Application for Amendment to Permit Terms, Conditions, and Time Stipulations

HAWAIIAN CEMENT POHAKEA QUARRY, WAIKAPŪ, MAUI, HAWAI'I (SUP1 2006/0001, CUP 2006/0001, CP 1997/0002)

(TMK No. (2)3-6-004:007)

Prepared for:

Hawaiian Cement

June 2019

Copyright © 2019
By Munekiyo Hiraga

MUNEKIYO HIRAGA

Planning. Project Management. Sustainable Solutions.

Application for Amendment to Permit Terms, Conditions, and Time Stipulations

HAWAIIAN CEMENT POHAKEA QUARRY, WAIKAPŪ, MAUI, HAWAI'I (SUP1 2006/0001, CUP 2006/0001, CP 1997/0002)

(TMK No. (2)3-6-004:007)

Prepared for:

Hawaiian Cement

June 2019

Copyright © 2019
By Munekiyo Hiraga

MUNEKIYO HIRAGA

Application for Amendment to Permit Terms, Conditions, and Time Stipulations

for

HAWAIIAN CEMENT POHAKEA QUARRY, WAIKAPŪ, MAUI, HAWAI'I (SUP1 2006/0001, CUP 2006/0001, CP 1997/0002)

(TMK No. (2)3-6-004:007)

INDEX

1. Application for Amendment to Permit Terms, Conditions, and Time Stipulations Checklist
2. Application for Amendment to Permit Terms, Conditions, and Time Stipulations Form
3. Land Ownership Documentation
4. Letters of Authorization
5. Zoning and Flood Confirmation Form
6. Justification for Request

7. **Exhibits**

Exhibit 1.	**State Land Use Commission Special Use Permit Time Extension Approval**
Exhibit 1-A.	**State Land Use Commission Special Use Permit Annual Compliance Report Dated April 8, 2019**
Exhibit 2.	**Conditional Permit Time Extension Approval**
Exhibit 2-A.	**County Conditional Permit Annual Compliance Report Dated October 16, 2018**
Exhibit 3.	**County Special Use Permit Time Extension Approval**
Exhibit 3-A.	**County Special Use Permit Biannual Compliance Report Dated February 16, 2018**
Exhibit 4.	**Letters from the State Historic Preservation Division Dated April 1, 2008 Accepting the Archaeological Inventory and Archaeological Monitoring Plan**

8. **2019 Conditional Permit Annual Compliance Report**

K:\DATA\HawnCemt\Quarry\Amend to Permit Terms Application\Amend to Permit Terms Index.doc

APPLICATION FOR AMENDMENT TO PERMIT TERMS, CONDITIONS, AND TIME STIPULATIONS CHECKLIST

1

Instructions:

- **The following checklist items shall be completed and submitted at the time of application submittal. Incomplete applications will delay their processing and may be returned.**
- **Please number all documents and arrange them in the order they are listed below.**

1. ☑ Completed ***Required Items Checklist*** (THIS CHECKLIST) (pg 2)

2. ☑ Completed ***Application Form*** (pg 3)
   See Section 2.

3. ☑ A notarized letter of authorization from the legal owner, if the applicant is not the owner.
   See Section 3 and Section 4.

4. ☑ An electronic copy in PDF format of the completed application packet on a flash drive or compact disk.

5. ☑ Completed ***Zoning and Flood Confirmation Form***, when the proposed amendment would modify the site area subject to development (pg 4)
   See Section 5.

6. ☑ A ***non-refundable filing fee***, payable to County of Maui, Director of Finance.

   The current fee schedule is available at the Department of Planning or at the Department of Planning section of the County of Maui website under "Development Permits, Applications & Reviews". www.mauicounty.gov.

7. ☑ Other information, as required by the Planning Director.
   See Section 6, Section 7, and Section 8.

APPLICATION FOR AMENDMENT TO PERMIT TERMS, CONDITIONS, AND TIME STIPULATIONS FORM

2

Application for Amendment to Permit Terms, Conditions & Time Stipulation

Please print legibly or type in the information below.

PROPERTY ADDRESS / PROJECT INFORMATION

Name of Project: (*If project name is not provided, applicants name will be used*) Hawaiian Cement Pohakea Quarry

Tax Map Key No: (2)3-6-004:007 **Total Lot Area:** 79.196 acres

Physical Address / Location of Project: Honoapiʻilani Highway

Additional Location Information: West of Honoapiʻilani Highway and Kuihelani Highway intersection

DESCRIPTION OF PROPOSED ACTIVITY OR DEVELOPMENT

Written description of the proposed action shall include, but not be limited to: use, length, width, height, depth, building material(s), and statement of objectives of the proposed action. Attach additional sheets, if needed:

Describe the Existing Use: Rock quarry and base course operation permitted by State Land Use Commission Special Permit (SUP1 2006/0001), County Special Use Permit (CUP 2006/0001), and a concrete recycling program permitted by County Conditional Permit (CP 1997/0002).

Describe the Proposed Use: *Include a description of all proposed ground altering activities (e.g., area of disturbance, quantity of fill, depth of excavation, etc.).* Applicant is requesting a 10-year time extension for all three (3) permits

Valuation*: Not Applicable **Building Permit Application No:** *(if applicable)* Not Applicable

**Total cost or fair market value as estimated by an architect, engineer, or contractor licensed by the Department of Commerce and Consumer Affairs, State of Hawaii; or, by the administrator of Department of Public Works, Development Services Administration.*

CONTACT INFORMATION

APPLICANT INFORMATION

Applicant's Name(s): Dave Gomes, Hawaiian Cement **Email:** Dave.Gomes@hawaiiancement.com

Mailing Address: P.O. Box 488, Kahului, Hawaiʻi 96733

Phone Number(s): bus 871-7004 hm ---- cell ---- fax ----

Signature(s): Refer to Letter of Authorization, **Section 4** **Date:**

CONSULTANT INFORMATION

Contact Name(s): Bryan Esmeralda, AICP Munekiyo Hiraga **Email:** planning@munekiyohiraga.com

Mailing Address: 305 High Street, Suite 104, Wailuku, Hawaiʻi 96793

Phone Number(s): bus 244-2015 hm --- cell --- fax 244-8729

Signature(s): Kay Fell for **Date:** 6/20/19

OWNER INFORMATION

Owner's Name(s): Ronald Jacintho, Sr. Pohakulepo Recycling, LLC **Email:** ron@rojacmaui.com

Mailing Address: 255-B Waiko Road, Wailuku, Hawaiʻi 96793

Phone Number(s): bus 986-1100 hm ---- cell ---- fax ----

Signature(s): Refer to Letter of Authorization, **Section 4** **Date:**

LAND OWNERSHIP DOCUMENTATION

3

CERTIFIED TO BE A TRUE AND CORRECT COPY
OF THE ORIGINAL RECORDED ON OCT
IN THE BUREAU OF CONVEYANCES OF THE
STATE OF HAWAII AS
DOC# 2004-211766

FIRST AMERICAN TITLE COMPANY, INC.

AFTER RECORDATION, RETURN BY MAIL ( ) PICK-UP ( )

First American Title Company, Inc.
333 Queen Street, Suite 700
Honolulu, Hawaii 96813
Attn: Zelma O. Swanson, File No. 1493031

THIS DOCUMENT CONTAINS _____ PAGES

TITLE OF DOCUMENT:

SHORT FORM LEASE

PARTIES TO DOCUMENT:

Lessor: POHAKULEPO RECYCLING, LLC, a Hawaii limited liability company
P.O. Box 5, Kula, Hawaii 96790

Lessee: HAWAIIAN CEMENT, a Hawaii general partnership
99-1300 Halawa Valley Street, Aiea, Hawaii 96701-3289

PROPERTY DESCRIPTION:

SEE EXHIBIT "A""

LIBER/PAGE/DOCUMENT NO.:

LAND COURT DOCUMENT NO(S).: N/A

TRANSFER CERTIFICATE OF TITLE NO(S).: N/A

Tax Map Key: (2) 3-6-004-007

SHORT FORM LEASE

THIS SHORT FORM LEASE is made this 15th day of October, 2004, by and between POHAKULEPO RECYCLING, LLC, a Hawaii limited liability company, whose post office address is P.O. Box 5, Kula, Hawaii 96790, hereinafter called "Lessor", and HAWAIIAN CEMENT, a Hawaii general partnership, whose post office address is 99-1300 Halawa Valley Street, Aiea, Hawaii 96701-3289, hereinafter called "Lessee";

W I T N E S S E T H:

WHEREAS, Lessor and Lessee have entered into a Lease dated October 15, 2004 (the "Lease") with respect to that certain property situated in Wailuku, Maui, Hawaii, containing approximately 79.196 acres, commonly called the Pohakulepo Quarry Site, and being identified as Tax Map Key No. (2) 3-6-004-007; and

WHEREAS, Lessor and Lessee desire to give notice of the Lease.

NOW, THEREFORE, Lessor and Lessee do and each of them does hereby agree as follows:

1. Premises. Lessor leases to Lessee and Lessee leases from Lessor, upon the terms and conditions set forth in the Lease, those certain premises more particularly described in Exhibit "A" attached hereto and by this reference made a part hereof, together with the right of ingress and egress therefrom (hereinafter called the "Premises").

2. Term.

(a) Initial Term. The term of the Lease shall be for twenty (20) years (the "Initial Term"), commencing on October 15, 2004 (the "Commencement Date"), and ending on the twentieth (20th) anniversary of the Commencement Date, unless sooner terminated as more particularly provided in the Lease.

(b) First Option Term. Provided that Lessee is not in default during the Initial Term, Lessee shall have the option to extend the term for an additional period of twenty (20) years (the "First Option Term").

(c) Second Option Term. Provided that Lessee is not in default during the First Option Term, Lessee shall have the option to extend the term for an additional period of twenty (20) years (the "Second Option Term").

3. The Lease. The terms of this Short Form Lease are subject to the Lease, and any amendments, renewals, or extensions of the Lease.

IN WITNESS WHEREOF, this Short Form Lease has been executed by the parties hereto as of the day and year first above written.

POHAKULEPO RECYCLING, LLC, a
Hawaii limited liability company

By: _____
Ronald R. Jacintho, Sr., Trustee of the
Ronald R. Jacintho, Sr. Trust dated
September 30, 1993, its ~~Managing Member~~ Manager

By: _____
Miriam M. Jacintho, Trustee of the
Miriam M. Jacintho Trust dated
September 30, 1993, its ~~Managing Member~~ Manager

"Lessor"

HAWAIIAN CEMENT, a Hawaii
general partnership

By: _____
Carl L. Simons, President

By: _____
W. Wm. Horneman, Vice President

"Lessee"

IN WITNESS WHEREOF, this Short Form Lease has been executed by the parties hereto as of the day and year first above written.

POHAKULEPO RECYCLING, LLC, a
Hawaii limited liability company

By: _____
Ronald R. Jacintho, Sr., Trustee of the Ronald R. Jacintho, Sr. Trust dated September 30, 1993, its Managing Member

By: _____
Miriam M. Jacintho, Trustee of the Miriam M. Jacintho Trust dated September 30, 1993, its Managing Member

"Lessor"

HAWAIIAN CEMENT, a Hawaii
general partnership

By: Carl R. Simons
Carl L. Simons, President

By: W W Horneman
W. Wm. Horneman, Vice President

"Lessee"

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this 12th day of October, 2004, before me personally appeared RONALD R. JACINTHO, SR., to me personally known, who being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.

Karen Temple
Print Name: **KAREN TEMPLE**
Notary Public, State of Hawaii

LS

My commission expires: 6/14/2008

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this 12th day of October, 2004, before me personally appeared MIRIAM M. JACINTHO, to me personally known, who being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.

Karen Temple

Print Name: KAREN TEMPLE
Notary Public, State of Hawaii

LS

My commission expires: 6/14/2008

STATE OF HAWAII)
) SS.
CITY and COUNTY OF HONOLULU)

On this 13TH day of October, 2004, before me personally appeared CARL L. SIMONS, to me personally known, who being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.

Print
Name: THANVAMANY PHOUMISAVANH
Notary Public, State of Hawaii

My commission expires: JUNE 3, 2005

STATE OF HAWAII)
) SS.
CITY and COUNTY OF HONOLULU)

On this 13TH day of October, 2004, before me personally appeared W. WM. HORNEMAN, to me personally known, who being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.

Print Name: THANVAMANY PHOUMISAVANH
Notary Public, State of Hawaii

My commission expires: JUNE 3, 2005

EXHIBIT "A"

All of that certain parcel of land (portion of the land described in and covered by Royal Patent Grant Number 3152 to Henry Cornwell) situate, lying and being on the westerly side of Honoapiilani Highway (Federal Aid Project Number 13-G) at Waikapu, District of Wailuku, Island and County of Maui, State of Hawaii, being LOT 1 of "WAIKAPU HEMA LARGE LOT SUBDIVISION", and thus bounded and described as per survey dated June 19, 1991, to-wit:

Beginning at a point at the southeasterly corner of this lot, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE", being 23,874.22 feet south and 4,608.47 feet west and running by azimuths measured clockwise from true South:

1.	78°	57'	41"	2,232.00	feet along the State of Hawaii Land of Ukumehame to a point;
2.	134°	42'	50"	235.57	feet along the remainder of Grant 3152 to H. Cornwell, being also along Lot 2 of Waikapu Hema Large Lot Subdivision to a point;
3.	98°	11'	30"	578.24	feet along same to a point;
4.	169°	00'		588.48	feet along same to a point;
5.	207°	22'		252.51	feet along same to a point;
6.	281°	04'	20"	311.55	feet along same to a point;
7.	241°	44'	30"	572.29	feet along same to a point;
8.	233°	38'	10"	761.38	feet along same to a point;
9.	193°	28'	40"	262.60	feet along same to a point;
10.	268°	04'	40"	405.17	feet along the remainder of Grant 3152 to H. Cornwell, being also along Lots 2 and 6 of Waikapu Hema Large Lot Subdivision to a point;

Title Guaranty of Hawaii, Inc.
235 QUEEN ST., HONOLULU, HAWAII 96813, PH: (808) 533-6261

EXHIBIT "A" CONTINUED

11.	351°	47'	50"	234.21	feet along the remainder of Grant 3152 to H. Cornwell, being also along Lot 6 of Waikapu Hema Large Lot Subdivision to a point;
12.	326°	55'		337.72	feet along same to a point;
13.	305°	16'	20"	312.45	feet along same to a point;
14.	307°	58'	10"	431.25	feet along same to a point;
15.	325°	10'	10"	349.66	feet along same to a point;
16.	Thence along same on a curve to the right having a radius of 250.00 feet, the chord azimuth and distance being:				
	346°	24'	30"	181.13	feet to a point;
17.	7°	38'	50"	131.76	feet along same to the point of beginning and containing an area of 79.196 acres, more or less.

Together with a Roadway and Utility Easement A over and across a portion of Lot 6 of Waikapu Hema Large Lot Subdivision, subject to vehicular access restrictions from Honoapiilani Highway (Federal Aid Project Number 13-G) and being more particularly described as follows:

Beginning at a point at the southeasterly corner of this easement, the azimuth and distance from the southeasterly corner of Lot 6 of Waikapu Hema Large Lot Subdivision being 185 25' 18.33" 536.67 feet, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE", being 23,174.43 feet south and 3,709.27 feet west and running by azimuths measured clockwise from true South:

1. Thence over and across a portion of Grant 3152 to H.

Title Guaranty of Hawaii, Inc.
235 QUEEN ST., HONOLULU, HAWAII 96813, PH: (808) 533-6261

EXHIBIT "A" CONTINUED

Cornwell, being also over and across a portion of Lot 6 of Waikapu Hema Large Lot Subdivision on a curve to the left having a radius of 30.00 feet, the chord azimuth and distance being:

139° 55' 56.37" 42.46 feet;

2. Thence over and across same on a curve to the right having a radius of 529.72 feet, the chord azimuth and distance being:

107° 34' 13.04" 232.55 feet

3. 120° 15' 49.06 feet over and across same;

4. Thence over and across same on a curve to the left having a radius of 600.00 feet, the chord azimuth and distance being:

101° 31' 385.40 feet;

5. 82° 47' 116.06 feet over and across same;

6. Thence over and across same on a curve to the left having a radius of 585.00 feet, the chord azimuth and distance being:

60° 22' 35" 445.98 feet;

7. Thence over and across same on a curve to the left having a radius of 30.00 feet, the chord azimuth and distance being:

352° 58' 10" 42.43 feet;

8. 127° 58' 10" 100.00 feet over and across a portion of Grant 3152 to H. Cornwell, being also along Lot 1 of Waikapu Hema Large Lot Subdivision;

Title Guaranty of Hawaii, Inc.
235 QUEEN ST., HONOLULU, HAWAII 96813, PH: (808) 533-6261

EXHIBIT "A" CONTINUED

9. Thence over and across a portion of Grant 3152 to H. Cornwell, being also over and across a portion of Lot 6 of Waikapu Hema Large Lot Subdivision on a curve to the left having a radius of 30.00 feet, the chord azimuth and distance being:

262° 58' 10" 42.43 feet;

10. Thence over and across same on a curve to the right having a radius of 625.00 feet, the chord azimuth and distance being:

240° 22' 35" 476.48 feet;

11. 262° 47' 116.06 feet over and across same;

12. Thence over and across same on a curve to the right having a radius of 640.00 feet, the chord azimuth and distance being:

281° 31' 411.09 feet;

13. 300° 15' 49.06 feet over and across same;

14. Thence over and across same on a curve to the left having a radius of 489.72 feet, the chord azimuth and distance being:

287° 34' 13.04" 214.99 feet;

15. Thence over and across same on a curve to the left having a radius of 30.00 feet, the chord azimuth and distance being:

229° 50' 55.80" 42.46 feet;

16. Thence along the westerly side of Honoapiilani Highway

Title Guaranty of Hawaii, Inc.
235 QUEEN ST., HONOLULU, HAWAII 96813, PH: (808) 533-6261

EXHIBIT "A" CONTINUED

				(Federal Aid Project Number 13-G) on a curve to the right having a radius of 34,342.50 feet, the chord azimuth and distance being:
4°	53'	26.09"	100.09	feet to the point of beginning and containing an area of 1.239 acre, more or less.

Together also, with a Roadway and Utility Easement E (40-feet wide) over and across Lot 6 of Waikapu Hema Large Lot Subdivision and being more particularly described as follows:

Beginning at the southwesterly corner of this easement, being also the most easterly corner of Lot 2 of Waikapu Hema Large Lot Subdivision, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE", being 22,331.60 feet south and 5,991.01 feet west and running by azimuths measured clockwise from true South:

1.	136°	30'		53.47	feet over and across a portion of Grant 3152 to H. Cornwell, being also along Lot 2 of Waikapu Hema Large Lot Subdivision;
2.	268°	04'	40"	416.49	feet over and across a portion of Grant 3152 to H. Cornwell, being also over and across a portion of Lot 6 of Waikapu Hema Large Lot Subdivision;
3.	351°	47'	50"	261.22	feet over and across same;
4.	326°	55'		321.25	feet over and across same;
5.	305°	16'	20"	305.74	feet over and across same;
6.	307°	58'	10"	308.07	feet over and across same;

7. Thence over and across same on a curve to the left having a

Title Guaranty of Hawaii, Inc.
235 QUEEN ST., HONOLULU, HAWAII 96813, PH: (808) 533-6261

					radius of 625.00 feet, the chord azimuth and distance being:
	38°	25'	40"	10.00	feet;
8.	Thence over and across same on a curve to the right having a radius of 30.00 feet, the chord azimuth and distance being:				
	82°	58'	10"	42.43	feet;
9.	127°	58'	10"	277.04	feet over and across a portion of Grant 3152 to H. Cornwell, being also along Lot 1 of Waikapu Hema Large Lot Subdivision;
10.	125°	16'	20"	312.45	feet over and across same;
11.	146°	55'		337.72	feet over and across same;
12.	171°	47'	50"	234.21	feet over and across same;
13.	88°	04'	40"	345.17	feet over and across same to the point of beginning and containing an area of 1.441 acres, more or less.

BEING THE PREMISES ACQUIRED BY LIMITED WARRANTY DEED

GRANTOR : WAILUKU AGRIBUSINESS CO., INC., a Hawaii corporation

GRANTEE : POHAKULEPO RECYCLING, a Hawaii general partnership

DATED : June 20, 1997
RECORDED : Document No. 97-084472

END OF EXHIBIT "A"

Title Guaranty of Hawaii, Inc.
235 QUEEN ST., HONOLULU, HAWAII 96813, PH: (808) 533-6261

LETTERS OF AUTHORIZATION

4

POHAKULEPO RECYCLING, LLC

June 17, 2019

Michele Chouteau McLean, Director
County of Maui
Department of Planning
2200 Main Street, Suite 315
Wailuku, Hawai'i 96793

SUBJECT: Letter of Authorization for Hawaiian Cement Pohakulepo Quarry; TMK (2)3-6-004:007; Waikapū, Maui, Hawai'i (SUP1 2006/0001) (CUP 2006/0001) (CP 1997/0002)

Dear Ms. McLean:

Pohakulepo Recycling, LLC, owner of the above-mentioned property, hereby authorizes Hawaiian Cement and its consultant, Munekiyo Hiraga, to prepare, file, process, and obtain all necessary permits and approvals for the subject property, including, but not limited to an Application for Amendment to Permit Terms, Conditions, and Time Stipulations.

Should you have any questions, please feel free to contact me at 986-1100.

Sincerely,

Ronald Jacintho, Sr.

cc: Dave Gomes, Hawaiian Cement
Bryan Esmeralda, Munekiyo Hiraga

K:\DATA\HawnCemt\Quarry\Amend to Permit Terms Application\LOA.Pohakulepo.docx

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this 17TH day of JUNE, 2019, before me, the undersigned a Notary Public in and for said State, personally appeared Ronald Jacintho, Sr, Owner of Pohakulepo Recycling, LLC, a Hawaii limited liability company, personally known to me (or proved to me on basis of satisfactory evidence) to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/her executed the same in his/her authorized capacity(ies), and that by his/her signature(s) on the instrument and person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

STEPHANIE M. HUERTA-VILORIA
NOTARY PUBLIC
L.S.
No. 18-628
STATE OF HAWAII

Print Name: STEPHANIE M. HUERTA-VILORIA
Notary Public, State of HAWAII

My commission expires: 11/11/2022

Doc. Date: 6.17.2019 # Pages: 2
Notary Name: STEPHANIE M. HUERTA-VILORIA
2ND Circuit
Doc. Description:
LETTER OF AUTHORIZATION FOR HAWAIIAN CEMENT POHAKULEPO QUARRY (Stamp or Seal)

STEPHANIE M. HUERTA-VILORIA
NOTARY PUBLIC
L.S.
No. 18-628
STATE OF HAWAII

HAWAIIAN CEMENT

A subsidiary of Knife River Corporation

June 10, 2019

Michele Chouteau McLean, Director
County of Maui
Department of Planning
2200 Main Street, Suite 315
Wailuku, Hawai'i 96793

SUBJECT: Letter of Authorization for Hawaiian Cement Pohakulepo Quarry; TMK (2)3-6-004:007; Waikapū, Maui, Hawai'i (SUP1 2006/0001) (CUP 2006/0001) (CP 1997/0002)

Dear Ms. McLean:

Hawaiian Cement, lessee of the above-mentioned property, hereby authorizes Munekiyo Hiraga to prepare, file, process, and obtain all necessary permits and approvals for the subject property, including, but not limited to an Application for Amendment to Permit Terms, Conditions, and Time Stipulations.

Should you have any questions, please feel free to contact me at 871-7004.

Sincerely,

Jason Macy
President
Hawaiian Cement

cc: Ronald Jacintho Sr., Pohakulepo Recycling, LLC
Bryan Esmeralda, Munekiyo Hiraga

K:\DATA\HawnCemt\Quarry\Amend to Permit Terms Application\LOA.HawnCemt.docx

99-1300 HALAWA VALLEY STREET AIEA, HAWAII 96701-3289 TELEPHONE (808) 532-3400 FACSIMILE (808) 532-3499

STATE OF HAWAII)
) SS.
COUNTY OF MAUI)

On this 10th day of June, 2019, before me personally appeared Jason Macy, to me personally known, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable in the capacity shown, having been duly authorized to execute such instrument in such capacity.

LINDA S. KONO
NOTARY PUBLIC
No. 15-242
STATE OF HAWAII

Linda S. Kono
Print Name:
Notary Public, State of Hawaii

My commission expires: 7-19-19

Doc. Date: 6-10-19 # Pages: 2
Notary Name: Linda S. Kono
1st Circuit
Doc. Description:
letter of authorization

LINDA S. KONO
NOTARY PUBLIC
No. 15-242
STATE OF HAWAII
(Stamp or Seal)

ZONING AND FLOOD CONFIRMATION FORM

5

RECEIVED
JAN 16 2019
COUNTY OF MAUI
DEPT. OF PLANNING

COUNTY OF MAUI
DEPARTMENT OF PLANNING
One Main Plaza Building
2200 Main Street, Suite 315
Wailuku, Hawaii 96793

Zoning Administration and
Enforcement Division (ZAED)
Telephone: (808) 270-7253
Facsimile: (808) 270-7634
E-mail: planning@mauicounty.gov

JAN 22 2019

ZONING AND FLOOD CONFIRMATION FORM

(This section to be completed by the Applicant)

APPLICANT NAME Munekiyo Hiraga **TELEPHONE** 244-2015

PROJECT NAME Hawaiian Cement Pohakulepo Quarry **E-MAIL** planning@munekiyohiraga.com

PROPERTY ADDRESS Honoapiilani Highway **TAX MAP KEY** (2)3-6-004:007

☐ Yes ■ No **Will this Zoning & Flood Confirmation Form be used with a Subdivision Application?**
IF YES, answer questions A and B below and comply with instructions 2 & 3 below:

A) ☐ Yes ☐ No **Will it be processed under a consistency exemption from** Section 18.04.030(B), MCC?
IF YES, which exemption? (No. 1, 2, 3, 4 or 5) _____

B) State the purpose of subdivision and the proposed land uses (*ie 1-lot into 2-lots for all land uses allowed by law*):

INSTRUCTIONS:
1) **Please use a separate Zoning & Flood Confirmation Form for each Tax Map Key (TMK) number.**
2) **If this will be used with a subdivision application AND the subject property contains multiple districts/designations of (1) State Land Use Districts, (2) Maui Island Plan Growth Boundaries, (3) Community Plan Designations, or (4) County Zoning Districts; submit a signed and dated Land Use Designations Map, prepared by a licensed surveyor, showing the metes & bounds of the subject parcel and of each district/designation including any subdistricts.**
3) **If this will be used with a subdivision application AND the subject property contains multiple State Land Use Districts; submit an approved District Boundary Interpretation from the State Land Use Commission.**

(This section to be completed by ZAED)

LAND USE DISTRICTS/DESIGNATIONS (LUD) AND OTHER INFORMATION: [1]

☐ (SMA) Special Management Area

STATE DISTRICT: ☐ Urban ☐ Rural ☒ Agriculture ☐ Conservation

MAUI ISLAND PLAN Growth Boundary:[2] ☐ Urban ☐ Small Town ☐ Rural ☒ Planned Growth Area ☒ Outside Growth Boundaries

Protected Area:[2] ☐ Preservation ☐ Park ☐ Greenbelt ☐ Greenway ☐ Sensitive Land ☒ Outside Protected Areas

COMMUNITY PLAN:[2] Agriculture

COUNTY ZONING: Agriculture District

OTHER/COMMENTS:

☐ (PD) Planned Development
☐ (PH) Project District
☐ See Additional Comments (Pg.2)
☐ See Attached LUD Map

FEMA FLOOD INFORMATION: A Flood Development Permit is required if any portion of a parcel is designated V, VE, A, AO, AE, AH, D, or Floodway, and the project is on that portion.

FLOOD HAZARD AREA ZONES [3] & BASE FLOOD ELEVATIONS: Zone X

☐ FEMA DESIGNATED FLOODWAY | For Flood Zone AO, FLOOD DEPTH:

SUBDIVISION LAND USE CONSISTENCY: ☐ Not Consistent, (LUDs appear to have NO permitted uses in common).

_____ (Signature)
☐ Not Applicable, (Due to processing under consistency exemption No. ☐1, ☐2, ☐3, ☐4, ☐5).
☐ Interim Zoning, (The parcel or portion of the parcel that is zoned interim shall not be subdivided).

☐ [4] Consistent, (LUDs appear to have ALL permitted uses in common).

☐ [4] Consistent, upon obtaining an SMA, PD, or PH subdivision approval from Planning.

☐ [4] Consistent, upon recording a permissible uses unilateral agreement processed by Public Works (See Pg.2).

NOTES:

1 The conditions and/or representations made in the approval of a State District Boundary Amendment, Community Plan Amendment, County Change In Zoning, SMA Permit, Planned Development, Project District and/or a previous subdivision, may affect building permits, subdivisions, and uses on the land.

2 Please review the Maui Island Plan and the Community Plan document for any goals, objectives, policies or actions that may affect this parcel.

3 Flood development permits might be required in zones X and XS for any work done in streams, gulches, low-lying areas, or any type of drainageway; Flood development permits are required for work in all other zones. Subdivisions that include/adjoin streams, gulches, low-lying areas, or any type of drainageway might require the following designations to be shown on the subdivision map: 100-year flood inundation limits; base flood elevations; drainage reserves.

4 Subdivisions will be further reviewed during the subdivision application process to verify consistency, unilateral agreement requirements, and the conditions associated with a unilateral agreement [Section 18.04.030.D, Maui County Code].

REVIEWED & CONFIRMED BY:

Sheila Nakagawa (Signature) 1/18/19 (Date)

For: John S Rapacz, Planning Program Administrator, Zoning Administration and Enforcement Division

JUSTIFICATION FOR REQUEST

6

Justification for Request

Description of Facility

The Applicant, Hawaiian Cement, currently operates a rock quarry and base course operation and concrete recycling facility on an approximately 79.2-acre portion of Tax Map Key (TMK) (2)3-6-004:007, owned by Pohakulepo Recycling, LLC. See **Figure 1**.

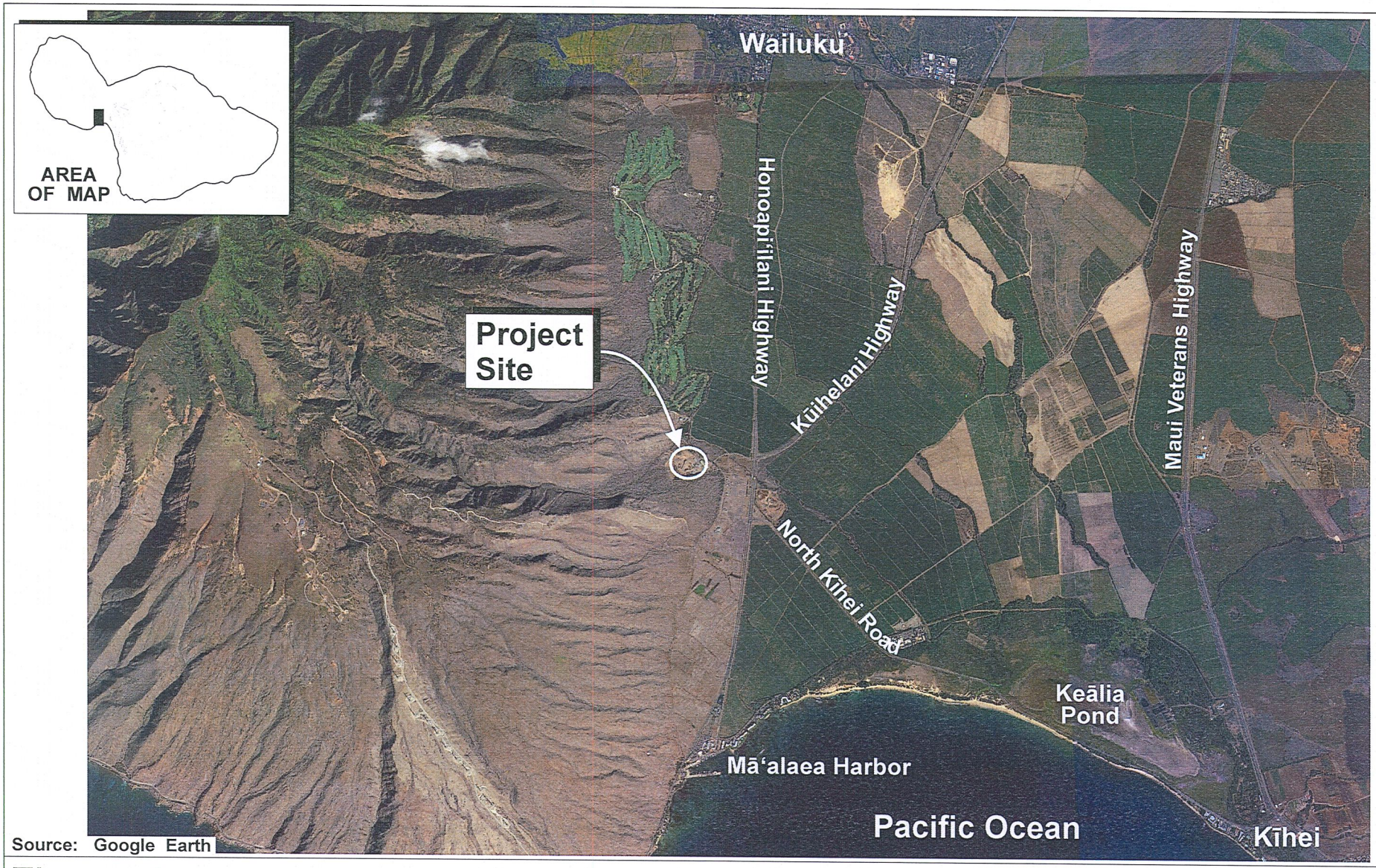
The property is located approximately 1,000 feet west (mauka) of Honoapiʻilani Highway, at its intersection with Kuihelani Highway in Waikapū. To the north of the site is an existing drainageway, to the south is Pohakea Stream, to the west are vacant lands with the West Maui Mountains beyond, and to the east are the site's access driveway and vacant former agricultural lands with Honoapiʻilani Highway beyond. See **Figure 2**.

Chronology of Permits and Approvals

The landowner, Pohakulepo Recycling, LLC, received approval by the Maui Planning Commission (MPC) in 1997 for a State Land Use Commission (LUC) Special Use Permit (SUP), authorizing a base course production, composting, and recycling facility on a 14.8-acre portion of the subject property. The concrete recycling and green waste composting facility are also permitted by a County Conditional Permit (CP) issued by the Maui County Council (MCC). Subsequent time extension requests for the SUP and CP were granted by the MPC.

In 2004, Pohakulepo Recycling, LLC and the Applicant signed a lease agreement, which provided Hawaiian Cement with the license to operate the base course, green waste composting, and concrete recycling facility. The lease agreement was for an initial 20-year term with an option to extend for an additional 20 years.

In 2006, the Applicant requested that the original 14.8-acre area be consolidated with a 64.4-acre expansion area, making the total area for the operation 79.2 acres, and covered under a single consolidated SUP. In addition, because the quarry and base course operation are not permitted uses in the underlying "Agricultural" zoning district, and because the expansion area was larger than 15 acres, a County Special Use Permit (CUP) was also sought.



Source: Google Earth

Figure 1

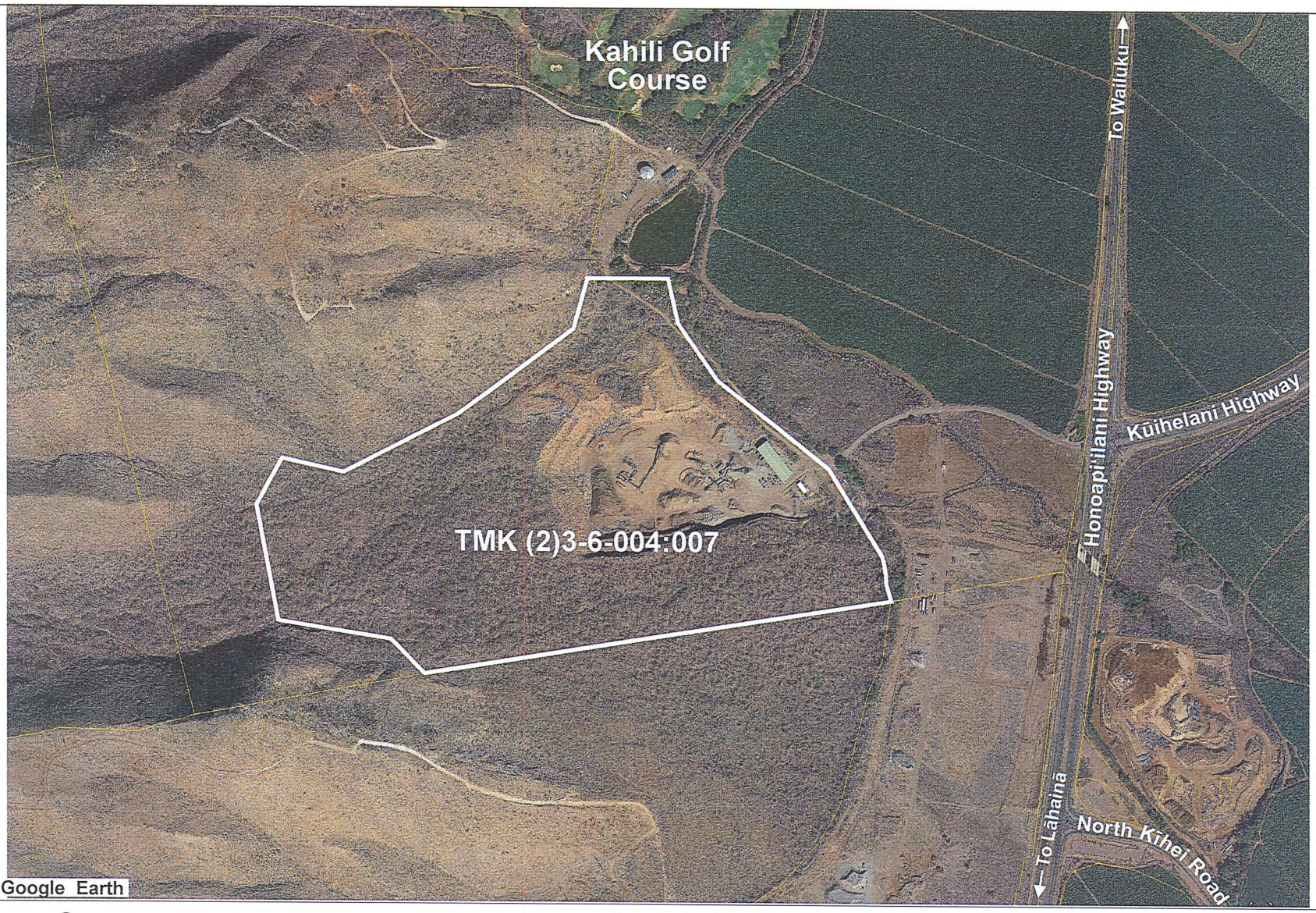
Hawaiian Cement Pohakea Quarry
Regional Location Map

NOT TO SCALE

MUNEKIYO HIRAGA

Prepared for: Hawaiian Cement

HawnCemt/Quarry/Amend to Permit Terms Application/Figures/Regional Location



Source: Google Earth

Figure 2

Hawaiian Cement Pohakea Quarry
Property Location Map

NOT TO SCALE

MUNEKIYO HIRAGA

Prepared for: Hawaiian Cement

HawnCemt/Quarry/Amend to Permit Terms Application/Figures/Property Location

Most recently, the LUC, MCC, and MPC approved time extension requests for all three (3) permits for the consolidated 79.2-acre site. The permits now have an expiration date of December 15, 2019. A summary of the permits, most recent approval actions, and expiration dates are provided in **Table 1** below. Copies of the time extension approval letters are provided as **Exhibit "1"**, **Exhibit "2"**, and **Exhibit "3"**.

Table 1. Summary of Permits, Most Recent Approval Actions, and Expiration Dates

Permit	Approved By	Approval Date	Expiration Date	Notes
SUP (SUP1 2006/0001)	LUC	January 7, 2011	December 25, 2019	Consolidated SUP which supersedes original approval (SUP2 96/0013)
CP (CP 1997/0002)	MCC	October 22, 2010	December 25, 2019	Ordinance No. 3787
CUP (CUP 2006/0001)	MPC	March 9, 2010	December 25, 2019	

The SUP was approved by the LUC subject to 23 conditions. Condition No. 6 was amended with the most recent time extension and now states:

> *On each anniversary date of this Decision and Order, the Applicant shall file annual reports to the LUC and the DP in connection with the status of the subject project and the Applicant's progress in complying with the conditions imposed herein. The annual report shall submitted in a form prescribed by the Executive Officer of the Commission.*

In compliance with this condition, a compliance report has been prepared and submitted to the LUC on April 8, 2019. See **Exhibit "1-A"**.

Similarly, the CP was approved by the MCC subject to seven (7) conditions. Condition No. 7 states:

> *That Hawaiian Cement shall submit to the Department of Planning annual reports addressing its compliance with the conditions established with the subject Conditional Permit.*

In compliance with this condition, a compliance report has been prepared and submitted with this application. See Section 9 of this application document. The last compliance report was submitted to the Planning Department on October 16, 2018. See **Exhibit "2-A"**.

Finally, the CUP was approved by the MPC subject to 13 conditions. Condition No. 5 states:

That the Applicant shall submit bi-annually to the Department, five (5) copies of a detailed report addressing its compliance with the conditions established by the County Special Use Permit.

In compliance with this condition, a compliance report was last prepared and submitted to the Planning Department on February 16, 2018. See **Exhibit "3-A"**.

Request

As quarry and concrete recycling operations are ongoing, the Applicant hereby requests that the SUP, CP, and CUP be extended for a period of ten (10) years, or until December 25, 2029. Specifically, the Applicant requests:

1. That Condition No. 1 of the SUP approval be amended to read:

   That the LUC Special Use Permit shall be valid until ~~December 25, 2019~~December 25, 2029, subject to further extensions by the LUC upon a timely request for extension filed at least one-hundred twenty days prior to its expiration. The appropriate Planning Commission shall make a recommendation to the LUC and may require a public hearing on the time extension.

2. That Condition No. 2 of the CP approval be amended to read:

   That the Conditional Permit is hereby granted to Hawaiian Cement and shall be valid until ~~December 25, 2019~~December 25, 2029; provided that, an extension of this permit beyond this period may be granted pursuant to Section 19.40.090, Maui County Code.

3. That Condition No. 1 of the CUP approval be amended to read:

   That the County Special Use Permit shall be valid until ~~December 25, 2019~~December 25, 2029, subject to extension by the Commission upon a timely request for extension filed at least one-hundred twenty (120) days prior to its expiration. The Commission may require a public hearing on the time extension.

Since the granting of the last time extension requests in 2010 and 2011, Hawaiian Cement has accessed approximately ten (10) acres of the parcel for quarry purposes. Applicant estimates, based on current construction demand and quarry operations, that there is approximately 26 years of quarry rock remaining at the Pohakea Quarry.

In addition, the Applicant no longer intends to pursue the green waste composting activity. As such, the Applicant is also requesting as part of this application:

4. That the three (3) permits be amended to remove the green waste composting facility from the approved scope of work as the Applicant will no longer pursue this activity. The green waste composting was meant to provide a means to repurpose the brush and trees at the site as lands were cleared for the quarry purpose. However, the Applicant's plans for the composting activity were not pursued due to operational challenges for the green waste composting process.

5. Finally, Condition Nos. 10 and 16 of the SUP read as follows:

   10. That prior to any excavation work within the 64.4-acre expansion, the following shall be resolved with the DLNR, SHPD:

   a. Clarification in the form of an archaeological survey level documentation as to whether Temporary Site T-9 is a previously identified historic site;
   b. A preservation plan for the "agreed upon preservation areas"; and
   c. A thorough field inspection of the 65+ acres into which the proposed quarry will expand to determine the condition of the previously identified sites as well as documentation of any additional sites. Documentation from the DLNR, SHPD, tthat all concerns have been addressed shall be filed with the DP and the County Department of Public Works and Environmental Management ("DPWEM") prior to issuance of any grading permit, if required, and initiation of excavation work within the expansion area.

   * * *

   16. That the protective construction fencing located around site T-9 (a remnant of a historic wall) shall be maintained fir the life of the LUC Special Use Permit. All individuals and/or organizations owrking on this site shall be briefed on the location of Site T-9 to avoid damaging this site.

An Archaeological Inventory Survey (AIS) and Archaeological Monitoring Plan (AMP) were prepared for the quarry expansion area in 2008 and were submitted to the State Historic Preservation Division (SHPD) for review. Both the AIS and AMP have been accepted. A copy of the SHPD's acceptance letter is provided as **Exhibit "4"**. Further, it is noted that no additional expansion of the quarry is being proposed. As such, the Applicant is also requesting as part of this application that Condition Nos. 10 and 16 of the SUP be removed.

As the Pohakea Quarry has been in operation for approximately 20 years, the Applicant is requesting a 10 year time extension to continue the rock quarry and concrete recycling operations.

EXHIBITS 7

State Land Use Commission Special Use Permit Time Extension Approval

EXHIBIT

1

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

LAND USE COMMISSION
STATE OF HAWAII
2011 JAN -7 A 6:54

In The Matter Of The Application Of	)	DOCKET NO. SP06-400
	)	
WILLIAM HORNEMAN ON BEHALF OF HAWAIIAN CEMENT	)	DECISION AND ORDER APPROVING TIME EXTENSION TO SPECIAL USE PERMIT
	)	
To Operate And Expand A Quarry And Base Course Operation On Approximately 79.2 Acres Of Land Within The State Land Use Agricultural District At Mā`alaea, Maui, Hawai`i, Tax Map Key: 3-6-04: 7	)	

DECISION AND ORDER APPROVING TIME EXTENSION TO SPECIAL USE PERMIT

This is to certify that this is a true and correct copy of the document on file in the office of the State Land Use Commission, Honolulu, Hawai`i.

January 7, 2011 by

Executive Officer

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

In The Matter Of The Application Of	)	DOCKET NO. SP06-400
	)	
WILLIAM HORNEMAN ON BEHALF OF HAWAIIAN CEMENT	)	DECISION AND ORDER APPROVING TIME EXTENSION TO SPECIAL USE PERMIT
	)	
To Operate And Expand A Quarry And Base Course Operation On Approximately 79.2 Acres Of Land Within The State Land Use Agricultural District At Mā'alaea, Maui, Hawai'i, Tax Map Key: 3-6-04: 7	)	

DECISION AND ORDER APPROVING TIME EXTENSION TO SPECIAL USE PERMIT

On July 16, 2009, Karlynn Fukuda filed a request on behalf of Hawaiian Cement ("Applicant") for a ten-year time extension to the life of the State Land Use Commission ("LUC") Special Use Permit issued in County Docket No. SUP1 2006/0001 (LUC Docket No. SP06-400) with the County of Maui Department of Planning ("DP"), pursuant to section 205-6, Hawai'i Revised Statues ("HRS"), and sections 15-15-95 and 15-15-96, Hawai'i Administrative Rules ("HAR").

On January 26, 2010, the County of Maui Planning Commission ("Planning Commission") conducted a hearing on the Applicant's request. There was no public testimony. After due deliberation, the Planning Commission voted to

approve the Applicant's request and to delete Condition Numbers 6 and 7 of the Decision And Order Approving Special Use Permit dated December 4, 2006.

The LUC has jurisdiction over this matter. Section 205-6, HRS, and sections 15-15-95 and 15-15-96, HAR, confer jurisdiction upon the LUC to approve special use permits and amendments thereto for areas greater than 15 acres.

On April 13, 2010, the LUC received copies of the Planning Commission's decision and the record on the request. Upon review of the record, the LUC staff believed that it was incomplete because there was an ambiguity as to the nature of the Planning Commission's action with respect to the disposition of certain conditions previously imposed by the LUC on the Special Use Permit. By letter dated April 15, 2010, the LUC staff notified the DP that it would suspend further processing of the request until such time that the record in this matter was clarified by the County of Maui.

On July 13, 2010, the Planning Commission conducted a hearing to address the concerns of the LUC staff. There was no public testimony. After due deliberation, the Planning Commission clarified that all of the remaining 23 conditions previously imposed by the LUC are included as part of its decision to approve the Applicant's request for a ten-year time extension to the life of the Special Use Permit and to delete Condition Numbers 6 and 7.

On October 20, 2010, the LUC received copies of the Planning Commission's agenda and minutes for its July 13, 2010, hearing.

On December 2, 2010, the LUC met in Honolulu, Hawai`i, to consider the Applicant's request. Karlynn Fukuda and Dave Gomes appeared on behalf of the Applicant. Michael Hopper, Esq., and Paul Fasi appeared on behalf of the DP. Bryan C. Yee, Esq., and Abe Mitsuda were also present on behalf of the State Office of Planning ("OP").

At the meeting, the LUC staff provided a summary of the Applicant's request and recommended that if the LUC were inclined to approve the Applicant's request for a ten-year time extension to the life of the Special Use Permit, Condition Number 6 be amended to read as follows:

> 6. On each anniversary date of this Decision and Order, the Applicant shall file annual reports to the LUC and the DP in connection with the status of the subject project and the Applicant's progress in complying with the conditions imposed herein. The annual report shall be submitted in a form prescribed by the Executive Officer of the Commission.

The LUC staff further recommended that Condition Number 7 be retained.

Following the presentation by the LUC staff, the Applicant stated that it currently has a 20-year lease for the subject property that expires in 2024, with an option to extend the lease for another 20 years. The Applicant then requested that in addition to its request for a ten-year time extension, the LUC consider the deletion of Condition

Numbers 8, 10, and 16 of the Decision And Order Approving Special Use Permit dated December 4, 2006, as the Applicant represented that these conditions have been met.

The DP stated that it had no objection to amending Condition Number 6 and retaining Condition Number 7 as recommended by the LUC staff nor any objection to the Applicant's request to delete Condition Numbers 8, 10, and 16.

The OP stated that it had a concern about deleting the requirement in Condition Number 8b that no increase in storm water runoff be allowed onto the State highway right-of-way as OP believed that this was a continuing obligation. Upon discussion, the Applicant stated that it had no objection to retaining that part of Condition Number 8b. With respect to Condition Number 10, OP requested the Applicant to clarify whether the State Historic Preservation Division ("SHPD") formally agreed that Site T-9 was not marked for preservation as represented by the Applicant. The Applicant clarified that as part of its compliance report, it included a letter from the SHPD dated April 1, 2008, in which the SHPD did not require the preservation of Site T-9 but recommended the presence of a full-time archaeological monitor for the proposed ground altering activities on the parcel. Upon additional questioning by OP, the Applicant referenced an excerpt from the revised archaeological inventory survey prepared for the expansion area and subsequently accepted by the SHPD, in which Site T-9 was determined following a thorough inspection to be a naturally occurring, unmodified boulder field as there was no evidence of human alteration or uses. Based

on the findings of the survey, Site T-9 was no longer considered an archaeological site, did not warrant archaeological data recovery, and no longer warranted implementation of measures to prevent accidental encroachment.

The DP clarified the requirement that no increase in storm water runoff be allowed onto the State highway-right-of way was also a condition of the County Special Use Permit.

Upon further discussion, the LUC advised the Applicant that its request to delete Condition Numbers 8, 10, and 16 would not be considered by the LUC at this time as it was not part of the Planning Commission's decision in this matter pursuant to section 205-6, HRS, and sections 15-15-95 and 15-15-96, HAR.

Following discussion by the Commissioners, a motion was made and seconded to (i) grant a ten-year time extension to the life of the Special Use Permit by amending Condition Number 1 of the Order Amending Decision And Order Approving Special Use Permit dated December 18, 2006, to read as follows:

> 1. That the LUC Special Use Permit shall be valid until December 15, 2019, subject to further extensions by the LUC upon a timely request for extension filed at least one-hundred twenty (120) days prior to its expiration. The appropriate Planning Commission shall make a recommendation to the LUC and may require a public hearing on the time extension.

(ii) amend Condition Number 6 of the Decision And Order Approving Special Use Permit dated December 4, 2006, to read as follows:

6. On each anniversary date of this Decision and Order, the Applicant shall file annual reports to the LUC and the DP in connection with the status of the subject project and the Applicant's progress in complying with the conditions imposed herein. The annual report shall be submitted in a form prescribed by the Executive Officer of the Commission.

and (iii) retain Condition Number 7 of the Decision And Order Approving Special Use Permit dated December 4, 2006.

Following deliberation by the Commissioners, a vote was taken on the motion. There being a vote tally of 7 ayes and 2 absent, the motion carried.

ORDER

The LUC, having duly considered the complete record of the Planning Commission's proceedings on the Applicant's request and the oral arguments presented by the parties in this proceeding, and a motion having been made at a meeting conducted on December 2, 2010, in Honolulu, Hawai`i, and the motion having received the affirmative votes required by section 15-15-13, HAR, and there being good cause for the motion,

HEREBY ORDERS that Condition Number 1 of the Order Amending Decision And Order Approving Special Use Permit dated December 18, 2006, be amended as follows:

1. That the LUC Special Use Permit shall be valid until December 15, 2019, subject to further extensions by the LUC upon a timely request for extension filed at least one-hundred twenty (120) days prior to its expiration. The appropriate Planning Commission shall

make a recommendation to the LUC and may require a public hearing on the time extension.

IT IS FURTHER ORDERED that Condition Number 6 of the Decision And Order Approving Special Use Permit dated December 4, 2006, be amended as follows:

6. On each anniversary date of this Decision and Order, the Applicant shall file annual reports to the LUC and the DP in connection with the status of the subject project and the Applicant's progress in complying with the conditions imposed herein. The annual report shall be submitted in a form prescribed by the Executive Officer of the Commission.

All other conditions to the Decision And Order Approving Special Use Permit dated December 4, 2006, are hereby reaffirmed and shall continue in effect.[1]

---

[1] Condition Number 1 was amended pursuant to Order Amending Decision And Order Approving Special Use Permit dated December 18, 2006, and is further amended herein.

Done at Honolulu, Hawai'i, this 6TH day of January, 2011, per motion on December 2, 2010.

LAND USE COMMISSION

STATE OF HAWAI'I

APPROVED AS TO FORM

Deputy Attorney General

By

VLADIMIR DEVENS
Chairperson and Commissioner

Filed and effective on:

January 7, 2011

Certified by:

ORLANDO DAVIDSON
Executive Officer

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI'I

In The Matter Of The Application Of	)	DOCKET NO. SP06-400
	)	
WILLIAM HORNEMAN ON BEHALF OF HAWAIIAN CEMENT	)	CERTIFICATE OF SERVICE
	)	
To Operate And Expand A Quarry And Base Course Operation On Approximately 79.2 Acres Of Land Within The State Land Use Agricultural District At Mā`alaea, Maui, Hawai`i, Tax Map Key: 3-6-04: 7	)	

CERTIFICATE OF SERVICE

I hereby certify that an ORDER DETERMINING TIME EXTENSION TO SPECIAL USE PERMIT was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by regular or certified mail as noted:

	HAND DELIVERED	REGULAR MAIL	CERTIFIED MAIL
DIRECTOR Office of Planning 235 S. Beretania Street Rm. 600 Honolulu, Hawai`i 96813	X		
BRYAN YEE, ESQ. Deputy Attorney General Hale `Auhau, Third Floor 425 Queen Street Honolulu, Hawai`i 96813		X	

	HAND DELIVERED	REGULAR MAIL	CERTIFIED MAIL
Martin Luna, Esq. Carlsmith Ball, LLP One Main Plaza, Suite 400 2200 Main Street Wailuku, Hawaii 96793-1691			X
William Spence, Director of Planning Department of Planning County of Maui 250 South High Street Wailuku, Hawaii 96793		X	
MICHAEL HOPPER, Esq. Corporation Counsel County of Maui 250 South High Street Wailuku, Hawaii 96793			X

Honolulu, Hawai`i, January 7, 2011.

ORLANDO DAVIDSON
Executive Officer

State Land Use Commission Special Use Permit Annual Compliance Report Dated April 8, 2019

EXHIBIT

1-A

MUNEKIYO HIRAGA
Planning. Project Management. Sustainable Solutions

Michael T. Munekiyo
CHAIRMAN
Karlynn K. Fukuda
PRESIDENT
Mark Alexander Roy
VICE PRESIDENT
Tessa Munekiyo Ng
VICE PRESIDENT

April 8, 2019

Daniel Orodenker, Executive Director
State of Hawai'i
Land Use Commission
P.O. Box 2359
Honolulu, Hawai'i 96804-2359

DEPT. OF PLANNING
COUNTY OF MAUI
APR - 9 2019
RECEIVED

SUBJECT: State Land Use Commission Special Use Permit for Hawaiian Cement Pohakea Quarry, TMK 3-6-004:007(por.); SUP1 2006/0001

Dear Mr. Orodenker:

In December 2006, the State Land Use Commission (LUC) approved a Special Use Permit (SUP) for the expansion of an existing rock quarry and base course operation at Pohakea Quarry, subject to 23 conditions. On January 7, 2011, the LUC approved a time extension request for the above-mentioned SUP. The SUP time extension was granted until December 15, 2019.

Condition Number 6 was amended with the 2011 SUP time extension approval and now states:

> *On each anniversary date of this Decision and Order, the Applicant shall file annual reports to the LUC and DP in connection with the status of the subject project and the Applicant's progress in complying with the conditions imposed herein. The annual report shall be submitted in a form prescribed by the Executive Officer of the Commission.*

On behalf of the SUP holder, Hawaiian Cement, we are submitting this compliance report to meet Condition Number 6 and address compliance with the conditions set forth in the approved SUP. A copy of the 2011 time extension request approval is provided as **Exhibit "A"**.

It was recently determined that annual compliance reports were not filed for said permit in years 2012, 2013, 2014, 2015, 2016, 2017, 2018 and 2019. We apologize for this oversight and incorporated steps to ensure that in the future annual reports will be filed on a regular basis. Hawaiian Cement has been and continues to be in compliance with all conditions since the granting of the permit approvals. Additionally, we note that the Pohakea Quarry is covered by two (2) additional approvals by the County of Maui, a

County Special Use Permit (CUP) and a Conditional Permit (CP). Both County permits also include regular reporting requirements (CUP – biannual report and CP – annual report), which have been filed with the County of Maui, Department of Planning. The CUP and CP conditions are similar in nature to the SUP conditions. A copy of the last CUP and CP compliance reports are attached for reference as **Exhibit "B"** and **Exhibit "B-1"**. In the future, we would like to coordinate with the LUC Staff to see if a single compliance report for the Pohakea Quarry, including all conditions of the SUP, CUP and CP can be included and submitted to both the LUC and the Department of Planning.

Condition No. 1

That the LUC Special Use Permit shall be valid until December 15, 2019, subject to further extensions by the LUC upon a timely request for extension filed at least one-hundred twenty (120) days prior to its expiration. The appropriate Planning Commission shall make a recommendation to the LUC and may require a public hearing on the time extension.

Response: The permittee concurs with the condition and will comply with time extension request procedures. We note that as the permit expires in December 2019, an Application to Amend Permit Terms, Conditions, and Time Stipulations requesting a time extension is being prepared and will be filed with the County of Maui, Department of Planning.

Condition No. 2

That the conditions of this State Special Use Permit shall be enforced pursuant to sections 205-12 and 205-13, HRS. Failure to comply with one or more of the conditions herein shall result in a notice of violation issued by the appropriate enforcement agency, notifying the permit holder of the violation and providing the permit holder no more than sixty days to cure the violation. If the permit holder fails to cure the violation within sixty days of said notice, the appropriate enforcement agency shall issue an order which may require one or more of the following: that the violative activity cease; that the violative development be removed; that a civil fine be paid not to exceed $1,000 per violation; that a civil fine not to exceed $5,000 shall be issued if violation not cured within six months of the issuance of the order. The order shall become final thirty days after the date of its mailing or hand-delivery unless written request for a hearing is mailed or delivered to the DP within said thirty days. Upon receipt of a request for a hearing, the DP shall specify a time and place for the permit holder to

appear and be heard. The hearing shall be conducted by the planning director or the director's designee in accordance with the provisions of chapter 91, HRS, as amended.

Response: The permittee concurs with the condition and submits this report to address compliance with all conditions of the SUP.

Condition No. 3

That the subject LUC Special Use Permit shall not be transferred without the prior written approval of the LUC. The appropriate Planning Commission shall make a recommendation to the LUC. However, in the event that a contested case hearing preceded issuance of said LUC Special Use Permit, a public hearing shall be held by the appropriate Planning Commission upon due published notice, including actual written notice to the last known addresses of parties to said contested case and their counsel.

Response: The permittee concurs with the condition. No permit transfer request is anticipated for the SUP.

Condition No. 4

That the Applicant, its successors, and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject LUC Special Use Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this LUC Special Use Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS ($1,000,000.00) naming the County of Maui and State of Hawai'i as an additional named insured, insuring and defending the applicant, County of Maui and State of Hawai'i against any and all claims or demands for property damage, personal injury and/or death arising out of this permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the applicant of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this permit. Proof of a policy naming County of Maui as an additional named insured shall be submitted to the

DP within ninety (90) calendar days from the date of transmittal of the decision and order.

Response: A current Certificate of Insurance is provided as **Exhibit "C"**.

Condition No. 5

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

Response: The permittee concurs with the condition.

Condition No. 6

On each anniversary date of this Decision and Order, the Applicant shall file annual reports to the LUC and DP in connection with the status of the subject project and the Applicant's progress in complying with the conditions imposed herein. The annual report shall be submitted in a form prescribed by the Executive Officer of the Commission.

Response: The permittee concurs with the condition and submits this report to address compliance with all conditions of the SUP. The permittee acknowledges that compliance reports have not yet been filed to date, and respectfully requests that this compliance report fulfill the requirement since 2012. Compliance reports will continue to be filed annually as required by this condition.

Condition No. 7

That the Applicant shall develop the Property in substantial compliance with the representations made to the LUC in obtaining the Special Use Permit. Failure to so develop the property may result in the revocation of the permit.

Response: The property is currently in use as a rock quarry and base course operation as represented to the LUC while obtaining the SUP.

Condition No. 8

That the Applicant shall comply with the following recommendations of the State Department of Transportation ("DOT"):

a. *The Applicant shall develop a maintenance plan to regularly remove dirt, debris, gravel, and other by-products of quarry operations from the quarry access road's intersection with Honoapi'ilani Highway. The Applicant shall also develop a plan for rapid removal of any quarry products spilled on the State highway right-of-way. Both plans shall be reviewed and approved by the DOT;*

b. *No increase in storm water runoff will be allowed onto the State highway right-of-way. Plans for the construction and maintenance of retention basins shall be submitted to the DOT for review and approval; and*

c. *Plans for work within the State highway right-of-way shall be reviewed and approved by the Highways Division, Maui District.*

Response:

a. A roadway maintenance plan has been prepared as per this condition. A copy of the maintenance plan is attached as **Exhibit "D"**. The plan has been submitted for review and approved by the State Department of Transportation (SDOT).

b. Plans for the construction of a retention basin and its maintenance have been prepared as per this condition. A copy of the grading and maintenance plan is attached as **Exhibit "E"**.

c. No work in State highways is proposed as part of the quarry's operations.

Condition No. 9

That in the event any significant cultural deposits or human skeletal remains are encountered, work shall stop in the immediate vicinity and the DLNR, SHPD, shall be contacted.

Response: The permittee concurs with the condition.

Condition No. 10

That prior to initiation of any excavation work within the 64.4-acre expansion, the following shall be resolved with the DLNR, SHPD:

a. *Clarification in the form of archaeological inventory survey level documentation as to whether Temporary Site T-9 is a previously identified historic site;*

b. *A preservation plan for the "agreed upon preservation areas"; and*

c. *A thorough field inspection of the 65+ acres into which the proposed quarry will expand to determine the condition of the previously identified sites as well as documentation of any additional sites. Documentation from the DLNR, SHPD, that all concerns have been addressed shall be filed with the DP and the County Department of Public Works and Environmental Management ("DPWEM") prior to issuance of any grading permit, if required, and initiation of excavation work within the expansion area.*

Response: As mentioned previously, an Application to Amend Permit Terms, Conditions, and Time Stipulations requesting a time extension is being prepared and will be filed with the County of Maui, Department of Planning. Also as part of this application, the permittee will be requesting that this condition be removed from the SUP approval. An Archaeological Inventory Survey (AIS) and Archaeological Monitoring Plan (AMP) have been prepared for the quarry expansion area and was submitted to the State Historic Preservation Division (SHPD) for review. Both the AIS and AMP were accepted in 2008 by SHPD. A copy of the SHPD's acceptance letter is provided as **Exhibit "F"**. Further, it is noted that no additional expansion is being proposed.

Condition No. 11

That the Applicant shall have an onsite monitor to ensure that the load is covered and material is removed from the exterior of the truck bed and wheels to reduce debris falling onto the public roadways.

Response: The permittee concurs with the condition and confirms that monitoring of loads occurs as part of normal operations.

Condition No. 12

That upon cessation of the Pohakea Quarry operations the Applicant including the owner of the land shall prepare a closure plan to revegetate the site or other measures to reduce erosion. The closure plan shall be reviewed and approved by the DP.

Response: The permittee concurs with this condition. In the event the Pohakea Quarry operations ceases, a closure plan approved by the landowner will be submitted to the Department of Planning.

Condition No. 13

> *That the Applicant shall incorporate applicable Best Management Practices ("BMP") to mitigate noise, dust, runoff, and infiltration related to the Pohakea Quarry.*

Response: The permittee concurs with this condition and incorporates BMPs for noise and dust mitigation into normal operations.

Condition No. 14

> *That the Applicant shall maintain the area between the Pohakea Stream and the southern boundary of the Property for the life of the Pohakea Quarry to provide a visual buffer.*

Response: The permittee concurs with this condition.

Condition No. 15

> *That base course materials from the Pohakea Quarry shall not be exported off island.*

Response: The permittee concurs with this condition and confirms that no base course materials from the quarry is shipped off-island.

Condition No. 16

> *That the protective construction fencing located around Site T-9 (a remnant of an historic wall) shall be maintained for the life of the LUC Special Use Permit. All individuals and/or organizations working on the site shall be briefed on the location of Site T-9 to avoid damaging this site.*

Response: As mentioned previously, an AIS and AMP for the quarry expansion area have been submitted to and approved by the SHPD and that no further expansion of the quarry is being proposed. As such, the permittee is requesting as part of the Application

to Amend Permit Terms, Conditions, and Time Stipulations currently being prepared, that this condition be removed from the SUP approval.

Condition No. 17

> *That the Applicant will maintain a 25-foot buffer along the northern boundary of the Pohakea Stream. That the bed or banks of Pohakea Stream shall not be altered without an approved stream-channel alteration permit prior to construction.*

Response: The permittee concurs with this condition. Alteration of Pohakea Stream is not anticipated.

Condition No. 18

> *That the Applicant shall obtain a National Pollutant Discharge Elimination System permit for the expansion of the Pohakea Quarry.*

Response: The permittee concurs with this condition. The National Pollutant Discharge Elimination System Permit extension is in progress with the State Department of Health. See **Exhibit "G"**.

Condition No. 19

> *That the Applicant shall maintain its existing State Department of Health air quality permits throughout the operation of the Pohakea Quarry and shall obtain any additional air quality permits that may be required for the quarry expansion.*

Response: The permittee concurs with this condition and confirms that it maintains its required air quality permits.

Condition No. 20

> *That the Applicant shall submit a detailed and final drainage report and a BMP Plan to the DPWEM for its review and approval.*

Response: The permittee concurs with this condition and abides by its approved drainage report and BMP plan.

Condition No. 21

That the Applicant shall operate the Pohakea Quarry from Monday through Saturday, 7:00 a.m. to 5:00 p.m.

Response: The permittee concurs with this condition and confirms that the quarry's operational hours are from 7:00 a.m. to 5:00 p.m., Monday through Saturday.

Condition No. 22

That the Applicant shall file a request with the DP to terminate SUP2 96/0013 within six months following the issuance of this Decision and Order.

Response: The permittee concurs with this condition and confirms that SUP2 96/0013 has been terminated.

Condition No. 23

That the permitted uses and activities on the existing 14.8-acre site shall be limited to quarrying, base course production recycling of concrete debris, greenwaste composting, screening of compost material, maintenance and storage facilities to support the onsite rock crusher, and office facilities for the operation. Permitted uses and activities on the approximately 64.4-acre expansion area shall be limited to quarrying and base course production only. There shall be no composting of greenwaste and grubbed material or the recycling of concrete rubble on the expansion area.

Response: The permittee concurs with this condition and confirms that the uses occurring at each site are in compliance with the SUP approval.

Should you have any questions, please do not hesitate to contact me at (808) 244-2015.

Very truly yours,

Karlynn Fukuda
President

KF:yp
Enclosures
cc: Dave Gomes, Hawaiian Cement (w/ enclosures)
Paul Fasi, Department of Planning (w/ enclosures)
K:\DATA\HawnCemt\Pohaku\SUPCompliancetoDPL.doc

EXHIBIT A.

State Land Use Commission Special Use Permit Time Extension Request Approval Dated January 7, 2011

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI`I

LAND USE COMMISSION
STATE OF HAWAII
2011 JAN -7 A 6:54

In The Matter Of The Application Of	)	DOCKET NO. SP06-400
	)	
WILLIAM HORNEMAN ON BEHALF OF HAWAIIAN CEMENT	)	DECISION AND ORDER APPROVING TIME EXTENSION TO SPECIAL USE PERMIT
	)	
To Operate And Expand A Quarry And Base Course Operation On Approximately 79.2 Acres Of Land Within The State Land Use Agricultural District At Mā`alaea, Maui, Hawai`i, Tax Map Key: 3-6-04: 7	)	

DECISION AND ORDER APPROVING TIME EXTENSION TO SPECIAL USE PERMIT

This is to certify that this is a true and correct copy of the document on file in the office of the State Land Use Commission, Honolulu, Hawai`i.

January 7, 2011 by

Executive Officer

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI`I

In The Matter Of The Application Of	)	DOCKET NO. SP06-400
	)	
WILLIAM HORNEMAN ON BEHALF OF HAWAIIAN CEMENT	)	DECISION AND ORDER APPROVING TIME EXTENSION TO SPECIAL USE PERMIT
	)	
To Operate And Expand A Quarry And Base Course Operation On Approximately 79.2 Acres Of Land Within The State Land Use Agricultural District At Mā`alaea, Maui, Hawai`i, Tax Map Key: 3-6-04: 7	)	

DECISION AND ORDER APPROVING TIME EXTENSION TO SPECIAL USE PERMIT

On July 16, 2009, Karlynn Fukuda filed a request on behalf of Hawaiian Cement ("Applicant") for a ten-year time extension to the life of the State Land Use Commission ("LUC") Special Use Permit issued in County Docket No. SUP1 2006/0001 (LUC Docket No. SP06-400) with the County of Maui Department of Planning ("DP"), pursuant to section 205-6, Hawai`i Revised Statues ("HRS"), and sections 15-15-95 and 15-15-96, Hawai`i Administrative Rules ("HAR").

On January 26, 2010, the County of Maui Planning Commission ("Planning Commission") conducted a hearing on the Applicant's request. There was no public testimony. After due deliberation, the Planning Commission voted to

approve the Applicant's request and to delete Condition Numbers 6 and 7 of the Decision And Order Approving Special Use Permit dated December 4, 2006.

The LUC has jurisdiction over this matter. Section 205-6, HRS, and sections 15-15-95 and 15-15-96, HAR, confer jurisdiction upon the LUC to approve special use permits and amendments thereto for areas greater than 15 acres.

On April 13, 2010, the LUC received copies of the Planning Commission's decision and the record on the request. Upon review of the record, the LUC staff believed that it was incomplete because there was an ambiguity as to the nature of the Planning Commission's action with respect to the disposition of certain conditions previously imposed by the LUC on the Special Use Permit. By letter dated April 15, 2010, the LUC staff notified the DP that it would suspend further processing of the request until such time that the record in this matter was clarified by the County of Maui.

On July 13, 2010, the Planning Commission conducted a hearing to address the concerns of the LUC staff. There was no public testimony. After due deliberation, the Planning Commission clarified that all of the remaining 23 conditions previously imposed by the LUC are included as part of its decision to approve the Applicant's request for a ten-year time extension to the life of the Special Use Permit and to delete Condition Numbers 6 and 7.

On October 20, 2010, the LUC received copies of the Planning Commission's agenda and minutes for its July 13, 2010, hearing.

On December 2, 2010, the LUC met in Honolulu, Hawai`i, to consider the Applicant's request. Karlynn Fukuda and Dave Gomes appeared on behalf of the Applicant. Michael Hopper, Esq., and Paul Fasi appeared on behalf of the DP. Bryan C. Yee, Esq., and Abe Mitsuda were also present on behalf of the State Office of Planning ("OP").

At the meeting, the LUC staff provided a summary of the Applicant's request and recommended that if the LUC were inclined to approve the Applicant's request for a ten-year time extension to the life of the Special Use Permit, Condition Number 6 be amended to read as follows:

> 6. On each anniversary date of this Decision and Order, the Applicant shall file annual reports to the LUC and the DP in connection with the status of the subject project and the Applicant's progress in complying with the conditions imposed herein. The annual report shall be submitted in a form prescribed by the Executive Officer of the Commission.

The LUC staff further recommended that Condition Number 7 be retained.

Following the presentation by the LUC staff, the Applicant stated that it currently has a 20-year lease for the subject property that expires in 2024, with an option to extend the lease for another 20 years. The Applicant then requested that in addition to its request for a ten-year time extension, the LUC consider the deletion of Condition

Numbers 8, 10, and 16 of the Decision And Order Approving Special Use Permit dated December 4, 2006, as the Applicant represented that these conditions have been met.

The DP stated that it had no objection to amending Condition Number 6 and retaining Condition Number 7 as recommended by the LUC staff nor any objection to the Applicant's request to delete Condition Numbers 8, 10, and 16.

The OP stated that it had a concern about deleting the requirement in Condition Number 8b that no increase in storm water runoff be allowed onto the State highway right-of-way as OP believed that this was a continuing obligation. Upon discussion, the Applicant stated that it had no objection to retaining that part of Condition Number 8b. With respect to Condition Number 10, OP requested the Applicant to clarify whether the State Historic Preservation Division ("SHPD") formally agreed that Site T-9 was not marked for preservation as represented by the Applicant. The Applicant clarified that as part of its compliance report, it included a letter from the SHPD dated April 1, 2008, in which the SHPD did not require the preservation of Site T-9 but recommended the presence of a full-time archaeological monitor for the proposed ground altering activities on the parcel. Upon additional questioning by OP, the Applicant referenced an excerpt from the revised archaeological inventory survey prepared for the expansion area and subsequently accepted by the SHPD, in which Site T-9 was determined following a thorough inspection to be a naturally occurring, unmodified boulder field as there was no evidence of human alteration or uses. Based

on the findings of the survey, Site T-9 was no longer considered an archaeological site, did not warrant archaeological data recovery, and no longer warranted implementation of measures to prevent accidental encroachment.

The DP clarified the requirement that no increase in storm water runoff be allowed onto the State highway-right-of way was also a condition of the County Special Use Permit.

Upon further discussion, the LUC advised the Applicant that its request to delete Condition Numbers 8, 10, and 16 would not be considered by the LUC at this time as it was not part of the Planning Commission's decision in this matter pursuant to section 205-6, HRS, and sections 15-15-95 and 15-15-96, HAR.

Following discussion by the Commissioners, a motion was made and seconded to (i) grant a ten-year time extension to the life of the Special Use Permit by amending Condition Number 1 of the Order Amending Decision And Order Approving Special Use Permit dated December 18, 2006, to read as follows:

1. That the LUC Special Use Permit shall be valid until December 15, 2019, subject to further extensions by the LUC upon a timely request for extension filed at least one-hundred twenty (120) days prior to its expiration. The appropriate Planning Commission shall make a recommendation to the LUC and may require a public hearing on the time extension.

(ii) amend Condition Number 6 of the Decision And Order Approving Special Use Permit dated December 4, 2006, to read as follows:

6. On each anniversary date of this Decision and Order, the Applicant shall file annual reports to the LUC and the DP in connection with the status of the subject project and the Applicant's progress in complying with the conditions imposed herein. The annual report shall be submitted in a form prescribed by the Executive Officer of the Commission.

and (iii) retain Condition Number 7 of the Decision And Order Approving Special Use Permit dated December 4, 2006.

Following deliberation by the Commissioners, a vote was taken on the motion. There being a vote tally of 7 ayes and 2 absent, the motion carried.

ORDER

The LUC, having duly considered the complete record of the Planning Commission's proceedings on the Applicant's request and the oral arguments presented by the parties in this proceeding, and a motion having been made at a meeting conducted on December 2, 2010, in Honolulu, Hawai`i, and the motion having received the affirmative votes required by section 15-15-13, HAR, and there being good cause for the motion,

HEREBY ORDERS that Condition Number 1 of the Order Amending Decision And Order Approving Special Use Permit dated December 18, 2006, be amended as follows:

1. That the LUC Special Use Permit shall be valid until December 15, 2019, subject to further extensions by the LUC upon a timely request for extension filed at least one-hundred twenty (120) days prior to its expiration. The appropriate Planning Commission shall

make a recommendation to the LUC and may require a public hearing on the time extension.

IT IS FURTHER ORDERED that Condition Number 6 of the Decision And Order Approving Special Use Permit dated December 4, 2006, be amended as follows:

6. On each anniversary date of this Decision and Order, the Applicant shall file annual reports to the LUC and the DP in connection with the status of the subject project and the Applicant's progress in complying with the conditions imposed herein. The annual report shall be submitted in a form prescribed by the Executive Officer of the Commission.

All other conditions to the Decision And Order Approving Special Use Permit dated December 4, 2006, are hereby reaffirmed and shall continue in effect.[1]

---

[1] Condition Number 1 was amended pursuant to Order Amending Decision And Order Approving Special Use Permit dated December 18, 2006, and is further amended herein.

Done at Honolulu, Hawai'i, this 6TH day of January, 2011, per motion on December 2, 2010.

LAND USE COMMISSION

STATE OF HAWAI'I

APPROVED AS TO FORM

Deputy Attorney General

By

VLADIMIR DEVENS
Chairperson and Commissioner

Filed and effective on:

January 7, 2011

Certified by:

ORLANDO DAVIDSON
Executive Officer

BEFORE THE LAND USE COMMISSION

OF THE STATE OF HAWAI`I

In The Matter Of The Application Of	)	DOCKET NO. SP06-400
	)	
WILLIAM HORNEMAN ON BEHALF OF HAWAIIAN CEMENT	)	CERTIFICATE OF SERVICE
	)	
To Operate And Expand A Quarry And Base Course Operation On Approximately 79.2 Acres Of Land Within The State Land Use Agricultural District At Mā`alaea, Maui, Hawai`i, Tax Map Key: 3-6-04: 7	)	

CERTIFICATE OF SERVICE

I hereby certify that an ORDER DETERMINING TIME EXTENSION TO SPECIAL USE PERMIT was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by regular or certified mail as noted:

	HAND DELIVERED	**REGULAR MAIL**	**CERTIFIED MAIL**
DIRECTOR Office of Planning 235 S. Beretania Street Rm. 600 Honolulu, Hawai`i 96813	X		
BRYAN YEE, ESQ. Deputy Attorney General Hale `Auhau, Third Floor 425 Queen Street Honolulu, Hawai`i 96813		X	

	HAND DELIVERED	REGULAR MAIL	CERTIFIED MAIL
Martin Luna, Esq. Carlsmith Ball, LLP One Main Plaza, Suite 400 2200 Main Street Wailuku, Hawaii 96793-1691			X
William Spence, Director of Planning Department of Planning County of Maui 250 South High Street Wailuku, Hawaii 96793		X	
MICHAEL HOPPER, Esq. Corporation Counsel County of Maui 250 South High Street Wailuku, Hawaii 96793			X

Honolulu, Hawai`i, January 7, 2011.

ORLANDO DAVIDSON
Executive Officer

EXHIBIT B.

2018 County Special Use Permit Bi-Annual Report

MUNEKIYO HIRAGA
Planning. Project Management. Sustainable Solutions.

Michael T. Munekiyo
PRESIDENT
Karlynn K. Fukuda
EXECUTIVE VICE PRESIDENT
Mark Alexander Roy
VICE PRESIDENT
Tessa Munekiyo Ng
VICE PRESIDENT

February 16, 2018

William Spence, Director
County of Maui
Department of Planning
Attention: Paul Fasi, Planner
One Main Plaza
2200 Main Street, Suite 315
Wailuku, Hawai'i 96793

SUBJECT: County Special Use Permit For the Pohakea Quarry (Hawaiian Cement), TMK (2) 3-6-004:007, Maalaea, Maui, Hawaii (CUP 2006/0001)

Dear Mr. Spence:

The Maui Planning Commission (Commission), at a regularly scheduled meeting on January 26, 2010, approved the 10-year time extension request for the County Special Use Permit (CUP). The Commission's approval of the time extension request is subject to 13 conditions. See **Exhibit "A".**

Condition Number 5 of the 2010 CUP time extension recommended:

> *That the Applicant shall submit bi-annually to the Department, five (5) copies of the detailed report addressing its compliance with the conditions established by the County Special Use Permit.*

On behalf of the CUP permit holder, Hawaiian Cement, we are submitting this bi-annual compliance report in order to meet Condition No. 5 of the CUP.

COUNTY SPECIAL USE PERMIT CONDITIONS

Condition No. 1:

> *That the County Special Use Permit shall be valid until December 15, 2019, subject to extension by the Commission upon a timely request for extension filed at least one-hundred twenty (120) days prior to its expiration. The Commission may require a public hearing on the time extension.*

Response: The permittee concurs with this condition and will comply with the time extension request procedures.

Condition No. 2:

That the County Special Use Permit shall not be transferred without the prior written approval of the Commission.

Response: The permittee concurs with this condition. No permit transfer request is anticipated for the CUP.

Condition No. 3:

That the Applicant, its successors, and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject County Special Use Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this County Special Use Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS ($1,000,000.00) naming the County of Maui as an additional named insured, insuring and defending the Applicant and County of Maui against any and all claims or demands for property damage, personal injury, and/or death arising out of this permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the Applicant of said rights; and (2) all actions, suits, damages, and claims by whomsoever brought or made by reason of the non-observance or non-performance of any terms and conditions of this permit. Proof of a policy naming County of Maui as an additional named insured shall be submitted to the Department within ninety (90) calendar days from the date of transmittal of the Decision and Order.

Response: The permittee concurs with the condition. The current certificate of insurance naming the County of Maui as an additional insured is attached as **Exhibit "B"**.

Condition No. 4:

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

Response: The permittee concurs with the condition.

Condition No. 5:

That the Applicant shall submit bi-annually to the Department, five (5) copies of a detailed report addressing its compliance with the conditions established by the County Special Use Permit.

Response: This bi-annual report is being submitted to satisfy this condition.

Condition No. 6:

That the Applicant shall continue to develop the property in substantial compliance with the representations made to the Commission in obtaining the County Special Use Permit. Failure to so develop the property may result in the revocation of the permit.

Response: The permittee concurs with the condition and continues to utilize the property in substantial compliance with representations made to the Commission.

Condition No. 7:

That the Applicant shall continue compliance with the following recommendations of the State Department of Transportation:

A. The Applicant shall continue to regularly remove dirt, debris, gravel, and other byproducts of quarry operations from the quarry access road's intersection with Honoapiilani Highway. The Applicant shall abide by its previous plan for rapid removal of any quarry products spilled on the State highway right-of-way; and

B. No increase in stormwater runoff will be allowed into the State highway right-of-way.

Response: The permittee concurs with this condition and abides by its plans and procedures regarding quarry operation's to remove by products from the quarry's access road and maintaining its drainage improvements.

Condition No. 8:

That in the event of any significant cultural deposits or human skeletal remains are encountered, work shall stop in the immediate vicinity and the State Historic Preservation Division shall be contacted.

Response: The permittee concurs with this condition and will comply with the procedures.

Condition No. 9:

That the Applicant shall have an on-site monitor to ensure that the load is covered and material is removed from the exterior of the truck bed and wheels to reduce debris falling onto public roadways.

Response: The permittee concurs with this condition and has an on-site monitor.

Condition No. 10:

That upon cessation of the Pohakea Quarry operations, a closure plan shall be prepared to re-vegetate the site or other measures to reduce erosion and shall be reviewed and approved by the Department.

Response: The permittee concurs with this condition. In the event the Pohakea Quarry operations ceases, a closure plan approved by the landowner, will be submitted to the Department of Planning.

Condition No. 11:

That the Applicant shall incorporate applicable Best Management Practices (BMPs) to mitigate noise and dust related to the Pohakea Quarry expansion.

Response: The permittee concurs with this condition and incorporates BMPs for noise and dust mitigation.

Condition No. 12:

That the Applicant shall maintain the existing natural landscape buffer along the southern boundary of the project site for the life of the quarry to provide a visual buffer.

Response: The permittee concurs with this condition.

Condition No. 13:

That base course materials from the quarry shall not be exported off-island.

Response: The permittee concurs with this condition. No base course materials from the quarry are shipped off-island.

Should you have any further questions, please do not hesitate to contact me at 244-2015.

Very truly yours,

Cheryl K. Okuma, Senior Associate

CKO:tn
Enclosures
cc: Dave Gomes, Hawaiian Cement (w/enclosures)
K:\DATA\HawnCemt\Quarry\CUP BiAnnualRpt.DatedJuly2016.doc

EXHIBIT "A"

TIME EXTENSION REQUEST APPROVAL LETTER
Dated March 9, 2010

CHARMAINE TAVARES
Mayor

JEFFREY S. HUNT
Director

KATHLEEN ROSS AOKI
Deputy Director

COUNTY OF MAUI
DEPARTMENT OF PLANNING

March 9, 2010

CERTIFIED MAIL - #7007 2560 0001 7799 7809

Mr. David Gomes
Hawaiian Cement
P.O. Box 488
Kahului, Hawaii 96733

Dear Mr. Gomes:

SUBJECT: TIME-EXTENSION REQUEST FOR STATE LAND USE COMMISSION SPECIAL USE PERMIT, COUNTY SPECIAL USE PERMIT, AND COUNTY CONDITIONAL PERMIT IN ORDER TO CONTINUE OPERATION OF THE POHAKEA QUARRY FACILITIES, CONCRETE RECYCLING AND GREENWASTE COMPOSTING IN THE STATE AND COUNTY AGRICULTURAL DISTRICTS, AT MAALAEA, ISLAND OF MAUI, HAWAII; TMK: (2) 3-6-004:007 (SUP1 2006/0001) (CP 97/0002) (CUP 2006/0001)

At its regular meeting on January 26, 2010, the Maui Planning Commission (Commission) conducted a review on the above requests. After due deliberation, the Commission voted to recommend approval of the State Land Use Commission Special Use Permit, subject to the following recommended conditions:

STATE LAND USE COMMISSION SPECIAL USE PERMIT

The Commission recommends to the State Land Use Commission approval of the ten-year time-extension request for the State Land Use Commission Special Use Permit, subject to the following conditions:

Standard Conditions:

1. That the State Land Use Commission Special Use Permit shall be valid until December 15, 2019, subject to further extensions by the State Land Use Commission upon a timely request for extension filed at least one-hundred twenty (120) days prior to its expiration. The appropriate Planning Commission shall make a recommendation to the State Land Use Commission and may require a public hearing on the time extension.

250 SOUTH HIGH STREET, WAILUKU, MAUI, HAWAII 96793
MAIN LINE (808) 270-7735; FACSIMILE (808) 270-7634
CURRENT DIVISION (808) 270-8205; LONG RANGE DIVISION (808) 270-7214; ZONING DIVISION (808) 270-7253

2. That the conditions of this State Land Use Commission Special Use Permit shall be enforced pursuant to Sections 205-12 and 205-13, Hawaii Revised Statutes (HRS). Failure to comply with one (1) or more of the conditions herein shall result in a notice of violation issued by the appropriate enforcement agency, notifying the permit holder of the violation, and providing the permit holder no more than sixty (60) days to cure the violation. If the permit holder fails to cure the violation within sixty (60) days of said notice, the appropriate enforcement agency shall issue an order which may require one (1) or more of the following: that the violative activity cease; that the violative development be removed; that a civil fine be paid not to exceed $1,000.00 per violation; and that a civil fine not to exceed $5,000.00 shall be issued if violation not cured within six (6) months of the issuance of the order. The order shall become final thirty (30) days after the date of its mailing or hand-delivery unless written request for a hearing is mailed or delivered to the Department of Planning (Department) within said thirty (30) days. Upon receipt of a request for a hearing, the Department shall specify a time and place for the permit holder to appear and be heard. The hearing shall be conducted by the Planning Director (Director) or the Director's designee in accordance with the provisions of Chapter 91, HRS, as amended.

3. That the subject State Land Use Commission Special Use Permit shall not be transferred without the prior written approval of the State Land Use Commission. The appropriate Planning Commission shall make a recommendation to the State Land Use Commission. However, in the event that a contested case hearing preceded issuance of said State Land Use Commission Special Use Permit, a public hearing shall be held by the appropriate Planning Commission upon due published notice, including actual written notice to the last known addresses of parties to said contested case and their counsel.

4. That the Applicant, its successors, and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject State Land Use Commission Special Use Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this State Land Use Commission Special Use Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS ($1,000,000.00) naming the County of Maui and State of Hawaii as an additional named insured, insuring and defending the Applicant, County of Maui and State of Hawaii against any and all claims or demands for property damage, personal injury, and/or death arising out of this permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the Applicant of said rights; and (2) all actions, suits, damages, and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this permit. Proof of a

policy naming County of Maui as an additional named insured shall be submitted to the Department within ninety (90) calendar days from the date of transmittal of the Decision and Order.

5. That full compliance with all applicable governmental requirements shall be rendered.

The Commission authorizes the Director to forward the record and its recommendation on the State Land Use Commission Special Use Permit to the State Land Use Commission.

COUNTY SPECIAL USE PERMIT

The Commission also approved the ten-year time-extension request for the County Special Use Permit subject to the following conditions:

Standard Conditions:

1. That the County Special Use Permit shall be valid until December 15, 2019, subject to extension by the Commission upon a timely request for extension filed at least one-hundred twenty (120) days prior to its expiration. The Commission may require a public hearing on the time extension.

2. That the County Special Use Permit shall not be transferred without the prior written approval of the Commission.

3. That the Applicant, its successors, and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject County Special Use Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this County Special Use Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS ($1,000,000.00) naming the County of Maui as an additional named insured, insuring and defending the Applicant and County of Maui against any and all claims or demands for property damage, personal injury, and/or death arising out of this permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the Applicant of said rights; and (2) all actions, suits, damages, and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this permit. Proof of a policy naming County of Maui as an additional named insured shall be submitted to the Department within ninety (90) calendar days from the date of transmittal of the Decision and Order.

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

5. That the Applicant shall submit bi-annually to the Department, five (5) copies of a detailed report addressing its compliance with the conditions established by the County Special Use Permit.

6. That the Applicant shall continue to develop the property in substantial compliance with the representations made to the Commission in obtaining the County Special Use Permit. Failure to so develop the property may result in the revocation of the permit.

Project Specific Conditions:

7. That the Applicant shall continue compliance with the following recommendations of the State Department of Transportation:

   A. The Applicant shall continue to regularly remove dirt, debris, gravel, and other byproducts of quarry operations from the quarry access road's intersection with Honoapiilani Highway. The Applicant shall abide by its previous plan for rapid removal of any quarry products spilled on the State highway right-of-way; and

   B. No increase in storm water runoff will be allowed onto the State highway right-of-way.

8. That in the event any significant cultural deposits or human skeletal remains are encountered, work shall stop in the immediate vicinity and the State Historic Preservation Division shall be contacted.

9. That the Applicant shall have an on-site monitor to ensure that the load is covered and material is removed from the exterior of the truck bed and wheels to reduce debris falling onto the public roadways.

10. That upon cessation of the Pohakea Quarry operations, a closure plan shall be prepared to re-vegetate the site or other measures to reduce erosion and shall be reviewed and approved by the Department.

11. That the Applicant shall incorporate applicable Best Management Practices (BMPs) to mitigate noise and dust related to the Pohakea Quarry expansion.

12. That the Applicant shall maintain the existing natural landscape buffer along the southern boundary of the project site for the life of the quarry to provide a visual buffer.

13. That base course materials from the quarry shall not be exported off-island.

The County Special Use Permit conditions will be enforced, pursuant to the provisions of Chapter 19.530, Section 19.530.030 of the Maui County Code (MCC), as amended, 1980; and the *Rules for Administrative Procedures and Civil Fines for Violations of Titles 12, 14, 16, 19, and 20 of the MCC.*

The Commission adopted the Report and Revised Recommendations prepared by the Department for the January 26, 2010 meeting as the Findings of Fact, Conclusions of Law, and Decision and Order, attached hereto and made a part hereof. Parties to proceedings before the Commission may obtain Judicial Review of Decision and Orders issued by the Commission in the manner set forth in Chapter 91-14, HRS.

CONDITIONAL PERMIT

The Commission recommended approval of the ten-year time-extension request for the County Conditional Permit to the Maui County Council, subject to conditions as recorded in Ordinance No. 3232, dated December 15, 2004. (See Exhibit 11 in the Department Report)

The pertinent condition (Condition No. 2) as written in Ordinance 3232, in its amended form would thus read:

"That the Conditional Permit is hereby granted to Hawaiian Cement and shall be valid until December 15, 2019. An extension of this permit beyond this ten-year period may be granted pursuant to Section 19.40.090 of the Maui County Code."

Thank you for your cooperation. If additional clarification is required, please contact Staff Planner Paul Fasi at paul.fasi@mauicounty.gov or at 270-7814.

Sincerely,

JEFFREY S. HUNT, AICP
Planning Director

xc: Clayton I. Yoshida, AICP, Planning Program Administrator
Aaron H. Shinmoto, PE, Planning Program Administrator (2)
Paul F. Fasi, Staff Planner
Development Services Administration
State Land Use Commission
Karlynn Fukuda, Munekiyo & Hiraga, Inc.
Project File
General File

JSH:PFF:vb
K:\WP_DOCS\PLANNING\SUP1\2006\0001_PohakeaQuarry\MPCApp2.doc

EXHIBIT "B"

CERTIFICATE OF INSURANCE

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 12/21/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Marsh USA Inc.
333 South 7th Street, Suite 1400
Minneapolis, MN 55402-2400
Attn: MDU.CertRequest@marsh.com

J43750-HAWAC-GAWX-18-19 2010 2037 Hawaii AI Y

INSURED
HAWAIIAN CEMENT
99-1300 HALAWA VALLEY STREET
AIEA, HI 96701

CONTACT NAME:
PHONE (A/C, No, Ext): FAX (A/C, No):
E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Liberty Mutual Fire Ins Co	23035
INSURER B : Associated Electric & Gas Ins Services Ltd	3190004
INSURER C : Liberty Insurance Corporation	42404
INSURER D :	
INSURER E :	
INSURER F :	

COVERAGES CERTIFICATE NUMBER: CHI-007164427-23 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY			TB2-641-005097-048	01/01/2018	01/01/2019	EACH OCCURRENCE	$ 2,000,000
	CLAIMS-MADE X OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 500,000
							MED EXP (Any one person)	$ 10,000
							PERSONAL & ADV INJURY	$ 2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ 4,000,000
	POLICY X PRO-JECT LOC						PRODUCTS - COMP/OP AGG	$ 4,000,000
	OTHER:							$
A	AUTOMOBILE LIABILITY			AI2-641-005097-058	01/01/2018	01/01/2019	COMBINED SINGLE LIMIT (Ea accident)	$ 2,000,000
	X ANY AUTO						BODILY INJURY (Per person)	$
	OWNED AUTOS ONLY / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	X HIRED AUTOS ONLY / X NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
B	UMBRELLA LIAB / OCCUR			XL5063407P	01/01/2018	01/01/2019	EACH OCCURRENCE	$ 5,000,000
	X EXCESS LIAB / CLAIMS-MADE						AGGREGATE	$ 5,000,000
	DED / RETENTION $							$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			WC2-641-005097-028 (Guar. Cost)	01/01/2018	01/01/2019	X PER STATUTE / OTH-ER	
C	ANYPROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y/N N (Mandatory in NH)	N/A		WA7-64D-005097-018 (AOS)	01/01/2018	01/01/2019	E.L. EACH ACCIDENT	$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below			"INCLUDES "STOP-GAP""			E.L. DISEASE - EA EMPLOYEE	$ 1,000,000
							E.L. DISEASE - POLICY LIMIT	$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Re: Pohakea Quarry

County of Maui is included as an additional insured as required by permit 2006/0001 as respects the General Liability and Auto Liability. The State of Hawaii is included as an additional insured as required by permit SP06-400 as respects the General Liability and Auto Liability. Blanket Additional Insured for General Liability is included per attached CG 2010 and CG 2037 Endorsements and does not include professional liability coverage. Blanket Additional Insured for Automobile Liability is included per attached designated Insured Endorsement CA 20 48. Excess liability applies to general liability, products and completed operations, automobile liability, and employers liability.

CERTIFICATE HOLDER

County of Maui
Department of Planning
200 S. High Street
Wailuku, Maui, HI 96793

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
of Marsh USA Inc.

Manashi Mukherjee Manashi Mukherjee

© 1988-2016 ACORD CORPORATION. All rights reserved.

The ACORD name and logo are registered marks of ACORD

EXHIBIT B-1.

2018 County Conditional Permit Annual Report

MUNEKIYO HIRAGA
Planning. Project Management. Sustainable Solutions.

Michael T. Munekiyo
PRESIDENT
Karlynn K. Fukuda
EXECUTIVE VICE PRESIDENT
Mark Alexander Roy
VICE PRESIDENT
Tessa Munekiyo Ng
VICE PRESIDENT

October 16, 2018

COUNTY OF MAUI
DEPT. OF PLANNING - CURRENT
OCT 16 2018
RECEIVED

Michele Chouteau McLean, Director
County of Maui
Department of Planning
Attention: Paul Fasi, Planner
One Main Plaza
2200 Main Street, Suite 315
Wailuku, Hawai'i 96793

SUBJECT: County Conditional Permit for Hawaiian Cement Pohakea Quarry, TMK 3-6-004:007(por.), (CP 97/0002)

Dear Mr. Fasi:

Ordinance No. 3787, granting a time extension to the abovementioned Conditional Permit, was passed on final reading by the Maui County Council on October 19, 2010 and took effect on October 22, 2010. The Conditional Permit (CP) time extension was granted until December 15, 2019. The approval of the time extension request was subject to seven (7) conditions. See **Exhibit "A"**.

Condition Number 7 of the 2010 County Conditional Permit time extension approval stated:

> *"That Hawaiian Cement shall submit to the Department of Planning annual reports addressing its compliance with the conditions established with the subject Conditional Permit."*

On behalf of the County Conditional Permit holder, Hawaiian Cement, we are submitting this compliance report to meet Condition Number 7 and address compliance with the conditions set forth in the approved CP time extension.

Condition No. 1

That full compliance with all conditions of the State Special Use Permit, with the conditions of the State Department of Health, Clean Air Branch, Noncovered Source Permit, and with all other applicable governmental requirements shall be rendered;

Response: The permittee concurs with this condition and will comply with the conditions in the State Special Use Permit, with the conditions of the State Department of Health, Clean Air Branch, Noncovered Source Permit and applicable governmental requirements. The permittee submitted a renewal modification application for a Covered Source Permit as required, to the State Department of Health (DOH). By letter dated July 21, 2008, DOH acknowledged receipt of permittee's permit renewal-modification application. DOH confirmed via email on April 28, 2014, that permittee follow the guidelines of covered source permit 0386-02-C issued on June 12, 2008. See attached **Exhibit "B"**.

DOH notified the permittee by letter dated December 9, 2013, that a new National Pollutant Discharge Elimination System (NPDES) permit was granted for stormwater discharge in accordance with Hawai'i Administration Rules, Title 11, Chapter 55, Appendix B which became effective December 9, 2013. The NPDES Permit extension is in progress with the State Department of Health. See **Exhibit "B-1"**.

Condition No. 2

That the Conditional Permit is hereby granted to Hawaiian Cement and shall be valid [for a period of five years from the effective date of the most recent amendment to this ordinance;] until December 15, 2019; provided that, an extension of this permit beyond this [five-year] period may be granted pursuant to Section 19.40.090, Maui County Code;

Response: The permittee concurs with the condition and will comply with time extension request procedures. We note that the CP for the operation of a concrete recycling facility in conjunction with the permitted quarry and rock crushing operation would expire in December 2019.

The permittee sent the DOH, Solid Waste and Hazardous Waste Branch a letter dated December 6, 2013, that it will not be seeking a permit renewal application for a green waste composting operation. The green waste operation was not initiated and as such, no green waste has been accepted and no composting activities were performed.

DOH sent permittee a letter dated December 26, 2013, that it closed its file regarding the green waste composting permit which expired December 4, 2013. See **Exhibit "C"**.

Condition No. 3

That the Conditional Permit shall be nontransferable unless the Council approves the transfer by ordinance;

Response: The permittee concurs with the condition. No permit transfer request is anticipated for the CP.

Condition No. 4

That Hawaiian Cement, its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject Conditional Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this Conditional Permit a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS ($1,000,000.00), naming the County of Maui as an additional [named] insured, insuring and defending Hawaiian Cement and County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by Hawaiian Cement of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the nonobservance or non-performance of any of the terms and conditions of this permit. A copy of a policy naming County of Maui as an additional [named] insured shall be submitted to the Department of Planning within ninety (90) calendar days from the effective date of the most recent amendment to this ordinance[.]

Response: An updated Certificate of Insurance is attached hereto as **Exhibit "D"**.

Condition No. 5

That this Conditional Permit shall be limited to the composting of green waste and grubbed material, [and] the recycling of concrete rubble in connection with the base course production, and the use of the scale house/office structure located on the site;

Response: In regards to the recycling of concrete rubble, the permittee concurs with the condition and continues to comply. The permittee did not seek a renewal of the green waste composting permit which expired December 4, 2013. See response to Condition No. 2.

The applicant will plan to amend this condition and any conditions relative to the green waste composting operation at the future time extension request for the Conditional Permit.

Condition No. 6

That Hawaiian Cement shall employ dust control measures at the green waste composting area to minimize dust emissions.

Response: The green waste permit expired December 4, 2013 and the permittee did not seek a renewal of the permit. The green waste operation was not initiated and as such no green waste has been accepted and no composting activities were performed on the quarry site. See response to Condition No. 2. As such, there are no dust emissions at this area.

Condition No. 7

That Hawaiian Cement shall submit to the [Planning Department] Department of Planning annual reports addressing its compliance with the conditions established with the subject Conditional Permit."

Response: This report is being submitted to satisfy this condition.

Should you have any further questions, please do not hesitate to contact me at 244-2015.

Very truly yours,

Karlynn Fukuda
Executive Vice President

KF:yp
Enclosures
cc: Dave Gomes, Hawaiian Cement (w/enclosures)
\\MH03\Drive_F\DATA\HawnCemt\Quarry\CP compliance.report.2018.doc

CONDITIONAL PERMIT APPROVAL ORDINANCE NO. 3787

EXHIBIT

A

ORDINANCE NO. 3787

BILL NO. 74 (2010)

A BILL FOR AN ORDINANCE TO EXTEND A CONDITIONAL PERMIT TO ALLOW THE OPERATION OF A CONCRETE RECYCLING AND GREEN WASTE COMPOSTING FACILITY IN CONJUNCTION WITH THE PERMITTED QUARRY AND ROCK CRUSHING OPERATION WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT TAX MAP KEY NO. (2) 3-6-004:007 (POR.), WAILUKU, MAUI, HAWAII

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Pursuant to Chapter 19.40, Maui County Code, the Conditional Permit granted by Ordinance No. 2669 (1998), as amended by Ordinance No. 2853 (2000), as amended by Ordinance No. 3232 (2004), is extended, subject to the conditions imposed in Section 2 of this ordinance, for the operation of a concrete recycling and green waste composting facility in conjunction with the permitted quarry and rock crushing operation within the County Agricultural District. The site is identified for real property tax purposes by Tax Map Key No. (2) 3-6-004:007 (por.), and is comprised of approximately 14.8 acres of land.

SECTION 2. The conditions imposed in Ordinance No. 3232 (2004) are amended to read as follows:

"1. That full compliance with all conditions of the State Special Use Permit, with the conditions of the State Department of Health, Clean Air Branch, Noncovered Source Permit,

and with all other applicable governmental requirements shall be rendered;

2. That the Conditional Permit is hereby granted to Hawaiian Cement and shall be valid [for a period of five years from the effective date of the most recent amendment to this ordinance;] until December 15, 2019; provided that, an extension of this permit beyond this [five-year] period may be granted pursuant to Section 19.40.090, Maui County Code;

3. That the Conditional Permit shall be nontransferable unless the Council approves the transfer by ordinance;

4. That Hawaiian Cement, its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject Conditional Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this Conditional Permit a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS ($1,000,000.00), naming the County of Maui as an additional [named] insured, insuring and defending Hawaiian Cement and County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by Hawaiian Cement of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this permit. A copy of a policy naming County of Maui as an additional [named] insured shall be submitted

to the Department of Planning within ninety (90) calendar days from the effective date of the most recent amendment to this ordinance[.];

5. That this Conditional Permit shall be limited to the composting of green waste and grubbed material, [and] the recycling of concrete rubble in connection with the base course production, and the use of the scale house/office structure located on the site;

6. That Hawaiian Cement shall employ dust control measures at the green waste composting area to minimize dust emissions; and

7. That Hawaiian Cement shall submit to the [Planning Department] Department of Planning annual reports addressing its compliance with the conditions established with the subject Conditional Permit."

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:

JAMES A. GIROUX
Deputy Corporation Counsel
County of Maui
S:\CLERICAL\LJN\ORD\CP\HAWCEMENT AMENDORD 3232 EXTEND CP 2010.wpd

WE HEREBY CERTIFY that the foregoing BILL NO. 74 (2010)

1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 19th day of October, 2010, by the following vote:

Dennis A. MATEO Chair	Michael J. MOLINA Vice-Chair	Gladys C. BAISA	Jo Anne JOHNSON	Solomon P. KAHO'OHALAHALA	William J. MEDEIROS	Wayne K. NISHIKI	Joseph PONTANILLA	Michael P. VICTORINO
Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Excused

2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 20th day of October, 2010.

DATED AT WAILUKU, MAUI, HAWAII, this 20th day of October, 2010.

RECEIVED
2010 OCT 20 AM 9:43
OFFICE OF THE MAYOR

DENNIS A. MATEO, CHAIR
Council of the County of Maui

JEFFREY T. KUWADA, COUNTY CLERK
County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS 22nd DAY OF OCTOBER, 2010.

CHARMAINE TAVARES, MAYOR
County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said BILL was designated as ORDINANCE NO. 3787 of the County of Maui, State of Hawaii.

JEFFREY T. KUWADA, COUNTY CLERK
County of Maui

Passed First Reading on October 1, 2010.
Effective date of Ordinance October 22, 2010.

RECEIVED
2010 OCT 25 PM 12:51
OFFICE OF THE COUNTY CLERK

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 3787, the original of which is on file in the Office of the County Clerk, County of Maui, State of Hawaii.

Dated at Wailuku, Hawaii, on

County Clerk, County of Maui

LETTER FROM DEPARTMENT OF HEALTH DATED JULY 21, 2008

EXHIBIT

B

LINDA LINGLE
GOVERNOR OF HAWAII

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

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

In reply, please refer to:
File:

July 21, 2008

08-656E CAB
File No. 0386-02

Mr. John H. DeLong
President
Hawaiian Cement
91-1300 Halawa Valley Street
Honolulu, Hawaii 96701

Dear Mr. DeLong:

Subject: Covered Source Permit (CSP) 0386-02-C
Renewal-Modification Application No. 0386-08
Hawaiian Cement
800 tph Crushing and Screening Plant
Located at: Waikapu Quarry, Wailuku, Maui

The Department of Health acknowledges receipt of your renewal-modification application on June 24, 2008, for the subject facility. The renewal-modification application has been assigned No. 0368-08. Please reference this number in future correspondence regarding this permit. A receipt for the application filing fee of $500.00 is enclosed.

The Department has completed the initial review of your permit application. You propose to add a grizzly feeder, jaw crusher, and a diesel engine generator, and to delete the annual production limit of 540,800 tons per year and the annual hourly limit of 2,080 hours per year.

In your application, the Department of Health has noted a discrepancy in the ambient air quality impact assessment. In Appendix A, page A-10, ISC3 Screening calculations, for the nitrogen dioxide annual concentration, the multi-tiered ambient ratio method was applied. But in the ambient ratio method, the 2080 hours of operation was used to proportionally reduce the annual concentration, which is no longer applicable since you requested to delete the annual hourly limit of 2,080 hours per year. Without that hourly limit, the predicted nitrogen dioxide annual concentration exceeds the allowable Hawaii air standard of 70 micrograms per cubic-meter. The proposed operation for the new diesel engine generator needs to be revised to meet the Hawaii air standard for the annual nitrogen dioxide ambient air quality impact.

Please note that in accordance with Hawaii Administrative Rules (HAR), Title 11, Chapter 60.1, during the processing of an application, if it is determined that additional information is necessary to evaluate the application, the Department may request additional information.

If you have any questions, please call Mr. Glenn Nagamine of my staff at (808) 586-4200.

Sincerely,

Wilfred K. Nagamine

WILFRED K. NAGAMINE
Manager, Clean Air Branch

GN:ltkc
Enclosure
c: James W. Morrow, DrPH
Blake Shigi, EHS Maui
CAB Monitoring Section

Cheryl Okuma

From: Wurlitzer, Dane <Dane.Wurlitzer@hawaiiancement.com>
Sent: Monday, April 28, 2014 3:03 PM
To: Cheryl Okuma
Cc: Gomes, David
Subject: FW: Hawaiian Cement CSP 0386-02-C - Waikapu Quarry

FYI

From: Kihara, Kevin M [mailto:kevin.kihara@doh.hawaii.gov]
Sent: Monday, April 28, 2014 2:35 PM
To: Wurlitzer, Dane
Subject: RE: Hawaiian Cement CSP 0386-02-C - Waikapu Quarry

Dane,

The application was submitted in a timely manner, so as long as you follow the guidelines of covered source permit 0386-02-C, issued on June 12, 2008, you are in good standing.

Kevin Kihara
State of Hawaii
Department of Health
Clean Air Branch
Phone: 808-586-4200
Fax: 808-586-4369

From: Wurlitzer, Dane [mailto:Dane.Wurlitzer@hawaiiancement.com]
Sent: Monday, April 28, 2014 1:31 PM
To: Kihara, Kevin M
Subject: Hawaiian Cement CSP 0386-02-C - Waikapu Quarry

Kevin,

We are doing a compliance review for Waikapu Quarry. Can you confirm we are in good standing by replying to this e-mail.

Your July 21, 2008 letter acknowledges receipt of our renewal – modification application. The technical details for developing a new permit are being worked out between your office and our consultant, Dr. Jim Morrow. In the meantime, we are following the guidelines of permit 0386-02-C issued June 12, 2008.

Let me know if more information is required.

Thank you,

Dane Wurlitzer
Hawaiian Cement
532-3407

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT

(Stormwater Discharge Dated December 9, 2013 - Expires on December 8, 2017)

EXHIBIT

B-1

DAVID Y. IGE
GOVERNOR OF HAWAII

VIRGINIA PRESSLER, M.D.
DIRECTOR OF HEALTH

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

In reply, please refer to:
DOH/CWB

R32C427.EXT.17

November 14, 2017

Mr. Jason Macy
President
Hawaiian Cement
99 Halawa Valley Street
Aiea, Hawaii 96701

Dear Mr. Macy:

Subject: Administrative Extension of Notice of General Permit Coverage (NGPC) for Hawaiian Cement – Waikapu Quarry Island of Maui, Hawaii File No. HI R32C427

The Department of Health (DOH), Clean Water Branch (CWB), acknowledges receipt of your 2017 Renewal Notice of Intent (NOI) and $500 filing fee for coverage under the National Pollutant Discharge Elimination System general permit provisions, in accordance with the Hawaii Administrative Rules (HAR), Section 11-55-34.08.

The DOH is unable to complete the processing of your NOI prior to the current NGPC expiration date. Therefore, in accordance with HAR, Section 11-55-34.09(d), the DOH hereby administratively extends the subject NGPC until a notice of renewed coverage under the applicable general permit is issued or until notified by the DOH, whichever occurs first. Please note that the DOH may request you submit additional information in order to complete the processing of your NOI for renewed coverage.

The Permittee shall not be held in violation of Hawaii Revised Statutes, Chapter 342D-6(h), and HAR, Chapter 11-55, during the pendency of its renewal NOI, so long as it acts consistently with the NGPC presently granted. **Note: The Permittee shall continue any sampling required by the current NGPC.** Any non-compliance with the conditions of the administratively extended NGPC may be subject to penalties of up to $25,000 per violation per day.

It is the Permittee's responsibility to ensure that anyone working under this administrative extension of your NGPC understands and complies with the terms and conditions therein.

Should you have any questions, please contact Ms. Kris Poentis of the Engineering Section, CWB, at 586-4309.

Sincerely,

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

KP

c: Mr. Dane Wurlitzer, Hawaiian Cement
[via e-mail dane.wurlitzer@hawaiiancement.com only]

LETTERS DATED DECEMBER 6, 2013 AND DECEMBER 26, 2013

EXHIBIT C

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
PRESIDENT

KARLYNN FUKUDA
EXECUTIVE VICE PRESIDENT

OWEN CHASHI HIRAGA
SENIOR VICE PRESIDENT

MITSURU "MUSH" HIRANO
SENIOR VICE PRESIDENT

MARK ALEXANDER ROY
VICE PRESIDENT

December 6, 2013

CERTIFIED MAIL NO. – 7003 1680 0000 5101 6220

Steven Y.K. Chang, P.E., Chief
Solid Waste and Hazardous Waste Branch
Department of Health
P.O. Box 3378
Honolulu, Hawaii 96801-3378

SUBJECT: Solid Waste Management Permit-by-Rule RY-0087-08 (Greenwaste Composting) located In the Vicinity of Kuihelani Highway and Honoapiilani Highway Intersection, Maui, Hawaii, TMK (2)3-6-04:007)
WARNING LETTER (S1134SL)

Dear Mr. Chang:

On behalf of our client, Hawaiian Cement, we provide this response to the State Department of Health's Warning Letter dated November 27, 2013 which was received by Hawaiian Cement on December 4, 2013.

Hawaiian Cement's Green Waste Recycling permit (Solid Waste Management Permit No. RY-0087-08) expired December 4, 2013. Please be informed that Pohakulepo Recycling, LLC and Hawaiian Cement will not be seeking a permit renewal application for a Greenwaste Composting operation. The greenwaste operation was not initiated and, as such, no greenwaste has been accepted and no composting activities were performed.

MAUI
305 High St., Suite 104 Wailuku, Hawaii 96793
PH: (808)244-2015 FAX: (808)244-8729
OAHU
735 Bishop St., Suite 238 Honolulu, Hawaii 96813 | PH: (808)983-1233
WWW.MHPLANNING.COM

If there are any questions, please call me at (808) 244-2015.

Very truly yours,

Cheryl K. Okuma, Senior Associate

CKO:yp
cc: Ronald Jacintho, Pohakulepo Recycling, LLC
David Gomes, Hawaiian Cement
Sue Liu, Department of Health, Solid Waste Section
K:\DATA\HawnCemt\Quarry\PermitbyRule(Greenwaste).ltrtoDOH.doc

DEC 31 2013

NEIL ABERCROMBIE
GOVERNOR OF HAWAII

GARY L. GILL
ACTING DIRECTOR OF HEALTH

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

In reply, please refer to:
File:

December 26, 2013

S1237SL

Mr. Ronald Jacintho, Sr., Owner
Pohakulepo Recycling, LLC
255-B East Waiko Road
Wailuku, Hawaii 96793

Mr. David Gomes, Operator
Hawaiian Cement
P.O. Box 488
Kahului, Hawaii 96732

Dear Messrs. Jacintho, Sr. and Gomes:

SUBJECT: Solid Waste Management Permit by Rule No. CO-0087-08 File Closure
Pohakulepo Recycling, LLC and Hawaiian Cement
Approximately 0.2 Miles West of Honoapiilani, in the Vicinity of
Kuihelani Hwy. and Honoapiilani Hwy. Intersection, Maui
TMK: 3-6-04:007

The Department of Health, Solid Waste Section received a letter dated December 6, 2013 responding to our warning letter dated November 27, 2013. The letter was submitted by Munekiyo and Hiraga, Inc.

The letter stated that Pohakulepo Recycling, LLC and Hawaiian Cement would not be seeking a permit renewal for the greenwaste composing operation. The letter further stated that the greenwaste operation was never initiated—no greenwaste has been accepted and no composting activities have been performed. The subject permit expired on December 4, 2013.

With this understanding, we have closed the subject permit file. If, in the future, you decide to open a greenwaste facility at the subject site, or any other site, a new solid waste management permit application is required to be submitted to our office for our review and approval prior to commencement of activities.

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

Sincerely,

for STEVEN Y.K. CHANG, P.E., CHIEF
Solid and Hazardous Waste Branch

c: Cheryl K. Okuma, Munekiyo and Hiraga, Inc.

CURRENT CERTIFICATE OF INSURANCE

EXHIBIT

D

ACORD®

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 12/21/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Marsh USA Inc.
333 South 7th Street, Suite 1400
Minneapolis, MN 55402-2400
Attn: MDU.CertRequest@marsh.com

J43750-HAWAC-GAWX-18-19 2010 2037 Hawaii AI Y

CONTACT NAME:
PHONE (A/C, No, Ext): FAX (A/C, No):
E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Liberty Mutual Fire Ins Co	23035
INSURER B : Associated Electric & Gas Ins Services Ltd	3190004
INSURER C : Liberty Insurance Corporation	42404
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
HAWAIIAN CEMENT
99-1300 HALAWA VALLEY STREET
AIEA, HI 96701

COVERAGES **CERTIFICATE NUMBER:** CHI-007164427-23 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY			TB2-641-005097-048	01/01/2018	01/01/2019	EACH OCCURRENCE	$ 2,000,000
	CLAIMS-MADE X OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 500,000
							MED EXP (Any one person)	$ 10,000
							PERSONAL & ADV INJURY	$ 2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ 4,000,000
	POLICY X PRO-JECT LOC						PRODUCTS - COMP/OP AGG	$ 4,000,000
	OTHER:							$
A	AUTOMOBILE LIABILITY			AI2-641-005097-058	01/01/2018	01/01/2019	COMBINED SINGLE LIMIT (Ea accident)	$ 2,000,000
	X ANY AUTO						BODILY INJURY (Per person)	$
	OWNED AUTOS ONLY / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	X HIRED AUTOS ONLY / X NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
B	UMBRELLA LIAB / OCCUR			XL5063407P	01/01/2018	01/01/2019	EACH OCCURRENCE	$ 5,000,000
	X EXCESS LIAB / CLAIMS-MADE						AGGREGATE	$ 5,000,000
	DED / RETENTION $							$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			WC2-641-005097-028 (Guar. Cost)	01/01/2018	01/01/2019	X PER STATUTE / OTH-ER	
C	ANYPROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y/N N (Mandatory in NH)	N / A		WA7-64D-005097-018 (AOS)	01/01/2018	01/01/2019	E.L. EACH ACCIDENT	$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below			"INCLUDES "STOP-GAP""			E.L. DISEASE - EA EMPLOYEE	$ 1,000,000
							E.L. DISEASE - POLICY LIMIT	$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Re: Pohakea Quarry

County of Maui is included as an additional insured as required by permit 2006/0001 as respects the General Liability and Auto Liability. The State of Hawaii is included as an additional insured as required by permit SP06-400 as respects the General Liability and Auto Liability. Blanket Additional Insured for General Liability is included per attached CG 2010 and CG 2037 Endorsements and does not include professional liability coverage. Blanket Additional Insured for Automobile Liability is included per attached designated Insured Endorsement CA 20 48. Excess liability applies to general liability, products and completed operations, automobile liability, and employers liability.

CERTIFICATE HOLDER

County of Maui
Department of Planning
200 S. High Street
Wailuku, Maui, HI 96793

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
of Marsh USA Inc.

Manashi Mukherjee Manashi Mukherjee

© 1988-2016 ACORD CORPORATION. All rights reserved.

The ACORD name and logo are registered marks of ACORD

EXHIBIT C.

Certificate of Insurance

ACORD®

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 12/14/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Marsh USA Inc.
333 South 7th Street, Suite 1400
Minneapolis, MN 55402-2400
Attn: MDU.CertRequest@marsh.com

CN102299309-HAWAC-GAWX-19- 2010 2037 HAWCE AI Y

CONTACT NAME:
PHONE (A/C, No, Ext):
FAX (A/C, No):
E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Liberty Mutual Fire Ins Co	23035
INSURER B : Associated Electric & Gas Ins Services Ltd	3190004
INSURER C : Liberty Insurance Corporation	42404
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
HAWAIIAN CEMENT
99-1300 HALAWA VALLEY STREET
AIEA, HI 96701

COVERAGES **CERTIFICATE NUMBER:** CHI-007184427-25 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY			TB2-641-005097-049	01/01/2019	01/01/2020	EACH OCCURRENCE	$ 2,000,000
	CLAIMS-MADE [X] OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 1,000,000
							MED EXP (Any one person)	$ 10,000
							PERSONAL & ADV INJURY	$ 2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ 4,000,000
	POLICY [X] PRO-JECT LOC						PRODUCTS - COMP/OP AGG	$ 4,000,000
	OTHER:							$
A	AUTOMOBILE LIABILITY			AI2-641-005097-059	01/01/2019	01/01/2020	COMBINED SINGLE LIMIT (Ea accident)	$ 2,000,000
	X ANY AUTO						BODILY INJURY (Per person)	$
	OWNED AUTOS ONLY / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	X HIRED AUTOS ONLY / X NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
B	UMBRELLA LIAB / OCCUR			XL5063408P	01/01/2019	01/01/2020	EACH OCCURRENCE	$ 5,000,000
	X EXCESS LIAB / CLAIMS-MADE						AGGREGATE	$ 5,000,000
	DED / RETENTION $							$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			WA7-84D-005097-029 (Regulated)	01/01/2019	01/01/2020	X PER STATUTE / OTH-ER	
C	ANYPROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y/N [N] (Mandatory in NH)	N/A		WA7-64D-005097-019 (AOS)	01/01/2019	01/01/2020	E.L. EACH ACCIDENT	$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below			"INCLUDES "STOP-GAP""			E.L. DISEASE - EA EMPLOYEE	$ 1,000,000
							E.L. DISEASE - POLICY LIMIT	$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Re: Pohakea Quarry

County of Maui is included as an additional insured as required by permit 2006/0001 as respects the General Liability and Auto Liability. The State of Hawaii is included as an additional insured as required by permit SP06-400 as respects the General Liability and Auto Liability. Blanket Additional Insured for General Liability is included per attached CG 2010 and CG 2037 Endorsements and does not include professional liability coverage. Blanket Additional Insured for Automobile Liability is included per attached designated Insured Endorsement CA 20 48. Excess liability applies to general liability, products and completed operations, automobile liability, and employers liability.

CERTIFICATE HOLDER

County of Maui
Department of Planning
200 S. High Street
Wailuku, Maui, HI 96793

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
of Marsh USA Inc.

Manashi Mukherjee Manashi Mukherjee

© 1988-2016 ACORD CORPORATION. All rights reserved.

The ACORD name and logo are registered marks of ACORD

EXHIBIT D.

Roadway Maintenance Plan

HAWAIIAN CEMENT

Maui Concrete and Aggregate Division

August 1, 2006

Mr. Ferdinand Cajigal
State of Hawaii
Department of Transportation
Highways Division

Subject: Maintenance Plan

Dear Mr. Cajigal,

The following is Hawaiian Cement's proposed maintenance plan for the Puunene quarry (located off Mokulele Highway) and Waikapu quarry (located off Honoapiilani Highway) :

1. *Inspection(s)* – Routine daily inspections will be made by our aggregate and concrete manager's (they travel in and out of our quarry on a constant daily basis). If spillage is found during these inspections, our water wagon operator will be dispatched to shoot off any aggregate build up from the affected area.

2. *Spillage* – In the event of any material spillage (concrete or aggregate) a labor crew will be dispatched to control the flow of traffic and immediately clean the affected area of roadway (or intersection). If necessary, our water wagon and front end loader can be utilized to assist in the clean up process.

3. *Major Spillage* – In the event of a major spillage....the same actions will be taken, however, a larger work force will be dispatched and a designated manager will be sent to supervise the clean up process.

4. *Contacts* – Should the need arise to contact a Hawaiian Cement representative, please call the following phone numbers:

   - Concrete - David Padgett Cell. (808) 870-7605
   - Aggregate - Keoni DeRego Cell. (808) 357-7458
   - Alternate to the above - Ed McCary Cell. (808) 357-7900

If we can be of any further assistance or answer any questions, please contact me at our Maui Office.

Very Truly Yours,

David Gomes
Assistant Division Manager, Maui

POST OFFICE BOX 488 - KAHULUI, MAUI, HI 96733 TELEPHONE (808) 871-7004 FAX (808) 877-7414

Gomes, David

From: Karlynn Kawahara [karlynn@mhinconline.com]
Sent: Wednesday, October 31, 2007 10:59 AM
To: Gomes, David
Subject: FW: Hawaiian Cement Maintenance Plan

Attachments: 081506 Transmittal to DOT Regarding Letter from Hawaiian Cement.pdf

081506
mittal to DOT R

Hi Dave,

Got your message. I am researching the original permit and will try to e-mail to you soon. This is the DOT message on the maintenance plan.

Thank you,
Karlynn

Karlynn Kawahara
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793
Telephone: (808) 244-2015
Facsimile: (808) 244-8729
Email: karlynn@mhinconline.com

CONFIDENTIAL COMMUNICATION: This message is intended for the use of the designated recipient(s) named above. If you have received this message in error, kindly notify us immediately by email or telephone. Thank you.

-----Original Message-----
From: Douglas.Meller@hawaii.gov [mailto:Douglas.Meller@hawaii.gov]
Sent: Wednesday, November 15, 2006 3:18 PM
To: Karlynn Kawahara
Subject: Hawaiian Cement Maintenance Plan

Here are Freddie's comments on the proposed maintenance plan.

----- Forwarded by Douglas Meller/HWY/HIDOT on 11/15/2006 03:01 PM -----

Ferdinand Cajigal/HWY/HIDOT

11/15/2006 12:34 PM

To: Antonie Wurster/HWY/HIDOT@HIDOT

cc: Ronald Tsuzuki/HWY/HIDOT@HIDOT, Douglas Meller/HWY/HIDOT@HIDOT, David Shimokawa/ADMIN/HIDOT@HIDOT

Subject

Hawaiian Cement Maintenance Plan

Toni: I u nderstand that the matter will be heard by State Land Use Commission tomorrow. The maintenance plans is acceptable to us --- therefore recommend approval of the special use permit. My understanding
is that the Maui Planning Comminssion granted the applicant a 3 year extension, thus, we recommend the same. Fifteen years would be too long for uss..... fred

----- Forwarded by Ferdinand Cajigal/HWY/HIDOT on 11/15/2006 12:29 PM -----

	"Karlynn Kawahara" <karlynn@mhinconline.com>	
To		<ferdinand.cajigal@hawaii.gov>
cc		
	11/15/2006 12:01 PM	"David Gomes" <Dave.Gomes@hawaiiancement.com>
Subject		Hawaiian Cement Maintenance Plan

Hi Freddie,

Per your request, please see attached transmittal and maintenance plan for

Hawaiian Cement. Please let me know if you have trouble opening the file
or if you have questions.

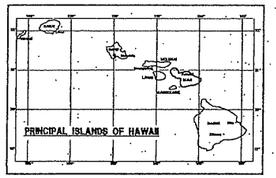
Thank you,
Karlynn

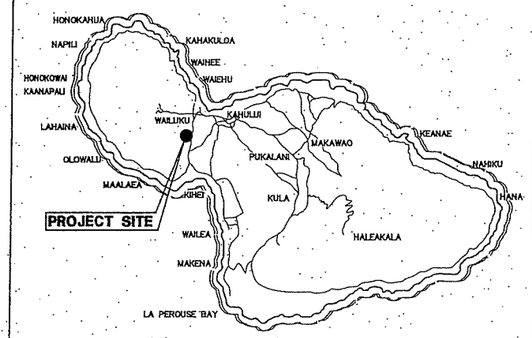
Karlynn Kawahara
Munekiyo & Hiraga, Inc.
305 High Street, Suite 104
Wailuku, Hawaii 96793
Telephone: (808) 244-2015
Facsimile: (808) 244-8729
Email: karlynn@mhinconline.com

CONFIDENTIAL COMMUNICATION: This message is intended for the use of the designated recipient(s) named above. If you have received this message in
error, kindly notify us immediately by email or telephone. Thank you.
(See attached file: 081506 Transmittal to DOT Regarding Letter from Hawaiian Cement.pdf)

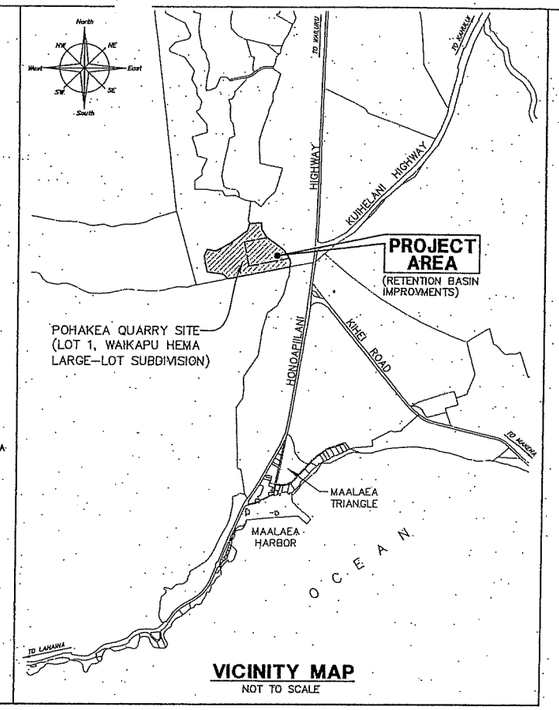
EXHIBIT E.

Retention Basin Grading and Maintenance Plan

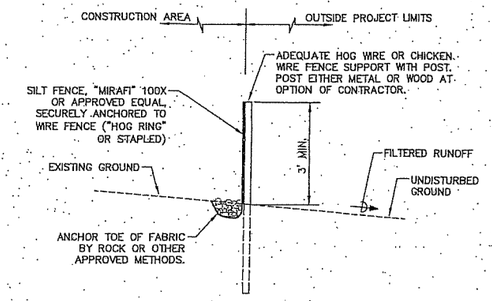




LOCATION MAP
ISLAND OF MAUI



VICINITY MAP
NOT TO SCALE



MAINTENANCE NOTES:

1. SILT FENCES OR FILTER BARRIERS SHALL BE INSPECTED IMMEDIATELY AFTER EACH RAINFALL AND AT LEAST DAILY DURING PROLONGED RAINFALL. ANY REQUIRED REPAIRS SHALL BE MADE IMMEDIATELY.
2. SHOULD THE FABRIC ON THE SILT FENCE OR FILTER BARRIER DECOMPOSE OR BECOME INEFFECTIVE PRIOR TO THE END OF THE EXPECTED USABLE LIFE AND THE BARRIER STILL BE NECESSARY, THE FABRIC SHALL BE REPLACED PROMPTLY.
3. SEDIMENT DEPOSITS SHOULD BE REMOVED AFTER EACH STORM EVENT. THEY MUST BE REMOVED WHEN DEPOSITS REACH APPROXIMATELY ONE-HALF THE HEIGHT OF THE BARRIER.
4. ANY SEDIMENT DEPOSITS REMAINING IN PLACE AFTER THE SILT FENCE OR FILTER BARRIER IS NO LONGER REQUIRED SHALL BE DRESSED TO CONFORM WITH THE EXISTING GRADE, PREPARED AND SEEDED.

TYPICAL INSTALLATION - SILT FENCE
NOT TO SCALE

PERMITTEE NOTES TO CONTROL DRAINAGE AND EROSION:

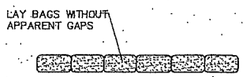
1. CONTROL DUST BY MEANS OF WATER WAGONS OR BY INSTALLING TEMPORARY SPRINKLER SYSTEMS OR BOTH IF NECESSARY.
2. GRADED AREAS SHALL BE THOROUGHLY WATERED AFTER CONSTRUCTION ACTIVITY HAS CEASED FOR THE DAY AND FOR THE WEEKEND AND HOLIDAYS.
3. ALL EXPOSED AREAS SHALL BE PAVED, GRASSED, OR PERMANENTLY LANDSCAPED AS SOON AS FINISHED GRADING IS COMPLETED.
4. THE CONTRACTOR SHALL BE RESPONSIBLE TO OBTAIN AND PAY FOR THE WATER NECESSARY FOR DUST CONTROL AND IRRIGATION PURPOSES.
5. CONTRACTOR TO CONSTRUCT TEMPORARY DIVERSION DITCHES OR SWALES AWAY FROM GRADED AREAS TO NATURAL DRAINAGEWAYS DURING CONSTRUCTION.
6. CONTRACTOR SHALL SUBMIT A SATISFACTORY SOIL EROSION CONTROL PLAN TO MINIMIZE SOIL EROSION PRIOR TO AN ISSUANCE OF A GRADING PERMIT. SEE ALSO GRADING NOTES NO. 2.
7. THE FOLLOWING ADDITIONAL MEASURES SHALL BE TAKEN TO CONTROL SOIL EROSION DURING THE SITE DEVELOPMENT PERIOD:
   a. MINIMIZE TIME OF CONSTRUCTION.
   b. RETAIN EXISTING GROUND COVER UNTIL LATEST DATE TO COMPLETE CONSTRUCTION.
   c. STATION WATER TRUCK(S) ON SITE DURING CONSTRUCTION PERIOD TO PROVIDE FOR IMMEDIATE SPRINKLING, AS NEEDED, IN ACTIVE CONSTRUCTION ZONES (WEEKENDS AND HOLIDAYS INCLUDED).
   d. ALL CUT AND FILL SLOPES SHALL BE PROVIDED WITH EROSION CONTROL BLANKETS AND BE SODDED OR PLANTED IMMEDIATELY AFTER GRADING WORK HAS BEEN COMPLETED.
   e. INSTALLATION OF SILT AND DUST CONTROL FENCE; IN LIEU OF SILT FENCE, GRAVEL BAGS OR OTHER APPROVED SEDIMENT-TRAPPING DEVICES CAN BE USED.
8. THE CONTRACTOR IS THE SOLE PARTY RESPONSIBLE FOR THE ADEQUACY OF ALL TEMPORARY CONTROL MEASURES TO PROTECT THE WORK FROM THE EFFECTS OF DUST AND EROSION. HE SHALL BE RESPONSIBLE FOR RESPONDING TO COMPLAINTS FROM NEIGHBORING PROPERTIES AND WILL PROVIDE ADDITIONAL MITIGATION MEASURES AS NECESSARY AT NO ADDITIONAL COST TO OWNER.
9. OIL OR PETROLEUM-BASED PRODUCTS SHALL NOT BE USED FOR DUST CONTROL.
10. STORM WATER CONTROL MEASURES SHALL BE IN PLACE AND FUNCTIONAL PRIOR TO CONSTRUCTION AND SHALL REMAIN OPERATIONAL THROUGHOUT THE CONSTRUCTION PERIOD OR UNTIL PERMANENT CONTROLS ARE IN PLACE.
11. DISCHARGES ASSOCIATED WITH THE OPERATION AND MAINTENANCE OF EQUIPMENT SHALL BE FIELD MONITORED BY THE CONTRACTOR. ANY MECHANICAL AND HYDRAULICS FLUID LEAKAGE SHALL BE REPAIRED AS SOON AS IT IS IDENTIFIED AND LOCATED. LARGE LEAKAGE OF MECHANICAL FLUIDS SHALL BE CONTAINED, PROPERLY DISPOSED AND NOT ALLOWED TO IMPACT THE OCEAN.
12. DUST AND SILT FENCES SHOWN ARE MINIMUM REQUIREMENTS; CONTRACTOR SHALL LOCATE OR INSTALL ADDITIONAL FENCES AS NECESSARY TO PROVIDE MAXIMUM PROTECTION AT NO ADDITIONAL COST TO THE OWNER.
13. PRIOR TO ISSUANCE OF THE GRADING PERMIT, THE CONTRACTOR SHALL MEET WITH THE DEVELOPMENT SERVICES ADMINISTRATION AND PROVIDE INFORMATION ON THE SOURCE OF WATER FOR DUST CONTROL, AND JUSTIFY THE NUMBER OF WATER TRUCKS TO BE USED FOR THE CLEARING, GRUBBING, AND LOADING OPERATIONS.
14. IF THE CONTRACTOR IS NOT ABLE TO SATISFACTORILY CONTROL DUST EMISSIONS FROM THE PROJECT SITE, ALL CONSTRUCTION WORK SHALL CEASE EXCEPT FOR WATERING AND OTHER STABILIZATION EFFORTS.
15. THE CONTRACTOR SHALL BE RESPONSIBLE FOR IMMEDIATELY CLEANING THE ROADWAY OF MUD OR SILT TRACKED FROM THE PROJECT SITE.

BMPS NOTES

1. APPLICABLE SECTIONS, WHETHER CALLED FOR OR NOT ON THIS PLAN, OF THE COUNTY STANDARD BEST MANAGEMENT PRACTICES (STD. BMPS), "CONSTRUCTION BEST MANAGEMENT PRACTICES FOR THE COUNTY OF MAUI", MAY 2001 SHALL BE COMPLIED WITH DURING CONSTRUCTION.
   SECTIONS, BUT NOT LIMITED TO THE FOLLOWING ARE APPLICABLE TO THIS PROJECT:
   SECTION 6.08 – TEMPORARY GRAVEL CONSTRUCTION ENTRANCE/EXIT
   SECTION 6.10 – SEEDING
   SECTION 6.30 – MATS, NETS & BLANKETS
   SECTION 6.31 – MULCHING
   SECTION 6.32 – PRESERVATION OF EXISTING VEGETATION
   SECTION 6.33 – PROTECTION OF STOCKPILES
   SECTION 6.62 – SEDIMENT FENCE (SILT FENCE)
   SECTION 6.70 – DUST CONTROL
   SECTION 6.71 – GOOD NEIGHBOR BARRIERS
   SECTION 6.81 – SOLID WASTE MANAGEMENT
   SECTION 6.92 – CONCRETE WASTE MANAGEMENT
   SECTION 6.93 – VEHICLE FUEL & MAINTENANCE MANAGEMENT

GRADING NOTES:

1. CONTRACTOR SHALL OBTAIN A GRADING PERMIT FROM THE DEVELOPMENT SERVICES ADMINISTRATION TWO (2) WEEKS PRIOR TO COMMENCEMENT OF ANY GRADING OR GRUBBING.
2. CONTRACTOR SHALL BE REQUIRED TO SUBMIT A SATISFACTORY GRADING WORK METHOD TO MINIMIZE DUST POLLUTION BEFORE A GRADING PERMIT IS ISSUED.
3. ALL GRADING OPERATIONS SHALL CONFORM WITH APPLICABLE PROVISIONS OF THE "WATER POLLUTION CONTROL AND WATER QUALITY STANDARDS" CONTAINED IN THE STATE OF HAWAII PUBLIC HEALTH REGULATIONS, STATE DEPT. OF HEALTH ON WATER POLLUTION CONTROL AND WATER QUALITY STANDARDS AND THE COUNTY GRADING ORDINANCE.
4. THE CONTRACTOR, AT HIS OWN EXPENSE, SHALL KEEP THE PROJECT AREA AND SURROUNDING AREA FREE FROM DUST NUISANCE AT ALL TIMES, INCLUDING WEEKEND AND HOLIDAYS. THE WORK SHALL BE IN CONFORMANCE WITH THE AIR POLLUTION CONTROL STANDARDS AND REGULATION OF THE STATE DEPARTMENT OF HEALTH AND GRADING ORDINANCE.
5. THE CONTRACTOR SHALL REMOVE ALL SILTS AND DEBRIS RESULTING FROM HIS WORK. THE COST INCURRED FOR ANY NECESSARY REMEDIAL ACTION BY THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS (DPW) OF THE COUNTY OF MAUI SHALL BE PAYABLE BY THE CONTRACTOR.
6. CONSTRUCTION DEBRIS AND WASTES SHALL BE DEPOSITED AT AN APPROPRIATE SITE. THE CONTRACTOR SHALL INFORM THE DIRECTOR OF DPW OF THE LOCATION OF THE DISPOSAL SITES. THE DISPOSAL SITE SHALL ALSO FULFILL THE REQUIREMENTS OF THE GRADING ORDINANCE.
7. APPROXIMATE:
   EXCAVATION = 2190 C. Y.
   EMBANKMENT = 0 C. Y.
   AREA = 0.4 ACRES
   FOR GRADING PERMIT PURPOSES ONLY



PLACEMENT OF TEMPORARY SANDBAG OR GRAVEL BAG BERM
NOT TO SCALE

Tanaka ENGINEERS, INC.
CIVIL & STRUCTURAL ENGINEERS
LAND SURVEYORS
871 KOLU STREET
SUITE 201
WAILUKU, MAUI, HAWAII
PHONE No.: 242-6861

CONSTRUCTION PLANS FOR
RETENTION BASIN IMPROVEMENTS
POHAKEA, WAIKAPU, MAUI, HAWAII
Prepared for: HAWWAIAN CEMENT
P.O. BOX 488, KAHULUI, HI 96732

NOTES AND DETAILS

KIRK T. TANAKA
LICENSED PROFESSIONAL ENGINEER
No. 5546-C
HAWAII, U.S.A.
LICENSE EXPIRES: 04-30-08

THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION AND CONSTRUCTION OF THIS PROJECT WILL BE UNDER MY OBSERVATION.

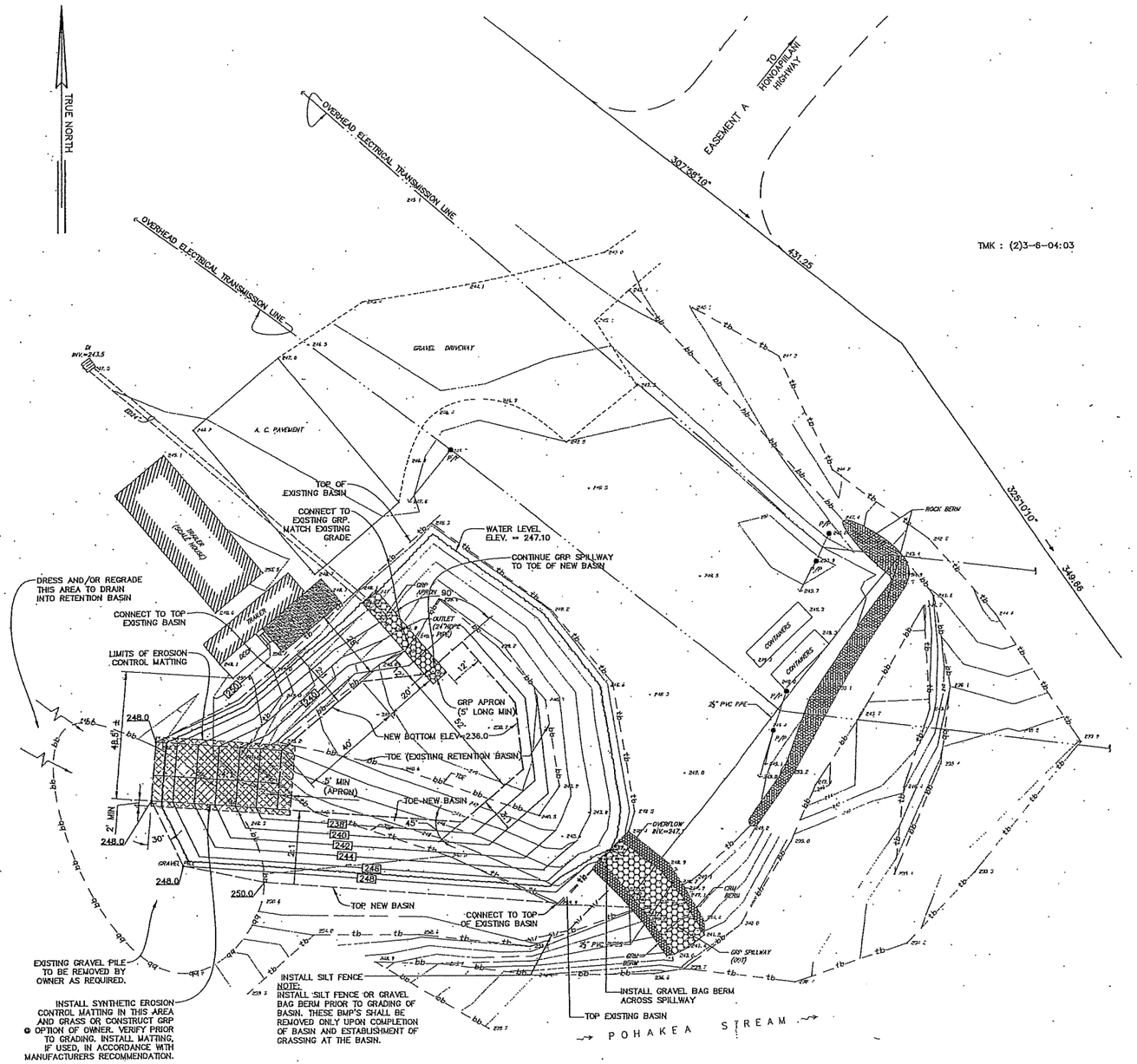
DATE: 11/13/07

REVISIONS:

T.M.K.:	(2)3-6-04:07(Por.)
SCALE:	AS NOTED
DESIGNED BY:	R.H.
CHECKED BY:	K.T.
DRAWN BY:	D.S.
DATE:	NOVEMVER 2007
JOB No.:	04-056

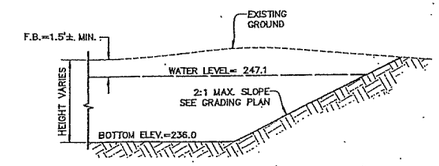
SHEET 1 OF 2 SHEETS

File "HDEMENT.dwg"
HDEMENT_CONSTRUCTION_PLAN.dwg 12-NOV-2007 1:40 PM D.S.



GRADING PLAN - RETENTION BASIN

20 10 0 20 40
GRAPHIC SCALE IN FEET
SCALE: 1" = 50'

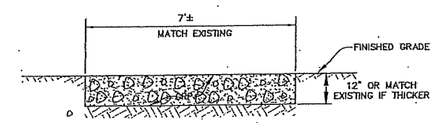


TYPICAL BASIN PARTIAL SECTION AT NEW CUT SLOPE

NOT TO SCALE

PERMANENT STABILIZATION MEASURES:

1. SIDESLOPE: INSTALL BIODEGRADABLE EROSION CONTROL MATTING. UNLESS OTHERWISE NOTED AND GRASS. INSTALL MATTING IN ACCORDANCE WITH MANUFACTURERS RECOMMENDATION.
2. BOTTOM: GRASS.



TYPICAL GRP APRON/SPILLWAY

NOT TO SCALE

LEGEND:

EAC	EXISTING EDGE AC PAVEMENT
— —tb—	EXISTING TOP BANK
— —bb—	EXISTING BOTTOM BANK
• PP	EXISTING POWER POLE
—240—	EXISTING GROUND CONTOUR
248.5'	EXISTING SPOT ELEVATION
◻ DI	EXISTING DROP INLET
—240—	NEW GROUND CONTOUR
248.0	FINISHED SPOT ELEVATION

Tanaka ENGINEERS, INC.
CIVIL & STRUCTURAL ENGINEERS
LAND SURVEYORS

871 KOLU STREET
SUITE 201
WAILUKU, MAUI, HAWAII
PHONE No.: 242-6861

CONSTRUCTION PLANS FOR
RETENTION BASIN IMPROVEMENTS
POHAKEA, WAIKAPU, MAUI, HAWAII
Prepared for: HAWAIIAN CEMENT
P.O. BOX 488, KAHULUI, HI 96732

GRADING PLAN AND SECTION

KIRK T. TANAKA
LICENSED PROFESSIONAL ENGINEER
No. 6846-C
HAWAII, U.S.A.
LICENSE EXPIRES: 04-30-08

THIS WORK WAS PREPARED BY ME OR UNDER MY SUPERVISION AND CONSTRUCTION OF THIS PROJECT WILL BE UNDER MY OBSERVATION.

DATE: 12/18/07

REVISIONS:
12/17/07 : REVISED GRADING OF BASIN PER OWNER

T.M.K.:(2)3-6-04:07(Por.)
SCALE: AS NOTED
DESIGNED BY: R.H.
CHECKED BY: K.T.
DRAWN BY: D.S.
DATE: NOVEMVER 2007
JOB No.:04-056

SHEET 2 OF 2 SHEETS

PW #830/ pg. 70
HCEDATA\ CONSTRUCTION PLAN.dwg 18-DEC-2007 10:11 AM J.E.

EXHIBIT F.

Letters from the State Historic Preservation Division Dated April 1, 2008 Accepting the Archaeological Inventory Survey and Archaeological Monitoring Plan

LINDA LINGLE
GOVERNOR OF HAWAII

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

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

STATE HISTORIC PRESEERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

April 1, 2008

Cathleen A. Dagher
Scientific Consulting Services Archaeology
711 Kapiolani Boulevard, Suite 975
Honolulu, Hawai'i 96813

LOG NO: 2007.0464
DOC NO: 0803JP20
Archaeology

Dear Ms. Dagher:

SUBJECT: Chapter 6E-42 Historic Preservation Review – Revised Archaeological Inventory Survey Review of the Proposed Pohakea Rock Quarry Expansion Project Waikapu Ahupua'a, Wailuku District, Island of Maui TMK (2) 3-6-004:007

Thank you for the opportunity to review this revised report which our Maui staff received on December 28, 2007 (Dagher and Dega, *An Archaeological Inventory Survey of a 60 Acre Property for the Proposed Pohakulepo Quarry Expansion Project TMK (2) 3-6-004:007, Waikapu Ahupua'a, Wailuku District, Maui, Hawai'i*)...Scientific Consultant Services, Inc.

We reviewed the original report which was received on August 10, 2006 and requested some revisions (LOG NO: 2006.3729/ DOC NO: 0611JP27). Thank you for making the recommended revisions and submitting the final report to our office. Pursuant to the applicable Hawaii Revised Statutes, this Archaeological Inventory Survey Report is now acceptable.

Prior to the submittal of the inventory survey report, we provided comments for the Land Use Commission Special Use Permit and the County Special Use permit applications for the expansion and indicated that some outstanding archaeological issues need to be addressed (LOG NO: 2006.1656/ DOC NO: 0605MK47).

Seven historic properties comprising 23 features were documented and issued Statewide Inventory of Historic Places (SIHP) 50-50-09-6061 (rock wall and an enclosure); 50-50-09-6062 (rock wall); 50-50-09-6063 (16 features: walls, C-shape, circular enclosure, depressions, modified boulder field); 50-50-09-6064 (modified outcrop/rock wall); 50-50-09-6065 (rock wall); 50-50-09-6066 (enclosure); 50-50-09-6067 (modified outcrop/rock wall). Five of the seven sites were originally identified in 1988 by Paul H. Rosendahl, Inc. (PHRI). The current inventory survey re-identified and recorded five of the six previously identified archaeological sites in the project area. All of the sites are significant under Criterion D and have yielded adequate information. Archaeological monitoring has been agreed upon and the Archaeological Monitoring Plan specifying details of the monitoring program has been submitted to our office for review (refer to DOC NO: 0803JP21).

Again, this revised Archaeological Inventory Survey Report is now acceptable. Should there be any concerns, please feel free to contact the Maui/Lana'i section of the SHPD at (808) 243-4641.

Aloha,

Nancy McMahon, Archaeologist and Acting Archaeology Branch Chief
State Historic Preservation Division

JP:

c: Director, Dept. of Planning, 250 S. High Street, Wailuku, HI 96793
Maui Cultural Resources Commission, Dept. of Planning, 250 S. High Street, Wailuku, HI 96793

LINDA LINGLE
GOVERNOR OF HAWAII

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

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

STATE HISTORIC PRESEERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

April 1, 2008

Dr. Michael Dega
Scientific Consultant Services, Inc.
711 Kapiolani Boulevard. Suite 975
Honolulu, Hawai'i 96813

LOG NO: 2007.2875
DOC NO: 0803JP21
Archaeology

Dear Dr. Dega:

SUBJECT: Archaeological Monitoring Plan Review and Acceptance for the Proposed Pohakea Rock Quarry Expansion Project Waikapu Ahupua'a, Wailuku District, Island of Maui TMK (2) 3-6-004:007

Thank you for the opportunity to review the archaeological monitoring plan, which was received by our staff in August 2007 [Chaffee and Spear 2007, *An Archaeological Monitoring Plan for the Proposed Pohakea (Pohakulepo) Quarry Expansion Project TMK (2) 3-6-004:007, Waikapu Ahupua'a, Wailuku District, Island of Maui, Hawai'i*)...Scientific Consultant Services, Inc.

We have recently accepted the correlating revised Archaeological Inventory Survey related to this monitoring plan (Dagher and Dega, *An Archaeological Inventory Survey of a 60 Acre Property for the Proposed Quarry Expansion Project* SHPD DOC NO: 0803JP20).

We have previously provided comments pertaining to the subject property, including the Land Use Commission Special Use Permit and the County Special Use permit applications for the expansion and indicated that some outstanding archaeological issues need to be addressed (LOG NO: 2006.1656/ DOC NO: 0605MK47). We reviewed the first submittal of the Archaeological Inventory Survey report (received August 10, 2006) and recommended some revisions (LOG NO: 2006.3729/ DOC NO: 0611JP27). Seven historic properties comprising 23 features were documented during the inventory survey and issued Statewide Inventory of Historic Places (SIHP) 50-50-09-6061 (rock wall and an enclosure); 50-50-09-6062 (rock wall); 50-50-09-6063 (16 features: walls, C-shape, circular enclosure, depressions, modified boulder field); 50-50-09-6064 (modified outcrop/rock wall); 50-50-09-6065 (rock wall); 50-50-09-6066 (enclosure); 50-50-09-6067 (modified outcrop/rock wall). Five of the seven sites were originally identified in 1988 by Paul H. Rosendahl, Inc. (PHRI).

The current inventory survey re-identified and recorded five of the six previously identified archaeological sites in the project area. We understand that two sites were identified and documented by your firm for the first time. All seven of the sites are significant under Criterion D and have yielded adequate information. During the lengthy process of the completion of the additional archaeological work and the completion of the requested revisions, some of the historic properties were bulldozed. A road was bulldozed through the middle of the parcel and several features were impacted. Full-time archaeological monitoring has previously been agreed upon in order to document any undocumented sites that may have been missed during the fieldwork and to identify any inadvertent significant findings.

We have recommended the presence of a full time archaeological monitor for the proposed ground altering activities on the parcel. Subsequently, this archaeological monitoring plan was submitted to our office. Until we receive adequate correspondence indicating otherwise, we will continue to recommend and anticipate that full time archaeological monitoring will ensue for any proposed construction activities on the subject parcel.

The Archaeological Monitoring Plan is acceptable and conforms to Hawaii Administrative Rules Chapter 13-279, which governs standards for archaeological monitoring. This archaeological monitoring program includes the following provisions: A qualified archaeologist will be on-site on a full-time basis and one archaeologist will be assigned for each piece of operating heavy equipment. All excavation activities on the subject parcel will have an archaeological monitor actively observing the construction activities. The on-site archaeologist will have the authority to halt excavation in the event that cultural materials are identified. Consultation with the State Historic Preservation Division (SHPD) will occur in this event, to determine an acceptable course of action.

If human burials are identified, work will immediately cease, and your firm will notify the SHPD Burial Sites Program/Culture and History Branch (243-4640), Maui SHPD Archaeology Branch (243-1285), Oahu SHPD (692-8015), and the Maui/Lanai Islands Burial Council. Compliance with procedures outlined in HRS 6E-43 will be followed. Coordination meetings with the construction crew will be held prior to project initiation. The plan further indicates that an acceptable report will be submitted to this office within 45 days of project completion. Please note that our rules indicate that the report shall be submitted within 180 days of project completion.

We believe it is unlikely that any historic properties will be affected by construction work related to the project, with the implementation of this accepted archaeological monitoring plan. Please notify our Maui (243-5838) and Oahu offices (692-8020), via facsimile, at onset and completion of the project and monitoring program (and/or submit phased reports based on findings). If there are any concerns or questions, feel free to contact us at (808) 243-4641 or (808) 243-1285.

Aloha,

Nancy McMahon, Archaeologist and Acting Archaeology Branch Chief
State Historic Preservation Division

JP:

c: Director, Dept. of Planning, 250 S. High Street, Wailuku, HI 96793
Maui Cultural Resources Commission, Dept. of Planning, 250 S. High Street, Wailuku, HI 96793

EXHIBIT G.

Letter from Department of Health Regarding National Pollutant Discharge Elimination System Permit

DAVID Y. IGE
GOVERNOR OF HAWAII

VIRGINIA PRESSLER, M.D.
DIRECTOR OF HEALTH

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

In reply, please refer to:
DOH/CWB

R32C427.EXT.17

November 14, 2017

Mr. Jason Macy
President
Hawaiian Cement
99 Halawa Valley Street
Aiea, Hawaii 96701

Dear Mr. Macy:

Subject: Administrative Extension of Notice of General Permit Coverage (NGPC) for Hawaiian Cement – Waikapu Quarry Island of Maui, Hawaii File No. HI R32C427

The Department of Health (DOH), Clean Water Branch (CWB), acknowledges receipt of your 2017 Renewal Notice of Intent (NOI) and $500 filing fee for coverage under the National Pollutant Discharge Elimination System general permit provisions, in accordance with the Hawaii Administrative Rules (HAR), Section 11-55-34.08.

The DOH is unable to complete the processing of your NOI prior to the current NGPC expiration date. Therefore, in accordance with HAR, Section 11-55-34.09(d), the DOH hereby administratively extends the subject NGPC until a notice of renewed coverage under the applicable general permit is issued or until notified by the DOH, whichever occurs first. Please note that the DOH may request you submit additional information in order to complete the processing of your NOI for renewed coverage.

The Permittee shall not be held in violation of Hawaii Revised Statutes, Chapter 342D-6(h), and HAR, Chapter 11-55, during the pendency of its renewal NOI, so long as it acts consistently with the NGPC presently granted. **Note: The Permittee shall continue any sampling required by the current NGPC.** Any non-compliance with the conditions of the administratively extended NGPC may be subject to penalties of up to $25,000 per violation per day.

It is the Permittee's responsibility to ensure that anyone working under this administrative extension of your NGPC understands and complies with the terms and conditions therein.

Should you have any questions, please contact Ms. Kris Poentis of the Engineering Section, CWB, at 586-4309.

Sincerely,

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

KP

c: Mr. Dane Wurlitzer, Hawaiian Cement
[via e-mail dane.wurlitzer@hawaiiancement.com only]

Conditional Permit Time Extension Approval

EXHIBIT

2

ORDINANCE NO. 3787

BILL NO. 74 (2010)

A BILL FOR AN ORDINANCE TO EXTEND A CONDITIONAL PERMIT TO ALLOW THE OPERATION OF A CONCRETE RECYCLING AND GREEN WASTE COMPOSTING FACILITY IN CONJUNCTION WITH THE PERMITTED QUARRY AND ROCK CRUSHING OPERATION WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT TAX MAP KEY NO. (2) 3-6-004:007 (POR.), WAILUKU, MAUI, HAWAII

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Pursuant to Chapter 19.40, Maui County Code, the Conditional Permit granted by Ordinance No. 2669 (1998), as amended by Ordinance No. 2853 (2000), as amended by Ordinance No. 3232 (2004), is extended, subject to the conditions imposed in Section 2 of this ordinance, for the operation of a concrete recycling and green waste composting facility in conjunction with the permitted quarry and rock crushing operation within the County Agricultural District. The site is identified for real property tax purposes by Tax Map Key No. (2) 3-6-004:007 (por.), and is comprised of approximately 14.8 acres of land.

SECTION 2. The conditions imposed in Ordinance No. 3232 (2004) are amended to read as follows:

"1. That full compliance with all conditions of the State Special Use Permit, with the conditions of the State Department of Health, Clean Air Branch, Noncovered Source Permit,

and with all other applicable governmental requirements shall be rendered;

2. That the Conditional Permit is hereby granted to Hawaiian Cement and shall be valid [for a period of five years from the effective date of the most recent amendment to this ordinance;] until December 15, 2019; provided that, an extension of this permit beyond this [five-year] period may be granted pursuant to Section 19.40.090, Maui County Code;

3. That the Conditional Permit shall be nontransferable unless the Council approves the transfer by ordinance;

4. That Hawaiian Cement, its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject Conditional Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this Conditional Permit a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS ($1,000,000.00), naming the County of Maui as an additional [named] insured, insuring and defending Hawaiian Cement and County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by Hawaiian Cement of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this permit. A copy of a policy naming County of Maui as an additional [named] insured shall be submitted

to the Department of Planning within ninety (90) calendar days from the effective date of the most recent amendment to this ordinance[.];

5. That this Conditional Permit shall be limited to the composting of green waste and grubbed material, [and] the recycling of concrete rubble in connection with the base course production, and the use of the scale house/office structure located on the site;

6. That Hawaiian Cement shall employ dust control measures at the green waste composting area to minimize dust emissions; and

7. That Hawaiian Cement shall submit to the [Planning Department] Department of Planning annual reports addressing its compliance with the conditions established with the subject Conditional Permit."

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:

JAMES A. GIROUX
Deputy Corporation Counsel
County of Maui
S:\CLERICAL\LJN\ORD\CP\HAWCEMENT AMENDORD 3232 EXTEND CP 2010.wpd

WE HEREBY CERTIFY that the foregoing BILL NO. 74 (2010)

1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 19th day of October, 2010, by the following vote:

Dennis A. MATEO Chair	Michael J. MOLINA Vice-Chair	Gladys C. BAISA	Jo Anne JOHNSON	Solomon P. KAHO'OHALAHALA	William J. MEDEIROS	Wayne K. NISHIKI	Joseph PONTANILLA	Michael P. VICTORINO
Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Excused

2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 20th day of October, 2010.

DATED AT WAILUKU, MAUI, HAWAII, this 20th day of October, 2010.

RECEIVED
2010 OCT 20 AM 9:43
OFFICE OF THE MAYOR

DENNIS A. MATEO, CHAIR
Council of the County of Maui

JEFFREY T. KUWADA, COUNTY CLERK
County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS 22nd DAY OF OCTOBER, 2010.

CHARMAINE TAVARES, MAYOR
County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said BILL was designated as ORDINANCE NO. 3787 of the County of Maui, State of Hawaii.

JEFFREY T. KUWADA, COUNTY CLERK
County of Maui

Passed First Reading on October 1, 2010.
Effective date of Ordinance October 22, 2010.

RECEIVED
2010 OCT 25 PM 12:51
OFFICE OF THE COUNTY CLERK

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 3787, the original of which is on file in the Office of the County Clerk, County of Maui, State of Hawaii.

Dated at Wailuku, Hawaii, on

County Clerk, County of Maui

County Conditional Permit Annual Compliance Report Dated October 16, 2018

EXHIBIT

2-A

MUNEKIYO HIRAGA
Planning. Project Management. Sustainable Solutions.

Michael T. Munekiyo
PRESIDENT
Karlynn K. Fukuda
EXECUTIVE VICE PRESIDENT
Mark Alexander Roy
VICE PRESIDENT
Tessa Munekiyo Ng
VICE PRESIDENT

October 16, 2018

COUNTY OF MAUI
DEPT. OF PLANNING - CURRENT
OCT 16 2018
RECEIVED

Michele Chouteau McLean, Director
County of Maui
Department of Planning
Attention: Paul Fasi, Planner
One Main Plaza
2200 Main Street, Suite 315
Wailuku, Hawai'i 96793

SUBJECT: County Conditional Permit for Hawaiian Cement Pohakea Quarry, TMK 3-6-004:007(por.), (CP 97/0002)

Dear Mr. Fasi:

Ordinance No. 3787, granting a time extension to the abovementioned Conditional Permit, was passed on final reading by the Maui County Council on October 19, 2010 and took effect on October 22, 2010. The Conditional Permit (CP) time extension was granted until December 15, 2019. The approval of the time extension request was subject to seven (7) conditions. See **Exhibit "A"**.

Condition Number 7 of the 2010 County Conditional Permit time extension approval stated:

> *"That Hawaiian Cement shall submit to the Department of Planning annual reports addressing its compliance with the conditions established with the subject Conditional Permit."*

On behalf of the County Conditional Permit holder, Hawaiian Cement, we are submitting this compliance report to meet Condition Number 7 and address compliance with the conditions set forth in the approved CP time extension.

Condition No. 1

That full compliance with all conditions of the State Special Use Permit, with the conditions of the State Department of Health, Clean Air Branch, Noncovered Source Permit, and with all other applicable governmental requirements shall be rendered;

Response: The permittee concurs with this condition and will comply with the conditions in the State Special Use Permit, with the conditions of the State Department of Health, Clean Air Branch, Noncovered Source Permit and applicable governmental requirements. The permittee submitted a renewal modification application for a Covered Source Permit as required, to the State Department of Health (DOH). By letter dated July 21, 2008, DOH acknowledged receipt of permittee's permit renewal-modification application. DOH confirmed via email on April 28, 2014, that permittee follow the guidelines of covered source permit 0386-02-C issued on June 12, 2008. See attached **Exhibit "B"**.

DOH notified the permittee by letter dated December 9, 2013, that a new National Pollutant Discharge Elimination System (NPDES) permit was granted for stormwater discharge in accordance with Hawai'i Administration Rules, Title 11, Chapter 55, Appendix B which became effective December 9, 2013. The NPDES Permit extension is in progress with the State Department of Health. See **Exhibit "B-1"**.

Condition No. 2

That the Conditional Permit is hereby granted to Hawaiian Cement and shall be valid [for a period of five years from the effective date of the most recent amendment to this ordinance;] until December 15, 2019; provided that, an extension of this permit beyond this [five-year] period may be granted pursuant to Section 19.40.090, Maui County Code;

Response: The permittee concurs with the condition and will comply with time extension request procedures. We note that the CP for the operation of a concrete recycling facility in conjunction with the permitted quarry and rock crushing operation would expire in December 2019.

The permittee sent the DOH, Solid Waste and Hazardous Waste Branch a letter dated December 6, 2013, that it will not be seeking a permit renewal application for a green waste composting operation. The green waste operation was not initiated and as such, no green waste has been accepted and no composting activities were performed.

DOH sent permittee a letter dated December 26, 2013, that it closed its file regarding the green waste composting permit which expired December 4, 2013. See **Exhibit "C"**.

Condition No. 3

That the Conditional Permit shall be nontransferable unless the Council approves the transfer by ordinance;

Response: The permittee concurs with the condition. No permit transfer request is anticipated for the CP.

Condition No. 4

That Hawaiian Cement, its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject Conditional Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this Conditional Permit a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS ($1,000,000.00), naming the County of Maui as an additional [named] insured, insuring and defending Hawaiian Cement and County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by Hawaiian Cement of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the nonobservance or non-performance of any of the terms and conditions of this permit. A copy of a policy naming County of Maui as an additional [named] insured shall be submitted to the Department of Planning within ninety (90) calendar days from the effective date of the most recent amendment to this ordinance[.]

Response: An updated Certificate of Insurance is attached hereto as **Exhibit "D"**.

Condition No. 5

That this Conditional Permit shall be limited to the composting of green waste and grubbed material, [and] the recycling of concrete rubble in connection with the base course production, and the use of the scale house/office structure located on the site;

Response: In regards to the recycling of concrete rubble, the permittee concurs with the condition and continues to comply. The permittee did not seek a renewal of the green waste composting permit which expired December 4, 2013. See response to Condition No. 2.

The applicant will plan to amend this condition and any conditions relative to the green waste composting operation at the future time extension request for the Conditional Permit.

Condition No. 6

That Hawaiian Cement shall employ dust control measures at the green waste composting area to minimize dust emissions.

Response: The green waste permit expired December 4, 2013 and the permittee did not seek a renewal of the permit. The green waste operation was not initiated and as such no green waste has been accepted and no composting activities were performed on the quarry site. See response to Condition No. 2. As such, there are no dust emissions at this area.

Condition No. 7

That Hawaiian Cement shall submit to the [Planning Department] Department of Planning annual reports addressing its compliance with the conditions established with the subject Conditional Permit."

Response: This report is being submitted to satisfy this condition.

Should you have any further questions, please do not hesitate to contact me at 244-2015.

Very truly yours,

Karlynn Fukuda
Executive Vice President

KF:yp
Enclosures
cc: Dave Gomes, Hawaiian Cement (w/enclosures)
\\MH03\Drive_F\DATA\HawnCemt\Quarry\CP compliance.report.2018.doc

CONDITIONAL PERMIT APPROVAL ORDINANCE NO. 3787

EXHIBIT

A

ORDINANCE NO. 3787

BILL NO. 74 (2010)

A BILL FOR AN ORDINANCE TO EXTEND A CONDITIONAL PERMIT TO ALLOW THE OPERATION OF A CONCRETE RECYCLING AND GREEN WASTE COMPOSTING FACILITY IN CONJUNCTION WITH THE PERMITTED QUARRY AND ROCK CRUSHING OPERATION WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT TAX MAP KEY NO. (2) 3-6-004:007 (POR.), WAILUKU, MAUI, HAWAII

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Pursuant to Chapter 19.40, Maui County Code, the Conditional Permit granted by Ordinance No. 2669 (1998), as amended by Ordinance No. 2853 (2000), as amended by Ordinance No. 3232 (2004), is extended, subject to the conditions imposed in Section 2 of this ordinance, for the operation of a concrete recycling and green waste composting facility in conjunction with the permitted quarry and rock crushing operation within the County Agricultural District. The site is identified for real property tax purposes by Tax Map Key No. (2) 3-6-004:007 (por.), and is comprised of approximately 14.8 acres of land.

SECTION 2. The conditions imposed in Ordinance No. 3232 (2004) are amended to read as follows:

"1. That full compliance with all conditions of the State Special Use Permit, with the conditions of the State Department of Health, Clean Air Branch, Noncovered Source Permit,

and with all other applicable governmental requirements shall be rendered;

2. That the Conditional Permit is hereby granted to Hawaiian Cement and shall be valid [for a period of five years from the effective date of the most recent amendment to this ordinance;] until December 15, 2019; provided that, an extension of this permit beyond this [five-year] period may be granted pursuant to Section 19.40.090, Maui County Code;

3. That the Conditional Permit shall be nontransferable unless the Council approves the transfer by ordinance;

4. That Hawaiian Cement, its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject Conditional Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this Conditional Permit a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS ($1,000,000.00), naming the County of Maui as an additional [named] insured, insuring and defending Hawaiian Cement and County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by Hawaiian Cement of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this permit. A copy of a policy naming County of Maui as an additional [named] insured shall be submitted

to the Department of Planning within ninety (90) calendar days from the effective date of the most recent amendment to this ordinance[.];

5. That this Conditional Permit shall be limited to the composting of green waste and grubbed material, [and] the recycling of concrete rubble in connection with the base course production, and the use of the scale house/office structure located on the site;

6. That Hawaiian Cement shall employ dust control measures at the green waste composting area to minimize dust emissions; and

7. That Hawaiian Cement shall submit to the [Planning Department] Department of Planning annual reports addressing its compliance with the conditions established with the subject Conditional Permit."

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:

JAMES A. GIROUX
Deputy Corporation Counsel
County of Maui
S:\CLERICAL\LJN\ORD\CP\HAWCEMENT AMENDORD 3232 EXTEND CP 2010.wpd

WE HEREBY CERTIFY that the foregoing BILL NO. 74 (2010)

1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 19th day of October, 2010, by the following vote:

Dennis A. MATEO Chair	Michael J. MOLINA Vice-Chair	Gladys C. BAISA	Jo Anne JOHNSON	Solomon P. KAHO'OHALAHALA	William J. MEDEIROS	Wayne K. NISHIKI	Joseph PONTANILLA	Michael P. VICTORINO
Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Excused

2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 20th day of October, 2010.

DATED AT WAILUKU, MAUI, HAWAII, this 20th day of October, 2010.

DENNIS A. MATEO, CHAIR
Council of the County of Maui

JEFFREY T. KUWADA, COUNTY CLERK
County of Maui

RECEIVED
2010 OCT 20 AM 9:43
OFFICE OF THE MAYOR

THE FOREGOING BILL IS HEREBY APPROVED THIS 22nd DAY OF OCTOBER, 2010.

CHARMAINE TAVARES, MAYOR
County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said BILL was designated as ORDINANCE NO. 3787 of the County of Maui, State of Hawaii.

JEFFREY T. KUWADA, COUNTY CLERK
County of Maui

Passed First Reading on October 1, 2010.
Effective date of Ordinance October 22, 2010.

RECEIVED
2010 OCT 25 PM 12:51
OFFICE OF THE COUNTY CLERK

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 3787, the original of which is on file in the Office of the County Clerk, County of Maui, State of Hawaii.

Dated at Wailuku, Hawaii, on

County Clerk, County of Maui

LETTER FROM DEPARTMENT OF HEALTH DATED JULY 21, 2008

EXHIBIT B

LINDA LINGLE
GOVERNOR OF HAWAII

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

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

In reply, please refer to:
File:

July 21, 2008

08-656E CAB
File No. 0386-02

Mr. John H. DeLong
President
Hawaiian Cement
91-1300 Halawa Valley Street
Honolulu, Hawaii 96701

Dear Mr. DeLong:

Subject: Covered Source Permit (CSP) 0386-02-C
Renewal-Modification Application No. 0386-08
Hawaiian Cement
800 tph Crushing and Screening Plant
Located at: Waikapu Quarry, Wailuku, Maui

The Department of Health acknowledges receipt of your renewal-modification application on June 24, 2008, for the subject facility. The renewal-modification application has been assigned No. 0368-08. Please reference this number in future correspondence regarding this permit. A receipt for the application filing fee of $500.00 is enclosed.

The Department has completed the initial review of your permit application. You propose to add a grizzly feeder, jaw crusher, and a diesel engine generator, and to delete the annual production limit of 540,800 tons per year and the annual hourly limit of 2,080 hours per year.

In your application, the Department of Health has noted a discrepancy in the ambient air quality impact assessment. In Appendix A, page A-10, ISC3 Screening calculations, for the nitrogen dioxide annual concentration, the multi-tiered ambient ratio method was applied. But in the ambient ratio method, the 2080 hours of operation was used to proportionally reduce the annual concentration, which is no longer applicable since you requested to delete the annual hourly limit of 2,080 hours per year. Without that hourly limit, the predicted nitrogen dioxide annual concentration exceeds the allowable Hawaii air standard of 70 micrograms per cubic-meter. The proposed operation for the new diesel engine generator needs to be revised to meet the Hawaii air standard for the annual nitrogen dioxide ambient air quality impact.

Please note that in accordance with Hawaii Administrative Rules (HAR), Title 11, Chapter 60.1, during the processing of an application, if it is determined that additional information is necessary to evaluate the application, the Department may request additional information.

If you have any questions, please call Mr. Glenn Nagamine of my staff at (808) 586-4200.

Sincerely,

WILFRED K. NAGAMINE
Manager, Clean Air Branch

GN:ltkc
Enclosure
c: James W. Morrow, DrPH
Blake Shiigi, EHS Maui
CAB Monitoring Section

Cheryl Okuma

From: Wurlitzer, Dane <Dane.Wurlitzer@hawaiiancement.com>
Sent: Monday, April 28, 2014 3:03 PM
To: Cheryl Okuma
Cc: Gomes, David
Subject: FW: Hawaiian Cement CSP 0386-02-C - Waikapu Quarry

FYI

From: Kihara, Kevin M [mailto:kevin.kihara@doh.hawaii.gov]
Sent: Monday, April 28, 2014 2:35 PM
To: Wurlitzer, Dane
Subject: RE: Hawaiian Cement CSP 0386-02-C - Waikapu Quarry

Dane,

The application was submitted in a timely manner, so as long as you follow the guidelines of covered source permit 0386-02-C, issued on June 12, 2008, you are in good standing.

Kevin Kihara
State of Hawaii
Department of Health
Clean Air Branch
Phone: 808-586-4200
Fax: 808-586-4359

From: Wurlitzer, Dane [mailto:Dane.Wurlitzer@hawaiiancement.com]
Sent: Monday, April 28, 2014 1:31 PM
To: Kihara, Kevin M
Subject: Hawaiian Cement CSP 0386-02-C - Waikapu Quarry

Kevin,

We are doing a compliance review for Waikapu Quarry. Can you confirm we are in good standing by replying to this e-mail.

Your July 21, 2008 letter acknowledges receipt of our renewal – modification application. The technical details for developing a new permit are being worked out between your office and our consultant, Dr. Jim Morrow. In the meantime, we are following the guidelines of permit 0386-02-C issued June 12, 2008.

Let me know if more information is required.

Thank you,

Dane Wurlitzer
Hawaiian Cement
532-3407

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT

(Stormwater Discharge Dated December 9, 2013 - Expires on December 8, 2017)

EXHIBIT

B-1

DAVID Y. IGE
GOVERNOR OF HAWAII

VIRGINIA PRESSLER, M.D.
DIRECTOR OF HEALTH

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

In reply, please refer to:
DOH/CWB

R32C427.EXT.17

November 14, 2017

Mr. Jason Macy
President
Hawaiian Cement
99 Halawa Valley Street
Aiea, Hawaii 96701

Dear Mr. Macy:

Subject: Administrative Extension of Notice of General Permit Coverage (NGPC) for Hawaiian Cement – Waikapu Quarry Island of Maui, Hawaii File No. HI R32C427

The Department of Health (DOH), Clean Water Branch (CWB), acknowledges receipt of your 2017 Renewal Notice of Intent (NOI) and $500 filing fee for coverage under the National Pollutant Discharge Elimination System general permit provisions, in accordance with the Hawaii Administrative Rules (HAR), Section 11-55-34.08.

The DOH is unable to complete the processing of your NOI prior to the current NGPC expiration date. Therefore, in accordance with HAR, Section 11-55-34.09(d), the DOH hereby administratively extends the subject NGPC until a notice of renewed coverage under the applicable general permit is issued or until notified by the DOH, whichever occurs first. Please note that the DOH may request you submit additional information in order to complete the processing of your NOI for renewed coverage.

The Permittee shall not be held in violation of Hawaii Revised Statutes, Chapter 342D-6(h), and HAR, Chapter 11-55, during the pendency of its renewal NOI, so long as it acts consistently with the NGPC presently granted. **Note: The Permittee shall continue any sampling required by the current NGPC.** Any non-compliance with the conditions of the administratively extended NGPC may be subject to penalties of up to $25,000 per violation per day.

It is the Permittee's responsibility to ensure that anyone working under this administrative extension of your NGPC understands and complies with the terms and conditions therein.

Should you have any questions, please contact Ms. Kris Poentis of the Engineering Section, CWB, at 586-4309.

Sincerely,

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

KP

c: Mr. Dane Wurlitzer, Hawaiian Cement
[via e-mail dane.wurlitzer@hawaiiancement.com only]

LETTERS DATED DECEMBER 6, 2013 AND DECEMBER 26, 2013

EXHIBIT C

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
PRESIDENT

KARLYNN FUKUDA
EXECUTIVE VICE PRESIDENT

OWEN CHASHI HIRAGA
SENIOR VICE PRESIDENT

MITSURU "MORI" HIRANO
SENIOR VICE PRESIDENT

MARK ALEXANDER ROY
VICE PRESIDENT

December 6, 2013

CERTIFIED MAIL NO. – 7003 1680 0000 5101 6220

Steven Y.K. Chang, P.E., Chief
Solid Waste and Hazardous Waste Branch
Department of Health
P.O. Box 3378
Honolulu, Hawaii 96801-3378

SUBJECT: Solid Waste Management Permit-by-Rule RY-0087-08 (Greenwaste Composting) located In the Vicinity of Kuihelani Highway and Honoapiilani Highway Intersection, Maui, Hawaii, TMK (2)3-6-04:007)
WARNING LETTER (S1134SL)

Dear Mr. Chang:

On behalf of our client, Hawaiian Cement, we provide this response to the State Department of Health's Warning Letter dated November 27, 2013 which was received by Hawaiian Cement on December 4, 2013.

Hawaiian Cement's Green Waste Recycling permit (Solid Waste Management Permit No. RY-0087-08) expired December 4, 2013. Please be informed that Pohakulepo Recycling, LLC and Hawaiian Cement will not be seeking a permit renewal application for a Greenwaste Composting operation. The greenwaste operation was not initiated and, as such, no greenwaste has been accepted and no composting activities were performed.

MAUI
305 High St., Suite 104 Wailuku, Hawaii 96793
PH: (808)244-2015 FAX: (808)244-8729
OAHU
735 Bishop St., Suite 238 Honolulu, Hawaii 96813 | PH: (808)983-1233
WWW.MHPLANNING.COM

If there are any questions, please call me at (808) 244-2015.

Very truly yours,

Cheryl K. Okuma, Senior Associate

CKO:yp
cc: Ronald Jacintho, Pohakulepo Recycling, LLC
David Gomes, Hawaiian Cement
Sue Liu, Department of Health, Solid Waste Section
K:\DATA\HawnCemt\Quarry\PermitbyRule(Greenwaste).ltrtoDOH.doc

DEC 31 2013

NEIL ABERCROMBIE
GOVERNOR OF HAWAII

GARY L. GILL
ACTING DIRECTOR OF HEALTH

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

In reply, please refer to:
File:

December 26, 2013

S1237SL

Mr. Ronald Jacintho, Sr., Owner
Pohakulepo Recycling, LLC
255-B East Waiko Road
Wailuku, Hawaii 96793

Mr. David Gomes, Operator
Hawaiian Cement
P.O. Box 488
Kahului, Hawaii 96732

Dear Messrs. Jacintho, Sr. and Gomes:

SUBJECT: Solid Waste Management Permit by Rule No. CO-0087-08 File Closure
Pohakulepo Recycling, LLC and Hawaiian Cement
Approximately 0.2 Miles West of Honoapiilani, in the Vicinity of
Kuihelani Hwy. and Honoapiilani Hwy. Intersection, Maui
TMK: 3-6-04:007

The Department of Health, Solid Waste Section received a letter dated December 6, 2013 responding to our warning letter dated November 27, 2013. The letter was submitted by Munekiyo and Hiraga, Inc.

The letter stated that Pohakulepo Recycling, LLC and Hawaiian Cement would not be seeking a permit renewal for the greenwaste composing operation. The letter further stated that the greenwaste operation was never initiated—no greenwaste has been accepted and no composting activities have been performed. The subject permit expired on December 4, 2013.

With this understanding, we have closed the subject permit file. If, in the future, you decide to open a greenwaste facility at the subject site, or any other site, a new solid waste management permit application is required to be submitted to our office for our review and approval prior to commencement of activities.

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

Sincerely,

for STEVEN Y.K. CHANG, P.E., CHIEF
Solid and Hazardous Waste Branch

c: Cheryl K. Okuma, Munekiyo and Hiraga, Inc.

CURRENT CERTIFICATE OF INSURANCE

EXHIBIT

D

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 12/21/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Marsh USA Inc.
333 South 7th Street, Suite 1400
Minneapolis, MN 55402-2400
Attn: MDU.CertRequest@marsh.com

J43750-HAWAC-GAWX-18-19 2010 2037 Hawaii AI Y

CONTACT NAME:
PHONE (A/C, No, Ext): FAX (A/C, No):
E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Liberty Mutual Fire Ins Co	23035
INSURER B : Associated Electric & Gas Ins Services Ltd	3190004
INSURER C : Liberty Insurance Corporation	42404
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
HAWAIIAN CEMENT
99-1300 HALAWA VALLEY STREET
AIEA, HI 96701

COVERAGES **CERTIFICATE NUMBER:** CHI-007164427-23 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY			TB2-641-005097-048	01/01/2018	01/01/2019	EACH OCCURRENCE	$ 2,000,000
	CLAIMS-MADE X OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 500,000
							MED EXP (Any one person)	$ 10,000
							PERSONAL & ADV INJURY	$ 2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ 4,000,000
	POLICY X PRO-JECT LOC						PRODUCTS - COMP/OP AGG	$ 4,000,000
	OTHER:							$
A	AUTOMOBILE LIABILITY			AI2-641-005097-058	01/01/2018	01/01/2019	COMBINED SINGLE LIMIT (Ea accident)	$ 2,000,000
	X ANY AUTO						BODILY INJURY (Per person)	$
	OWNED AUTOS ONLY / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	X HIRED AUTOS ONLY / X NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
B	UMBRELLA LIAB / OCCUR			XL5063407P	01/01/2018	01/01/2019	EACH OCCURRENCE	$ 5,000,000
	X EXCESS LIAB / CLAIMS-MADE						AGGREGATE	$ 5,000,000
	DED / RETENTION $							$
A C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			WC2-641-005097-028 (Guar. Cost)	01/01/2018	01/01/2019	X PER STATUTE / OTH-ER	
	ANYPROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y/N [N] (Mandatory in NH)	N/A		WA7-64D-005097-018 (AOS)	01/01/2018	01/01/2019	E.L. EACH ACCIDENT	$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below			"INCLUDES "STOP-GAP""			E.L. DISEASE - EA EMPLOYEE	$ 1,000,000
							E.L. DISEASE - POLICY LIMIT	$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Re: Pohakea Quarry

County of Maui is included as an additional insured as required by permit 2006/0001 as respects the General Liability and Auto Liability. The State of Hawaii is included as an additional insured as required by permit SP06-400 as respects the General Liability and Auto Liability. Blanket Additional Insured for General Liability is included per attached CG 2010 and CG 2037 Endorsements and does not include professional liability coverage. Blanket Additional Insured for Automobile Liability is included per attached designated Insured Endorsement CA 20 48. Excess liability applies to general liability, products and completed operations, automobile liability, and employers liability.

CERTIFICATE HOLDER

County of Maui
Department of Planning
200 S. High Street
Wailuku, Maui, HI 96793

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE of Marsh USA Inc.

Manashi Mukherjee Manashi Mukherjee

© 1988-2016 ACORD CORPORATION. All rights reserved.

The ACORD name and logo are registered marks of ACORD

County Special Use Permit Time Extension Approval

EXHIBIT

3

CHARMAINE TAVARES
Mayor

JEFFREY S. HUNT
Director

KATHLEEN ROSS AOKI
Deputy Director

COUNTY OF MAUI
DEPARTMENT OF PLANNING

March 9, 2010

CERTIFIED MAIL - #7007 2560 0001 7799 7809

Mr. David Gomes
Hawaiian Cement
P.O. Box 488
Kahului, Hawaii 96733

Dear Mr. Gomes:

SUBJECT: **TIME-EXTENSION REQUEST FOR STATE LAND USE COMMISSION SPECIAL USE PERMIT, COUNTY SPECIAL USE PERMIT, AND COUNTY CONDITIONAL PERMIT IN ORDER TO CONTINUE OPERATION OF THE POHAKEA QUARRY FACILITIES, CONCRETE RECYCLING AND GREENWASTE COMPOSTING IN THE STATE AND COUNTY AGRICULTURAL DISTRICTS, AT MAALAEA, ISLAND OF MAUI, HAWAII; TMK: (2) 3-6-004:007 (SUP1 2006/0001) (CP 97/0002) (CUP 2006/0001)**

At its regular meeting on January 26, 2010, the Maui Planning Commission (Commission) conducted a review on the above requests. After due deliberation, the Commission voted to recommend approval of the State Land Use Commission Special Use Permit, subject to the following recommended conditions:

STATE LAND USE COMMISSION SPECIAL USE PERMIT

The Commission recommends to the State Land Use Commission approval of the ten-year time-extension request for the State Land Use Commission Special Use Permit, subject to the following conditions:

Standard Conditions:

1. That the State Land Use Commission Special Use Permit shall be valid until December 15, 2019, subject to further extensions by the State Land Use Commission upon a timely request for extension filed at least one-hundred twenty (120) days prior to its expiration. The appropriate Planning Commission shall make a recommendation to the State Land Use Commission and may require a public hearing on the time extension.

250 SOUTH HIGH STREET, WAILUKU, MAUI, HAWAII 96793
MAIN LINE (808) 270-7735; FACSIMILE (808) 270-7634
CURRENT DIVISION (808) 270-8205; LONG RANGE DIVISION (808) 270-7214; ZONING DIVISION (808) 270-7253

2. That the conditions of this State Land Use Commission Special Use Permit shall be enforced pursuant to Sections 205-12 and 205-13, Hawaii Revised Statutes (HRS). Failure to comply with one (1) or more of the conditions herein shall result in a notice of violation issued by the appropriate enforcement agency, notifying the permit holder of the violation, and providing the permit holder no more than sixty (60) days to cure the violation. If the permit holder fails to cure the violation within sixty (60) days of said notice, the appropriate enforcement agency shall issue an order which may require one (1) or more of the following: that the violative activity cease; that the violative development be removed; that a civil fine be paid not to exceed $1,000.00 per violation; and that a civil fine not to exceed $5,000.00 shall be issued if violation not cured within six (6) months of the issuance of the order. The order shall become final thirty (30) days after the date of its mailing or hand-delivery unless written request for a hearing is mailed or delivered to the Department of Planning (Department) within said thirty (30) days. Upon receipt of a request for a hearing, the Department shall specify a time and place for the permit holder to appear and be heard. The hearing shall be conducted by the Planning Director (Director) or the Director's designee in accordance with the provisions of Chapter 91, HRS, as amended.

3. That the subject State Land Use Commission Special Use Permit shall not be transferred without the prior written approval of the State Land Use Commission. The appropriate Planning Commission shall make a recommendation to the State Land Use Commission. However, in the event that a contested case hearing preceded issuance of said State Land Use Commission Special Use Permit, a public hearing shall be held by the appropriate Planning Commission upon due published notice, including actual written notice to the last known addresses of parties to said contested case and their counsel.

4. That the Applicant, its successors, and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject State Land Use Commission Special Use Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this State Land Use Commission Special Use Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS ($1,000,000.00) naming the County of Maui and State of Hawaii as an additional named insured, insuring and defending the Applicant, County of Maui and State of Hawaii against any and all claims or demands for property damage, personal injury, and/or death arising out of this permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the Applicant of said rights; and (2) all actions, suits, damages, and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this permit. Proof of a

policy naming County of Maui as an additional named insured shall be submitted to the Department within ninety (90) calendar days from the date of transmittal of the Decision and Order.

5. That full compliance with all applicable governmental requirements shall be rendered.

The Commission authorizes the Director to forward the record and its recommendation on the State Land Use Commission Special Use Permit to the State Land Use Commission.

COUNTY SPECIAL USE PERMIT

The Commission also approved the ten-year time-extension request for the County Special Use Permit subject to the following conditions:

Standard Conditions:

1. That the County Special Use Permit shall be valid until December 15, 2019, subject to extension by the Commission upon a timely request for extension filed at least one-hundred twenty (120) days prior to its expiration. The Commission may require a public hearing on the time extension.

2. That the County Special Use Permit shall not be transferred without the prior written approval of the Commission.

3. That the Applicant, its successors, and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject County Special Use Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this County Special Use Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS ($1,000,000.00) naming the County of Maui as an additional named insured, insuring and defending the Applicant and County of Maui against any and all claims or demands for property damage, personal injury, and/or death arising out of this permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the Applicant of said rights; and (2) all actions, suits, damages, and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this permit. Proof of a policy naming County of Maui as an additional named insured shall be submitted to the Department within ninety (90) calendar days from the date of transmittal of the Decision and Order.

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

5. That the Applicant shall submit bi-annually to the Department, five (5) copies of a detailed report addressing its compliance with the conditions established by the County Special Use Permit.

6. That the Applicant shall continue to develop the property in substantial compliance with the representations made to the Commission in obtaining the County Special Use Permit. Failure to so develop the property may result in the revocation of the permit.

Project Specific Conditions:

7. That the Applicant shall continue compliance with the following recommendations of the State Department of Transportation:

   A. The Applicant shall continue to regularly remove dirt, debris, gravel, and other byproducts of quarry operations from the quarry access road's intersection with Honoapiilani Highway. The Applicant shall abide by its previous plan for rapid removal of any quarry products spilled on the State highway right-of-way; and

   B. No increase in storm water runoff will be allowed onto the State highway right-of-way.

8. That in the event any significant cultural deposits or human skeletal remains are encountered, work shall stop in the immediate vicinity and the State Historic Preservation Division shall be contacted.

9. That the Applicant shall have an on-site monitor to ensure that the load is covered and material is removed from the exterior of the truck bed and wheels to reduce debris falling onto the public roadways.

10. That upon cessation of the Pohakea Quarry operations, a closure plan shall be prepared to re-vegetate the site or other measures to reduce erosion and shall be reviewed and approved by the Department.

11. That the Applicant shall incorporate applicable Best Management Practices (BMPs) to mitigate noise and dust related to the Pohakea Quarry expansion.

12. That the Applicant shall maintain the existing natural landscape buffer along the southern boundary of the project site for the life of the quarry to provide a visual buffer.

13. That base course materials from the quarry shall not be exported off-island.

The County Special Use Permit conditions will be enforced, pursuant to the provisions of Chapter 19.530, Section 19.530.030 of the Maui County Code (MCC), as amended, 1980; and the *Rules for Administrative Procedures and Civil Fines for Violations of Titles 12, 14, 16, 19, and 20 of the MCC.*

The Commission adopted the Report and Revised Recommendations prepared by the Department for the January 26, 2010 meeting as the Findings of Fact, Conclusions of Law, and Decision and Order, attached hereto and made a part hereof. Parties to proceedings before the Commission may obtain Judicial Review of Decision and Orders issued by the Commission in the manner set forth in Chapter 91-14, HRS.

CONDITIONAL PERMIT

The Commission recommended approval of the ten-year time-extension request for the County Conditional Permit to the Maui County Council, subject to conditions as recorded in Ordinance No. 3232, dated December 15, 2004. (See Exhibit 11 in the Department Report)

The pertinent condition (Condition No. 2) as written in Ordinance 3232, in its amended form would thus read:

"That the Conditional Permit is hereby granted to Hawaiian Cement and shall be valid until December 15, 2019. An extension of this permit beyond this ten-year period may be granted pursuant to Section 19.40.090 of the Maui County Code."

Thank you for your cooperation. If additional clarification is required, please contact Staff Planner Paul Fasi at paul.fasi@mauicounty.gov or at 270-7814.

Sincerely,

JEFFREY S. HUNT, AICP
Planning Director

County Special Use Permit Biannual Compliance Report Dated October 16, 2018

EXHIBIT

3-A

MUNEKIYO HIRAGA
Planning. Project Management. Sustainable Solutions.

Michael T. Munekiyo
PRESIDENT
Karlynn K. Fukuda
EXECUTIVE VICE PRESIDENT
Mark Alexander Roy
VICE PRESIDENT
Tessa Munekiyo Ng
VICE PRESIDENT

February 16, 2018

William Spence, Director
County of Maui
Department of Planning
Attention: Paul Fasi, Planner
One Main Plaza
2200 Main Street, Suite 315
Wailuku, Hawai'i 96793

SUBJECT: County Special Use Permit For the Pohakea Quarry (Hawaiian Cement), TMK (2) 3-6-004:007, Maalaea, Maui, Hawaii (CUP 2006/0001)

Dear Mr. Spence:

The Maui Planning Commission (Commission), at a regularly scheduled meeting on January 26, 2010, approved the 10-year time extension request for the County Special Use Permit (CUP). The Commission's approval of the time extension request is subject to 13 conditions. See **Exhibit "A".**

Condition Number 5 of the 2010 CUP time extension recommended:

> *That the Applicant shall submit bi-annually to the Department, five (5) copies of the detailed report addressing its compliance with the conditions established by the County Special Use Permit.*

On behalf of the CUP permit holder, Hawaiian Cement, we are submitting this bi-annual compliance report in order to meet Condition No. 5 of the CUP.

COUNTY SPECIAL USE PERMIT CONDITIONS

Condition No. 1:

> *That the County Special Use Permit shall be valid until December 15, 2019, subject to extension by the Commission upon a timely request for extension filed at least one-hundred twenty (120) days prior to its expiration. The Commission may require a public hearing on the time extension.*

Response: The permittee concurs with this condition and will comply with the time extension request procedures.

Condition No. 2:

That the County Special Use Permit shall not be transferred without the prior written approval of the Commission.

Response: The permittee concurs with this condition. No permit transfer request is anticipated for the CUP.

Condition No. 3:

That the Applicant, its successors, and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject County Special Use Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this County Special Use Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS ($1,000,000.00) naming the County of Maui as an additional named insured, insuring and defending the Applicant and County of Maui against any and all claims or demands for property damage, personal injury, and/or death arising out of this permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the Applicant of said rights; and (2) all actions, suits, damages, and claims by whomsoever brought or made by reason of the non-observance or non-performance of any terms and conditions of this permit. Proof of a policy naming County of Maui as an additional named insured shall be submitted to the Department within ninety (90) calendar days from the date of transmittal of the Decision and Order.

Response: The permittee concurs with the condition. The current certificate of insurance naming the County of Maui as an additional insured is attached as **Exhibit "B"**.

Condition No. 4:

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

Response: The permittee concurs with the condition.

Condition No. 5:

That the Applicant shall submit bi-annually to the Department, five (5) copies of a detailed report addressing its compliance with the conditions established by the County Special Use Permit.

Response: This bi-annual report is being submitted to satisfy this condition.

Condition No. 6:

That the Applicant shall continue to develop the property in substantial compliance with the representations made to the Commission in obtaining the County Special Use Permit. Failure to so develop the property may result in the revocation of the permit.

Response: The permittee concurs with the condition and continues to utilize the property in substantial compliance with representations made to the Commission.

Condition No. 7:

That the Applicant shall continue compliance with the following recommendations of the State Department of Transportation:

A. The Applicant shall continue to regularly remove dirt, debris, gravel, and other byproducts of quarry operations from the quarry access road's intersection with Honoapiilani Highway. The Applicant shall abide by its previous plan for rapid removal of any quarry products spilled on the State highway right-of-way; and

B. No increase in stormwater runoff will be allowed into the State highway right-of-way.

Response: The permittee concurs with this condition and abides by its plans and procedures regarding quarry operation's to remove by products from the quarry's access road and maintaining its drainage improvements.

Condition No. 8:

That in the event of any significant cultural deposits or human skeletal remains are encountered, work shall stop in the immediate vicinity and the State Historic Preservation Division shall be contacted.

Response: The permittee concurs with this condition and will comply with the procedures.

Condition No. 9:

That the Applicant shall have an on-site monitor to ensure that the load is covered and material is removed from the exterior of the truck bed and wheels to reduce debris falling onto public roadways.

Response: The permittee concurs with this condition and has an on-site monitor.

Condition No. 10:

That upon cessation of the Pohakea Quarry operations, a closure plan shall be prepared to re-vegetate the site or other measures to reduce erosion and shall be reviewed and approved by the Department.

Response: The permittee concurs with this condition. In the event the Pohakea Quarry operations ceases, a closure plan approved by the landowner, will be submitted to the Department of Planning.

Condition No. 11:

That the Applicant shall incorporate applicable Best Management Practices (BMPs) to mitigate noise and dust related to the Pohakea Quarry expansion.

Response: The permittee concurs with this condition and incorporates BMPs for noise and dust mitigation.

Condition No. 12:

That the Applicant shall maintain the existing natural landscape buffer along the southern boundary of the project site for the life of the quarry to provide a visual buffer.

Response: The permittee concurs with this condition.

Condition No. 13:

That base course materials from the quarry shall not be exported off-island.

Response: The permittee concurs with this condition. No base course materials from the quarry are shipped off-island.

Should you have any further questions, please do not hesitate to contact me at 244-2015.

Very truly yours,

Cheryl K. Okuma, Senior Associate

CKO:tn
Enclosures
cc: Dave Gomes, Hawaiian Cement (w/enclosures)
K:\DATA\HawnCemt\Quarry\CUP BiAnnualRpt.DatedJuly2016.doc

EXHIBIT "A"

TIME EXTENSION REQUEST APPROVAL LETTER
Dated March 9, 2010

CHARMAINE TAVARES
Mayor

JEFFREY S. HUNT
Director

KATHLEEN ROSS AOKI
Deputy Director

COUNTY OF MAUI
DEPARTMENT OF PLANNING

March 9, 2010

CERTIFIED MAIL - #7007 2560 0001 7799 7809

Mr. David Gomes
Hawaiian Cement
P.O. Box 488
Kahului, Hawaii 96733

Dear Mr. Gomes:

SUBJECT: TIME-EXTENSION REQUEST FOR STATE LAND USE COMMISSION SPECIAL USE PERMIT, COUNTY SPECIAL USE PERMIT, AND COUNTY CONDITIONAL PERMIT IN ORDER TO CONTINUE OPERATION OF THE POHAKEA QUARRY FACILITIES, CONCRETE RECYCLING AND GREENWASTE COMPOSTING IN THE STATE AND COUNTY AGRICULTURAL DISTRICTS, AT MAALAEA, ISLAND OF MAUI, HAWAII; TMK: (2) 3-6-004:007 (SUP1 2006/0001) (CP 97/0002) (CUP 2006/0001)

At its regular meeting on January 26, 2010, the Maui Planning Commission (Commission) conducted a review on the above requests. After due deliberation, the Commission voted to recommend approval of the State Land Use Commission Special Use Permit, subject to the following recommended conditions:

STATE LAND USE COMMISSION SPECIAL USE PERMIT

The Commission recommends to the State Land Use Commission approval of the ten-year time-extension request for the State Land Use Commission Special Use Permit, subject to the following conditions:

Standard Conditions:

1. That the State Land Use Commission Special Use Permit shall be valid until December 15, 2019, subject to further extensions by the State Land Use Commission upon a timely request for extension filed at least one-hundred twenty (120) days prior to its expiration. The appropriate Planning Commission shall make a recommendation to the State Land Use Commission and may require a public hearing on the time extension.

250 SOUTH HIGH STREET, WAILUKU, MAUI, HAWAII 96793
MAIN LINE (808) 270-7735; FACSIMILE (808) 270-7634
CURRENT DIVISION (808) 270-8205; LONG RANGE DIVISION (808) 270-7214; ZONING DIVISION (808) 270-7253

2. That the conditions of this State Land Use Commission Special Use Permit shall be enforced pursuant to Sections 205-12 and 205-13, Hawaii Revised Statutes (HRS). Failure to comply with one (1) or more of the conditions herein shall result in a notice of violation issued by the appropriate enforcement agency, notifying the permit holder of the violation, and providing the permit holder no more than sixty (60) days to cure the violation. If the permit holder fails to cure the violation within sixty (60) days of said notice, the appropriate enforcement agency shall issue an order which may require one (1) or more of the following: that the violative activity cease; that the violative development be removed; that a civil fine be paid not to exceed $1,000.00 per violation; and that a civil fine not to exceed $5,000.00 shall be issued if violation not cured within six (6) months of the issuance of the order. The order shall become final thirty (30) days after the date of its mailing or hand-delivery unless written request for a hearing is mailed or delivered to the Department of Planning (Department) within said thirty (30) days. Upon receipt of a request for a hearing, the Department shall specify a time and place for the permit holder to appear and be heard. The hearing shall be conducted by the Planning Director (Director) or the Director's designee in accordance with the provisions of Chapter 91, HRS, as amended.

3. That the subject State Land Use Commission Special Use Permit shall not be transferred without the prior written approval of the State Land Use Commission. The appropriate Planning Commission shall make a recommendation to the State Land Use Commission. However, in the event that a contested case hearing preceded issuance of said State Land Use Commission Special Use Permit, a public hearing shall be held by the appropriate Planning Commission upon due published notice, including actual written notice to the last known addresses of parties to said contested case and their counsel.

4. That the Applicant, its successors, and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject State Land Use Commission Special Use Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this State Land Use Commission Special Use Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS ($1,000,000.00) naming the County of Maui and State of Hawaii as an additional named insured, insuring and defending the Applicant, County of Maui and State of Hawaii against any and all claims or demands for property damage, personal injury, and/or death arising out of this permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the Applicant of said rights; and (2) all actions, suits, damages, and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this permit. Proof of a

policy naming County of Maui as an additional named insured shall be submitted to the Department within ninety (90) calendar days from the date of transmittal of the Decision and Order.

5. That full compliance with all applicable governmental requirements shall be rendered.

The Commission authorizes the Director to forward the record and its recommendation on the State Land Use Commission Special Use Permit to the State Land Use Commission.

COUNTY SPECIAL USE PERMIT

The Commission also approved the ten-year time-extension request for the County Special Use Permit subject to the following conditions:

Standard Conditions:

1. That the County Special Use Permit shall be valid until December 15, 2019, subject to extension by the Commission upon a timely request for extension filed at least one-hundred twenty (120) days prior to its expiration. The Commission may require a public hearing on the time extension.

2. That the County Special Use Permit shall not be transferred without the prior written approval of the Commission.

3. That the Applicant, its successors, and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject County Special Use Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this County Special Use Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS ($1,000,000.00) naming the County of Maui as an additional named insured, insuring and defending the Applicant and County of Maui against any and all claims or demands for property damage, personal injury, and/or death arising out of this permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the Applicant of said rights; and (2) all actions, suits, damages, and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this permit. Proof of a policy naming County of Maui as an additional named insured shall be submitted to the Department within ninety (90) calendar days from the date of transmittal of the Decision and Order.

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

5. That the Applicant shall submit bi-annually to the Department, five (5) copies of a detailed report addressing its compliance with the conditions established by the County Special Use Permit.

6. That the Applicant shall continue to develop the property in substantial compliance with the representations made to the Commission in obtaining the County Special Use Permit. Failure to so develop the property may result in the revocation of the permit.

Project Specific Conditions:

7. That the Applicant shall continue compliance with the following recommendations of the State Department of Transportation:

   A. The Applicant shall continue to regularly remove dirt, debris, gravel, and other byproducts of quarry operations from the quarry access road's intersection with Honoapiilani Highway. The Applicant shall abide by its previous plan for rapid removal of any quarry products spilled on the State highway right-of-way; and

   B. No increase in storm water runoff will be allowed onto the State highway right-of-way.

8. That in the event any significant cultural deposits or human skeletal remains are encountered, work shall stop in the immediate vicinity and the State Historic Preservation Division shall be contacted.

9. That the Applicant shall have an on-site monitor to ensure that the load is covered and material is removed from the exterior of the truck bed and wheels to reduce debris falling onto the public roadways.

10. That upon cessation of the Pohakea Quarry operations, a closure plan shall be prepared to re-vegetate the site or other measures to reduce erosion and shall be reviewed and approved by the Department.

11. That the Applicant shall incorporate applicable Best Management Practices (BMPs) to mitigate noise and dust related to the Pohakea Quarry expansion.

12. That the Applicant shall maintain the existing natural landscape buffer along the southern boundary of the project site for the life of the quarry to provide a visual buffer.

13. That base course materials from the quarry shall not be exported off-island.

The County Special Use Permit conditions will be enforced, pursuant to the provisions of Chapter 19.530, Section 19.530.030 of the Maui County Code (MCC), as amended, 1980; and the *Rules for Administrative Procedures and Civil Fines for Violations of Titles 12, 14, 16, 19, and 20 of the MCC.*

The Commission adopted the Report and Revised Recommendations prepared by the Department for the January 26, 2010 meeting as the Findings of Fact, Conclusions of Law, and Decision and Order, attached hereto and made a part hereof. Parties to proceedings before the Commission may obtain Judicial Review of Decision and Orders issued by the Commission in the manner set forth in Chapter 91-14, HRS.

CONDITIONAL PERMIT

The Commission recommended approval of the ten-year time-extension request for the County Conditional Permit to the Maui County Council, subject to conditions as recorded in Ordinance No. 3232, dated December 15, 2004. (See Exhibit 11 in the Department Report)

The pertinent condition (Condition No. 2) as written in Ordinance 3232, in its amended form would thus read:

"That the Conditional Permit is hereby granted to Hawaiian Cement and shall be valid until December 15, 2019. An extension of this permit beyond this ten-year period may be granted pursuant to Section 19.40.090 of the Maui County Code."

Thank you for your cooperation. If additional clarification is required, please contact Staff Planner Paul Fasi at paul.fasi@mauicounty.gov or at 270-7814.

Sincerely,

JEFFREY S. HUNT, AICP
Planning Director

xc: Clayton I. Yoshida, AICP, Planning Program Administrator
Aaron H. Shinmoto, PE, Planning Program Administrator (2)
Paul F. Fasi, Staff Planner
Development Services Administration
State Land Use Commission
Karlynn Fukuda, Munekiyo & Hiraga, Inc.
Project File
General File

JSH:PFF:vb
K:\WP_DOCS\PLANNING\SUP1\2006\0001_PohakeaQuarry\MPCApp2.doc

EXHIBIT "B"

CERTIFICATE OF INSURANCE

ACORD®

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY) 12/21/2017

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Marsh USA Inc.
333 South 7th Street, Suite 1400
Minneapolis, MN 55402-2400
Attn: MDU.CertRequest@marsh.com

CONTACT NAME:
PHONE (A/C, No, Ext): FAX (A/C, No):
E-MAIL ADDRESS:

J43750-HAWAC-GAWX-18-19 2010 2037 Hawaii AI Y

INSURED
HAWAIIAN CEMENT
99-1300 HALAWA VALLEY STREET
AIEA, HI 96701

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Liberty Mutual Fire Ins Co	23035
INSURER B : Associated Electric & Gas Ins Services Ltd	3190004
INSURER C : Liberty Insurance Corporation	42404
INSURER D :	
INSURER E :	
INSURER F :	

COVERAGES CERTIFICATE NUMBER: CHI-007164427-23 REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY			TB2-641-005097-04B	01/01/2018	01/01/2019	EACH OCCURRENCE	$ 2,000,000
	CLAIMS-MADE X OCCUR						DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 500,000
							MED EXP (Any one person)	$ 10,000
							PERSONAL & ADV INJURY	$ 2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE	$ 4,000,000
	POLICY X PRO-JECT LOC						PRODUCTS - COMP/OP AGG	$ 4,000,000
	OTHER:							$
A	AUTOMOBILE LIABILITY			AI2-641-005097-058	01/01/2018	01/01/2019	COMBINED SINGLE LIMIT (Ea accident)	$ 2,000,000
	X ANY AUTO						BODILY INJURY (Per person)	$
	OWNED AUTOS ONLY / SCHEDULED AUTOS						BODILY INJURY (Per accident)	$
	X HIRED AUTOS ONLY / X NON-OWNED AUTOS ONLY						PROPERTY DAMAGE (Per accident)	$
								$
B	UMBRELLA LIAB / OCCUR			XL5063407P	01/01/2018	01/01/2019	EACH OCCURRENCE	$ 5,000,000
	X EXCESS LIAB / CLAIMS-MADE						AGGREGATE	$ 5,000,000
	DED / RETENTION $							$
A	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY			WC2-641-005097-028 (Guar. Cost)	01/01/2018	01/01/2019	X PER STATUTE / OTH-ER	
C	ANYPROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? Y/N N (Mandatory In NH)	N/A		WA7-64D-005097-018 (AOS)	01/01/2018	01/01/2019	E.L. EACH ACCIDENT	$ 1,000,000
	If yes, describe under DESCRIPTION OF OPERATIONS below			"INCLUDES "STOP-GAP""			E.L. DISEASE - EA EMPLOYEE	$ 1,000,000
							E.L. DISEASE - POLICY LIMIT	$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Re: Pohakea Quarry

County of Maui is included as an additional insured as required by permit 2006/0001 as respects the General Liability and Auto Liability. The State of Hawaii is included as an additional insured as required by permit SP06-400 as respects the General Liability and Auto Liability. Blanket Additional Insured for General Liability is included per attached CG 2010 and CG 2037 Endorsements and does not include professional liability coverage. Blanket Additional Insured for Automobile Liability is included per attached designated Insured Endorsement CA 20 48. Excess liability applies to general liability, products and completed operations, automobile liability, and employers liability.

CERTIFICATE HOLDER

County of Maui
Department of Planning
200 S. High Street
Wailuku, Maui, HI 96793

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
of Marsh USA Inc.

Manashi Mukherjee Manashi Mukherjee

© 1988-2016 ACORD CORPORATION. All rights reserved.

The ACORD name and logo are registered marks of ACORD

Letters from the State Historic Preservation Division Dated April 1, 2008 Accepting the Archaeological Inventory and Archaeological Monitoring Plan

EXHIBIT

4

LINDA LINGLE
GOVERNOR OF HAWAII

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

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

STATE HISTORIC PRESEERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

April 1, 2008

Cathleen A. Dagher
Scientific Consulting Services Archaeology
711 Kapiolani Boulevard, Suite 975
Honolulu, Hawai'i 96813

LOG NO: 2007.0464
DOC NO: 0803JP20
Archaeology

Dear Ms. Dagher:

SUBJECT: Chapter 6E-42 Historic Preservation Review – Revised Archaeological Inventory Survey Review of the Proposed Pohakea Rock Quarry Expansion Project Waikapu Ahupua'a, Wailuku District, Island of Maui TMK (2) 3-6-004:007

Thank you for the opportunity to review this revised report which our Maui staff received on December 28, 2007 (Dagher and Dega, *An Archaeological Inventory Survey of a 60 Acre Property for the Proposed Pohakulepo Quarry Expansion Project TMK (2) 3-6-004:007, Waikapu Ahupua'a, Wailuku District, Maui, Hawai'i*)...Scientific Consultant Services, Inc.

We reviewed the original report which was received on August 10, 2006 and requested some revisions (LOG NO: 2006.3729/ DOC NO: 0611JP27). Thank you for making the recommended revisions and submitting the final report to our office. Pursuant to the applicable Hawaii Revised Statutes, this Archaeological Inventory Survey Report is now acceptable.

Prior to the submittal of the inventory survey report, we provided comments for the Land Use Commission Special Use Permit and the County Special Use permit applications for the expansion and indicated that some outstanding archaeological issues need to be addressed (LOG NO: 2006.1656/ DOC NO: 0605MK47).

Seven historic properties comprising 23 features were documented and issued Statewide Inventory of Historic Places (SIHP) 50-50-09-6061 (rock wall and an enclosure); 50-50-09-6062 (rock wall); 50-50-09-6063 (16 features: walls, C-shape, circular enclosure, depressions, modified boulder field); 50-50-09-6064 (modified outcrop/rock wall); 50-50-09-6065 (rock wall); 50-50-09-6066 (enclosure); 50-50-09-6067 (modified outcrop/rock wall). Five of the seven sites were originally identified in 1988 by Paul H. Rosendahl, Inc. (PHRI). The current inventory survey re-identified and recorded five of the six previously identified archaeological sites in the project area. All of the sites are significant under Criterion D and have yielded adequate information. Archaeological monitoring has been agreed upon and the Archaeological Monitoring Plan specifying details of the monitoring program has been submitted to our office for review (refer to DOC NO: 0803JP21).

Again, this revised Archaeological Inventory Survey Report is now acceptable. Should there be any concerns, please feel free to contact the Maui/Lana'i section of the SHPD at (808) 243-4641.

Aloha,

Nancy McMahon, Archaeologist and Acting Archaeology Branch Chief
State Historic Preservation Division

JP:

c: Director, Dept. of Planning, 250 S. High Street, Wailuku, HI 96793
Maui Cultural Resources Commission, Dept. of Planning, 250 S. High Street, Wailuku, HI 96793

LINDA LINGLE
GOVERNOR OF HAWAII

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

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

STATE HISTORIC PRESEERVATION DIVISION
601 KAMOKILA BOULEVARD, ROOM 555
KAPOLEI, HAWAII 96707

April 1, 2008

Dr. Michael Dega
Scientific Consultant Services, Inc.
711 Kapiolani Boulevard. Suite 975
Honolulu, Hawai'i 96813

LOG NO: 2007.2875
DOC NO: 0803JP21
Archaeology

Dear Dr. Dega:

SUBJECT: Archaeological Monitoring Plan Review and Acceptance for the Proposed Pohakea Rock Quarry Expansion Project Waikapu Ahupua'a, Wailuku District, Island of Maui TMK (2) 3-6-004:007

Thank you for the opportunity to review the archaeological monitoring plan, which was received by our staff in August 2007 [Chaffee and Spear 2007, *An Archaeological Monitoring Plan for the Proposed Pohakea (Pohakulepo) Quarry Expansion Project TMK (2) 3-6-004:007, Waikapu Ahupua'a, Wailuku District, Island of Maui, Hawai'i*)...Scientific Consultant Services, Inc.

We have recently accepted the correlating revised Archaeological Inventory Survey related to this monitoring plan (Dagher and Dega, *An Archaeological Inventory Survey of a 60 Acre Property for the Proposed Quarry Expansion Project* SHPD DOC NO: 0803JP20).

We have previously provided comments pertaining to the subject property, including the Land Use Commission Special Use Permit and the County Special Use permit applications for the expansion and indicated that some outstanding archaeological issues need to be addressed (LOG NO: 2006.1656/ DOC NO: 0605MK47). We reviewed the first submittal of the Archaeological Inventory Survey report (received August 10, 2006) and recommended some revisions (LOG NO: 2006.3729/ DOC NO: 0611JP27). Seven historic properties comprising 23 features were documented during the inventory survey and issued Statewide Inventory of Historic Places (SIHP) 50-50-09-6061 (rock wall and an enclosure); 50-50-09-6062 (rock wall); 50-50-09-6063 (16 features: walls, C-shape, circular enclosure, depressions, modified boulder field); 50-50-09-6064 (modified outcrop/rock wall); 50-50-09-6065 (rock wall); 50-50-09-6066 (enclosure); 50-50-09-6067 (modified outcrop/rock wall). Five of the seven sites were originally identified in 1988 by Paul H. Rosendahl, Inc. (PHRI).

The current inventory survey re-identified and recorded five of the six previously identified archaeological sites in the project area. We understand that two sites were identified and documented by your firm for the first time. All seven of the sites are significant under Criterion D and have yielded adequate information. During the lengthy process of the completion of the additional archaeological work and the completion of the requested revisions, some of the historic properties were bulldozed. A road was bulldozed through the middle of the parcel and several features were impacted. Full-time archaeological monitoring has previously been agreed upon in order to document any undocumented sites that may have been missed during the fieldwork and to identify any inadvertent significant findings.

We have recommended the presence of a full time archaeological monitor for the proposed ground altering activities on the parcel. Subsequently, this archaeological monitoring plan was submitted to our office. Until we receive adequate correspondence indicating otherwise, we will continue to recommend and anticipate that full time archaeological monitoring will ensue for any proposed construction activities on the subject parcel.

The Archaeological Monitoring Plan is acceptable and conforms to Hawaii Administrative Rules Chapter 13-279, which governs standards for archaeological monitoring. This archaeological monitoring program includes the following provisions: A qualified archaeologist will be on-site on a full-time basis and one archaeologist will be assigned for each piece of operating heavy equipment. All excavation activities on the subject parcel will have an archaeological monitor actively observing the construction activities. The on-site archaeologist will have the authority to halt excavation in the event that cultural materials are identified. Consultation with the State Historic Preservation Division (SHPD) will occur in this event, to determine an acceptable course of action.

If human burials are identified, work will immediately cease, and your firm will notify the SHPD Burial Sites Program/Culture and History Branch (243-4640), Maui SHPD Archaeology Branch (243-1285), Oahu SHPD (692-8015), and the Maui/Lanai Islands Burial Council. Compliance with procedures outlined in HRS 6E-43 will be followed. Coordination meetings with the construction crew will be held prior to project initiation. The plan further indicates that an acceptable report will be submitted to this office within 45 days of project completion. Please note that our rules indicate that the report shall be submitted within 180 days of project completion.

We believe it is unlikely that any historic properties will be affected by construction work related to the project, with the implementation of this accepted archaeological monitoring plan. Please notify our Maui (243-5838) and Oahu offices (692-8020), via facsimile, at onset and completion of the project and monitoring program (and/or submit phased reports based on findings). If there are any concerns or questions, feel free to contact us at (808) 243-4641 or (808) 243-1285.

Aloha,

Nancy McMahon, Archaeologist and Acting Archaeology Branch Chief
State Historic Preservation Division

JP:

c: Director, Dept. of Planning, 250 S. High Street, Wailuku, HI 96793
Maui Cultural Resources Commission, Dept. of Planning, 250 S. High Street, Wailuku, HI 96793

2019 CONDITIONAL PERMIT ANNUAL COMPLIANCE REPORT

8

MUNEKIYO HIRAGA
Planning Project Management Sustainable Solutions

Michael T. Munekiyo
CHAIRMAN
Karlynn K. Fukuda
PRESIDENT
Mark Alexander Roy
VICE PRESIDENT
Tessa Munekiyo Ng
VICE PRESIDENT

June 10, 2019

Michele Chouteau McLean, Director
County of Maui
Department of Planning
Attention: Paul Fasi, Planner
One Main Plaza
2200 Main Street, Suite 315
Wailuku, Hawai'i 96793

DEPT. OF PLANNING
COUNTY OF MAUI
JUN 10 2019
RECEIVED

SUBJECT: County Conditional Permit for Hawaiian Cement Pohakea Quarry, TMK 3-6-004:007(por.), (CP 97/0002)

Dear Mr. Fasi:

Ordinance No. 3787, granting a time extension to the abovementioned Conditional Permit (CP), was passed on final reading by the Maui County Council on October 19, 2010 and took effect on October 22, 2010. The CP time extension was granted until December 15, 2019. The approval of the time extension request was subject to seven (7) conditions. See **Exhibit "A"**.

Condition Number 7 of the 2010 CP time extension approval stated:

> "*That Hawaiian Cement shall submit to the Department of Planning annual reports addressing its compliance with the conditions established with the subject Conditional Permit.*"

On behalf of the CP holder, Hawaiian Cement, we are submitting this compliance report to meet Condition Number 7 and address compliance with the conditions set forth in the approved CP time extension.

Condition No. 1

That full compliance with all conditions of the State Special Use Permit, with the conditions of the State Department of Health, Clean Air Branch, Noncovered Source Permit, and with all other applicable governmental requirements shall be rendered;

Response: The permittee concurs with this condition and will comply with the conditions in the State Special Use Permit, with the conditions of the State Department of Health, Clean Air Branch, Noncovered Source Permit and applicable governmental requirements. The permittee submitted a renewal modification application for a Covered Source Permit as required, to the State Department of Health (DOH). By letter dated July 21, 2008, DOH acknowledged receipt of permittee's permit renewal-modification application. DOH confirmed via email on April 28, 2014, that permittee follow the guidelines of covered source permit 0386-02-C issued on June 12, 2008. See attached **Exhibit "B"**.

DOH notified the permittee by letter dated December 9, 2013, that a new National Pollutant Discharge Elimination System (NPDES) permit was granted for stormwater discharge in accordance with Hawai'i Administration Rules, Title 11, Chapter 55, Appendix B which became effective December 9, 2013. The NPDES Permit extension is in progress with the State Department of Health. See **Exhibit "B-1"**.

Condition No. 2

That the Conditional Permit is hereby granted to Hawaiian Cement and shall be valid [for a period of five years from the effective date of the most recent amendment to this ordinance;] until December 15, 2019; provided that, an extension of this permit beyond this [five-year] period may be granted pursuant to Section 19.40.090, Maui County Code;

Response: The permittee concurs with the condition and will comply with time extension request procedures. We note that the CP for the operation of a concrete recycling facility in conjunction with the permitted quarry and rock crushing operation expires in December 2019. As such, an application to Amend Permit Terms, Conditions, and Time Stipulations requesting a time extension has been prepared and filed with the Department of Planning.

In addition, it is noted that the permittee sent the DOH, Solid and Hazardous Waste Branch a letter dated December 6, 2013, that it will not be seeking a permit renewal application for a green waste composting operation. The green waste operation was not initiated and as such, no green waste has been accepted and no composting activities were performed. DOH sent permittee a letter dated December 26, 2013, that it closed its file regarding the green waste composting permit which expired December 4, 2013. See **Exhibit "C"**. The Application to Amend Permit

Terms, Conditions, and Time Stipulations also requests that this activity be removed from the scope of the approved CP.

Condition No. 3

That the Conditional Permit shall be nontransferable unless the Council approves the transfer by ordinance;

Response: The permittee concurs with the condition. No permit transfer request is anticipated for the CP.

Condition No. 4

That Hawaiian Cement, its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject Conditional Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this Conditional Permit a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS ($1,000,000.00), naming the County of Maui as an additional [named] insured, insuring and defending Hawaiian Cement and County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by Hawaiian Cement of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the nonobservance or non-performance of any of the terms and conditions of this permit. A copy of a policy naming County of Maui as an additional [named] insured shall be submitted to the Department of Planning within ninety (90) calendar days from the effective date of the most recent amendment to this ordinance[.]

Response: An updated Certificate of Insurance is attached hereto as **Exhibit "D"**.

Condition No. 5

That this Conditional Permit shall be limited to the composting of green waste and grubbed material, [and] the recycling of concrete rubble in connection with the base course production, and the use of the scale house/office structure located on the site;

Response: In regards to the recycling of concrete rubble, the permittee concurs with the condition and continues to comply. The permittee did not seek a renewal of the green waste composting permit which expired December 4,

2013. The green waste operation was not initiated and as such no green waste has been accepted and no composting activities were performed on the quarry site. See response to Condition No. 2.

Condition No. 6

That Hawaiian Cement shall employ dust control measures at the green waste composting area to minimize dust emissions.

Response: The green waste permit expired December 4, 2013 and the permittee did not seek a renewal of the permit. The green waste operation was not initiated and as such no green waste has been accepted and no composting activities were performed on the quarry site. See response to Condition No. 2. As such, there are no dust emissions at this area.

Condition No. 7

That Hawaiian Cement shall submit to the [Planning Department] Department of Planning annual reports addressing its compliance with the conditions established with the subject Conditional Permit."

Response: This report is being submitted to satisfy this condition.

Should you have any further questions, please do not hesitate to contact me at 244-2015.

Very truly yours,

Karlynn Fukuda
President

KF:yp
Enclosures
cc: Dave Gomes, Hawaiian Cement (w/enclosures)
\\MH03\Drive_F\DATA\HawnCemt\Quarry\CP compliance.report.2018.doc

CONDITIONAL PERMIT APPROVAL ORDINANCE NO. 3787

EXHIBIT

A

ORDINANCE NO. 3787

BILL NO. 74 (2010)

A BILL FOR AN ORDINANCE TO EXTEND A CONDITIONAL PERMIT TO ALLOW THE OPERATION OF A CONCRETE RECYCLING AND GREEN WASTE COMPOSTING FACILITY IN CONJUNCTION WITH THE PERMITTED QUARRY AND ROCK CRUSHING OPERATION WITHIN THE COUNTY AGRICULTURAL DISTRICT FOR PROPERTY SITUATED AT TAX MAP KEY NO. (2) 3-6-004:007 (POR.), WAILUKU, MAUI, HAWAII

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Pursuant to Chapter 19.40, Maui County Code, the Conditional Permit granted by Ordinance No. 2669 (1998), as amended by Ordinance No. 2853 (2000), as amended by Ordinance No. 3232 (2004), is extended, subject to the conditions imposed in Section 2 of this ordinance, for the operation of a concrete recycling and green waste composting facility in conjunction with the permitted quarry and rock crushing operation within the County Agricultural District. The site is identified for real property tax purposes by Tax Map Key No. (2) 3-6-004:007 (por.), and is comprised of approximately 14.8 acres of land.

SECTION 2. The conditions imposed in Ordinance No. 3232 (2004) are amended to read as follows:

"1. That full compliance with all conditions of the State Special Use Permit, with the conditions of the State Department of Health, Clean Air Branch, Noncovered Source Permit,

and with all other applicable governmental requirements shall be rendered;

2. That the Conditional Permit is hereby granted to Hawaiian Cement and shall be valid [for a period of five years from the effective date of the most recent amendment to this ordinance;] until December 15, 2019; provided that, an extension of this permit beyond this [five-year] period may be granted pursuant to Section 19.40.090, Maui County Code;

3. That the Conditional Permit shall be nontransferable unless the Council approves the transfer by ordinance;

4. That Hawaiian Cement, its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all areas affected by subject Conditional Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this Conditional Permit a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS ($1,000,000.00), naming the County of Maui as an additional [named] insured, insuring and defending Hawaiian Cement and County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by Hawaiian Cement of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this permit. A copy of a policy naming County of Maui as an additional [named] insured shall be submitted

to the Department of Planning within ninety (90) calendar days from the effective date of the most recent amendment to this ordinance[.];

5. That this Conditional Permit shall be limited to the composting of green waste and grubbed material, [and] the recycling of concrete rubble in connection with the base course production, and the use of the scale house/office structure located on the site;

6. That Hawaiian Cement shall employ dust control measures at the green waste composting area to minimize dust emissions; and

7. That Hawaiian Cement shall submit to the [Planning Department] Department of Planning annual reports addressing its compliance with the conditions established with the subject Conditional Permit."

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:

JAMES A. GIROUX
Deputy Corporation Counsel
County of Maui
S:\CLERICAL\LJN\ORD\CP\HAWCEMENT AMENDORD 3232 EXTEND CP 2010.wpd

WE HEREBY CERTIFY that the foregoing BILL NO. 74 (2010)

1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 19th day of October, 2010, by the following vote:

Dennis A. MATEO Chair	Michael J. MOLINA Vice-Chair	Gladys C. BAISA	Jo Anne JOHNSON	Solomon P. KAHO'OHALAHALA	William J. MEDEIROS	Wayne K. NISHIKI	Joseph PONTANILLA	Michael P. VICTORINO
Aye	Aye	Aye	Aye	Aye	Aye	Aye	Aye	Excused

2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 20th day of October, 2010.

DATED AT WAILUKU, MAUI, HAWAII, this 20th day of October, 2010.

RECEIVED
2010 OCT 20 AM 9:43
OFFICE OF THE MAYOR

DENNIS A. MATEO, CHAIR
Council of the County of Maui

JEFFREY T. KUWADA, COUNTY CLERK
County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS 22nd DAY OF OCTOBER, 2010.

CHARMAINE TAVARES, MAYOR
County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said BILL was designated as ORDINANCE NO. 3787 of the County of Maui, State of Hawaii.

JEFFREY T. KUWADA, COUNTY CLERK
County of Maui

Passed First Reading on October 1, 2010.
Effective date of Ordinance October 22, 2010.

RECEIVED
2010 OCT 25 PM 12:51
OFFICE OF THE COUNTY CLERK

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 3787, the original of which is on file in the Office of the County Clerk, County of Maui, State of Hawaii.

Dated at Wailuku, Hawaii, on

County Clerk, County of Maui

LETTER FROM DEPARTMENT OF HEALTH DATED JULY 21, 2008

EXHIBIT

B

LINDA LINGLE
GOVERNOR OF HAWAII

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

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

In reply, please refer to:
File:

July 21, 2008

08-656E CAB
File No. 0386-02

Mr. John H. DeLong
President
Hawaiian Cement
91-1300 Halawa Valley Street
Honolulu, Hawaii 96701

Dear Mr. DeLong:

Subject: Covered Source Permit (CSP) 0386-02-C
Renewal-Modification Application No. 0386-08
Hawaiian Cement
800 tph Crushing and Screening Plant
Located at: Waikapu Quarry, Wailuku, Maui

The Department of Health acknowledges receipt of your renewal-modification application on June 24, 2008, for the subject facility. The renewal-modification application has been assigned No. 0368-08. Please reference this number in future correspondence regarding this permit. A receipt for the application filing fee of $500.00 is enclosed.

The Department has completed the initial review of your permit application. You propose to add a grizzly feeder, jaw crusher, and a diesel engine generator, and to delete the annual production limit of 540,800 tons per year and the annual hourly limit of 2,080 hours per year.

In your application, the Department of Health has noted a discrepancy in the ambient air quality impact assessment. In Appendix A, page A-10, ISC3 Screening calculations, for the nitrogen dioxide annual concentration, the multi-tiered ambient ratio method was applied. But in the ambient ratio method, the 2080 hours of operation was used to proportionally reduce the annual concentration, which is no longer applicable since you requested to delete the annual hourly limit of 2,080 hours per year. Without that hourly limit, the predicted nitrogen dioxide annual concentration exceeds the allowable Hawaii air standard of 70 micrograms per cubic-meter. The proposed operation for the new diesel engine generator needs to be revised to meet the Hawaii air standard for the annual nitrogen dioxide ambient air quality impact.

Please note that in accordance with Hawaii Administrative Rules (HAR), Title 11, Chapter 60.1, during the processing of an application, if it is determined that additional information is necessary to evaluate the application, the Department may request additional information.

If you have any questions, please call Mr. Glenn Nagamine of my staff at (808) 586-4200.

Sincerely,

WILFRED K. NAGAMINE
Manager, Clean Air Branch

GN:ltkc
Enclosure
c: James W. Morrow, DrPH
Blake Shiigi, EHS Maui
CAB Monitoring Section

Cheryl Okuma

From: Wurlitzer, Dane <Dane.Wurlitzer@hawaiiancement.com>
Sent: Monday, April 28, 2014 3:03 PM
To: Cheryl Okuma
Cc: Gomes, David
Subject: FW: Hawaiian Cement CSP 0386-02-C - Waikapu Quarry

FYI

From: Kihara, Kevin M [mailto:kevin.kihara@doh.hawaii.gov]
Sent: Monday, April 28, 2014 2:35 PM
To: Wurlitzer, Dane
Subject: RE: Hawaiian Cement CSP 0386-02-C - Waikapu Quarry

Dane,

The application was submitted in a timely manner, so as long as you follow the guidelines of covered source permit 0386-02-C, issued on June 12, 2008, you are in good standing.

Kevin Kihara
State of Hawaii
Department of Health
Clean Air Branch
Phone: 808-586-4200
Fax: 808-586-4369

From: Wurlitzer, Dane [mailto:Dane.Wurlitzer@hawaiiancement.com]
Sent: Monday, April 28, 2014 1:31 PM
To: Kihara, Kevin M
Subject: Hawaiian Cement CSP 0386-02-C - Waikapu Quarry

Kevin,

We are doing a compliance review for Waikapu Quarry. Can you confirm we are in good standing by replying to this e-mail.

Your July 21, 2008 letter acknowledges receipt of our renewal – modification application. The technical details for developing a new permit are being worked out between your office and our consultant, Dr. Jim Morrow. In the meantime, we are following the guidelines of permit 0386-02-C issued June 12, 2008.

Let me know if more information is required.

Thank you,

Dane Wurlitzer
Hawaiian Cement
532-3407

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT

(Stormwater Discharge Dated December 9, 2013 - Expires on December 8, 2017)

EXHIBIT

B-1

DAVID Y. IGE
GOVERNOR OF HAWAII

VIRGINIA PRESSLER, M.D.
DIRECTOR OF HEALTH

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

In reply, please refer to:
DOH/CWB

R32C427.EXT.17

November 14, 2017

Mr. Jason Macy
President
Hawaiian Cement
99 Halawa Valley Street
Aiea, Hawaii 96701

Dear Mr. Macy:

Subject: Administrative Extension of Notice of General Permit Coverage (NGPC) for Hawaiian Cement – Waikapu Quarry Island of Maui, Hawaii File No. HI R32C427

The Department of Health (DOH), Clean Water Branch (CWB), acknowledges receipt of your 2017 Renewal Notice of Intent (NOI) and $500 filing fee for coverage under the National Pollutant Discharge Elimination System general permit provisions, in accordance with the Hawaii Administrative Rules (HAR), Section 11-55-34.08.

The DOH is unable to complete the processing of your NOI prior to the current NGPC expiration date. Therefore, in accordance with HAR, Section 11-55-34.09(d), the DOH hereby administratively extends the subject NGPC until a notice of renewed coverage under the applicable general permit is issued or until notified by the DOH, whichever occurs first. Please note that the DOH may request you submit additional information in order to complete the processing of your NOI for renewed coverage.

The Permittee shall not be held in violation of Hawaii Revised Statutes, Chapter 342D-6(h), and HAR, Chapter 11-55, during the pendency of its renewal NOI, so long as it acts consistently with the NGPC presently granted. **Note: The Permittee shall continue any sampling required by the current NGPC.** Any non-compliance with the conditions of the administratively extended NGPC may be subject to penalties of up to $25,000 per violation per day.

It is the Permittee's responsibility to ensure that anyone working under this administrative extension of your NGPC understands and complies with the terms and conditions therein.

Should you have any questions, please contact Ms. Kris Poentis of the Engineering Section, CWB, at 586-4309.

Sincerely,

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

KP

c: Mr. Dane Wurlitzer, Hawaiian Cement
[via e-mail dane.wurlitzer@hawaiiancement.com only]

LETTERS DATED DECEMBER 6, 2013 AND DECEMBER 26, 2013

EXHIBIT C

MUNEKIYO & HIRAGA, INC.

MICHAEL T. MUNEKIYO
PRESIDENT

KARLYNN FUKUDA
EXECUTIVE VICE PRESIDENT

OWEN CHASHI HIRAGA
SENIOR VICE PRESIDENT

MITSURU "MUSH" HIRANO
SENIOR VICE PRESIDENT

MARK ALEXANDER ROY
VICE PRESIDENT

December 6, 2013

CERTIFIED MAIL NO. – 7003 1680 0000 5101 6220

Steven Y.K. Chang, P.E., Chief
Solid Waste and Hazardous Waste Branch
Department of Health
P.O. Box 3378
Honolulu, Hawaii 96801-3378

SUBJECT: Solid Waste Management Permit-by-Rule RY-0087-08 (Greenwaste Composting) located In the Vicinity of Kuihelani Highway and Honoapiilani Highway Intersection, Maui, Hawaii, TMK (2)3-6-04:007)
WARNING LETTER (S1134SL)

Dear Mr. Chang:

On behalf of our client, Hawaiian Cement, we provide this response to the State Department of Health's Warning Letter dated November 27, 2013 which was received by Hawaiian Cement on December 4, 2013.

Hawaiian Cement's Green Waste Recycling permit (Solid Waste Management Permit No. RY-0087-08) expired December 4, 2013. Please be informed that Pohakulepo Recycling, LLC and Hawaiian Cement will not be seeking a permit renewal application for a Greenwaste Composting operation. The greenwaste operation was not initiated and, as such, no greenwaste has been accepted and no composting activities were performed.

MAUI
305 High St., Suite 104 Wailuku, Hawaii 96793
PH: (808)244-2015 FAX: (808)244-8729
OAHU
735 Bishop St., Suite 238 Honolulu, Hawaii 96813 | PH: (808)983-1233
WWW.MHPLANNING.COM

If there are any questions, please call me at (808) 244-2015.

Very truly yours,

Cheryl K. Okuma, Senior Associate

CKO:yp
cc: Ronald Jacintho, Pohakulepo Recycling, LLC
David Gomes, Hawaiian Cement
Sue Liu, Department of Health, Solid Waste Section
K:\DATA\HawnCemt\Quarry\PermitbyRule(Greenwaste).ltrtoDOH.doc

DEC 31 2013

NEIL ABERCROMBIE
GOVERNOR OF HAWAII

GARY L. GILL
ACTING DIRECTOR OF HEALTH

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

In reply, please refer to:
File:

December 26, 2013

S1237SL

Mr. Ronald Jacintho, Sr., Owner
Pohakulepo Recycling, LLC
255-B East Waiko Road
Wailuku, Hawaii 96793

Mr. David Gomes, Operator
Hawaiian Cement
P.O. Box 488
Kahului, Hawaii 96732

Dear Messrs. Jacintho, Sr. and Gomes:

SUBJECT: Solid Waste Management Permit by Rule No. CO-0087-08 File Closure
Pohakulepo Recycling, LLC and Hawaiian Cement
Approximately 0.2 Miles West of Honoapiilani, in the Vicinity of
Kuihelani Hwy. and Honoapiilani Hwy. Intersection, Maui
TMK: 3-6-04:007

The Department of Health, Solid Waste Section received a letter dated December 6, 2013 responding to our warning letter dated November 27, 2013. The letter was submitted by Munekiyo and Hiraga, Inc.

The letter stated that Pohakulepo Recycling, LLC and Hawaiian Cement would not be seeking a permit renewal for the greenwaste composing operation. The letter further stated that the greenwaste operation was never initiated—no greenwaste has been accepted and no composting activities have been performed. The subject permit expired on December 4, 2013.

With this understanding, we have closed the subject permit file. If, in the future, you decide to open a greenwaste facility at the subject site, or any other site, a new solid waste management permit application is required to be submitted to our office for our review and approval prior to commencement of activities.

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

Sincerely,

STEVEN Y.K. CHANG, P.E., CHIEF
Solid and Hazardous Waste Branch

c: Cheryl K. Okuma, Munekiyo and Hiraga, Inc.

CURRENT CERTIFICATE OF INSURANCE

EXHIBIT

D

ACORD®

CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
12/14/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER
Marsh USA Inc.
333 South 7th Street, Suite 1400
Minneapolis, MN 55402-2400
Attn: MDU.CertRequest@marsh.com

CN102289309-HAWAC-GAWX-19- 2010 2037 HAWCE AI Y

CONTACT NAME:
PHONE (A/C, No, Ext):
FAX (A/C, No):
E-MAIL ADDRESS:

INSURER(S) AFFORDING COVERAGE	NAIC #
INSURER A : Liberty Mutual Fire Ins Co	23035
INSURER B : Associated Electric & Gas Ins Services Ltd	3190004
INSURER C : Liberty Insurance Corporation	42404
INSURER D :	
INSURER E :	
INSURER F :	

INSURED
HAWAIIAN CEMENT
99-1300 HALAWA VALLEY STREET
AIEA, HI 96701

COVERAGES **CERTIFICATE NUMBER:** CHI-007184427-25 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	X COMMERCIAL GENERAL LIABILITY CLAIMS-MADE X OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: POLICY X PRO-JECT LOC OTHER:			TB2-641-005097-049	01/01/2019	01/01/2020	EACH OCCURRENCE	$ 2,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	$ 1,000,000
							MED EXP (Any one person)	$ 10,000
							PERSONAL & ADV INJURY	$ 2,000,000
							GENERAL AGGREGATE	$ 4,000,000
							PRODUCTS - COMP/OP AGG	$ 4,000,000
								$
A	AUTOMOBILE LIABILITY X ANY AUTO OWNED AUTOS ONLY X HIRED AUTOS ONLY SCHEDULED AUTOS X NON-OWNED AUTOS ONLY			AI2-641-005097-059	01/01/2019	01/01/2020	COMBINED SINGLE LIMIT (Ea accident)	$ 2,000,000
							BODILY INJURY (Per person)	$
							BODILY INJURY (Per accident)	$
							PROPERTY DAMAGE (Per accident)	$
								$
B	UMBRELLA LIAB OCCUR X EXCESS LIAB CLAIMS-MADE DED RETENTION $			XL5083408P	01/01/2019	01/01/2020	EACH OCCURRENCE	$ 5,000,000
							AGGREGATE	$ 5,000,000
								$
C C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANYPROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBEREXCLUDED? (Mandatory in NH) Y/N N If yes, describe under DESCRIPTION OF OPERATIONS below	N/A		WA7-64D-005097-029 (Regulated) WA7-64D-005097-019 (AOS) "INCLUDES "STOP-GAP""	01/01/2019 01/01/2019	01/01/2020 01/01/2020	X PER STATUTE OTH-ER	
							E.L. EACH ACCIDENT	$ 1,000,000
							E.L. DISEASE - EA EMPLOYEE	$ 1,000,000
							E.L. DISEASE - POLICY LIMIT	$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Re: Pohakea Quarry

County of Maui is included as an additional insured as required by permit 2006/0001 as respects the General Liability and Auto Liability. The State of Hawaii is included as an additional insured as required by permit SP06-400 as respects the General Liability and Auto Liability. Blanket Additional Insured for General Liability is included per attached CG 2010 and CG 2037 Endorsements and does not include professional liability coverage. Blanket Additional Insured for Automobile Liability is included per attached designated Insured Endorsement CA 20 48. Excess liability applies to general liability, products and completed operations, automobile liability, and employers liability.

CERTIFICATE HOLDER

County of Maui
Department of Planning
200 S. High Street
Wailuku, Maui, HI 96793

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE
of Marsh USA Inc.
Manashi Mukherjee Manashi Mukherjee

© 1988-2016 ACORD CORPORATION. All rights reserved.

The ACORD name and logo are registered marks of ACORD