by the Department of Public Works and Waste Management and filed with the Office Of Environmental Quality Control (OEQC) for publication in the November 23, 2007 Environmental Bulletin. The deadline for filing of an appeal was on December 24, 2007. No appeals were filed.

KEY

- Limits of Hana Landfill (Par. Parcel 12)
- * Groundwater Monitoring Wells
- ▲ Methane Gas Probes



Source: Brown & Caldwell

Figure 4

County of Maui's Hana Landfill Land Acquisition Hana Landfill Site Plan



GENERAL DESCRIPTION

Description of the Property

The Hana Landfill, in its current capacity, occupies a total land area of approximately 34.45 acres, which includes approximately 29.05 acres of Parcel 12 and 5.4 acres (encroachment area) of Parcel 7. The landfill facility includes three (3) operational components which include the waste collection areas, various environmental monitoring stations and the landfill office. **See Figure 4 next page.**

Land Use Designations

State Land Use District.....	Agriculture/Conservation
Hana Community Plan	Parcel 12: Public/Quasi-Public Parcel 07: Agriculture/Light Industrial
County Zoning	Parcel 12: Interim Parcel 07: Agricultural/Interim
Other	Special Management Area

Surrounding Area

North	Vacant land
East	Vacant land, Pacific Ocean
South	Vacant land
West	Vacant land, Hana Highway

The project site is located north of Hana Bay, accessed by Waikaloa Road via Hana Highway. The State of Hawaii owns the adjacent property to the north and west of the project site, identified by TMK 1-3-6:7. The State parcel is approximately 407 acres in size. The parcel to the south of the subject property is currently vacant, owned by Keola Hana Maui, Inc. East of the project site is Kainalimu Cove and the Pacific Ocean. The remaining portion of Parcel 12, between the landfill and shoreline, is a conservation buffer.

Existing Services

Water

There is no County water servicing the subject property. A 2-inch waterline runs along

line terminates at a point approximately 750 feet south of the subject property.

Sewers

There are no County wastewater collection or treatment facilities currently servicing the Hana region. Individual properties are generally serviced by individual wastewater systems (IWS), including septic tanks, cesspools and packaged treatment plants.

Drainage

Storm water drainage in the vicinity of the project site generally follows natural contours, sheet flowing into streams and gullies and discharging into coastal waters. Within the limits of the project area, extensive grass and landscaping covers the lands surrounding the active area of the landfill. The vegetative cover and porous cinder soils generally provide the necessary capacity to absorb runoff in times of heavy rains. The active area of the landfill operates above the surrounding grade. As such, offsite runoff from a 25-year, 24-hour storm to the active area is prevented by natural contours. Under current conditions, the active area of the landfill is graded with a soil cover in a series of terraces, sloped outward to control runoff resulting from direct rainfall. The terraces are sloped to direct runoff downslope onto the vegetative cover which surrounds the active landfill area. The runoff needs to be collected and contained so that discharges do not violate the provisions of the Clean Water Act. The proposed drainage improvements are designed to collect and contain runoff from the active landfill area, to provide appropriate storm water management.

Roadways, Curbs, Gutters and Sidewalks

Hana Highway is a two-way, two-lane State Highway, serving as the main transportation arterial with rural collector road status for the Hana region. The Hana Highway is noted for its scenic beauty and historic nature, which includes 59 bridges and 8 culverts, all of which are over 50 years old. Access to the Hana Landfill is provided via Waikalua Road, a paved roadway over compacted subgrade.

Electrical and Telephone

Electrical and telephone service is located onsite, provided by MECO and Hawaiian Telcom.

Parks

Portions of the Pi'ilani Trail, also known as the King's Highway, traverse the shoreline area fronting the project site to the east. The Pi'ilani Trail is not within the existing boundaries of the landfill nor is located in the proposed expansion area. The Pi'ilani Trail is not affected by the daily operations of the landfill.

Schools

The State of Hawaii, Department of Education operates two (2) public schools in the Hana region, Hana High and Elementary Schools and Keanae School. Hana High and

Elementary Schools, located approximately one (1) mile to the northwest of the project site.

Public Services

The Maui Police Department, Hana Patrol Division covers the area from Kailua to Kaupo, and is based out of the Hana substation, located near the intersection of Hana Highway and Uakea Road, southeast of the project site.

Fire prevention, suppression and protection services are provided by the County of Maui Fire Department. The department maintains a fire station in Hana which is located on the same property as the Police substation.

The Hana Health Clinic is located 0.5 mile west of the project site, providing general health care, dental services and 24-hour acute care services.

DESCRIPTION OF THE PROJECT

The DEM is proposing two (2) separate actions:

The first action involves the boundary realignment of a portion of Parcel 12, consolidating approximately 45.14 acres of Parcel 7 into Parcel 12.

The second action involves the proposed grading of a 100-foot by 100-foot runoff detention basin. Each of the proposed actions are further described below.

1. Realignment of Parcel 12 Boundaries

Under the proposed boundary realignment, the Hana Landfill boundaries will be expanded in a north and west direction to incorporate an area of 45.14 acres. Refer to **Figure 2 next page**. The landfill boundary realignment will incorporate three (3) methane monitoring wells and one (1) groundwater monitoring well.

2. Grading of the Runoff Detention Basin

In addition to the boundary line realignment, the DEM proposes grading activities to construct a 100-foot by 100-foot runoff detention basin, to be located southwest of the existing landfill facility, within the realigned landfill boundaries. **Refer to Figure 4**. The proposed runoff detention basin has been designed in accordance with 40 CFR Part 258.6, which requires that runoff from the active landfill area resulting from a projected 24-hour, 25-year storm be collected and contained so that discharges from the landfill do not violate provisions of the Clean Water Act.

Project plans call for the basin to be cut to a depth approximately 10 feet below the existing grade. See Section 10 of application document. Runoff from the active landfill area will be diverted to the detention basin via a system of shallow ditches and earthen berms. Because the active landfill area is relocated on a regular basis, the ditches and berms will be relocated as necessary to adequately convey the required runoff volumes.

In conjunction with the runoff detention basin, project plans call for installation of an 18-inch corrugated metal pipe, approximately 30-feet in length, which would convey runoff beneath the perimeter berm, discharging into the detention basin.

Construction of the detention basin will require the cut and grading of approximately 3,700 cubic yards of earthen material. Appropriate Best Management Practices (BMPs) will be instituted to ensure that grading activities do not result in adverse impacts to the surrounding environment. Construction of the detention basin will be completed by DEM staff or contracted through a competitive bid process, and is anticipated to take approximately 10 weeks to construct at an estimated cost of approximately \$80,000.00.

The proposed improvements are required to correct encroachment of landfill operations, provide buffer and environmental monitoring and to meet new Federal regulations. No substantial increases to daily loads are anticipated as a result of the proposed action.

Although the size of the landfill parcel and the runoff capacity area will increase as a result of the proposed actions, the DEM is not proposing to physically expand the limits of the existing Hana Landfill municipal solid waste receiving areas.

BACKGROUND

The County of Maui, Department of Environmental Management (DEM), Solid Waste Division, seeks to expand the limits of its Hana Landfill parcel, located in Hana, Maui, identified by Tax Map Key 1-3-006:12(por.). **See Figure 1 next page.** Access to the landfill site is provided by Waikaloa Road via Hana Highway. The DEM is in the process of acquiring an additional 45.14 acres of land (Tax Map Key 1-3-06:07 (por.)) from the State of Hawaii (State) to incorporate an approximate 5.40-acre area of landfill encroachment immediately west of the existing Hana Landfill. **See Figure 2.** In addition to the landfill encroachment, the DEM seeks to use the remaining 39.74 acres of State lands as a buffer zone and for environmental monitoring.

In 1969, the State Board of Land and Natural Resources (BLNR) approved a right-of-entry in favor of the County of Maui to utilize a portion of Parcel 12, approximately 29.05 acres in area along with a 20-ft. wide road easement thereto, for a garbage dump site. Since 1969, the Hana Landfill has served as the single disposal and recycling facility for the districts of Keanae, Nahiku, Hana, Kipahulu and Kaupo. In 1984 the BLNR approved a request for issuance of an Executive Order placing the control and

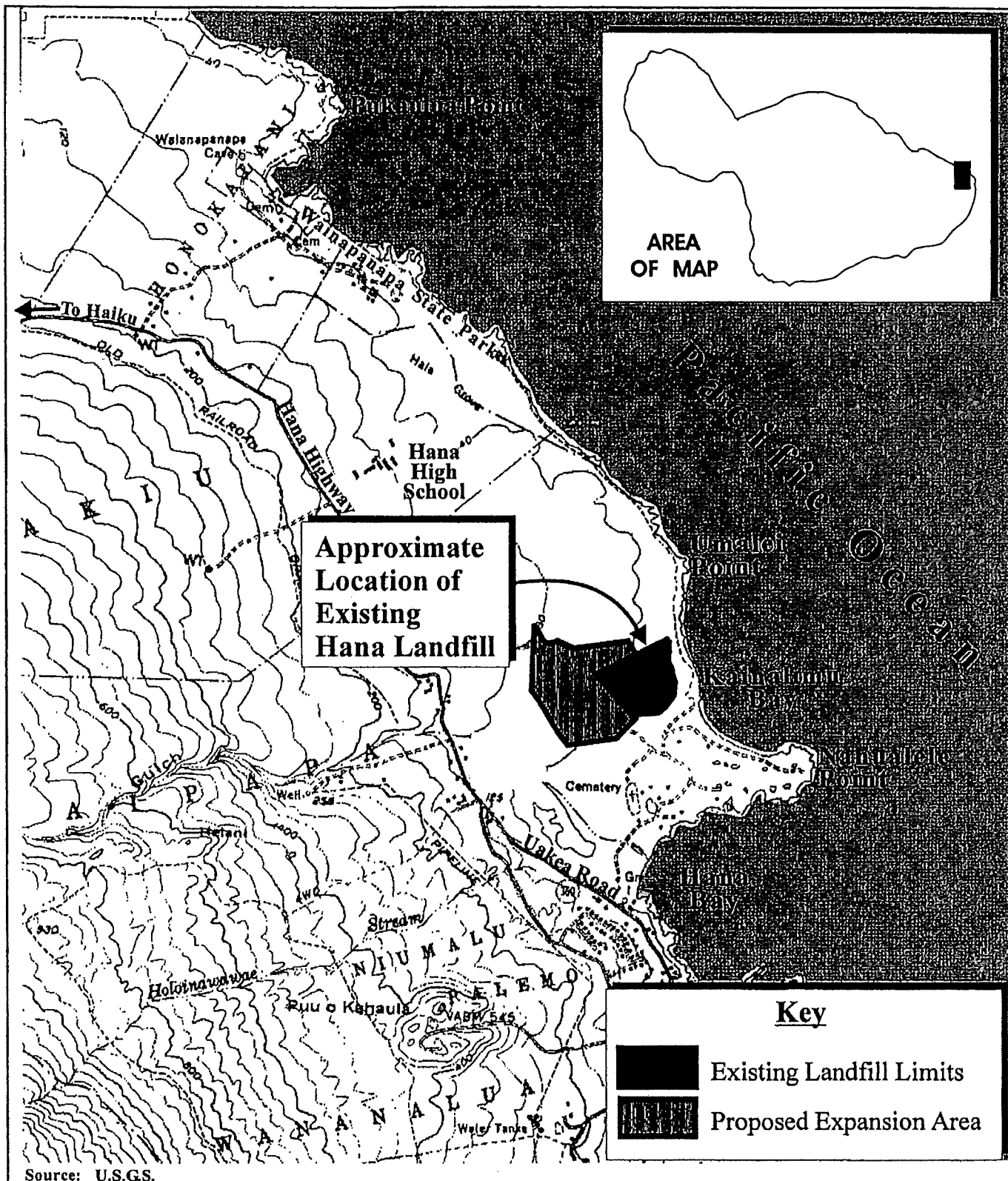
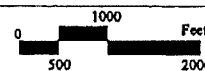


Figure 1

County of Maui's Hana Landfill Land Acquisition Regional Location Map



Prepared for: County of Maui, Department of Public Works
and Environmental Management

MUNEKIYO HIRAGA, INC.

COM/DPW/Kanal.F/Regional

management of the portion of Parcel 12 to the County of Maui. The remaining portion of Parcel 12 is a strip of land, ranging in width from 300 ft. to 350 ft., between the eastern boundary of the landfill site and the Hana coastline. This State-owned portion of Parcel 12 is in the State Land Use Conservation District and is excluded from the right-of-entry and subsequent Executive Order. **See Figure 3 next page.**

Landfill operations in the late 80's and early 90's have resulted in a westward encroachment onto a portion of the adjacent State-owned land. The encroachment area is used for disposal of residential and commercial waste. **Refer to Figure 2.** Accordingly, the DEM has initiated land acquisition proceedings with the State Department of Land and Natural Resources to integrate the 45.14-acre area, including the landfill encroachment, buffer zone and environmental monitoring areas, with the existing landfill site.

EXISTING CONDITIONS

The Hana Landfill, in its current capacity, occupies a total land area of approximately 34.45 acres, which includes approximately 29.05 acres of Parcel 12 and 5.4 acres (encroachment area) of Parcel 7. The landfill facility includes three (3) operational components which include the waste collection areas, various environmental monitoring stations and the landfill office. **See Figure 4.** Each component of the landfill facility is described below.

Waste Receiving Areas

Residential and Light Commercial Waste (MSW)

Residential and light commercial waste, commonly referred to as municipal solid waste (MSW), is received in the western portion of Parcel 12, including the area of encroachment on Parcel 7. This area includes the "active" or open waste receiving area, which typically is limited to a 50-foot by 100-foot land area. On average the site receives approximately four (4) tons of waste a day. Depending on site conditions and daily waste volumes received, the size of the MSW active area may be reduced by landfill staff in an effort to minimize windblown litter, infiltration of rainfall, control odors, vectors, and other nuisances. Within the MSW active area, waste is buried under cover material, typically consisting of cinder and/or soil. The landfill cover serves to eliminate odors, litter and air emissions, reduce potential for fires, and to improve the overall appearance of the facility.

Scrap Metal

Scrap metals are stored in the central portion of the landfill site, just north of the landfill office. The scrap metal storage area is approximately 1.1 acres in size and includes

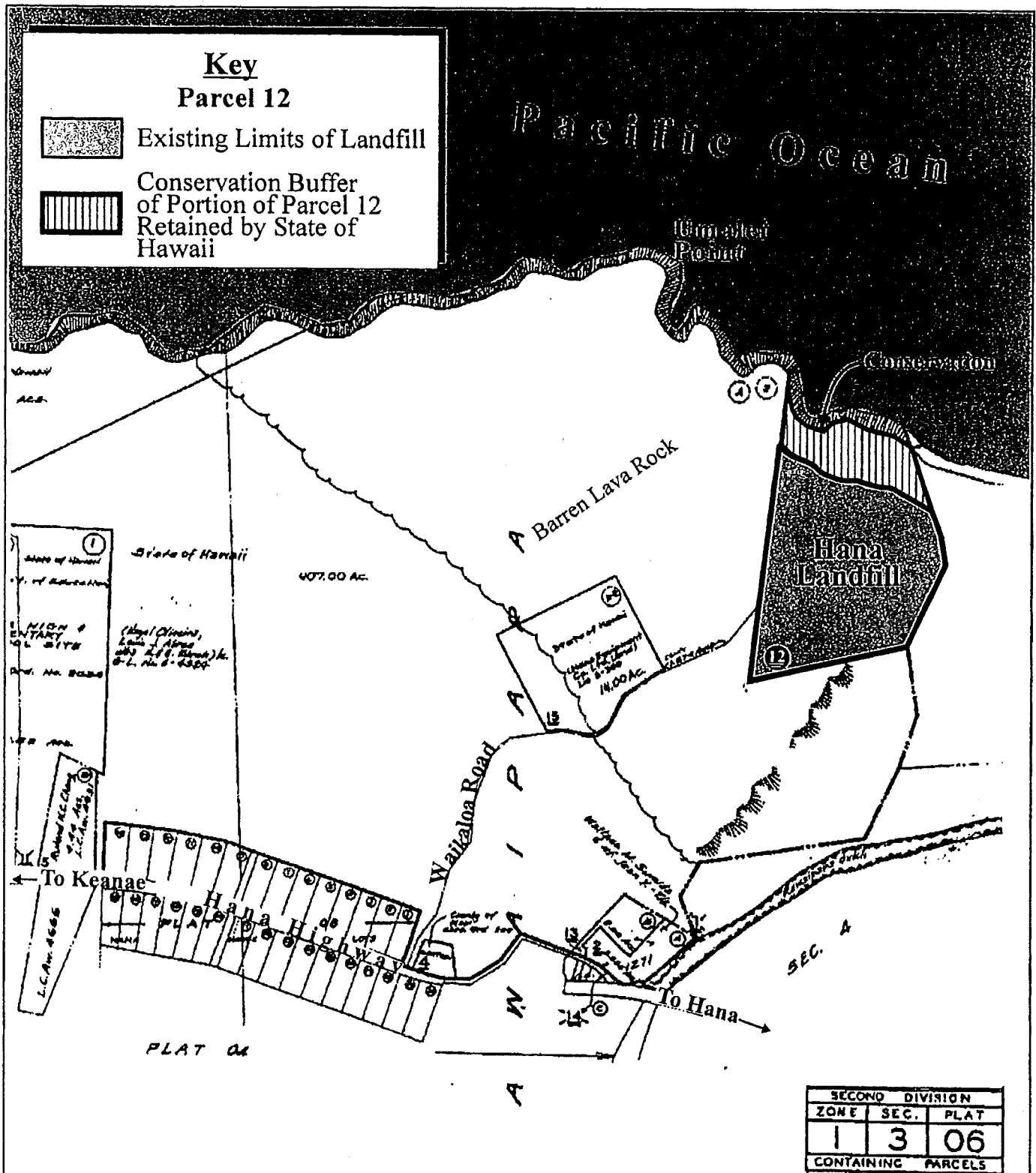


Figure 3

County of Maui's
Hana Landfill Land Acquisition
Parcel 12 Ownership Map

NOT TO SCALE



Prepared for: County of Maui, Department of Public Works
and Environmental Management

MUNEKIYO HIRAGA, INC.

washers, dryers, refrigerators, water heaters and automobiles. The scrap metal is being stored onsite to eventually be transported to an off-island processing facility. In 2001, the volume of junk cars at the Hana Landfill increased significantly as the County of Maui worked to remove abandoned cars in East Maui as part of a regional dengue fever clean up project. The DEM is currently applying for County funds for removal of existing junked cars.

Biodegradable Materials

Biodegradable materials are collected in the eastern portion of the landfill, in a land area approximately 3.5 acres in size. Tree clippings, leaves and stumps are separated and stored for decomposition.

Recycle Hana

Hana's only recycling facility is located just east of the operator's shelter, encompassing a land area of approximately 10,000 square feet. Receptacles are located to accept glass and used motor oil. Recycled materials are periodically removed from the site and recycled by the County of Maui.

Environmental Monitoring Stations

Groundwater Monitoring Wells

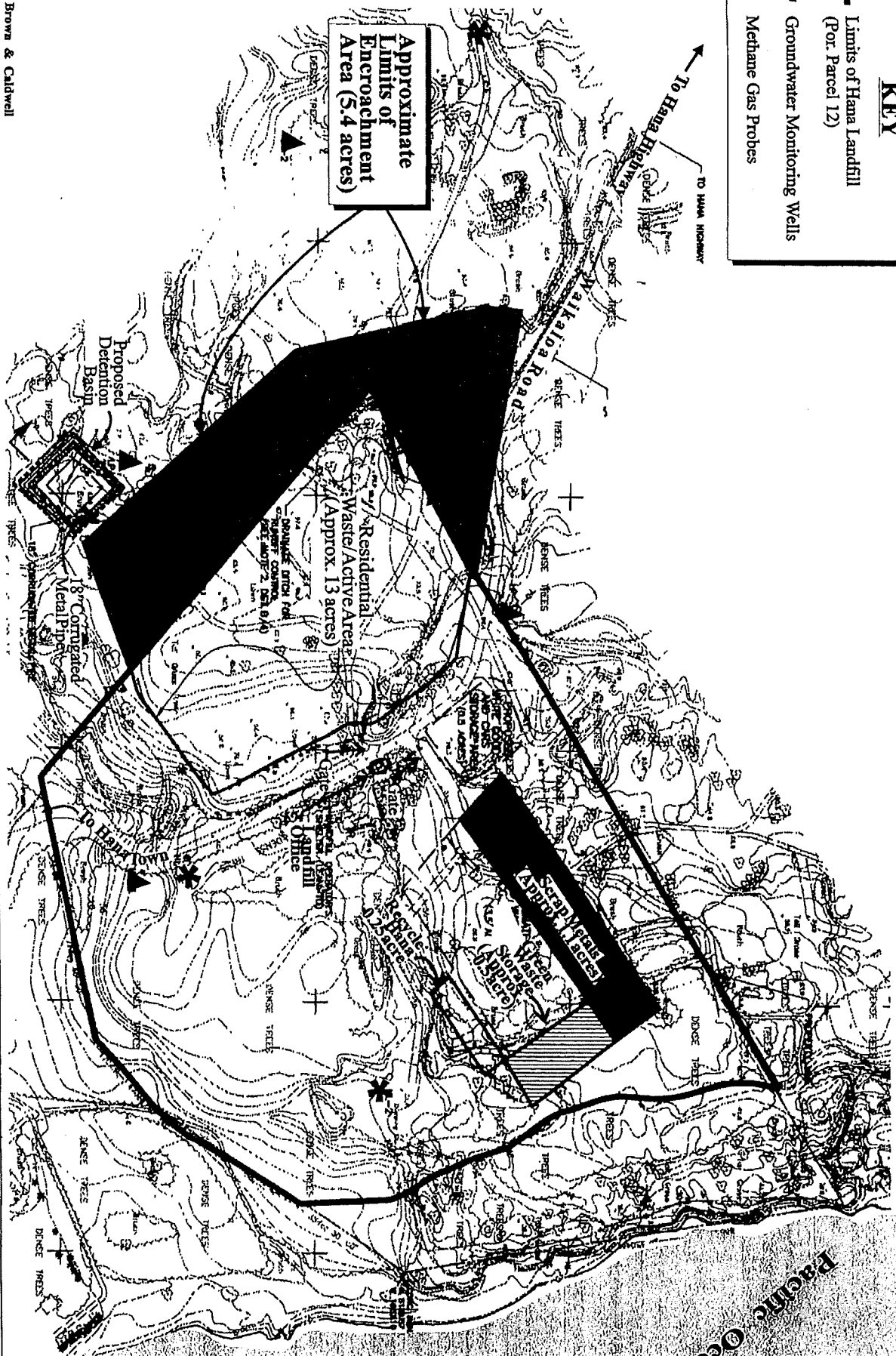
The Hana Landfill facility includes three (3) groundwater monitoring wells, two (2) located on Parcel 12, and one (1) located on Parcel 7. **Refer to Figure 4.** In accordance with the State of Hawaii Department of Health Groundwater Monitoring Guidelines, the DEM utilizes the wells in completing semi-annual groundwater monitoring reports. To date, ground water quality monitoring conducted at the Hana Landfill has indicated that none of the monitoring parameters were found outside the statistical control limits established for each well. Moreover, no visual signs were observed during the January 2007 monitoring event, indicative of release from the landfill to the groundwater.

Methane Gas Probes

Four (4) methane gas probes are located beyond the perimeters of the MSW landfill facility, designed to monitor methane concentrations along the landfill perimeters. Three (3) of the methane gas probes are located on Parcel 7, and one (1) probe is located on Parcel 12. **Refer to Figure 4.** The DEM, Solid Waste Division, in accordance with 40 CFR Part 258.24, completes monitoring of methane concentrations on a quarterly basis.

KEY

- Limits of Hana Landfill (Par. Parcel 12)
- * Groundwater Monitoring Wells
- ▲ Methane Gas Probes



Source: Brown & Caldwell

Figure 4

County of Maui's Hana Landfill Land Acquisition Hana Landfill Site Plan



To date, methane monitoring has not indicated the presence of methane gas at the project site

Landfill Office

The landfill office is located in the central portion of the landfill facility, housing the two (2) full-time staff members, including an equipment operator and a landfill attendant.

REVIEWING AGENCIES **

County

Dept. of Housing and Human Concerns	Exhibit 1
Dept. of Parks & Recreation.....	Exhibit 2
Development Services Administration	Exhibit 3
Dept. of Public Works	Exhibits 4 & 5

State

Dept. of Health	Exhibit 6
Dept. of Health, Maui District Office	Exhibit 7
Dept. of Education	Exhibit 8
Office of Hawaiian Affairs	Exhibit 9
Dept. Business, Economic Development & Tourism.....	Exhibit 10
DLNR, Office of Conservation and Coastal Lands	Exhibit 11
DLNR, Land Division, Engineering.....	Exhibit 12
DLNR, Div. of Aquatic Resources	Exhibit 13
DLNR, Comm. On Water Resource Management	Exhibit 14

Federal - None.

Misc.

Maui Electric Company, Ltd.	Exhibit 15
Hawaiian Telcom	Exhibit 16
Letter from Muneikiyo & Hiraga, Inc. to Erik Krag	Exhibit 17
Letter from Dept. Environmental Management to Lesley Bruce.....	Exhibit 18
Letter from Dept. Environmental Management to John Blummer-Buell.....	Exhibit 19

*****Note: Applicant's response directly follows each agency comment letter.***

ANALYSIS

REQUIRED LAND USE ENTITLEMENTS

A portion of the "active" waste receiving encompassing an approximate 5.4-acre area encroaches upon Parcel 7. This portion of Parcel 7 is within the State Land Use Agricultural District and is county zoned Agricultural and Interim District. Pursuant to Maui County Code Section 19.30A.060(L), landfills are a special use permitted in the Agricultural District upon approval by the Maui Planning Commission, if less than 15 acres. Therefore, a County Special Use Permit application to allow the landfill operations over this portion of land will be made to the Maui Planning Commission.

In addition, the project site is located within the County of Maui's Special Management Area (SMA). As such, the boundary realignment of the landfill activities in the encroachment area of Parcel 7 and grading activities for the detention basin will require processing of a SMA Use Permit. Coordination with the State Land Use Commission Office indicated that a Special Use Permit for the existing and the expansion area within the State Land Use Agriculture District will be required. Since the portion of the existing landfill area within the State Agricultural District (29 acres) and encroachment area (5.4 acres) are greater than 15.0 acres, a State Land Use Special Use Permit from the Land Use Commission will be required.

CHAPTER 343, (HRS) REGULATORY CONTEXT

The project involves the use of land owned by the State of Hawaii and County of Maui funding and use within the Conservation District, requiring the processing of an environmental assessment (EA) pursuant to Chapter 343, HRS.

In 2004 an EA was prepared in support of the Special Use Permit to cover the 5.4-acre encroachment of the Hana Landfill into the adjacent portion of Parcel 7 and the Special Management Area Use Minor Permit for the development of the runoff detention basin. The notice of the availability of the Draft EA was published by the Office of Environmental Quality Control in The Environmental Notice on November 23, 2004. During the review period, comments by the Maui Planning Department indicated that the original Landfill did not have a Special Use Permit, or a Special Management Area Use Permit to cover current landfill operations. In addition, coordination with the State Land Use Commission indicated that the existing landfill operations and expansion area on lands within the State Agricultural District would require a State Land Use Commission Special Use Permit. Accordingly, this Revised EA has been prepared to

address the existing and proposed expansion of the Hana Landfills technical characteristics, environmental impacts and alternatives, and advances findings and conclusions relative to the significance of the overall action. The County of Maui, Department of Environmental Management will be the approving agency for the Revised EA.

LAND USE

State Land Use District

Chapter 205, Hawaii Revised Statutes, relating to the Land Use Commission, establishes four major land use Districts in which all lands in the State are placed. These Districts are designated *Urban, Rural, Agricultural and Conservation*. The expansion area, Parcel 7, is in the agricultural District. Landfills are an allowed use in the State Agricultural District with a Land Use Commission Special Use Permit (SUP) if it is determined to be an "unusual and reasonable" use. Pursuant to Section 15-15-95, Hawaii Land Use Commission Rules, certain "unusual and reasonable" uses may be permitted within the Agricultural District. Analysis of the proposed action in the context of the Land Use Commission's special use guidelines is as follows:

Guideline: *The use shall not be contrary to the objectives sought to be accomplished by Chapters 205 and 205A, HRS, and the rules of the Commission.*

Response: The general intent of the State Land Use law is "to preserve, protect, and encourage the development of land in the State for those uses to which they are best suited in the interest of the public health and welfare of the State of Hawaii". The continued operation of the Hana Landfill at the existing and proposed expanded site would maintain a service that the County has been providing to the island of Maui for 37 years (since 1969) and will ensure that homeowners and businesses are provided with a place to dispose their waste products. Compliance with all applicable regulatory requirements will be rendered in the continued operation of the landfill. The proposed action is not considered to be contrary to the objective of Chapters 205 and 205A, HRS, and the rules of the Land Use Commission.

Guideline: *The desired use would not adversely affect surrounding property.*

Response: The County's expansion of the landfill will be located in an area which is surrounded by vacant lands. The closest residences are situated approximately 0.25 mile to the west and south. Adverse impacts to surrounding properties are not anticipated as a result of the proposed action.

Guideline: *The use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements, and police and fire protection.*

Response: The existing and expanded landfill site will not require any further public improvements to roadway, sewer, or water systems. Drainage system improvements, however, will need to be carried out in compliance with provisions of the Clean Water Act. The expansion of the landfill is necessary to accommodate the drainage improvements. In addition, the landfill operations will not affect educational or recreational facilities, nor will it impact police and fire protection, or emergency medical services.

Guideline: *Unusual conditions, trends, and needs have arisen since the District boundaries and rules were established.*

Response: New federal regulations regarding environmental monitoring and drainage improvements have been passed by the government since 1969, which govern landfills. The proposed action is required to meet these new regulations.

Guideline: *The land upon which the proposed use is sought is unsuited for the uses permitted within the District.*

Response: Lava flows underlie the project site. The flows are a mass of hard, glassy, sharp pieces of lava, making the land difficult to till and unsuitable for cultivation.

Examples of prior SUP approvals for landfills include:

- Special Use Permit (SP86-359) which was obtained for the Central Maui Landfill by the County of Maui on July 21, 1986.
- A Special Use Permit (SUP2 940005) for a landfill on Lanai in the Agricultural District.
- The Department of Public Works and Waste Management was granted a State Land Use Commission Special Use Permit (SUP1 920017) for a landfill at Naiwa, Molokai in 1993.

Maui County General Plan

The Maui County General Plan (1990 Update) sets forth broad objectives and policies to help guide the long-range development of the County. As stated in the Maui County Charter,

The general plan shall indicate desired population and physical development patterns for each island and region within the county; shall address the unique problems and needs of each island and region; shall explain the opportunities and the social, economic, and environmental consequences related to potential developments; and shall set forth the desired sequence, patterns and characteristics of future developments. The general plan shall identify objectives to be achieved, and priorities, policies, and implementing actions to be pursued with respect to population density, land use maps, land use regulations, transportation systems, public and community facility locations, water and sewage systems, visitor destinations, urban design, and other matters related to development.

The proposed action is in keeping with the following objectives and policies of the Maui County General Plan:

Objective: *To provide efficient, safe and environmentally sound systems for the disposal and refuse of liquid and solid wastes.*

Policy: *Establish programs for the development of waste disposal systems which anticipate planned growth.*

The proposed expansion will help to alleviate the increasing use-demand on the Central Maui Landfill and extend the life of both the Central and Hana landfills.

Hana Community Plan

The existing Hana landfill site is designated by the Hana Community Plan (1994) for Public/Quasi-Public land use. The additional lands subject to the landfill realignment are designated by the Hana Community Plan for both Light Industrial and Agricultural land uses. The proposed landfill realignment and grading improvements are consistent with the underlying community plan designations. In addition, the proposed project is

consistent with the following Goal and Policy for the Physical Infrastructure of the Hana Community Plan.

Goal: *Timely and environmentally sensitive development and maintenance of infrastructure systems which protect and preserve the safety and health of the Hana region's residents and visitors, including the provision of domestic water, utility and waste disposal services, and effective transportation systems which meet the needs of residents and visitors while protecting the region's natural character.*

Policy (Solid Waste): *Develop and implement a comprehensive waste management plan which includes reduction, recycling and reuse of solid waste and wastewater as major plan components.*

The proposed improvements are consistent with the policy statement above, seeking to implement a comprehensive waste management plan for the East Maui area. The additional buffer area will be utilized for monitoring purposes, which will enable the continuation of the County's landfill monitoring and recycling programs. The proposed grading activities will provide for proper collection and detention of onsite drainage.

ZONING

Permitted uses and performance standards are set forth by Title 19 of the Maui County Code relating to zoning. Infrastructural systems, including roadway and supporting structures (e.g., drainage basins), are permitted in each of the County zoning Districts.

Parcel 12, the existing landfill site, is County zoned Interim. The 45.14-acre portion of Parcel 7 proposed to be added to the landfill site is County zoned Interim and Agricultural. The proposed detention basin is considered an integral element for agricultural land conservation since it will manage storm runoff and as such is a permitted use in the Agricultural District.

The portion of the landfill operations which encroaches onto Parcel 7, covering an area of approximately 5.4 acres, is zoned Interim and Agricultural. Pursuant to Maui County Code (MCC), Section 19.02.030, Interim Zoning Provisions, public utilities uses are permitted in the Interim District.

Pursuant to MCC, Section 19.30A.060(L), landfills are permitted by special use permit in the Agricultural District Section 19.510.070 of the Maui County Code relating to Special Use Permits (SUP), the following criteria for permit approval shall be addressed.

The proposed request meets the intent of the General Plan and the objectives and policies of the applicable community plan of the County.

The proposed request is consistent with the General Plan's objective and policies for liquid and solid waste.

Objective: *To provide efficient, safe and environmentally sound systems for the disposal and reuse of liquid and solid wastes.*

Policies:

- a. *Explore new waste disposal methods that are safe, economical, environmentally sound, and aesthetically pleasing and that minimize the disposal of wastes in landfills.*
- b. *Establish programs for the development of waste disposal systems which anticipate planned growth.*
- c. *Establish comprehensive environmental and public health standards for the treatment, disposal and/or reuse of liquid and solid waste.*
- d. *Develop comprehensive and publicly acceptable methods of recycling solid and liquid waste.*
- e. *Encourage and promote public awareness to reduce, reuse, recycle and compost waste materials.*

The subject property is located within the Hana Community Plan region and is designated Public/Quasi-Public, Light Industrial and Agricultural in the Community Plan Land Use Map. Land use objectives and policies contained in the plan supports special permits "to allow those activities which are essential to the region's economic well-being, which provide essential services for the residents of the Hana District".

The proposed request is consistent with the applicable community plan land use map of the County. The community plan's "Public/Quasi-Public", "Light Industrial" and "Agricultural" designations for the subject property provide for uses such as those presently undertaken at the Hana Landfill facility.

The proposed request meets the intent and purpose of the applicable District. Existing uses at the property have been deemed to meet the criteria for the State LUC's SUP for the State Agricultural District. The Interim District allows the continuation of non-conforming uses.

The proposed development will not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, roadway and transportation systems, or other public requirements, conveniences and improvements. There are no significant adverse impacts to public services and infrastructure associated with the continued operation of Hana Landfill facility.

The proposed development will not adversely impact the social, cultural, economic, environmental and ecological character and quality of the area. There are no anticipated adverse impacts to the socio-economic fabric of the community as a result of the continued operation of the Hana Landfill facility. Similarly, there are no anticipated adverse impacts to the environmental and ecological character of the area.

The public shall be protected from the deleterious effects of the proposed use. Regular sampling from three (3) groundwater monitoring wells and testing indicate no evidence of groundwater contamination as a result of the Hana Landfill operations. A detention basin is proposed to contain runoff from the active landfill area to ensure no adverse impacts to downstream properties results from the operations.

That the need for public service demands created by the proposed use shall be fulfilled. The continued operation of the Hana Landfill facility will not place new demands upon public service systems. The proposed action supports and enhances the viability of the region's solid waste collection system.

If the use is located in the State Agricultural and Rural Districts, the Maui Planning Commission shall review whether the use complies with the guidelines established in Section 15-15-95 of the Rules of the Land Use Commission of the State of Hawaii.

Pursuant to Section 15-15-95, Administrative Rules of the Hawaii Land Use Commission Rules, the LUC Rules provide that certain "unusual and reasonable" uses may be permitted within the "Agricultural" District. The proposed project is consistent with the guidelines for determining an "unusual and reasonable" use as follows:

Guideline: *The use shall not be contrary to the objectives sought to be accomplished by Chapters 205 and 205A, HRS, and the rules of the Commission.*

Response: The general intent of the State Land Use Law *"is to preserve, protect and encourage the development of land in the State for those uses to which they are best suited in the interest of the public health and welfare of the State of Hawaii"*. In continuing to serve as a waste disposal and recycling facility for the Hana region, the subject action provides a local infrastructure service without adversely affecting the public health and welfare. In this context, the continued use of the property for landfill operations is not considered to be contrary to the objectives of Chapters 205 and 205A, HRS and the rules of the Land Use Commission.

Guideline: *The desired use would not adversely affect surrounding property.*

Response: A buffer zone around the active portion of the landfill area will be provided. As such, adverse impacts to surrounding properties are not anticipated as a result of continued facility operations.

Guideline: *The use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements, and police and fire protection.*

Response: The use of the property for landfill operations will not impact roadway, water, wastewater and drainage systems. In addition, the project will not impact requirements of schools, police and fire protection, and other public services.

Guideline: *Unusual conditions, trends, and needs have arisen since the District boundaries and rules were established.*

Response: Since the District boundary rules were established, compliance with the requirements set forth in Title 40 of the Code of Federal Regulations (October 9, 1993), as well as permit conditions written by the State Department of Health, requires the expansion of the landfill operations to incorporate the monitoring wells and detention basin.

Guideline: *The land upon which the proposed use is sought is unsuited for the uses permitted within the District.*

Response: The land upon which the proposed use is sought is comprised primarily of a type of basaltic lava flow commonly referred to as a`a. The flows are a mass of hard, glassy, sharp pieces of lava and unsuitable for agriculture.

SPECIAL MANAGEMENT AREA OBJECTIVES AND POLICIES

The proposed project site is located within the County of Maui's Special Management Area (SMA). Pursuant to Chapter 205A, Hawaii Revised Statutes, and the SMA Rules and Regulations for the Maui Planning Commission, actions proposed within the SMA are evaluated with respect to SMA objectives, policies and guidelines. (It is noted that Chapter 205A, HRS was adopted in 1977 by the State of Hawaii, after the Hana Landfill was opened.) This section addresses the proposed action, as well as the existing landfill operations and the 5.4-acre encroachment area, as related to applicable coastal zone management considerations, as set forth in Chapter 205A and the Rules and Regulations of the Maui Planning Commission.

Recreational Resources

Objective: *Provide coastal recreational opportunities accessible to the public.*

Policies:

- (A) *Improve coordination and funding of coastal recreational planning and management; and*
- (B) *Provide adequate, accessible, and diverse recreational opportunities in the coastal zone management area by:*
 - (i) *Protecting coastal resources uniquely suited for recreational activities that cannot be provided in other areas;*
 - (ii) *Requiring replacement of coastal resources having significant recreational value including, but not limited to, surfing sites, fishponds, and sand beaches, when such resources will be unavoidably damaged by development; or requiring reasonable monetary compensation to the state for recreation when replacement is not feasible or desirable;*

- (iii) *Providing and managing adequate public access, consistent with conservation of natural resources, to and along shorelines with recreational value;*
- (iv) *Providing an adequate supply of shoreline parks and other recreational facilities suitable for public recreation;*
- (v) *Ensuring public recreational uses of county, state, and federally owned or controlled shoreline lands and waters having recreational value consistent with public safety standards and conservation of natural resources;*
- (vi) *Adopting water quality standards and regulating point and non-point sources of pollution to protect, and where feasible, restore the recreational value of coastal waters;*
- (vii) *Developing new shoreline recreational opportunities, where appropriate, such as artificial lagoons, artificial beaches, and artificial reefs for surfing and fishing; and*
- (viii) *Encouraging reasonable dedication of shoreline areas with recreational value for public use as part of discretionary approvals or permits by the land use commission, board of land and natural resources, and county authorities; and crediting such dedication against the requirements of Section 46-6, HRS.*

Response: The proposed boundary realignment and existing landfill operations and the encroachment area will not result in any adverse physical alterations to the environment. Construction of the proposed detention basin is designed to collect and retain onsite runoff, and will not result in adverse impacts to coastal recreational resources. Further, access to and along the shoreline environment, including the ancient Pi'ilani Trail, are located outside the project boundaries and will not be impeded by the proposed grading activities. The Pi'ilani Trail is located within a 250 to 300 foot conservation area between the eastern landfill boundary and the coastline.

Historic Resources

Objective: *Protect, preserve and, where desirable, restore those natural and manmade historic and prehistoric resources in the coastal zone management area that are significant in Hawaiian and American history and culture.*

Policies:

- (A) Identify and analyze significant archeological resources;*
- (B) Maximize information retention through preservation of remains and artifacts or salvage operations; and*
- (C) Support state goals for protection, restoration, interpretation, and display of historic resources.*

Response: An archaeological assessment was conducted on the subject property, indicating that the lands underlying the project site have been significantly altered during prior grading and landfill activities. There are no significant material culture remains identified by the inspection. SHPD determined the proposed project is anticipated to have "no effect" on historic properties. In the event that any subsurface archaeological resources are encountered during grading activities all work will be halted in the vicinity of the find and SHPD will be contacted immediately to determine an appropriate mitigation strategy.

Scenic and Open Space Resources

Objective: *Protect, preserve and, where desirable, restore or improve the quality of coastal scenic and open space resources.*

Policies:

- (A) Identify valued scenic resources in the coastal zone management area;*

- (B) *Ensure that new developments are compatible with their visual environment by designing and locating such developments to minimize the alteration of natural landforms and existing public views to and along the shoreline;*
- (C) *Preserve, maintain, and, where desirable, improve and restore shoreline open space and scenic resources; and*
- (D) *Encourage those developments that are not coastal dependent to locate in inland areas.*

Response: The project site is not located within a significant coastal view corridor. The proposed boundary realignment and construction of drainage improvements are not anticipated to result in adverse impacts to shoreline views or open space resources. The active landfill operations are located over 350 feet from the shoreline. The encroachment area is located approximately 1,000 feet from the shoreline.

Coastal Ecosystems

Objective: *Protect valuable coastal ecosystems, including reefs, from disruption and minimize adverse impacts on all coastal ecosystems.*

Policies:

- (A) *Exercise an overall conservation ethic, and practice stewardship in the protection, use, and development of marine and coastal resources;*
- (B) *Improve the technical basis for natural resource management;*
- (C) *Preserve valuable coastal ecosystems, including reefs, of significant biological or economic importance;*
- (D) *Minimize disruption or degradation of coastal water ecosystems by effective regulation of stream diversions, channelization, and similar land and water uses, recognizing competing water needs; and*

- (E) *Promote water quantity and quality planning and management practices that reflect the tolerance of fresh water and marine ecosystems and maintain and enhance water quality through the development and implementation of point and nonpoint source water pollution control measures.*

Response: During construction of the detention basin, BMPs will be utilized to ensure that grading activities do not adversely impact coastal ecosystems. Runoff from active landfill operations will be channeled and directed to the newly constructed detention basin. Further, the DEM will continue to maintain its semi-annual groundwater monitoring program as well as use of BMPs during daily landfill operations to prevent adverse impacts to the surrounding environment.

Economic Uses

Objective: *Provide public or private facilities and improvements important to the State's economy in suitable locations.*

Policies:

- (A) *Concentrate coastal dependent development in appropriate areas;*
- (B) *Ensure that coastal dependent development such as harbors and ports, and coastal related development such as visitor facilities and energy generating facilities, are located, designed, and constructed to minimize adverse social, visual, and environmental impacts in the coastal zone management area; and*
- (C) *Direct the location and expansion of coastal dependent developments to areas presently designated and used for such developments and permit reasonable long-term growth at such areas, and permit coastal dependent development outside of presently designated areas when:*
- (i) *Use of presently designated locations is not feasible;*
 - (ii) *Adverse environmental effects are minimized; and*
 - (iii) *The development is important to the State's economy.*

Response: The landfill operation has been ongoing at the subject property since 1969 and is a suitable location for the landfill site. The proposed project is not anticipated to result in significant impacts to the economy of East Maui and Maui County. In the long term, the project will improve the DEM's ability to handle solid waste in the Hana region.

Coastal Hazards

Objective: *Reduce hazard to life and property from tsunami, storm waves, stream flooding, erosion, subsidence and pollution.*

Policies:

- (A) *Develop and communicate adequate information about storm wave, tsunami, flood, erosion, subsidence, and point and nonpoint source pollution hazards;*
- (B) *Control development in areas subject to storm wave, tsunami, flood, erosion, hurricane, wind, subsidence, and point and nonpoint pollution hazards;*
- (C) *Ensure that developments comply with requirements of the Federal Flood Insurance Program; and*
- (D) *Prevent coastal flooding from inland projects.*

Response: According to the Flood Insurance Rate Map for the area, a portion of Parcel 12 is located within Zone A4, an area of the 100-year flooding. Landfill operations are in upland areas, located at elevations in excess of 40 feet. Implementation of the project is not anticipated to increase the region's susceptibility to coastal hazards.

Managing Development

Objective: *Improve the development review process, communication, and public participation in the management of coastal resources and hazards.*

Policies:

- (A) *Use, implement, and enforce existing law effectively to the maximum extent possible in managing present and future coastal zone development;*
- (B) *Facilitate timely processing of applications for development permits and resolve overlapping of conflicting permit requirements; and*
- (C) *Communicate the potential short and long-term impacts of proposed significant coastal developments early in their life cycle and in terms understandable to the public to facilitate public participation in the planning and review process.*

Response: In compliance with the requirements of Chapter 343, Hawaii Revised Statutes, this Environmental Assessment has been prepared to facilitate public understanding and involvement with the proposed project.

Public Participation

Objective: *Stimulate public awareness, education, and participation in coastal management.*

Policies:

- (A) *Promote public involvement in coastal zone management processes;*
- (B) *Disseminate information on coastal management issues by means of educational materials, published reports, staff contact, and public workshops for persons and organizations concerned with coastal issues, developments, and government activities; and*
- (C) *Organize workshops, policy dialogues, and site-specific mediations to respond to coastal issues and conflicts.*

Response: As previously noted, public awareness of the project is being promoted through the Environmental Assessment process and the County of Maui public hearing forums under the jurisdiction of the Hana Advisory Committee, Maui Planning

Commission and the State Land Use Commission. The proposed project is not contrary to the objectives of public awareness, education and participation.

Beach Protection

Objective: *Protect beaches for public use and recreation.*

Policies:

- (A) *Locate new structures inland from the shoreline setback to conserve open space, minimize interference with natural shoreline processes, and minimize loss of improvements due to erosion;*
- (B) *Prohibit construction of private erosion-protection structures seaward of the shoreline, except when they result in improved aesthetic and engineering solutions to erosion at the sites and do not interfere with existing recreational and waterline activities; and*
- (C) *Minimize the construction of public erosion-protection structures seaward of the shoreline.*

Response: During grading activities associated with the construction of the drainage detention basin, appropriate BMPs will be utilized to ensure the downstream coastal environment is not adversely impacted. The landfill activities in the encroachment area are approximately 1,000 feet from the shoreline. A 250 to 300 foot conservation area exists between the current landfill eastern boundary and the shoreline. The conservation designated area protects the beaches for public use and recreation.

Marine Resources

Objective: *Promote the protection, use, and development of marine and coastal resources to assure their sustainability.*

Policies:

- (A) *Ensure that the use and development of marine and coastal resources are ecologically and environmentally sound and economically beneficial;*
- (B) *Coordinate the management of marine and coastal resources and activities to improve effectiveness and efficiency;*
- (C) *Assert and articulate the interests of the State as a partner with federal agencies in the sound management of ocean resources within the United States exclusive economic zone;*
- (D) *Promote research, study, and understanding of ocean processes, marine life, and other ocean resources in order to acquire and inventory information necessary to understand how ocean development activities relate to and impact upon ocean and coastal resources; and*
- (E) *Encourage research and development of new, innovative technologies for exploring, using, or protecting marine and coastal resources.*

Response: The proposed grading improvements are designed to collect and detain onsite runoff from the active landfill area and are not anticipated to adversely impact coastal marine resources.

In addition to the foregoing objectives and policies, SMA permit review criteria pursuant to Act 224 (2005) provides that:

No Special Management Area Use Permit or Special Management Area Minor Permit shall be granted for structures that allow artificial light from floodlights, uplights, or spotlights used for decorative or aesthetic purposes when the light:

- (1) *Directly illuminates the shoreline and ocean waters; or*
- (2) *Is directed to travel across property boundaries toward the shoreline and ocean waters.*

Response: All landfill operations are carried out during daylight hours. There are no artificial outdoor lights that directly illuminate the shoreline or ocean waters.

ARCHAEOLOGICAL, HISTORIC AND CULTURAL RESOURCES

An archaeological assessment of the existing and future active expanded portions of the Hana Landfill site and adjacent State lands was carried out in September 2003. The field assessment found no significant material culture remains during the inspection of the project area. In addition, no significant above ground structural remains were noted in the adjacent area. Given the very rocky surface of the surrounding a`a terrain, it does not appear likely that the immediate study area was substantially utilized by precontact Hawaiians or during the post-contact sugar and ranch eras. The level of previous disturbance from the grading and filling operations has likely eliminated any evidence of former land use on the project area.

Potential Impacts and Mitigation Measures

No significant cultural remains were noticed in the archaeological assessment carried out on the landfill site and proposed active expansion area. Based on the archaeological assessment, no further work or mitigation is recommended. The proposed action is not anticipated to adversely impact archaeological resources. The State Historic Preservation Division (SHPD) has determined there will be 'no historical properties affected' by the proposed undertaking.

SOCIO-ECONOMIC IMPACTS

There are no short or long term adverse impacts anticipated to the region's social or economic aspects as a result of the proposed action. The proposed project will enhance the county's ability to meet an increasing demand for disposal of unwanted items as well as extend the life and capacity of the Central Maui Landfill.

ENVIRONMENTAL IMPACTS

Permit Violations

On May 18, 2006, the Department of Health, Clean Water Branch (CWB) conducted a Compliance Evaluation Inspection (CEI) in relation to the landfill's National Pollutant Discharge Elimination System Permit, General Permit Coverage. Based on the CEI, a Notice of and Finding of Violation was issued to the DEM (formerly Department of Public Works and Environmental Management). The areas of violation are summarized as follows.

- a. In the area of the stockpile of scrap vehicles, a strong odor of petroleum was detected and significant amounts of oil stains on the ground were observed.
- b. No overhead cover or other BMPs were observed for the scrap vehicle stockpiles.
- c. Lead acid batteries were placed in direct contact with the ground, on wooden pallets, or in an aged shipping container. Small amounts of acid were observed spilling from the battery cases onto the ground.
- d. An excavator, located near the scrap vehicle stockpile, was leaking oil.
- e. The spill pallets of the oil stored in the 55-gallon drums, on the east side of the landfill, were full of oil. The shelter did not adequately protect the 55-gallon drums from rain events and the spill pallets would fill up with rain water.
- f. No asphalt stockpile BMPs were observed for the small amounts of asphalt stockpiles.
- g. The DEM, Solid Waste Division has not submitted a Discharge Monitoring Report since 1999. No sampling kit was available onsite and landfill staff had not received any storm water sampling or pollution prevention training.

The DEM response to the notice of violation is summarized as follows.

- 1) The DEM has requested \$1.5 million in next year's budget for scrap metal removal and clean-up. The previous contractor was unable to make progress with the stockpile except for removal of batteries and propane tanks for recycling.
- 2) The Solid Waste Division is currently implementing a plan for the collection of scrap metal and related materials as follows:
 - a. A cinder pad has been placed on the mauka side of the landfill parcel for three (3) 37 cubic yard roll-offs and two (2) 20-foot shipping containers with sufficient turn-around room for haul trucks and easy access by customers.

- b. One 20-foot shipping container has been placed on the pad to hold two (2) spill pallets, each with four (4) 55-gallon drums for used motor oil collection.
 - c. Haztech has been hired to pump the drums, as well as pump and clean the spill pallets prior to transferring them to the new shipping container.
 - d. One 20-foot shipping container has been placed on the pad for batteries.
 - e. Two (2) 37 cubic yard roll-offs have been procured and will be hauled to Hana for the collection of miscellaneous scrap metal with propane tanks and one for the collection of appliances, both freon and non-freon.
 - f. Eighteen (18) totes, either 64-gallon or 96-gallon, for glass collection will be transported by Maui Recycling Service to Maui Disposals glass crusher. A 20-foot shipping container will be ordered so that the totes are covered.
 - g. Banning derelict vehicles from the landfill so that these materials are no longer stockpiled, eliminating the problem of hauling them out on Hana Highway with its narrow lanes, numerous bridges with limited loads, heavy traffic, winding route with blind curves, steep grade changes with some sheer drop-offs.
- 3) The DEM will be monitoring storm water discharge, as required. Proceeding with the SMA permit application and other land use permits for the buffer area around the landfill parcel will allow the construction of storm water improvements including a detention basin for storm water runoff from the MSW area.

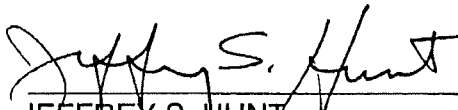
OTHER GOVERNMENTAL APPROVALS

The proposed action will be reviewed by the Maui Planning Commission and State Land Use Commission.

TESTIMONY

As of February 18, 2007, the Planning Department has not received any written communication regarding this matter.

APPROVED:



JEFFREY S. HUNT
Planning Director



DEPARTMENT OF
HOUSING AND HUMAN CONCERNS
COUNTY OF MAUI

CHARMAINE TAVARES
Mayor

VANESSA A. MEDEIROS
Director

LORI TSUHAKE
Deputy Director

200 SOUTH HIGH STREET • WAILUKU, HAWAII 96793 • PHONE (808) 270-7805 • FAX (808) 270-7165 • EMAIL director.hhc@mauicounty.gov

MEMORANDUM

TO: PAUL FASI, Staff Planner
Department of Planning

FROM: VANESSA A. MEDEIROS, Director *V. Medeiros*
Department of Housing and Human Concerns

DATE: June 13, 2007

SUBJECT: **Draft Revised Environmental Assessment and Applications for a Special Management Area Use Permit, Land Use Commission and County Special Use Permits for County of Maui's Hana Landfill and Land Acquisition Project (SM1 2007/0003) (SUP2 2007/0004) (CUP 2007/0001)**

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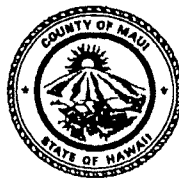
We have reviewed Mr. Mich Hirano's June 6, 2007 letter and the Draft Revised Environmental Assessment and Applications for a Special Management Area Use Permit, Land Use Commission and County Special Use Permits for the County of Maui's Hana Landfill and Land Acquisition Project and have no comment to offer.

Thank you for the opportunity to comment.

xc: Housing Administrator
Mr. Mich Hirano

EXHIBIT 1

CHARMAINE TAVARES
Mayor



TAMARA HORCAJO
Director

ZACHARY Z. HELM
Deputy Director


(808) 270-7230
Fax (808) 270-7934

DEPARTMENT OF PARKS & RECREATION

700 Hali'a Nakoa Street, Unit 2, Wailuku, Hawaii 96793

June 25, 2007

MEMO TO: Jeffrey S. Hunt
Director of Planning

FROM: TAMARA HORCAJO 
Director

SUBJECT: HANA LANDFILL AND LAND ACQUISITION
SM1 2007/003, SUP2 2007/004, CUP 2007/001

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Thank you for the opportunity to review and comment on the subject project. Our Department has no comments to submit at this time.

If there are any questions, please contact Mr. Patrick Matsui, Chief of Parks Planning and Development, at 270-7387.

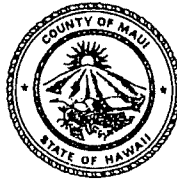
c: Patrick Matsui, Chief of Parks Planning and Development
Mich Hirano, Munekiyo & Hiraga, Inc.

EXHIBIT 2

CHARMAINE TAVARES
Mayor

MILTON M. ARAKAWA, A.I.C.P.
Director

MICHAEL M. MIYAMOTO
Deputy Director



RALPH M. NAGAMINE, L.S., P.E.
Development Services Administration

CARY YAMASHITA, P.E.
Engineering Division

BRIAN HASHIRO, P.E.
Highways Division

COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
DEVELOPMENT SERVICES ADMINISTRATION
250 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

October 30, 2007

Cheryl K. Okuma, Esq.
DIRECTOR OF ENVIRONMENTAL MANAGEMENT
2200 Main Street, Suite 175
Wailuku, Maui, Hawaii 96793

Subject: COUNTY OF MAUI HANA LANDFILL AND LAND ACQUISITION
TMK: (2) 1-3-006:007 (POR.) AND 012 (POR.)
PERMIT SM1 2007/0003; SUP2 2007/0004; AND CUP 2007/0001

Dear Ms. Okuma:

We reviewed your responses to the comment letter dated July 2, 2007 and have no further comments at this time.

Please call Michael Miyamoto at 270-7845 if you have any questions regarding this letter.

Sincerely,


Milton M. Arakawa, A.I.C.P.
Director of Public Works

Is

c: Highways Division
Engineering Division
Paul Fasi, Department of Planning
Mich Hirano, Munekiyo & Hiraga, Inc.

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EXHIBIT 3

CHARMAINE TAVARES
Mayor

MILTON M. ARAKAWA, A.I.C.P.
Director

MICHAEL M. MIYAMOTO
Deputy Director

Telephone: (808) 270-7845
Fax: (808) 270-7955



RALPH NAGAMINE, L.S., P.E.
Development Services Administration

CARY YAMASHITA, P.E.
Engineering Division

BRIAN HASHIRO, P.E.
Highways Division

COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS

200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

July 2, 2007

07 JUL -3 P 3:39
DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

MEMO TO: JEFFREY S. HUNT, A.I.C.P., PLANNING DIRECTOR
FROM: *[Signature]* MILTON M. ARAKAWA, A.I.C.P., DIRECTOR OF PUBLIC WORKS
SUBJECT: **DRAFT REVISED ENVIRONMENTAL ASSESSMENT AND APPLICATIONS FOR COUNTY OF MAUI HANA LANDFILL AND LAND ACQUISITION; TMK: (2) 1-3-006:007; 012 SM1 2007/0003; SUP2 2007/0004; CUP 2007/0001**

We reviewed the subject application and have the following comments:

1. As a general note, the Department of Public Works and Environmental Management (DPWEM) no longer exists. Clarify needs to be provided as to whether the Department of Public Works (DPW) or the Department of Environmental Management (DEM) is the appropriate reference.
2. Page 9 of Section C, Proposed Actions, Item No. 2 Grading of the Runoff Detention Basin of the Draft Revised Environmental Assessment states that the construction of the detention basin will be completed by the DPWEM staff. The Department of Environmental Management should contract the work.

If you have any questions regarding this memorandum, please call Michael Miyamoto at 270-7845.

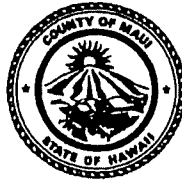
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Post-it® Fax Note	7671	Date	7/6/07	# of pages	3
To	Mitch	From	Paul F.		
Co./Dept.		Co.			
Phone #		Phone #	28-7814		
Fax #	244-5729	Fax #			

EXHIBIT 4

CHARMAINE TAVARES
Mayor
CHERYL K. OKUMA, Esq.
Director
GREGG KRESGE
Deputy Director



DAVID TAYLOR, P.E.
Wastewater Reclamation Division
TRACY N. TAKAMINE, P.E.
Solid Waste Division

COUNTY OF MAUI
DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT
2200 MAIN STREET, SUITE 175
WAILUKU, MAUI, HAWAII 96793

2007 OCT 19 AM 10 23
DEPARTMENT OF PLANNING
COUNTY OF MAUI
RECEIVED

October 17, 2007

Milton Arakawa, Director
Department of Public Works
200 South High Street
Wailuku, Hawai'i 96793

SUBJECT: COUNTY OF MAUI HANA LANDFILL AND LAND ACQUISITION TMK (2)
1-3-006: 007 (POR.) AND 012 (POR.) (SM1 2007/0003); (SUP2 2007/0004);
AND (CUP 2007/0001)

Dear Mr. Arakawa:

Thank you for your memorandum of July 2, 2007 to Jeffrey Hunt, Director of Planning providing comments on the subject applications and Draft Revised Environmental Assessment (EA). The following information is provided in response to your comments.


1. We acknowledge on July 1, 2007 the Department of Public Works and Environmental Management was divided into the Department of Public Works and Department of Environmental Management. The applicant agency is now the Department of Environmental Management, Solid Waste Division and the references in the EA document and applications will be amended accordingly.
2. Your comment that the Department of Environmental Management should contract out the construction of the detention basin rather than directly undertake the construction work as noted in the EA document will be discussed within the Department of Environmental Management (DEM). The final EA will be amended to provide for this option, should the DEM decide to contract out this scope of work.

REPLY TO
EXHIBIT 4

Milton Arakawa, Director
October 17, 2007
Page 2

Thank you again for your comments.

Very truly yours,

A handwritten signature in black ink, appearing to read "Cheryl K. Okuma". The signature is fluid and cursive, with the first name "Cheryl" being more prominent.

CHERYL K. OKUMA, ESQ.
DIRECTOR OF ENVIRONMENTAL
MANAGEMENT

CO

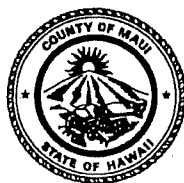
cc: Paul Fasi, Department of Planning
Mich Hirano, Munekiyo & Hiraga, Inc.

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07/2347

CHARMAINE TAVARES
Mayor
MILTON M. ARAKAWA, A.I.C.P.
Director
MICHAEL M. MIYAMOTO
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
AND ENVIRONMENTAL MANAGEMENT

200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

RALPH NAGAMINE, L.S., P.E.
Development Services Administration
DAVID TAYLOR, P.E.
Wastewater Reclamation Division
CARY YAMASHITA, P.E.
Engineering Division
TRACY N. TAKAMINE, P.E.
Solid Waste Division
BRIAN MAYSHO, P.E.
Highways Division

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

May 4, 2007

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED
07 MAY -8 P3:16

Jeffrey S. Hunt, Director
Department of Planning
250 South High Street
Wailuku, Hawai'i 96793

SUBJECT: PROPOSED COUNTY OF MAUI HANA LANDFILL AND LAND
ACQUISITION AT TMK 1-3-006: 007 (POR.) AND 012 (POR.)

Dear Mr. Hunt:

Thank you for your Department's comment letter of April 19, 2004 on the subject project. On behalf of the Department of Public Works and Environmental Management (DPWEM), we wish to provide the following information in response to your comments. The responses are provided in the same order as your comments.

1. The land use descriptions provided for the parcels are noted and will be included in the Draft Revised EA document.

A portion of the mass grading and clearing to the north of the landfill boundaries are part of the encroachment area. The subject land acquisition would enable the expansion of the landfill boundaries to incorporate this encroachment area. Areas further to the north and east of the encroachment area that appear to be cleared will be rehabilitated by the County of Maui, DPWEM, Solid Waste Division.

2. Your comments on the permitting requirements are noted. The DPWEM will be applying for a State Land Use Special Use Permit, County of Maui Special Use Permit and Special Management Area Use Permit.
3. The site maps and project description will be revised accordingly to exclude the 250 foot strip between the landfill eastern boundary and the coastline.

EXHIBIT 5

4. The Site Plan in Figure 3 of the Draft Revised EA will be revised to show the areas as indicated.
5. The most recent groundwater monitoring test results will be included in the Revised Draft EA as requested. Methane gas readings are zero on the 5 percent scale of the Gastech monitor for each of the three (3) wells since 1994. This information on the methane gas monitoring will also be included.
6.
 - a. Data on the estimated capacity, longevity and projected closure date for the landfill will be included in the Draft Revised EA.
 - b. The landfill operations have been in existence since 1969. The new landfill criteria referenced in your letter are in effect for new landfills established since 1993.
 - c. In regards to any private/public water wells located down gradient to the existing and proposed expansion areas of the landfill, it is noted that field investigations determined that groundwater flows in a southerly direction. Therefore, areas down gradient from the landfill are towards the south. Consultation with the Commission of Water Resource Management indicated that there are two (2) County wells on the parcel, west of the Hana High and Elementary School. These wells are over 4,000 feet, west of the landfill.
 - d. The expansion of the landfill boundaries are to incorporate an existing 5.4-acre area of encroachment on the adjacent State owned property and to include the areas where the environmental monitor wells and methane gas probes are located. The remaining area of expansion will be retained as a buffer zone. The storm water detention basin will be excavated from existing material and a berm will be built around the detention basin to capture the storm water runoff.
7. The appendices will be amended accordingly.
8. The drainage information will be included in the Draft EA, as requested.
9. There is no waste generating windblown litter near the shoreline. Distance from the shoreline and the daily covering of the MSW area are the mitigative measures to prevent windblown litter from reaching the shoreline.
10. The potential leachate from the existing landfill operations are monitored through the groundwater monitoring program. Daily cover of the MSW helps mitigate the

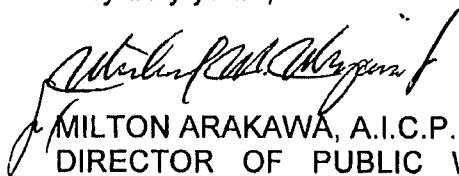
Jeffrey S. Hunt, Director
May 4, 2007
Page 3

generation of leachate from the rainwater percolating through the waste. The proposed detention basin will capture and hold the storm water runoff from the MSW area.

11. The comprehensive waste management plan is the Recycle Hana program where the motor oil and glass are recycled. Scrap metal and green waste are separated as well. The solid materials are trucked off the island to appropriate disposal and recycle facilities. The organic material decomposes onsite.
12. See response to Item 2, above for the list of permit approvals.

Again, thank you for your comments.

Very truly yours,



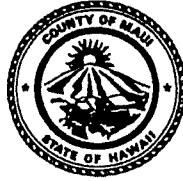
MILTON ARAKAWA, A.I.C.P.
DIRECTOR OF PUBLIC WORKS AND
ENVIRONMENTAL MANAGEMENT

MA

cc: Elaine Baker, County of Maui, Department of Public Works and Environmental Management
Mich Hirano, Munekiyo & Hiraga, Inc.

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CHARMAINE TAVARES
Mayor
CHERYL K. OKUMA, Esq.
Director
GREGG KRESGE
Deputy Director



DAVID TAYLOR, P.E.
Wastewater Reclamation Division
TRACY N. TAKAMINE, P.E.
Solid Waste Division

2007 OCT 19 AM 10 23
COUNTY OF MAUI
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
2200 MAIN STREET, SUITE 175
WAILUKU, MAUI, HAWAII 96793
DEPARTMENT OF PLANNING
COUNTY OF MAUI
RECEIVED

October 17, 2007

Jeffrey S. Hunt, Director
Department of Planning
250 South High Street
Wailuku, Hawai'i 96793

SUBJECT: COUNTY OF MAUI HANA LANDFILL AND LAND ACQUISITION TMK (2)
1-3-006: 007 (POR.) AND 012 (POR.) (SM1 2007/0003); (SUP2 2007/0004);
AND (CUP 2007/0001)

Dear Mr. Hunt:

This letter is provided in addition to the May 4, 2007 letter by Department of Public Works and Environmental Management and the Department of Planning's April 19, 2004 comment letter on the Draft Environmental Assessment, attached hereto in Exhibit "A" and Exhibit "B", respectively for your quick reference.

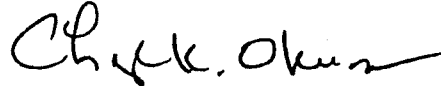
In response to the comment, if "nonconforming use" on Parcels 12 and 7 on lands zoned Interim district cannot be established, a "use variance" will be required, the Department of Environmental Management (formerly Department of Public Works and Environmental Management) met with the Department of Planning on June 22, 2007, to discuss land use permitting for Lana'i Landfill which had similar zoning. The Department of Planning determined that since publicly owned buildings and public utility uses are permitted in the Interim district an use variance will not be required.

REPLY TO
EXHIBIT 5

Jeffrey S. Hunt, Director
October 17, 2007
Page 2

Thank you again for your comments.

Very truly yours,

A handwritten signature in black ink, appearing to read "Cheryl K. Okuma". The signature is fluid and cursive, with a long horizontal stroke at the end.

CHERYL K. OKUMA, ESQ.
DIRECTOR OF ENVIRONMENTAL
MANAGEMENT

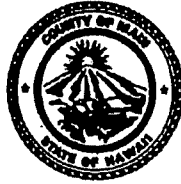
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Enclosures

cc: Paul Fasi, Department of Planning
Mich Hirano, Munekiyo & Hiraga, Inc.

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CHARMAINE TAVARES
Mayor
MILTON M. ARAKAWA, A.I.C.P.
Director
MICHAEL M. MIYAMOTO
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PUBLIC WORKS
AND ENVIRONMENTAL MANAGEMENT
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793

RALPH NAGAMINE, L.S., P.E.
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Solid Waste Division
BRIAN HASHIRO, P.E.
Highways Division

May 4, 2007

Jeffrey S. Hunt, Director
Department of Planning
250 South High Street
Wailuku, Hawai'i 96793

SUBJECT: PROPOSED COUNTY OF MAUI HANA LANDFILL AND LAND
ACQUISITION AT TMK 1-3-006: 007 (POR.) AND 012 (POR.)

Dear Mr. Hunt:

Thank you for your Department's comment letter of April 19, 2004 on the subject project. On behalf of the Department of Public Works and Environmental Management (DPWEM), we wish to provide the following information in response to your comments. The responses are provided in the same order as your comments.

1. The land use descriptions provided for the parcels are noted and will be included in the Draft Revised EA document.

A portion of the mass grading and clearing to the north of the landfill boundaries are part of the encroachment area. The subject land acquisition would enable the expansion of the landfill boundaries to incorporate this encroachment area. Areas further to the north and east of the encroachment area that appear to be cleared will be rehabilitated by the County of Maui, DPWEM, Solid Waste Division.

2. Your comments on the permitting requirements are noted. The DPWEM will be applying for a State Land Use Special Use Permit, County of Maui Special Use Permit and Special Management Area Use Permit.
3. The site maps and project description will be revised accordingly to exclude the 250 foot strip between the landfill eastern boundary and the coastline.

EXHIBIT **A**

4. The Site Plan in Figure 3 of the Draft Revised EA will be revised to show the areas as indicated.
5. The most recent groundwater monitoring test results will be included in the Revised Draft EA as requested. Methane gas readings are zero on the 5 percent scale of the Gastech monitor for each of the three (3) wells since 1994. This information on the methane gas monitoring will also be included.
6.
 - a. Data on the estimated capacity, longevity and projected closure date for the landfill will be included in the Draft Revised EA.
 - b. The landfill operations have been in existence since 1969. The new landfill criteria referenced in your letter are in effect for new landfills established since 1993.
 - c. In regards to any private/public water wells located down gradient to the existing and proposed expansion areas of the landfill, it is noted that field investigations determined that groundwater flows in a southerly direction. Therefore, areas down gradient from the landfill are towards the south. Consultation with the Commission of Water Resource Management indicated that there are two (2) County wells on the parcel, west of the Hana High and Elementary School. These wells are over 4,000 feet, west of the landfill.
 - d. The expansion of the landfill boundaries are to incorporate an existing 5.4-acre area of encroachment on the adjacent State owned property and to include the areas where the environmental monitor wells and methane gas probes are located. The remaining area of expansion will be retained as a buffer zone. The storm water detention basin will be excavated from existing material and a berm will be built around the detention basin to capture the storm water runoff.
7. The appendices will be amended accordingly.
8. The drainage information will be included in the Draft EA, as requested.
9. There is no waste generating windblown litter near the shoreline. Distance from the shoreline and the daily covering of the MSW area are the mitigative measures to prevent windblown litter from reaching the shoreline.
10. The potential leachate from the existing landfill operations are monitored through the groundwater monitoring program. Daily cover of the MSW helps mitigate the

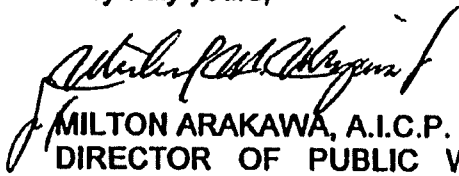
Jeffrey S. Hunt, Director
May 4, 2007
Page 3

generation of leachate from the rainwater percolating through the waste. The proposed detention basin will capture and hold the storm water runoff from the MSW area.

11. The comprehensive waste management plan is the Recycle Hana program where the motor oil and glass are recycled. Scrap metal and green waste are separated as well. The solid materials are trucked off the island to appropriate disposal and recycle facilities. The organic material decomposes onsite.
12. See response to Item 2, above for the list of permit approvals.

Again, thank you for your comments.

Very truly yours,


MILTON ARAKAWA, A.I.C.P.
DIRECTOR OF PUBLIC WORKS AND
ENVIRONMENTAL MANAGEMENT

MA

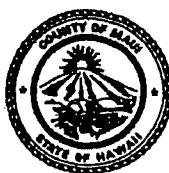
cc: Elaine Baker, County of Maui, Department of Public Works and Environmental Management
Mich Hirano, Munekiyo & Hiraga, Inc.

F:\DATA\COM\DPWHanaLF\Responses Letters to Agencies from DPWEM\Letter to Planning Dept..wpd

ALAN M. ARAKAWA
Mayor

MICHAEL W. FOLEY
Director

WAYNE A. BOTEILHO
Deputy Director



COUNTY OF MAUI
DEPARTMENT OF PLANNING

April 19, 2004

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

Dear Mr. Hirano:

RE: Comments on the Draft Environmental Assessment (DEA) for the
Hana Landfill and Land Acquisition at TMK 1-3-006: 007 and 012,
Hana, Island of Maui, Hawaii (LTR 2004/1120)

The Maui Planning Department (Department) has reviewed the above referenced document and provides the following comments.

1. The land use designations for the property are provided in the following table. Please refer to the attached maps for further clarification.

	Parcel 12		Parcel 7	
State Land Use	Agricultural	Conservation	Agricultural	
Hana Community Plan	Public/Quasi Public	Public/Quasi Public	Agricultural	Light Industrial
County Zoning	Interim	No Zoning	Agricultural	Interim
Other	SMA Zone C, A4	SMA Zone C, A4, V29	SMA Zone C	SMA Zone C

EXHIBIT "B"

Mr. Mich Hirano, AICP
April 14, 2004
Page 2

The zoning information on Page 37 of the DEA is incorrect for both parcels. The land use analysis should be revised to reflect the correct designations.

In reference to the attached aerial photo (date: 2000), it appears that mass grading/clearing has occurred to the north and appears to be directly related to the activities on Parcel 12. Please clarify.

2. Required Land Use Permits

Chapter 205, HRS, does not outright permit landfill operations in either the State Agricultural or Conservation Districts. The DEA reports that the Board of Land and Natural Resources (BLNR) granted right-of-entry in 1969 in favor of the County of Maui to utilize the existing landfill (see Page 1). The DEA states that BLNR granted approval of the present landfill operations on Parcel 12 prior to the establishment of the State Agriculture and Conservation District Boundaries (see Page 33). Further, the DEA states that pursuant to Section 13-5-37, HAR, the Hana Landfill is a "nonconforming use" within the State Conservation District (see Page 33).

The landfill operations/activities extend over the State Agricultural District boundary. As such, include the supporting documentation in the Final EA establishing the "nonconforming use" in both the State Agricultural and Conservation Districts.

The DEA notes that Executive Order 3304 sets aside the land for the "Hana Garbage Dump Site," which therefore exempts the land from the County Agricultural and Interim zoning use restrictions (see Page 37). In review of Executive Order 3304 as submitted in the permit application, the County agrees that while the Executive Order sets aside the land for the dump site, it does not outright exempt the use from Title 19, MCC, Zoning Ordinance. Include additional supporting documentation exempting the use from Title 19, MCC, in the Final EA.

Please be advised that if the foregoing documentation can not establish the "nonconforming use" on Parcel 12, then the following land use permits are required for past and present uses on Parcels 7 and 12 as identified in the document and summarized below:

	Parcel 12	Parcel 7
State Land Use Special Use Permit (SUP)	Historical landfill activities Present landfill activities Scrap metal operations* Biodegradable operations* Hana Recycling operations* Landfill office*	Use of the entire property, including the encroachment area and buffer zone
State Conservation District Use Permit (CDUA)	Historical landfill activities Present landfill activities Scrap metal operations* Biodegradable operations* Hana Recycling operations* Landfill office*	not applicable
County Special Use Permit (CUP)	not applicable	Portion of the property that is designated as Agricultural in the Hana Community Plan, including the encroachment area and buffer zone
County Use Variance (BVA)	Historical landfill activities Present landfill activities Scrap metal operations Biodegradable operations Hana Recycling operations Landfill office	Portion of the property that is designated as Light Industrial in the Hana Community Plan
Special Management Area Permit (SMA)	Historical landfill activities Present landfill activities Scrap metal operations Biodegradable operations Hana Recycling operations Landfill office	Use of the entire property, including the encroachment area and buffer zone
* Delineate Figure 3, Site Plan, to determine the location of the use.		

It should be further noted that the land areas on both parcels exceed 15 acres in total area, and the State Land Use Commission is the proper authority to grant the State Special Use Permit.

- Executive Order 3304 depicts the eastern property boundary of Parcel 12 as extending 250 feet west and parallel to the high water mark of the shoreline. The maps and figures in the Final EA should reflect the correct property boundary.

4. Revise Figure 3, Site Plan, to include the following:
 - a. Delineate the State Land Use Agricultural/Conservation district boundary.
 - b. Delineate the full area of the proposed expansion and buffer zone on Parcel 7.
 - c. Confirm the location of the eastern property boundary as noted in Item #3 above.
 - d. Delineate the Pi'ilani Trail as referred to under "Recreational Resources" on Page 21 of the DEA.
5. Include the most recent groundwater and methane gas testing results. Provide the permissible limits for each analyte per DOH and EPA standards/guidelines.
6. Municipal Solid Waste Landfill Standards and Operations:
 - a. Provide current data for the landfill such as the estimated capacity, longevity, projected closure date, etc.
 - b. The EPA has developed siting and construction criteria for new and existing municipal solid waste landfills. These provisions are detailed in the U.S. Environmental Protection Agency's (EPA's) Municipal Solid Waste Landfill (MSWLF) Criteria (Code of Federal Regulations, Volume 40, Part 258. See Federal Register, October 9, 1991, 56FR50978). EPA requirements include, at a minimum, the following:
 - i. No landfill shall be constructed within a 100-year flood plain.
 - ii. No landfill should be constructed within 1,200 feet of any water supply well.

Page 24 of the DEA states that the landfill operations are currently located within Zone A4, areas of 100-year flooding. Discuss how the existing landfill and proposed expansion areas comply with EPA MSWLF Criteria.

Mr. Mich Hirano, AICP
April 14, 2004
Page 5

Identify any private/public water wells located down gradient to the existing and proposed expansion areas of the landfill. Provide a list, ownership, and distance of the wells from the properties.

Describe the construction measures and materials required in the landfill expansion to comply with DOH and EPA requirements (e.g., liners).

7. The discussion pertaining to "Archaeological Resources" on Page 17 of the DEA incorrectly refers to Appendix "A" for the field assessment. Appendix "A" is listed as the "Survey, Metes and Bounds."
8. Include the Drainage Analysis for the proposed Detention Basin for the landfill in the Final EA.
9. Discuss the potential impacts of windblown litter on coastal resources. Provide a discussion of ongoing and proposed mitigative measures.
10. Discuss the potential impacts of leachate from the existing landfill and the proposed expansion to the underlying aquifer and coastal waters. Provide a discussion of ongoing and proposed mitigative measures.
11. Provide a summary and status of the comprehensive waste management plan as noted on Page 37.
12. Provide an updated list of all required permit approvals considering Items #2 of this letter.

Thank you for your cooperation. Should you require additional clarification, please contact Ms. Kivette A. Caigoy, Environmental Planner, at 270-7735.

Sincerely,

A handwritten signature in black ink, appearing to read "M. W. Foley", with a stylized flourish at the end.

MICHAEL W. FOLEY
Planning Director

LINDA LINGLE
GOVERNOR OF HAWAII



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

'07 JUL -3 P12:26

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

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

In reply, please refer to:
EMD / CWB

06105PKP.07

June 29, 2007

Mr. Paul Fasi
Staff Planner
Department of Planning
County of Maui
250 South High Street
Wailuku, Hawaii 96793


Dear Mr. Fasi:

**Subject: Draft Revised Environmental Assessment and Applications for a
Special Management Area Use Permit, Land Use Commission and County
Special Use Permits for County of Maui's Hana Landfill Land Acquisition**

Thank you for the opportunity to comment on the subject document. We have no further comments at this time.

If you have any questions, please visit our website at
<http://www.hawaii.gov/health/environmental/water/cleanwater/index.html>, or contact the
Engineering Section, CWB, at (808) 586-4309.

Sincerely,


ALEC WONG, P.E., CHIEF
Clean Water Branch

KP:np

Post-it® Fax Note	7671	Date	7/11	# of pages	4
To	MICHAEL	From	PAUL		
Co./Dept.		Co.			
Phone #		Phone	pls. fax comments		
Fax #	249-8729	Fax	w/o "✓" mark.		

EXHIBIT 6

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF HEALTH
MAUI DISTRICT HEALTH OFFICE
54 HIGH STREET
WAILUKU, MAUI, HAWAII 96793-2102
July 9, 2007

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

LORRIN W. PANG, M. D., M. P. H.
DISTRICT HEALTH OFFICER

'07 JUL 10 A10:11

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

Mr. Jeffrey S. Hunt
Director
Department of Planning
County of Maui
250 South High Street
Wailuku, Hawai'i 96793

Attention: Paul F. Fasi

Dear Mr. Hunt:

Subject: Hana Landfill Land Acquisition
TMK: (2) 1-3-006: 007 and por. of 012
SM1 2007/003, SUP2 2007/004, CUP 2007/001

Thank you for the opportunity to comment on the Hana Landfill Land Acquisition project.
The following comments are offered:

Aedes albopictus is the dominant mosquito species in the Hana area. It is also the vector of the Dengue fever virus. The accumulation of tires, vehicles and any object that will hold water serves as ideal breeding sources for this mosquito. A comprehensive mosquito control program is needed for the Hana landfill.

It is strongly recommended that the Standard Comments found at the Department's website: www.state.hi.us/health/environmental/env-planning/landuse/landuse.html be reviewed, and any comments specifically applicable to this project should be adhered to.

Should you have any questions, please call me at 808 984-8230.

Sincerely,

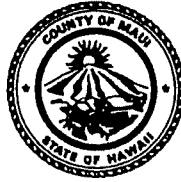
A handwritten signature in black ink, appearing to read "H. Matsubayashi", with a stylized flourish at the end.

Herbert S. Matsubayashi
District Environmental Health Program Chief

c: Mich Hirano
EPO

EXHIBIT 1

CHARMAINE TAVARES
Mayor
CHERYL K. OKUMA, Esq.
Director
GREGG KRESGE
Deputy Director



DAVID TAYLOR, P.E.
Wastewater Reclamation Division
TRACY N. TAKAMINE, P.E.
Solid Waste Division

2007 OCT 19 AM 10 22

COUNTY OF MAUI
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
2200 MAIN STREET, SUITE 175
WAILUKU, MAUI, HAWAII 96793

DEPARTMENT OF PLANNING
COUNTY OF MAUI
RECEIVED

October 17, 2007

Herbert S. Matsubayashi,
District Environmental Health Program Chief
State of Hawai'i
Department of Health
Maui District Office
54 High Street
Wailuku, Hawai'i 96793-2102

SUBJECT: COUNTY OF MAUI HANA LANDFILL AND LAND ACQUISITION TMK (2)
1-3-006: 007 (POR.) AND 012 (POR.) (SM1 2007/0003); (SUP2 2007/0004);
AND (CUP 2007/0001)

Dear Mr. Matsubayashi:

Thank you for your letter of July 9, 2007 to Jeffrey Hunt, Director of Planning, providing comments on the subject applications and Draft Revised Environmental Assessment (EA). The following information is provided in response to your comments.

In response to a comprehensive mosquito control program for the Hana Landfill, the Department of Environmental Management (DEM), Solid Waste Division currently has \$2.2 million in the budget to cleanup the landfill site of scrap metal and related materials. This cleanup will eliminate many areas where standing water can collect. We also note that the DEM has taken preventative steps to reduce other areas where standing water could accumulate. For example, as noted in the Draft Revised EA, the DEM has placed several 20-foot shipping containers at the landfill site to protect collected recyclables from rain.

The standard comments found at the Department of Health website, Environmental Management, Land Use Planning Review, Solid and Hazard Waste Branch were reviewed, as recommended. In this regard it is noted that the County's 1994 Integrated Solid Waste Management Plan adopted the Environmental Protection Agency's (EPA) Integrated Waste Management strategy. There are five (5) components of solid waste that

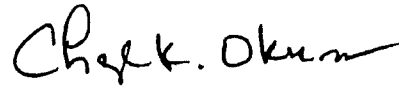
REPLY TO
EXHIBIT 7

Herbert S. Matsubayashi,
October 17, 2007
Page 2

are identified in the plan. They are source reduction, recycling, composting, waste combustion and land disposal. The Hana Landfill has areas for recycling, composting and land disposal.

Thank you again for your comments.

Very truly yours,

A handwritten signature in black ink, appearing to read "Cheryl K. Okuma". The signature is fluid and cursive, with the first name "Cheryl" being more prominent.

CHERYL K. OKUMA, ESQ.
DIRECTOR OF ENVIRONMENTAL
MANAGEMENT

CO

cc: Paul Fasi, Department of Planning
Mich Hirano, Munekiyo & Hiraga, Inc.

F:\DATA\COMDPWHana\F\dohmaui\deares.wpd

LINDA LINGLE
GOVERNOR

PATRICIA HAMAMOTO
SUPERINTENDENT



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

'07 JUN 20 P12:31

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

OFFICE OF THE SUPERINTENDENT

June 19, 2007

Mr. Mich Hirano, Project Manager
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii'i 96793

Dear Mr. Hirano:

Subject: Draft Environmental Assessment and Applications for County of Maui's Hana
Landfill Land Acquisition (SM1 2007/0003)(SUP2 2007/0004)(CUP2007/0001)

The Draft Environmental Assessment says Hana High and Elementary School is located approximately one mile to the north of the project site. It would have been helpful to include at least one map of the landfill site in relation to the school, with an approximate scale so that distance between the school and the landfill could have been verified.

Thank you for the opportunity to comment. If you have any questions, please call Heidi Meeker of the Facilities Development Branch at (808) 733-4862.

Very truly yours,

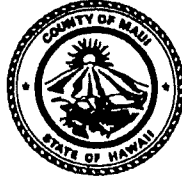
A handwritten signature in cursive script, reading "Patricia Hamamoto".

Patricia Hamamoto
Superintendent

PH:jmb

c: Randolph Moore, Assistant Superintendent, OBS
Duane Kashiwai, Public Works Administrator, FDB
✓Paul Fasi, County of Maui

CHARMAINE TAVARES
Mayor
CHERYL K. OKUMA, Esq.
Director
GREGG KRESGE
Deputy Director



DAVID TAYLOR, P.E.
Wastewater Reclamation Division
TRACY N. TAKAMINE, P.E.
Solid Waste Division

**COUNTY OF MAUI
DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT**

2200 MAIN STREET, SUITE 175
WAILUKU, MAUI, HAWAII 96793

2007 OCT 19 AM 10 22
DEPARTMENT OF PLANNING
COUNTY OF MAUI
RECEIVED

October 17, 2007

Patricia Hamamoto, Superintendent
State of Hawai'i
Department of Education
P. O. Box 2360
Honolulu, Hawai'i 96804

**SUBJECT: COUNTY OF MAUI HANA LANDFILL AND LAND ACQUISITION TMK (2)
1-3-006: 007 (POR.) AND 012 (POR.) (SM1 2007/0003); (SUP2 2007/0004);
AND (CUP 2007/0001)**

Dear Ms. Hamamoto:

Thank you for your letter of June 19, 2007, providing comments on the subject applications and Draft Revised Environmental Assessment (EA). The following information is provided in response to your comments.

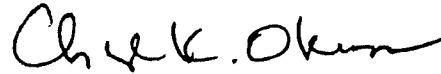
The landfill site in relation to the location of Hana High and Elementary School is depicted in Figure 1, Regional Location Map on page 2 of the Draft Revised EA. This map is based on the U.S. Geological Survey Map and the scale is provided in the right hand corner of the title block. Based on this scale, the Hana High and Elementary School is approximately 4,500 feet to the northwest of the existing Hana Landfill site. The description of the distance between the landfill site and the school in the EA document will be revised and will reference the Regional Location Map, Figure 1 for clarification.

**REPLY TO
EXHIBIT 8**

Patricia Hamamoto, Superintendent
October 17, 2007
Page 2

Thank you again for your comments.

Very truly yours,

A handwritten signature in black ink, appearing to read "Cheryl K. Okuma". The signature is fluid and cursive, with the first name "Cheryl" written in a larger, more prominent script than the last name "Okuma".

CHERYL K. OKUMA, ESQ.
DIRECTOR OF ENVIRONMENTAL
MANAGEMENT

CO

cc: Paul Fasi, Department of Planning
Mich Hirano, Munekiyo & Hiraga, Inc.

F:\DATA\COMDPWHanaLF\doe.deares.wpd

PF
C

PHONE (808) 594-1888

FAX (808) 594-1865



'07 JUL 16 P12:23

STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

HRD07/1348B

July 11, 2007

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

Post-it® Fax Note	7671	Date	7/16	# of pages	2
To	Mich	From	Paul F.		
Co./Dept.		Co.			
Phone #	244-8729	Phone #	270-7814		
Fax #		Fax #			

RE: Draft Revised Environmental Assessment for the County of Maui's Hana Landfill Land Acquisition, TMK: 1-3-06:12 (por.); 1-3-06-7 (por.)

Dear Mich Hirano,

The Office of Hawaiian Affairs (OHA) is in receipt of your letter dated June 6, 2007, request for comments for the *Draft Revised Environmental Assessment and Applications for a Special Management Area Use Permit, Land Use Commission and County Special Use Permits for County of Maui's Hana Landfill and Land Acquisition*. OHA offers the following comments.

Thank you for addressing the concerns from our previous comment letter dated April 14, 2004 with your follow up letter dated May 4, 2007. The 2003 Archeological Assessment conducted by Xamanek Researchers, Inc. reports that there are no significant cultural resources in the project area due to the habitation patterns, and land use of the region. Although Parcel 12 is not included in the expansion plan of the Hana Landfill, if any significant impact of landfill operations were to encumber that stretch of the coastline, or operation were to ever occur in that parcel, we would require the necessary steps to be taken in accordance with HRS Chapter 343, relating to Environmental Impact Statements and HRS Chapter 6E, relating to Historic Preservation. If ground altering activities are planned on this parcel, an Archaeological Inventory Survey including subsurface testing must be conducted.

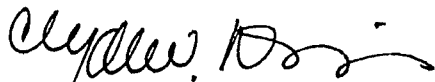
The cultural impact assessment included in the *Draft Revised Environmental Assessment for County of Maui's Hana Landfill and Land Acquisition* meets the criteria set forth by HRS §343 and HAR §11-200-10 for Cultural Impact Statements. We are satisfied with the consultation of Mr Samuel Kalalau III, Chairperson of the Maui Cultural Resources Commission.

EXHIBIT 9

Mich Hirano
Munekiyo & Hiraga, Inc.
July 11, 2007
Page 2

Thank you for the opportunity to comment. If you have any further questions or concerns please contact Jason Jeremiah at (808) 594-0239 or e-mail him at jasonj@oha.org.

Sincerely,

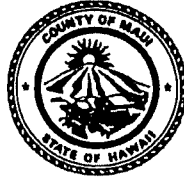


Clyde W. Nāmu'o
Administrator

C: ✓ Paul Fasi
Staff Planner
County of Maui
Department of Planning
250 South High Street
Wailuku, Hawaii 96793

Thelma Shimaoka
Community Resources Coordinator
OHA-Maui Office
140 Hoohana St., Ste 206
Kahului, HI 96732

CHARMAINE TAVARES
Mayor
CHERYL K. OKUMA, Esq.
Director
GREGG KRESGE
Deputy Director



DAVID TAYLOR, P.E.
Wastewater Reclamation Division
TRACY N. TAKAMINE, P.E.
Solid Waste Division

COUNTY OF MAUI
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
2200 MAIN STREET, SUITE 175
WAILUKU, MAUI, HAWAII 96793

2007 OCT 19 AM 10 23
DEPARTMENT OF PLANNING
COUNTY OF MAUI
RECEIVED

October 17, 2007

Clyde W. Namu`o, Administrator
Office of Hawaiian Affairs
711 Kapiolani Boulevard, Suite 500
Honolulu, Hawai`i 96813

SUBJECT: COUNTY OF MAUI HANA LANDFILL AND LAND ACQUISITION TMK (2)
1-3-006: 007 (POR.) AND 012 (POR.) (SM1 2007/0003); (SUP2 2007/0004);
AND (CUP 2007/0001)

Dear Mr. Namu`o:

Thank you for your letter of July 11, 2007, providing comments on the subject applications and Draft Revised Environmental Assessment (EA). The following information is provided in response to your comments.

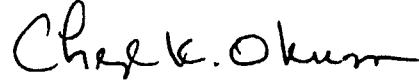
We note that the response to comments provided in your letter dated April 14, 2004 on the 2004 Draft EA were adequately addressed in the May 14, 2007 response letter and the Draft Revised EA. We also note your comment that if the County has any plans to expand the active landfill operations in the coastal area beyond current landfill activities, an archaeological inventory survey including subsurface testing will need to be carried out in accordance with Chapter 343, Hawai`i Revised Statutes and Hawai`i Revised Statutes, Chapter 6E, relating to Historic Preservation.

REPLY TO
EXHIBIT 9

Clyde W. Namu'o, Administrator
October 17, 2007
Page 2

Thank you again for your comments.

Very truly yours,

A handwritten signature in black ink, appearing to read "Cheryl K. Okuma". The signature is fluid and cursive, with the first name "Cheryl" being more prominent.

CHERYL K. OKUMA, ESQ.
DIRECTOR OF ENVIRONMENTAL
MANAGEMENT

CO

cc: Paul Fasi, Department of Planning
Mich Hirano, Munekiyo & Hiraga, Inc.

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STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM
LAND USE COMMISSION
P.O. Box 2359
Honolulu, Hawaii 96804-2359
Telephone: 808-587-3822
Fax: 808-587-3827

'07 JUL -5 P12:52

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

July 2, 2007

Mr. Jeffrey Hunt, Planning Director
Department of Planning
County of Maui
250 South High Street
Wailuku, Hawaii 96793

Dear Mr. Hunt:

Subject: Draft Revised Environmental Assessment (DREA) and Applications for a Special Management Area Use Permit, Land Use Commission and County Special Use Permits for County of Maui's Hana Landfill Land Acquisition (SM1 2007/0003) (SUP2 2007/0004) (CUP2007/0001)

We have reviewed the subject documents and confirm that the existing 29.05-acre Hana Landfill is located within the State Land Use Agricultural and Conservation Districts. The proposed 39.74-acre expansion area and the 5.40-acre encroachment area, as described in the DREA, are designated within the State Land Use Agricultural District.

Based on a telephone discussion between Mich Hirano and Bert Saruwatari of our office on June 22, 2007, we were advised that it was the applicant's intent to incorporate the existing landfill and the encroachment area under the State special permit area. The proposed expansion area, which is planned as a buffer zone and for environmental monitoring, is not part of the State special permit application. As Mr. Hirano was told, State special permits are applicable only in the Agricultural and Rural Districts. As a result of that discussion, it is our understanding that only that portion of the existing landfill in the Agricultural District and the encroachment area will be included in the State special permit application. Inasmuch as these lands collectively involve an area greater than 15 acres, we note that the approval of the Land Use Commission is required for said application.

EXHIBIT 10

Mr. Jeffrey Hunt, Planning Director

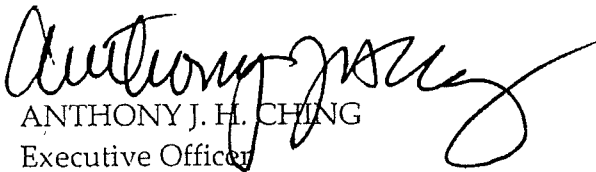
July 2, 2007

Page 2

Given the above understanding, the DREA should be amended to reference the specific areas that are under the respective permit applications. Relatedly, we recommend that a metes and bounds survey of the State special permit area be undertaken and submitted as part of the record in this matter before any decision is made on the applications.

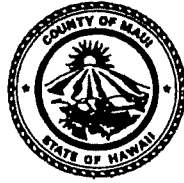
We have no further comments to offer at this time. We appreciate the opportunity to review the subject DREA and the applications. Should you have any questions, please feel free to call me or Bert Saruwatari of our office at 587-3822.

Sincerely,


ANTHONY J. H. CHING
Executive Officer

c: Office of Environmental Quality Control
Paul Fasi, Staff Planner, Department of Planning
Mich Hirano, Munekiyo & Hiraga, Inc.

CHARMAINE TAVARES
Mayor
CHERYL K. OKUMA, Esq.
Director
GREGG KRESGE
Deputy Director



DAVID TAYLOR, P.E.
Wastewater Reclamation Division
TRACY N. TAKAMINE, P.E.
Solid Waste Division

**COUNTY OF MAUI
DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT**

2200 MAIN STREET, SUITE 175
WAILUKU, MAUI, HAWAII 96793

2007 OCT 19 AM 10 22

DEPARTMENT OF PLANNING
COUNTY OF MAUI
RECEIVED

October 17, 2007

Anthony J. H. Ching, Executive Officer
Land Use Commission
State of Hawai'i
Department of Business, Economic
Development and Tourism
P. O. Box 2359
Honolulu, Hawai'i 96804-2359

**SUBJECT: COUNTY OF MAUI HANA LANDFILL AND LAND ACQUISITION TMK (2)
1-3-006: 007 (POR.) AND 012 (POR.) (SM1 2007/0003); (SUP2 2007/0004);
AND (CUP 2007/0001)**

Dear Mr. Ching:

Thank you for your letter of July 2, 2007 to Jeffrey Hunt, Director of Planning, providing comments on the subject applications and Draft Revised Environmental Assessment (EA). The following information is provided in response to your comments.

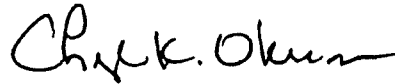
Your comment that the area of the State Special Use Permit would only apply to the portion of the existing landfill and the encroachment area within the State agricultural district is noted. Therefore, the references pertaining to the State Special Use Permit area in the Draft Revised EA will be amended accordingly. In addition, a plat and a metes and bounds description of the State Land Use Special Use Permit area has been prepared and will be submitted as part of the record to the County and State Land Use Commission prior to any action taken on the application. A copy of the plat and metes and bounds description for the State Special Use Permit area is attached hereto as Exhibit "A" for your reference.

**REPLY TO
EXHIBIT 10**

Anthony J. H. Ching, Executive Officer
October 17, 2007
Page 2

Thank you again for your comments.

Very truly yours,

A handwritten signature in black ink, appearing to read "Cheryl K. Okuma". The signature is fluid and cursive, with a long horizontal stroke at the end.

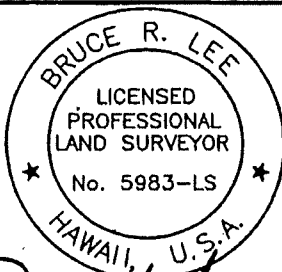
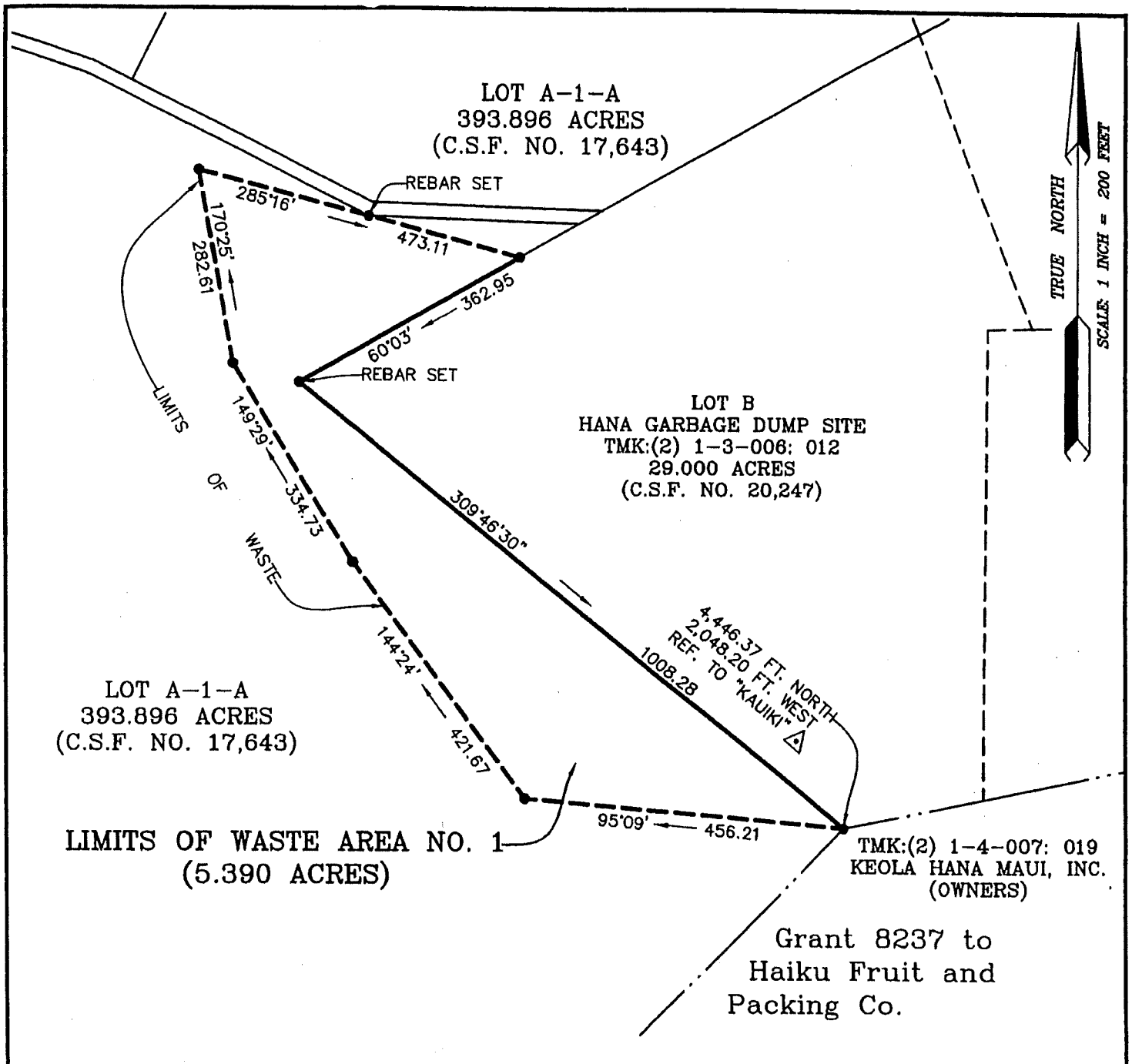
CHERYL K. OKUMA, ESQ.
DIRECTOR OF ENVIRONMENTAL
MANAGEMENT

CO

Enclosure

cc: Paul Fasi, Department of Planning
Mich Hirano, Munekiyo & Hiraga, Inc.

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THIS PLAT WAS PREPARED BY ME OR
UNDER MY DIRECT SUPERVISION.

T.M.K.:(2) 1-3-006: 007

PLAT SHOWING
LIMITS OF WASTE AREA NO. 1
(FOR STATE SPECIAL PERMIT PURPOSES)
AFFECTING LOT A-1-A OF THE GOVERNMENT LANDS OF
KAUAIPAPA AND WAKIU (C.S.F. NO. 17,463)
SITUATED AT KAWAIPAPA & WAKIU, HANA, MAUI, HAWAII

PREPARED FOR:

COUNTY OF MAUI-PWEM
DEPT. OF PUBLIC WORKS
200 SOUTH HIGH STREET, 4TH FLOOR
WAILUKU, HI 96793

PREPARED BY:

NEWCOMER - LEE
LAND SURVEYORS, INC.
1498 LOWER MAIN STREET, SUITE D,
WAILUKU, MAUI, HAWAII 96793

SCALE: 1 INCH = 200 FEET

DATE: SEPTEMBER 8, 2007

8.5"x11"

EXHIBIT "A"

DWG NO. 7616-D2

JOB NO. 07-7616

DESCRIPTION
LIMITS OF WASTE AREA NO. 1
(FOR STATE SPECIAL PERMIT PURPOSES)
AFFECTING LOT A-1-A OF THE
GOVERNMENT LANDS OF KAWAIPAPA AND WAKIU (C.S.F. No. 17,643)

All of that certain parcel of land, being Limits of Waste Area No. 1 (for State Special Permit Purposes), being a portion of Lot A-1-A of the Government Lands of Kawaipapa and Wakiu (C.S.F. No. 17,643), situated at Kawaipapa and Wakiu, Hana, Island and County of Maui, State of Hawai'i and being more particularly described as follows:

Beginning at the southeast corner of this parcel of land, on the northwesterly boundary of Grant 8237 to Haiku Fruit and Packing Co., said point also being the south corner of Lot B (Hana Garbage Dump Site – C.S.F. 20,247) of the Government Lands of Kawaipapa and Wakiu (C.S.F. No. 17,643) and the west corner of said Lot A-1-A of the Government Lands of Kawaipapa and Wakiu (C.S.F. No. 17,643), the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAUIKI" being:

4,446.37 Feet North
2,048.20 Feet West

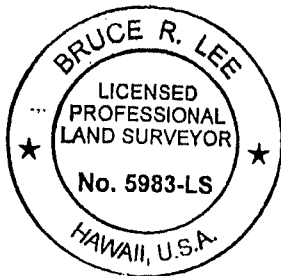
and running by azimuths measured clockwise from True South:

- | | | | |
|----|----------|--------|---|
| 1. | 95° 09' | 456.21 | feet along the remainder of Lot A-1-A of the Government Lands of Kawaipapa and Wakiu (C.S.F. No. 17,643); |
| 2. | 144° 24' | 421.67 | feet along the remainder of Lot A-1-A of the Government Lands of Kawaipapa and Wakiu (C.S.F. No. 17,643); |
| 3. | 149° 29' | 334.73 | feet along the remainder of Lot A-1-A of the Government Lands of Kawaipapa and Wakiu (C.S.F. No. 17,643); |
| 4. | 170° 25' | 282.61 | feet along the remainder of Lot A-1-A of the Government Lands of Kawaipapa and Wakiu (C.S.F. No. 17,643); |
| 5. | 285° 16' | 473.11 | feet along the remainder of Lot A-1-A of the Government Lands of Kawaipapa and Wakiu (C.S.F. No. 17,643) to a point on the northwesterly boundary of said Lot B (Hana Garbage Dump Site – C.S.F. 20,247) of the Government Land of Kawaipapa and Wakiu (C.S.F. No. 17,643); |
| 6. | 60° 03' | 362.95 | feet along Lot B (Hana Garbage Dump Site – C.S.F. 20,247) of the Government Lands of Kawaipapa and Wakiu (C.S.F. No. 17,643) to a (found) rebar; |

7. 309° 46' 30" 1008.28 feet along said Lot B (Hana Garbage Dump Site – C.S.F. 20,247) of the Government Lands of Kawaipapa and Wakiu (C.S.F. No. 17,643) to the point of beginning and containing an area of 5.390 Acres, more or less.

Prepared by:

NEWCOMER-LEE
LAND SURVEYORS, INC., a Hawai'i Corporation



This description was prepared from a survey on the ground performed by me or under my supervision.

Bruce R. Lee 04/08

BRUCE R. LEE
Licensed Professional Land
Surveyor Certificate No. 5983-LS

10-9-07
COM/HANA LANDFILL
File 07-7616
07-7616 COM Hana Landfill SMAUP Area 1

DESCRIPTION
LIMITS OF WASTE AREA NO. 2
(FOR STATE SPECIAL PERMIT PURPOSES)
AFFECTING LOT B
(HANA GARBAGE DUMP SITE – C.S.F. NO. 20,247)
OF THE GOVERNMENT LANDS OF KAWAIPAPA AND WAKIU (C.S.F. No. 17,643)

All of that certain parcel of land, being Limits of Waste Area No. 2 (for State Special Permit Purposes), being a portion of Lot B (Hana Garbage Dump Site – C.S.F. 20,247) of the Government Lands of Kawaipapa and Wakiu (C.S.F. No. 17,643), situated at Kawaipapa and Wakiu, Hana, Island and County of Maui, State of Hawai'i and being more particularly described as follows:

Beginning at the south corner of this parcel of land, on the northwesterly boundary of Grant 8237 to Haiku Fruit and Packing Co., said point also being the south corner of Lot B (Hana Garbage Dump Site – C.S.F. 20,247) and the west corner of Lot A-1-A of said Government Lands of Kawaipapa and Wakiu (C.S.F. No. 17,643), the coordinates of said point of beginning referred to Government Survey Triangulation Station "KAUIKI" being:

4,446.37 Feet North
2,048.20 Feet West

and running by azimuths measured clockwise from True South:

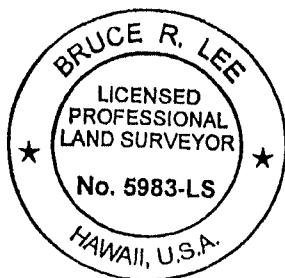
- | | | | |
|----|--------------|---------|---|
| 1. | 129° 46' 30" | 1008.28 | feet along said Lot A-1-A of the Government Lands of Kawaipapa and Wakiu (C.S.F. No. 17,643) to a (found) rebar; |
| 2. | 240° 03' | 1012.49 | feet along said Lot A-1-A of the Government Lands of Kawaipapa and Wakiu (C.S.F. No. 17,643); |
| 3. | 339° 09' | 451.24 | feet along the remainder of said Lot B (Hana Garbage Dump Site – C.S.F. 20,247) of the Government Land of Kawaipapa and Wakiu (C.S.F. No. 17,643); |
| 4. | 88° 38' | 62.89 | feet along the remainder of said Lot B (Hana Garbage Dump Site – C.S.F. 20,247) of the Government Land of Kawaipapa and Wakiu (C.S.F. No. 17,643); |
| 5. | 0° 27' | 684.81 | feet along the remainder of said Lot B (Hana Garbage Dump Site – C.S.F. 20,247) of the Government Land of Kawaipapa and Wakiu (C.S.F. No. 17,643) to a point on the northwesterly boundary of said Grant 8237 to Haiku Fruit and Packing Co.; |

6. 77° 40'

199.31 feet along said Grant 8237 to Haiku Fruit and Packing Co.
to the point of beginning and containing an area of 14.615
Acres, more or less.

Prepared by:

NEWCOMER-LEE
LAND SURVEYORS, INC., a Hawai'i Corporation



This description was prepared from a
survey on the ground performed by me or
under my supervision.

Bruce R. Lee 04/08

BRUCE R. LEE
Licensed Professional Land
Surveyor Certificate No. 5983-LS

10/9/07
COM/HANA LANDFILL
File 07-7616
07-7616 COM Hana Landfill SMAUP Area 2

LINDA LINGLE
GOVERNOR OF HAWAII



ALLAN A. SMITH
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

PETER T. YOUNG
DEPUTY DIRECTOR

KEN C. KAWAHARA
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

STATE OF HAWAII

DEPARTMENT OF LAND AND NATURAL RESOURCES

07 JUN 25 P2:21

Office of Conservation and Coastal Lands
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

REF:OCCL:MC

CORRESPONDENCE MA-07-280

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

JUN 22 2007

Dear Mr. Hirano,

SUBJECT: DEA, HANA LANDFILL LAND ACQUISITION AND EXPANSION
Hana, Maui
TMK (2) 1-3-06:12 and 7

The Office of Conservation and Coastal Lands (OCCL) is in receipt of your letter requesting comments on the Draft Environmental Assessment for the County of Maui's Hana Landfill and Land Acquisition plan.

The current landfill, on TMK (2) 1-3-06:12, lies partially in the State Land Use Conservation District. The use dates to 1969. In 1984 the Governor approved Executive Order No. 3304 which transferred administration and control of the site to the County of Maui for the Hana landfill.

The County now proposes to acquire land to expand the landfill by 45.14 acres. To accomplish this parcel 06:7 will be subdivided, and the expansion area incorporated into parcel 06:12. The eastern boundary of the expansion area will be along the Agriculture/Conservation District boundary.

Based upon the information provided, it appears that neither the subdivision and consolidation nor the landfill expansion involves the use of Conservation District lands. If this is the case then OCCL has no objections to the proposal.

If the proposal should change in scope, or if Conservation District lands will be involved in the project, then the applicant should contact OCCL to determine which permits might be needed.

If you have any questions, please contact Michael Cain at OCCL at 587-0048.

Aloha,

Samuel J. Lemmo, Administrator
Office of Conservation and Coastal Lands

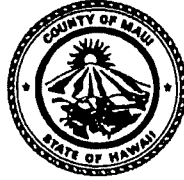
cc: Chair
Russell Tsuji, Land Division
Paul Fasi, Staff Planner, County of Maui, Department of Planning, 250 South High Street, Wailuku, 96793

EXHIBIT 11

CHARMAINE TAVARES
Mayor

CHERYL K. OKUMA, Esq.
Director

GREGG KRESGE
Deputy Director



DAVID TAYLOR, P.E.
Wastewater Reclamation Division
TRACY N. TAKAMINE, P.E.
Solid Waste Division

COUNTY OF MAUI
**DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT**
2200 MAIN STREET, SUITE 175
WAILUKU, MAUI, HAWAII 96793

2007 OCT 19 AM 10 22
DEPARTMENT OF PLANNING
COUNTY OF MAUI
RECEIVED

October 17, 2007

Samuel J. Lemmo, Administrator
Office of Conservation and
Coastal Lands
State of Hawai'i
Department of Land and Natural Resources
P. O. Box 621
Honolulu, Hawai'i 96709

SUBJECT: COUNTY OF MAUI HANA LANDFILL AND LAND ACQUISITION TMK (2)
1-3-006: 007 (POR.) AND 012 (POR.) (SM1 2007/0003); (SUP2 2007/0004);
AND (CUP 2007/0001)

Dear Mr. Lemmo:

Thank you for your letter of June 22, 2007, providing comments on the subject applications and Draft Revised Environmental Assessment (EA). The following information is provided in response to your comments.

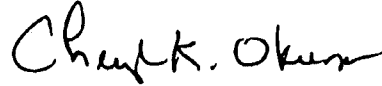
We note that the Office of Conservation and Coastal Lands (OCCL) acknowledges the use of the landfill on Parcel 12 dates to 1969. We also confirm the area of the expansion will be along the Agricultural/Conservation District boundary in Parcel 7 and the scope of the action has been fully described in the Draft Revised EA. We note that the OCCL has no objections to the proposed action as described in the Draft Revised EA.

**REPLY TO
EXHIBIT 11**

Samuel J. Lemmo, Administrator
October 17, 2007
Page 2

Thank you again for your comments.

Very truly yours,

A handwritten signature in black ink that reads "Cheryl K. Okuma". The signature is written in a cursive, flowing style.

CHERYL K. OKUMA, ESQ.
DIRECTOR OF ENVIRONMENTAL
MANAGEMENT

CO

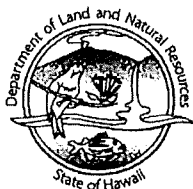
cc: Paul Fasi, Department of Planning
Mich Hirano, Munekiyo & Hiraga, Inc.

F:\DATA\COMDP\WanaLP\occl.deares.wpd

LINDA LINGLE
GOVERNOR OF HAWAII



ALLAN A. SMITH
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT



'07 JUL 10 P12:40

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

July 6, 2007

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

Attention: Mr. Paul Fasi

Gentlemen:

Subject: Draft Revised Environmental Assessment, Special management Area use Permit,
Land Use Commission and County Special use Permits for County of Maui Hana
Landfill Land Acquisition, Hana, Maui, Tax Map Key: (2) 1-3-6:portion 12 and 7

Thank you for the opportunity to review and comment on the subject matter. The Department of Land and Natural Resources' (DLNR) Land Division distributed or made available a copy of your report pertaining to the subject matter to DLNR Divisions for their review and comment.

Other than the comments from Engineering Division, the Department of Land and Natural Resources has no other comments to offer on the subject matter. Should you have any questions, please feel free to call our office at 587-0433. Thank you.

Sincerely,

Russell Y. Tsuji
Administrator

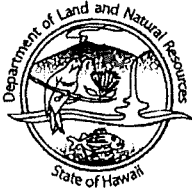
Post-it® Fax Note	7671	Date	7/11	# of pages	3
To	MICHA	From	Paul		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #		Fax #			

EXHIBIT 12

LINDA LINGLE
GOVERNOR OF HAWAII



ALLAN A. SMITH
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

June 8, 2007

MEMORANDUM

TO: **DLNR Agencies:**
☒ Div. of Aquatic Resources
☐ Div. of Boating & Ocean Recreation
☒ Engineering Division
☐ Div. of Forestry & Wildlife
☐ Div. of State Parks
☒ Commission on Water Resource Management
☒ Office of Conservation & Coastal Lands
☒ Land Division – Maui District

RECEIVED
LAND DIVISION
2007 JUN 20 A 9 57
DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII
07 JUN 14 PM 01:04 ENGINEERING

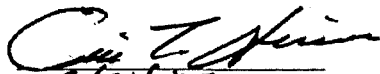
FROM: Russell Y. Tsuji
SUBJECT: Draft Revised Environmental Assessment, Special Management Area Use Permit,
Land Use Commission and County Special Use Permits for County of Maui Hana
Landfill Land Acquisition
LOCATION: Hana, Maui, Tax Map Key: (2) 1-3-6:portion 12 and 7
APPLICANT: Munekiyo & Hiraga, Inc. on behalf of the County of Maui, Department of Public
Works and Environmental Management

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by July 3, 2007.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

- () We have no objections.
() We have no comments.
(X) Comments are attached.

Signed: 

Date: 6/20/07

**DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION**

LA/RYT

**Ref.: SMAMauiHanaLandfill
Maui361**

COMMENTS

- () We confirm that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Zone ____.
- () Please take note that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Zone ____.
- () Please note that the correct Flood Zone Designation for the project site according to the Flood Insurance Rate Map (FIRM) is Zone D. The National Flood Insurance Program does not have any regulations for development within Zone D.
- () Please note that the project must comply with the rules and regulations of the National Flood Insurance Program (NFIP) presented in Title 44 of the Code of Federal Regulations (44CFR), whenever development within a Special Flood Hazard Area is undertaken. If there are any questions, please contact the State NFIP Coordinator, Ms. Carol Tyau-Beam, of the Department of Land and Natural Resources, Engineering Division at (808) 587-0267.

Please be advised that 44CFR indicates the minimum standards set forth by the NFIP. Your Community's local flood ordinance may prove to be more restrictive and thus take precedence over the minimum NFIP standards. If there are questions regarding the local flood ordinances, please contact the applicable County NFIP Coordinators below:

- () Mr. Robert Sumimoto at (808) 523-4254 or Mr. Mario Siu Li at (808) 523-4247 of the City and County of Honolulu, Department of Planning and Permitting.
 - () Mr. Kelly Gomes at (808) 961-8327 (Hilo) or Mr. Kiran Emler at (808) 327-3530 (Kona) of the County of Hawaii, Department of Public Works.
 - () Mr. Francis Cerizo at (808) 270-7771 of the County of Maui, Department of Planning.
 - () Mr. Mario Antonio at (808) 241-6620 of the County of Kauai, Department of Public Works.
-
- () The applicant should include project water demands and infrastructure required to meet water demands. Please note that the implementation of any State-sponsored projects requiring water service from the Honolulu Board of Water Supply system must first obtain water allocation credits from the Engineering Division before it can receive a building permit and/or water meter.
 - () The applicant should provide the water demands and calculations to the Engineering Division so it can be included in the State Water Projects Plan Update.
 - () Additional Comments: _____

- (X) **Other: Our comments dated April 12, 2004 to the Landfill Land Acquisition, which was responded and attached to the Draft Revised Environmental Assessment, still apply.**

Should you have any questions, please call Ms. Suzie S. Agraan of the Planning Branch at 587-0258.

Signed: _____

ERIC T. HIRANO, CHIEF ENGINEER

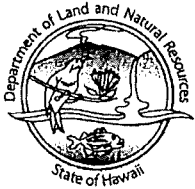
Date: _____

6/20/07

LINDA LINGLE
GOVERNOR OF HAWAII



ALLAN A. SMITH
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

July 10, 2007

07 JUL 12 PM 3:39
DEPT OF PLANNING
COUNTY OF MAUI

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

Attention: Mr. Paul Fasi

Gentlemen:

Subject: Draft Revised Environmental Assessment, Special Management Area Use Permit, Land Use Commission and County Special Use Permits for County of Maui Hana Landfill Land Acquisition, Hana, Maui, Tax Map Key: (2) 1-3-6:portion 12 and 7

Thank you for the opportunity to review and comment on the subject matter. The Department of Land and Natural Resources' (DLNR) Land Division distributed or made available a copy of your report pertaining to the subject matter to DLNR Divisions for their review and comment.

Other than the comments from Division of Aquatic Resources, Commission on Water Resource Management, the Department of Land and Natural Resources has no other comments to offer on the subject matter. Should you have any questions, please feel free to call our office at 587-0433. Thank you.

Sincerely,

Russell Y. Tsuji
Administrator

Post-it® Fax Note	7671	Date	7/16	# of pages	7
To	MICHA	From	PAUL F.		
Co./Dept.		Co.			
Phone #		Phone #	270-7114		
Fax #	244-8729	Fax #			

EXHIBIT 13

LINDA LINGLE
GOVERNOR OF HAWAII



RECEIVED
OBSERVATION
LANDS

2007 JUL -9 A 9:26

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES &
LAND DIVISION
POST OFFICE BOX 621 STATE OF HAWAII
HONOLULU, HAWAII 96809

ALLAN A. SMITH
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

AQUATIC
RESOURCES: 9/12

DIRECTOR	
COMM. FISH.	
AQ RES/ENV	
AQ REC	
PLANNER	
STAFF SVCS	
ECUMUH	
STATISTICS	
AFRC/FED AID	
EDUCATION	
SECRETARY	
OFFICE SVCS	
TECH ASST	
Return to:	
No. Copies	
Copies to:	
Due Date:	

June 8, 2007

MEMORANDUM

TO:

DLNR Agencies:

- ☒ Div. of Aquatic Resources
- ☐ Div. of Boating & Ocean Recreation
- ☒ Engineering Division
- ☐ Div. of Forestry & Wildlife
- ☐ Div. of State Parks
- ☒ Commission on Water Resource Management
- ☒ Office of Conservation & Coastal Lands
- ☒ Land Division - Maui District



RECEIVED
LAND DIVISION
JUL -9 A 10:27
DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

FROM:

Russell Y. Tsuji

SUBJECT:

Draft Revised Environmental Assessment, Special Management Area Use Permit, Land Use Commission and County Special Use Permits for County of Maui Hana Landfill Land Acquisition

LOCATION: Hana, Maui, Tax Map Key: (2) 1-3-6:portion 12 and 7

APPLICANT: Muneikiyo & Hiraga, Inc. on behalf of the County of Maui, Department of Public Works and Environmental Management

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by July 3, 2007.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

RECEIVED

JUN 21 2007

Div. of Aquatic Resources

- ☐ We have no objections.
- ☐ We have no comments.
- ☒ Comments are attached.

Signed:

Date:

Francis Ooster
7-2-07

Post-It® Fax Note	7671	Date: 6/29/07	# of pages: 1
To: Aiton	From: Skippy		
Co./Dept: DAR	Co: DAR		
Phone: 587-0115	Phone: 243-5833		

Suspense Date: 7/3/07

State of Hawaii
Department of Land and Natural Resources
DIVISION OF AQUATIC RESOURCES

Date: 6/29/07

MEMORANDUM

TO: Francis Oishi, Program Manager
FROM: Skippy Hau, Aquatic Biologist
THRU: Alton Miyasaka, Aquatic Biologist
SUBJECT: Comments on Draft Revised EA SM1-2007-0003 CDUP 2007/0001

Comment	Date	Request	Receipt	Referral
Requested by: Russell Tsuji	of:	6/8/07	6/14/07	6/22/07

Summary of Proposed Project

Title: Landfill Improvements

Project by: Maui County

Location: Hana, Maui (TMK (2) 1-3-6: portion 12 & 7)

Brief Description: Comments to Draft Revised Environmental Assessment and Applications for a Special Management Area Use Permit, Land Use Commission and County Special Use Permits for Hana Landfill expansion.

Comments:

Our usual construction comments and recommendation for best management practices apply. We strongly support that drainage runoff and erosion be minimized. There is one other possible area of concern for aquatic resources. Last year, we confirmed and collected 'opae'ula (*Halocaridina rubra*) from an anchialine pond near Nanualele Point. No proposed work associated with this project should negatively impact this pond system.

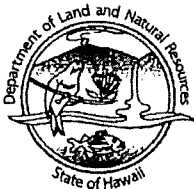
Although not in close proximity to the landfill site, we hope the groundwater testing might also note and monitor any anchialine pond areas in proximity of the landfill. Recent genetic research seems to indicate that this population may be genetically similar to the population found at Waianapanapa Caves.

(P. 33) Under Existing Conditions section, it was stated that an offsite runoff from a 25-year, 24-hour storm to the active area is prevented by natural contours.

Under Potential Impact and Mitigation Measures, the basin was sized to contain twice the volume of runoff generated by a 24-hour, 2.5 year storm from an area the size of one landfill cell (50 feet by 100 feet). There are no calculation estimates or how figures were derived to assess stormwater runoff.

What is actually being described and addressed? Is it a 25 or 2.5 year 24-hour storm? The runoff volumes are very different. Please explain why one landfill cell is being used. The description and overall plan is unclear.

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

6-29-07
ALLAN A. SMITH
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
RECEIVED

07 JUN 14 11:52

June 8, 2007

MEMORANDUM

TO: **DLNR Agencies:**
☒ Div. of Aquatic Resources
☐ Div. of Boating & Ocean Recreation
☒ Engineering Division
☐ Div. of Forestry & Wildlife
☐ Div. of State Parks
☒ Commission on Water Resource Management
☒ Office of Conservation & Coastal Lands
☒ Land Division – Maui District

FROM: Russell Y. Tsuji
SUBJECT: Draft Revised Environmental Assessment, Special Management Area Use Permit, Land Use Commission and County Special Use Permits for County of Maui Hana Landfill Land Acquisition
LOCATION: Hana, Maui, Tax Map Key: (2) 1-3-6:portion 12 and 7
APPLICANT: Munekiyo & Hiraga, Inc. on behalf of the County of Maui, Department of Public Works and Environmental Management

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by July 3, 2007.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

- () We have no objections.
() We have no comments.
() Comments are attached.

Signed: _____
Date: _____

EXHIBIT 1A

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 621
HONOLULU, HAWAII 96809

July 9, 2007

ALLAN A. SMITH
INTERIM CHAIRPERSON
MEREDITH J. CHING
JAMES A. FRAZIER
NEAL S. FUJIMURA
CHIYOME L. FUKINO, M.D.
DONNA FAY K. KIYOSAKI
LAWRENCE H. MIKE, M.D., J.D.

KEN C. KAWAHARA, P.E.
DEPUTY DIRECTOR

RECEIVED
LAND DIVISION
2007 JUL 10 P 3:25
DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

TO: Russell Tsuji, Administrator
Land Division

FROM: Ken C. Kawahara, P.E., Deputy Director
Commission on Water Resource Management *R*

SUBJECT: Hana Landfill Expansion RDEA, for SMAP, SUP, CUP

FILE NO.: SM1 2007/0003, SUP2 2007/0004, CUP2007/0001

Thank you for the opportunity to review the subject document. The Commission on Water Resource Management (CWRM) is the agency responsible for administering the State Water Code (Code). Under the Code, all waters of the State are held in trust for the benefit of the citizens of the State, therefore, all water use is subject to legally protected water rights. CWRM strongly promotes the efficient use of Hawaii's water resources through conservation measures and appropriate resource management. For more information, please refer to the State Water Code, Chapter 174C, Hawaii Revised Statutes, and Hawaii Administrative Rules, Chapters 13-167 to 13-171. These documents are available via the Internet at <http://www.hawaii.gov/dlnr/cwrm>.

Our comments related to water resources are checked off below.

- ☒ 1. We recommend coordination with the county to incorporate this project into the county's Water Use and Development Plan. Please contact the respective Planning Department and/or Department of Water Supply for further information.
- ☐ 2. We recommend coordination with the Engineering Division of the State Department of Land and Natural Resources to incorporate this project into the State Water Projects Plan.
- ☐ 3. There may be the potential for ground or surface water degradation/contamination and recommend that approvals for this project be conditioned upon a review by the State Department of Health and the developer's acceptance of any resulting requirements related to water quality.

Permits required by CWRM: Additional information and forms are available at www.hawaii.gov/dlnr/cwrm/forms.htm.

- ☐ 4. The proposed water supply source for the project is located in a designated ground-water management area, and a Water Use Permit is required prior to use of ground water.
- ☐ 5. A Well Construction Permit(s) is (are) required before the commencement of any well construction work.
- ☐ 6. A Pump Installation Permit(s) is (are) required before ground water is developed as a source of supply for the project.

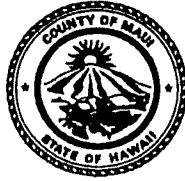
DRF-IA 03/02/2006

- ☐ 7. There is (are) well(s) located on or adjacent to this project. If wells are not planned to be used and will be affected by any new construction, they must be properly abandoned and sealed. A permit for well abandonment must be obtained.
- ☐ 8. Ground-water withdrawals from this project may affect streamflows, which may require an instream flow standard amendment.
- ☐ 9. A Stream Channel Alteration Permit(s) is (are) required before any alteration can be made to the bed and/or banks of a stream channel.
- ☐ 10. A Stream Diversion Works Permit(s) is (are) required before any stream diversion works is constructed or altered.
- ☐ 11. A Petition to Amend the Interim Instream Flow Standard is required for any new or expanded diversion(s) of surface water.
- ☐ 12. The planned source of water for this project has not been identified in this report. Therefore, we cannot determine what permits or petitions are required from our office, or whether there are potential impacts to water resources.
- ☐ 13. We recommend that the report identify feasible alternative non-potable water resources, including reclaimed wastewater.
- ☒ OTHER:

Three ground water monitor wells have have found no measured parameters outside statistical limits nor visual signs of release. There are no wetlands, nearest stream (Kawaipapa) is about 1500 feet and intermittent).

If there are any questions, please contact Charley Ice at 587-0251.

CHARMAINE TAVARES
Mayor
CHERYL K. OKUMA, Esq.
Director
GREGG KRESGE
Deputy Director



PF
DAVID TAYLOR, P.E.
Wastewater Reclamation Division
TRACY N. TAKAMINE, P.E.
Solid Waste Division

2007 OCT 19 AM 10 22

COUNTY OF MAUI
DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT

2200 MAIN STREET, SUITE 175
WAILUKU, MAUI, HAWAII 96793

DEPARTMENT OF PLANNING
COUNTY OF MAUI
RECEIVED

October 17, 2007

Russell Y. Tsuji, Administrator
Land Division
State of Hawai'i
Department of Land and Natural Resources
P. O. Box 621
Honolulu, Hawai'i 96809

SUBJECT: COUNTY OF MAUI HANA LANDFILL AND LAND ACQUISITION TMK (2)
1-3-006: 007 (POR.) AND 012 (POR.) (SM1 2007/0003); (SUP2 2007/0004);
AND (CUP 2007/0001)

Dear Mr. Tsuji:

Thank you for your letter of July 10, 2007, providing comments from the Division of Aquatic Resources (DAR) and the Commission on Water Resource Management (CMRM) on the subject applications and Draft Revised Environmental Assessment (EA). The following information is provided in response to their comments.

1. **Response to DAR Comments**

In accordance with 40 CFR (Code of Federal Regulations), a run-on control system must be in place to collect and control the water from the active portion of the landfill resulting from a 24-hour, 25 year storm. The reference to a 2.5 year storm on page 33 of the Draft Revised EA is a typographical error and should read "25" year storm. This typographical error will be corrected in the Final Revised EA. The calculation for the run-off volume is based on the drainage areas of the active portion of the Municipal Solid Waste disposal area, as required by federal regulation 40 CFR. The active area includes a working cell which has an average width of 50 feet and length of 100 feet. This section will be amended in the Final Revised EA to clarify the federal code requirements.

REPLY TO
EXHIBIT 13 & 14

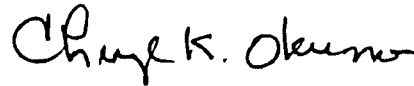
Russell Y. Tsuji, Administrator
October 17, 2007
Page 2

2. Response to CMRM Comments

Confirmation of the information provided in the Draft Revised EA, Chapter II, Section A.5., Streams and Groundwater, is noted.

Thank you again for providing comments on the Draft Revised EA.

Very truly yours,



CHERYL K. OKUMA, ESQ.
DIRECTOR OF ENVIRONMENTAL
MANAGEMENT

CO

cc: Paul Fasi, Department of Planning
Mich Hirano, Munekiyo & Hiraga, Inc.

F:\DATA\COMDPWHanaLF\dlnr.deares.wpd



'07 JUN 26 PM 2:51

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

June 21, 2007

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

Dear Mr. Hirano,

Subject: Draft Revised Environmental Assessment and Applications for a Special Management Area Use Permit, Land Use Commission and County Special Use Permits for County of Maui's Hana Landfill Land Acquisition (SM1 2007/003) (SUP2 2007/004) (CUP2007/001)
Waikaloa Road, Hana, Maui
Tax Map Key: (2) 1-3-06:12 (por.) and 7 (por.)

Thank you for allowing us to comment on the Special Management Area Use Permit, Land Use Commission and County Special Use Permit documents for the subject project.

In reviewing our records and the information received, Maui Electric Company (MECO) has no objections to the proposed project at this time.

If you have any questions or concerns, please call Ray Okazaki at 871-2340.

Sincerely,

Neal Shinyama
Manager, Engineering

NS/ro:lh

✓Cc: Mr. Paul Fasi – County of Maui – Department of Planning

EXHIBIT 15

(16)

Hawaiian Telcom

June 11, 2007

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

Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Maui, Hawaii 96793

'07 JUN 21 A10:10

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

ATTN: Paul F. Fasi, Staff Planner
Jeffrey S. Hunt, AICP Planning Director
Phone: (808) 270-7814
Fax: (808) 270-7634

Mich Hirano, AICP
Phone: (808) 244-2015
Fax: (808) 244-8729

SUBJECT: HANA LANDFILL AND LAND ACQUISITION, HANA, ISLAND OF MAUI
APPLICATION AND ENVIRONMENTAL ASSESSMENT FOR: SPECIAL
MANAGEMENT AREA PERMIT, LAND USE COMMISSION PERMIT AND COUNTY
SPECIAL USE PERMIT APPLICATION
(SM1 2007/003; SUP2 2007/004; CUP 2007/001)
TMK: (2) 1-3-006:007; 012 (POR.)
DPWEM, County of Maui (applicant)

Dear Mr. Fasi:

Thank you for providing Hawaiian Telcom Incorporated, the opportunity to comment on the Special Management Area Use Permit (SMA), Land Use Commission Permit and County Special Use Permit for the County of Maui Planning Department for the proposed Hana Landfill and Land Acquisition Project, in Hana, on the Island of Maui.

Hawaiian Telcom Inc. has no comments on this project at this time.

If there are any questions, please call Sheri Tihada at (808) 242-5258.

Sincerely,


Gordon Yadao
Section Manager –
Network Engineering & Planning

C: File (3020 0706-043)
S. Tihada

EXHIBIT 16



MICHAEL T. MUNEKIYO
GWEN OHASHI HIRAGA
MITSURU "MICH" HIRANO
KARLYNN KAWAHARA

MARK ALEXANDER ROY

August 28, 2007

'07 AUG 28 P3:07

DEPT OF PLANNING
COUNTY OF MAUI
RECEIVED

Erik Scott Krag
16809 Dragon Slayers Lane
Aptos, California 95003

SUBJECT: County of Maui, Hana Landfill Land Acquisition

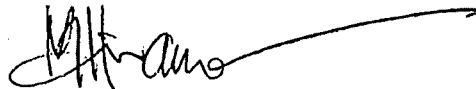
Dear Mr. Krag:

This letter is in response to your letter of August 14, 2007, which we received on the subject project. The purpose of the Notice of Application is to notify landowners within 500 feet of the Parcels identified by TMK Nos. 1-3-06:12 and 7 (por.) (herein after referred to Parcel 12 and Parcel 7, respectively) of the County of Maui's application for a Special Use Permit to expand the boundaries of the Hana Landfill. The current landfill is on Parcel 12 and the County proposes to expand the boundaries of the landfill on Parcel 7. The expansion covers an area of approximately 45 acres. The expansion is to incorporate an approximate 5.4 acre encroachment on Parcel 12 and environmental monitoring devices, as well as to provide for a buffer zone.

Our search of the listed owners and their addresses was obtained from the County of Maui Real Property Tax Office records. I would recommend notifying the tax office of the change of address, if you would like to receive further notices on this project.

Please call me at (808)244-2015, if you have any questions.

Very truly yours,



Mich Hirano, AICP
Project Manager

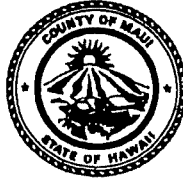
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cc: Elaine Baker, Department of Environmental Management
Paul Fasi, Department of Planning

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EXHIBIT 17
environment
planning
government

CHARMAINE TAVARES
Mayor
CHERYL K. OKUMA, Esq.
Director
GREGG KRESGE
Deputy Director



DAVID TAYLOR, P.E.
Wastewater Reclamation Division
TRACY N. TAKAMINE, P.E.
Solid Waste Division

**COUNTY OF MAUI
DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT**

2200 MAIN STREET, SUITE 175
WAILUKU, MAUI, HAWAII 96793

2007 OCT 19 AM 10 23

DEPARTMENT OF PLANNING
COUNTY OF MAUI
RECEIVED

October 17, 2007

Lesley Bruce
P. O. Box 911
Hana, Hawai'i 96713

**SUBJECT: COUNTY OF MAUI HANA LANDFILL AND LAND ACQUISITION TMK (2)
1-3-006: 007 (POR.) AND 012 (POR.) (SM1 2007/0003); (SUP2 2007/0004);
AND (CUP 2007/0001)**

Dear Lesley Bruce:

Thank you for your letter of July 9, 2007, providing comments on the subject applications and Draft Revised Environmental Assessment (EA). The following information is provided in response to your comments.


1. The topography of the landfill site and surrounding area slopes in a west to east direction. Based on data collected in a field survey carried-out in 2004, the elevation at the landfill office and Waikalua Road is approximately 57 feet msl (feet above mean sea level). The natural slope of the land from the office to the base of the municipal solid waste (MSW) area ramps up in elevation from 57 feet msl to 82 feet msl. The toe of the MSW lift is at elevation 82 feet msl. The elevation at the top of active area of the MSW was 90 feet msl in 2004. Since 2004 another lift of approximately 8 feet in height has been added to the landfill. Presently the height of the landfill is approximately 16-feet from the base of the MSW area.
2. The proposed storm water detention basin improvements will capture surface runoff from the active landfill area and prevent surface runoff from adversely impacting adjacent and downstream properties. The County of Maui, Department of Environmental Management (DEM) is required to monitor storm water discharge from the landfill site and will comply with the terms of the National Pollutant Discharge Elimination System Permit, General Permit Coverage.

EXHIBIT 18

3. Although, the DEM confirms there are no plans at the Hana Landfill for the collection of materials listed in your letter, the Recycling Section of the Solid Waste Division has established a range of recycling programs in the Central Maui area. Enclosed for your use is the Recycling Guide. You may also call the recycling phone hotline at 270-7880 for information on recycling some of the items you have listed.
4. The DEM has implemented a number measures to contain the collection of materials at the landfill. These measures are listed on pages 10 and 11 of the Draft Revised EA and provided below for your quick reference.
 - a. One 20-foot shipping container has been placed on the pad used for motor oil collection to hold two (2) spill pallets, each with four (4) 55-gallon drums.
 - b. Haztech was hired to pump the drums, as well as pump and clean the spill pallets prior to transferring them to the new shipping container.
 - c. One 20-foot shipping container has been placed on the pad for batteries.
 - d. Two (2) 37 cubic yard roll-offs have been procured and have been placed at the Hana Landfill for the collection of miscellaneous scrap metal with propane tanks and for the collection of appliances, both freon and nonfreon.
 - e. Eighteen (18) 96-gallon toters, for glass collection will be transported by Maui Recycling Service to Maui Disposal's glass pulverizer. The toters have been placed inside a 20-foot shipping container so that the toters are covered.

Again thank you for your comments.

Very truly yours,



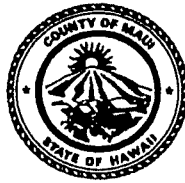
CHERYL K. OKUMA, ESQ.
DIRECTOR OF ENVIRONMENTAL
MANAGEMENT

CO

cc: Paul Fasi, Department of Planning
Mich Hirano, Munekiyo & Hiraga, Inc.

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CHARMAINE TAVARES
Mayor
CHERYL K. OKUMA, Esq.
Director
GREGG KRESGE
Deputy Director



DAVID TAYLOR, P.E.
Wastewater Reclamation Division
TRACY N. TAKAMINE, P.E.
Solid Waste Division

2007 OCT 19 AM 10 23

COUNTY OF MAUI
**DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT**
2200 MAIN STREET, SUITE 175
WAILUKU, MAUI, HAWAII 96793

DEPARTMENT OF PLANNING
COUNTY OF MAUI
RECEIVED

October 17, 2007

John Blumer-Buell
P. O. Box 787
Hana, Hawai'i 96713

SUBJECT: COUNTY OF MAUI HANA LANDFILL AND LAND ACQUISITION TMK (2)
1-3-006: 007 (POR.) AND 012 (POR.) (SM1 2007/0003); (SUP2 2007/0004);
AND (CUP 2007/0001)

Dear Mr. Blumer-Buell:

Thank you for your letter of July 4, 2007, providing comments on the subject applications and Draft Revised Environmental Assessment (EA). The following information is provided in response to your comments, in relatively the same order as in your letter.

- a. A copy of the Final Revised EA will be mailed to you and the Hana Community Association, as requested.
- b. The determination of the approving agency was established pursuant to Title 200 of Title 11, Chapter 200, Hawai'i Administrative Rules, Environmental Impact Statement Rules, Subchapter 4, which provides for the proposing agency and approving agency to be one in the same.
 1. The license to remove cinder and fill for landfill purposes and road maintenance is on a gratis basis with the State and was first approved by the Board of Land and Natural Resources in 1976. The County is presently in discussions with the State to obtain a new license for the removal of cinder from State lands.
 - 1.a. The removal of cinder and fill is on land identified by TMK (2)1-3-04:012(por.). The real property tax records indicate this land is owned by the State of Hawai'i.

EXHIBIT 19

- 1.b. There is no evidence that the cinders used for cover at the Hana Landfill are infested with miconia seed. Botanical and fauna surveys conducted by Robert Hobdy and included in Appendix F of the Draft Revised EA did not reveal any evidence of miconia seed or plants at the Hana Landfill.
- 1.c. The Hana Landfill receives no miconia eradication funds and has not been contacted by the Maui Invasive Species Committee. There is no evidence of miconia plants at the Hana Landfill site.
- 1.d. State and County plans and legislation supporting the removal of cinders and fill for the landfill and road maintenance are listed below.
 - A. The Hawai'i State Plan, Chapter 226, Hawai'i Revised Statutes has the following objective and policies relating to solid waste management and natural resources:
 - i. Section 226-11 (b)(4) Manage natural resources and environs to encourage their beneficial and multiple use without generating costly or irreparable environmental damage;
 - ii. Section 226-11 (b)(8) Pursue compatible relationships among activities, facilities and natural resources.
 - B. Maui County General Plan:
 - i. Objective: To provide efficient, safe and environmentally sound systems for the disposal and refuse of liquid and solid wastes.
 - C. Hana Community Plan:
 - i. Economic Activity, Objectives and Policies: (10) Promote self-sufficiency by using local resource materials, products and natural energy sources.
 - ii. Physical Infrastructure, Objectives and Policies, Transportation: (2) Improve road conditions through more frequent resurfacing and repair.
- As noted in Item No. 1.b., above, there is no evidence of miconia plants at the Hana Landfill and that the use of cinders is spreading miconia seed.
- 1.e. See response to Item No. 1.d. above.

- 1.f. The County of Maui's arrangement for the removal of cinder and dirt material for use in road maintenance and landfill purposes was approved by the Board of Land and Natural Resource in 1976. An environmental assessment was not carried out.
2. The topography of the landfill site and surrounding area slopes in a west to east direction. Based on data collected in a field survey carried-out in 2004, the elevation at the landfill office and Waikalua Road is approximately 57 feet msl (mean sea level). The natural slope of the land from the office to the base of the municipal solid waste (MSW) area ramps up in elevation from 57 feet msl to 82 feet msl. The toe of the MSW lift is at elevation 82 feet msl. The elevation at the top of active area of the MSW was 90 feet msl. Therefore, the height of the MSW lift was approximately 8 feet high in 2004. The County has added another lift of approximately 8 feet to the landfill MSW area since 2004. Therefore, the present height of the landfill from the base of the MSW area is approximately 16 feet.
- 2.a. The Hana Landfill has been in operation since 1969 providing a vital service to the residents and communities in East Maui. A cultural impact assessment and archaeological assessment were carried out as part of the environmental assessment. The proposed action was not considered to have an adverse impact to cultural and historic properties.
- 3.a. The County of Maui is currently updating the Integrated Solid Waste Management Plan. A part of the scope will be to carry out the feasibility of placing the Hana Landfill on standby with a permit and disposing all municipal solid waste at the Central Maui Landfill in Kahului.
- 3.b. The County of Maui Integrated Solid Waste Management Plan (ISWMP) is a county wide long-term strategy aimed at source reduction, recycling, waste combustion and landfill disposal. It is not an alternative to landfill disposal but uses a combination of all of the above components to manage the municipal waste stream. The Hana Landfill has separate disposal areas for recycling, green waste and landfill disposal. Based on the information provided by the Public Facilities Assessment Update County of Maui, (March 9, 2007) prepared by R.M. Towill Corporation, it is estimated that the ISWMP has resulted in a 30 percent diversion of annual generated waste away from landfills and into recycling, reuse, and composting. In 2006/2007 fiscal period, the County of Maui had allocated approximately \$1.2 million to the ISWMP initiatives and \$1.9 million for co-composting.
- 3.c. Based on previous studies (see response Item No. 3.b.) the amount of solid waste received at the Hana Landfill that can be recycled is estimated to be approximately 30 percent.

- 3.d. The breakdown of solid waste from the sources you identified is presently not available.
- 3.e. The DEM, Solid Waste Division Recycling Section has instituted a range of short and long-term programs to encourage recycling by County residents. The programs include: County Building Recycling Project, Community Drop-box Program, Used Motor Oil Drop-off, Paint Collection, Computer Collection, and Recycling Phone Hotline, Electronics Recycling, Vermicomposting Workshops, Recycling Guide (copy enclosed), Talking Trash, Aloha Shares, Tour de Trash, Redemption Centers, Appliance Drop-off and Pick-up, Tree Recycling, Educational Outreach Booth, grants to Habitat for Humanity Re-use Store, free wire baskets for 5-cent containers, clusters at County parks for 5-cent containers, recycling bins at community centers, green waste composting sites, and reusable shopping bags to reduce litter and plastic bags. Specific recycling pilot projects have also been initiated in selected communities to educate and encourage the population to take advantage of recycling opportunities and rethink their notions of waste.
- 4. The determination of the direction of the groundwater flow from the field work is provided in the URS Semi-Annual Groundwater Monitoring Report, January 2007, a copy of which is included in the Draft Revised EA, as Appendix D. The direction of groundwater flow as determined from January 2007 monitoring indicated the groundwater flowing generally to the southwest. This information is provided on page 5 of the report and also depicted in Figure 2 of the 2007 Groundwater Monitoring Report.
- 4.b. There was no monitoring of water quality in Hana Bay, nor the ponds near the landfill site.
- 4.c. Baseline information on the environmental conditions of the ocean, Hana Bay and the ponds near the landfill site are not available in connection with the Hana Landfill assessment.

The location and number of groundwater monitoring wells were determined for the Hana Landfill based on local topography and groundwater flow direction. Brown and Caldwell, a Hawai'i engineering firm, carried out the study for the County of Maui in 1992. The results of the study are provided in a report entitled, Phase 2 Site Investigation Report Hana Refuse Disposal Facility, Maui, Hawai'i, dated August 4, 1993.

The Detection Monitoring Program at the Hana Landfill is carried out in accordance with the State of Hawai'i, Department of Health, Landfill Groundwater Monitoring

John Blumer-Buell
October 17, 2007
Page 5

Guidance Document. The field parameters include temperature, specific conductivity, pH, turbidity, salinity and dissolved oxygen. Inorganic constituents analyzed for detection, includes ammonia as nitrogen, chloride, sulfate, alkalinity, TDS, calcium, magnesium, iron, potassium, sodium, vanadium and zinc. Organic monitoring parameters includes volatile organic compounds (VOC) and total organic carbon (TOC). As noted in the Draft Revised EA, groundwater monitoring is carried out semi-annually and none of the monitoring parameters were found outside the statistical control limits established for each well.

Thank you again for your comments.

Very truly yours,



CHERYL K. OKUMA, ESQ.
DIRECTOR OF ENVIRONMENTAL
MANAGEMENT

CO

cc: Paul Fasi, Department of Planning
Mich Hirano, Munekiyo & Hiraga, Inc.

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