BEFORE THE MAUI PLANNING COMMISSION

COUNTY OF MAUL

STATE OF HAWAII

In the Matter of the Application of

ERIC NAKAGAWA, DIRECTOR, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

Requesting an Amendment to State Land Use Commission Special Permit No. SP 97-390 and County of Maui Special Use Permit No. CUP 2008/0003 to include an approximately 40-acre project area (TMK (2) 3-8-003:019 (por.)) located at 8100 Pülehu Road in Pu'unene. Maui. Hawaii for development of the Central Maui Landfill Facilities Project involving an office, Abandoned Vehicle Area, Metal Processing Area, Open Construction and Demolition Material Recovery Area, Household Hazardous Waste and Electronic Waste Processing and Storage Area, Warehouse Building and Storage Area, Refuse Collection Office, Truck Parking and Maintenance Area, Drainage Basins, and Associated Infrastructure. The amendment request also includes a time extension for SP 97-390 and removal of TMK (2) 3-8-003:020 (por.) from both SP 97-390 and CUP 2008/0003. Total amended permitted area covered by both permits will be approximately 96 Acres.

DOCKET NO. SP 97-390 and CUP 2008/0003 (SUP1 1996/0004)

Eric Nakagawa, Director,
Department Of Environmental
Management

(KFW)

DEPARTMENT OF PLANNING REPORT AND RECOMMENDATION DECEMBER 10, 2019 MEETING

> DEPARTMENT OF PLANNING COUNTY OF MAUI 2200 MAIN STREET, SUITE 315 WAILUKU, MAUI, HI. 96793

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Eric Nakagawa, Director, Department Of Environmental Management

(KFW)

DESCRIPTION OF THE PROJECT

The County of Maui Department of Environmental Management (DEM) is proposing to improve its facilities at the Central Maui Landfill (CML) on an approximately 40-acre portion of a larger approximately 180-acre County-owned parcel identified as Tax Map Key (TMK) No. (2) 3-8-003:019 (por.) (Parcel 19), located at 8100 Pülehu Road in Pu'unēnē. The proposed facilities will be located on the north side of Pūlehu Road between Kahului and Kula. The project site was formerly used for sugar cane cultivation and is currently vacant. See **Exhibit 1**.

The project site is bounded by agricultural lands previously owned by Alexander & Baldwin (A&B) and formerly cultivated by Hawaiian Commercial and Sugar Company (HC&S). HC&S ceased its sugar cane cultivation operations at the end of 2016. Northeast of the project site is HC&D, LLC's

quarry operation. Also, nearby and across Pūlehu Road is the future Waena Generation Facility for Maui Electric Company, Ltd. (MECO). Refer to **Exhibit 1**.

The DEM currently operates the CML on a portion of Parcel 19. The landfill has been in operation since 1987 through State Land Use Commission (SLUC) Special Permit Nos. SP 86-359 (55 acres) and SP 97-390 (70.5 acres) encompassing approximately 125.5 acres. The proposed project will increase the area used by the CML (under both permits) by approximately 20 percent (to 150.659 acres).

The DEM proposes an approximately 40-acre expansion to increase the County's integrated solid waste management and recycling/diversion facilities on the CML property, which will serve to reduce the amount of waste entering the landfill. See **Exhibit 2**. The proposed facilities will include the following:

- 1. Office (See Exhibit 3)
- Abandoned Vehicles Area
- 3. Metals Processing Area (See Exhibit 4)
- 4. Open Construction and Demolition Material Recovery Area
- 5. Household Hazardous Waste and Electronic Waste Collection and Storage Area (See Exhibit 5)
- 6. Warehouse Building and Storage Area (See Exhibit 6)
- 7. Refuse collection office, truck parking, and maintenance area (See Exhibit 7)
- 8. Drainage basins
- 9. Associated infrastructure

The above-referenced facilities are further described below:

Abandoned Vehicles Area

This area will function as a storage area to accommodate abandoned vehicles for the holding period required by law. Periodically, the program will conduct public auctions to put the vehicles back into circulation and minimize the tonnage disposed as scrap. Vehicles not purchased will be recycled either through a third party scrap metal processor or through the adjacent Metals Processing Area.

Metals Processing Area

The Metals Processing Area may take the unsold abandoned vehicles and process them as scrap metal, while also processing other scrap metals, such as white goods and scrap recovered at the adjacent Construction and Demolition (C&D) Material Recovery Area. Refer to Exhibit 4.

Open Construction and Demolition Material Recovery Area

This area will receive, process, and store recyclable materials from C&D wastes. Heavy equipment may be used to separate bulky materials. Conveyor belts and mechanical screens can be used for further sorting. Large items such as concrete and asphalt may be stockpiled and processed for reuse.

Metals recovered may be recycled either through a third party scrap metal processor or through the adjacent Metals Processing Area. Wood, unpainted and untreated, as well as green waste may be directed to a composting facility for further processing. Recovered soils may be utilized as landfill cover; inerts may be used for internal landfill roadways.

Household Hazardous Waste and Electronic Waste Collection and Storage Area

This area will accommodate the receipt, management, storage, and outgoing transportation of household hazardous waste and electronic waste collected from County residents. The enclosed structure will be used to collect household hazardous waste and electronic waste, categorize it for temporary storage, and package it for transport to appropriate offsite or off-island recycling/re-use facilities or disposal sites. (Refer to Exhibit 5)

Future of Maui EKO Systems, Inc. Operations

Maui EKO Systems currently operates at the CML. Their contract will conclude on March 31, 2020; after which time the area where EKO operates will become a landfill cell, to be built out in halves. The plan moving forward from 2020 is to mix greenwaste and biosolids and put this material in the landfill. The County is working on acquiring 63 additional acres north of the 40-acre expansion site for greenwaste/biosolid processing perhaps with anaerobic digestion from which power could be generated.

LAND USE ENTITLEMENTS

The CML is located within the State "Agricultural" District and was established by SLUC Special Permits (SPs). A chronology of SPs granted for the CML is identified in **Table 1**.

Table 1. Chronology of State Special Permits for Central Maui Landfill

	Decision and Order (D&O) Date	Permit #	SLUC Motion Date	Area	Description
159	1986, July 21	SP 86-359	1986, May 14	55 acres	TMK (2) 3-8-003:18, 19 and 04 (por.) Establish landfill, weigh station and access road. No time limit.
SP 86-359	2006, Jan 9	1 st Årnendment	2005, Dec. 1	No expansion	TMK (2) 3-8-003:18, 19 and 04 (por.) Add special waste, such as biofuels and greenwaste composting (Phase III) on 10 acres of the 55 acres on Parcel 19.
97-390	1997, July 21	SP 97-390	1997, June 26 and July 17	29.340 acres	TMK (2) 3-8-003:04 (por.) Expansion of landfill. Permit valid for 10 years.
SP9	2002, May 13	1 st Amendment	2002, March 21	No expansion of area	TMK (2) 3-8-003:25 and 04 (por.) Add new entrance facility and

Decision and Order (D&O) Date	Permit #	SLUC Motion Date	Area	Description
				related improvements on 5.3 acres of SP area. Permit valid until July 21, 2007.
2004, Dec. 14	2 nd Amendment	2004, Nov. 5	Minor expansion of area	TMK (2) 3-9-003:04 (por.) and 25. Site plan modification with addition of 1.395-acre access road, and time extension to initiate construction.
2009, Mar 23	3 rd Amendment	2009, Feb. 19	41.2 acres expansion (70.5 acres total)	TMK (2) 3-8-003:04 (por.), 20 (por.) and 21 (por.). Expansion of landfill, add composting and quarrying related uses, transfer of permit, and time extension. Permit valid until October 31, 2018.

State Special Permit No. SP 86-359

SP 86-359 granted by the SLUC on May 14, 1986, established the CML on approximately 55 acres consisting of a sanitary landfill, weigh station, and access road on TMK (2) 3-8-003:18, 19 and 04 (por.). This first permit did not include any time limits. SP 86-359 was amended on December 1, 2005, to include collection of special waste into marketable materials, such as biodiesel and compost on ten acres of the 55 acres of Parcel 19.

Special Permit No. SP 97-390

In 1997, the SLUC granted approval of SP 97-390 for a 29.340-acre expansion to the landfill on a portion of Parcel 4 and to operate the landfill on the site. This permit was valid for ten years from the date of issuance of the D&O on July 21, 1997, or until July 21, 2007. A first amendment to SP 97-390 was granted by the SLUC on March 21, 2002, to construct and operate a new entrance facility and related improvements on 5.3 acres of the SP area.

On November 5, 2004, the SLUC granted approval of a second amendment to SP 97-390 for an addition to the landfill site plan of approximately 1.395 acres and time extension to initiate construction. In 2008, the DEM filed the third request for amendment requesting a ten year time extension, expanding the landfill site by 41.2 acres and transferring the permit from the Department of Public Works (DPW) to DEM. The SLUC granted the amendment and extended the time limit ten years or until October 31, 2018. See **Exhibit 8**. The third amendment included Tax Map Key (2)3-8-003:020 (por.), and 021 (por.). A condition of approval requires submittal of annual reports. The last annual report was filed in 2019. Also, as requested by SLUC staff, an updated aerial photo map identifying the boundaries of SP 97-390 was submitted in August 2018. See **Exhibit 9** for aerial map.

In 2008, the DEM also submitted a County Special Use Permit (CUP) application for 70.5 acres within the County Agricultural District. The CUP was required in order to meet amendments to the

Maui County Code affecting the County Agricultural District. Since issuance of SP 97-390, the County Agricultural District zoning was amended to require a CUP for special uses requiring a State SP for parcels over 15 acres. On October 28, 2008, the Maui Planning Commission (MPC) granted the CUP for the landfill involving 70.5 acres on TMK (2) 3-8-003:04 (por.), 20 (por.) and 25 (por.). CUP 2008/0003 is valid until October 28, 2028. See **Exhibit 10**.

It is noted that in response to comments received from the SLUC during review of the Environmental Assessment (EA), the area permitted by SP 97-390 and CUP 2008/0003 was surveyed to allow metes and bounds descriptions to be prepared for the permitted area including the proposed CML Facilities Project. The survey showed the current permitted area, without the CML Facilities Project area included in the area, to be 72.927 acres (vs. 70.5 acres as reflected in the permits), a difference of approximately three percent. The principal reason for the approximately 2.4-acre difference in area of the special permits (70.5 acres vs. 72.927 acres) is primarily due to the different methodologies used to measure the respective areas. Since metes and bounds descriptions were not required by SLUC for the past special permit applications (or subsequent amendments) defining the limits of the permit, it is assumed that the area of limits were planimetered at the time of application preparation and the area estimated to obtain the 70.5-acre figure. Subsequently, with the currently proposed permit amendments for the proposed CML Facilities Project, metes and bounds calculations of the computed limits of the permit area are now required by SLUC. To that end, based on the recent survey, the existing permitted area was accurately surveyed and computed at 72.927 acres. The survey was prepared in accordance with generally accepted survey practice standards in the State of Hawai'i and was stamped and signed by a Hawai'i Licensed Land Surveyor. See Exhibit 11.

Further, in 2011, the various TMK parcels of the CML were consolidated and resubdivided (to include the project site) into a single parcel, which is approximately 180 acres and is now identified as TMK (2) 3-8-003:019. However, the subdivision excluded 19.66 acres of TMK (2) 3-8-003:004 (por.), which was no longer under the DEM's control but was originally included in the CML expansion that was approved in 2008. The excluded area (19.66 acres) is currently identified as TMK (2) 3-8-003:020 and, as a housekeeping measure, the DEM is requesting deletion of the applicable portion of this parcel (16.841 acres) from SP 97-390, and from CUP 2008/0003. This deletion is requested as Parcel 20 is not owned by the County of Maui and is not part of the CML. The County does not have any future plans to incorporate this parcel as part of solid waste management operations at the CML.

Following consultation with the SLUC and Department of Planning staff, it was determined that the proposed CML Facilities Project require amendments to SP 97-390 and CUP2008/0003 to expand the respective boundaries of these two permits. The amendments to these permits will increase the permitted land area covered by these permits to include the proposed CML Facilities Project and its uses (39.573 acres) and to adjust the acreage of the existing permitted area (from 72.927 acres to 56.086 acres) to reflect the recently completed survey and the removal of the applicable portion (16.841 acres) of Parcel 20. Following the requested amendments to SP 97-390 and CUP 2008/0003, the total permitted area encompassed by these permits will be 95.659 acres (56.086 acres + 39.573 acres) as documented by the survey, and, accompanying metes and bounds descriptions presented in **Exhibit 11**. The request to amend SP 97-390 also includes a time extension beyond the current deadline to October 28, 2028. The SP amendment will require approval of the SLUC and the CUP amendment will require approval of the MPC.

DESCRIPTION OF THE PROPERTY

- 1. The project area is approximately 40 acres of a larger approximately 180 acres of County-owned land located at TMK (2) 3-8-003: 019 (por.), 8100 Pülehu Road in Central Maui. The proposed expansion is located on the north side of Pülehu Road between Kahului and Kula. Refer to Exhibit 1.
- 2. Land Use Designations -
 - a. State Land Use District Agricultural
 - b. Maui Island Plan Portion in the Urban Growth Boundary (approximately 38.6 acres)
 - c. Wailuku-Kahului Community Plan Agriculture
 - e. Zoning Agricultural District
 - f. Important Agricultural Land (IAL) The 22 acres of IAL is part of the approximately 40 acres of land under consideration in the application to amend SP 97-390. The objectives of a comprehensive solid waste strategy must be balanced with County agricultural objectives. The 22 acres of IAL reviewed in this project represent only 0.08 percent of IAL lands on Maui. A detailed discussion of these lands in relation to the CML proposed expansion begins on page 14 of this Staff Report.
- 3. Surrounding Uses --

North - Vacant Agricultural Land (former sugar cane land)

East - Existing Central Maui Landfill and HC&D Quarry Operations

South - Pūlehu Road and Vacant Agricultural Land (former sugar cane land)

West - Vacant Agricultural Lands (former sugar cane land)

- 4. The subject parcel is vacant former sugar cane land owned by the County of Maui.
- 5. There are no Notices of Violation or current open Request for Services associated with the property.

APPLICABLE REGULATIONS

STATE LAND USE COMMISSION SPECIAL PERMIT:

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

- 1. The use shall not be contrary to the objectives sought to be accomplished by Chapters 205 and 205A, Hawaii Revised Statutes (HRS), and the rules of the commission;
- 2. The desired use would not adversely affect surrounding property;
- 3. The use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements, and police and fire protection;

- 4. Unusual conditions, trends, and needs have arisen since the district boundaries and rules were established; and
- 5. The land upon which the proposed use is sought is unsuited for the uses permitted within the district.

IMPORTANT AGRICULTURAL LANDS:

Pursuant to Section 15-15-127(c), Hawai'i Administrative Rules (HAR) (SLUC Rules), any decision involving Important Agricultural Lands (IAL) designated lands shall specifically consider, and find a preponderance of the evidence, that:

- 1. The land to be reclassified is not critical for agriculture based on the amount of similarly suited lands in the area and the State as a whole;
- 2. The proposed district boundary amendment or zone change will not harm the productivity or viability of existing agricultural activity in the area, or adversely affect the viability of other agricultural activities or operations that share infrastructure, processing, marketing, or other production-related costs or facilities with the agricultural activities on the land in question;
- 3. The district boundary amendment or zone change will not cause the fragmentation of or intrusion of nonagricultural uses into largely intact areas of lands identified by the State as important agricultural lands that create residual parcels of a size that would preclude viable agricultural use;
- 4. The public benefit to be derived from the proposed action is justified by a need for additional lands for nonagricultural purposes;
- 5. The proposed district boundary amendment or zone change will not negatively impact the ability or capacity of state and county agencies to provide and support additional agricultural infrastructure or services in the area;
- 6. The public benefit from the proposed district boundary amendment or zone change outweighs the benefits of retaining the land for agricultural purposes;
- 7. The proposed action will have no significant impact upon the viability of agricultural operations on adjacent agricultural lands;
- 8. The decision-making criteria of subchapter 8 governing decisions of the land use commission on district boundary amendments have been met; and
- 9. The decision-making criteria adopted by county to govern decisions of county decision-making authorities under this chapter have been met

According to §205-50(c), HRS, any decision involving IAL shall consider the following criteria:

(1) The relative importance of the land for agricultural based on the stock of similarly suited lands in the area and the State as a whole:

- (2) The proposed district boundary amendment or zone change will not harm the productivity or viability of existing agricultural activity in the area, or adversely affect the viability of other agricultural activities or operations that share infrastructure, processing, marketing, or other production-related costs or facilities with the agricultural activities on the land in question;
- (3) The district boundary amendment or zone change will not cause the fragmentation of or intrusion of nonagricultural uses into largely intact areas of lands identified by the State as important agricultural lands that create residual parcels of a size that would preclude viable agricultural use;
- (4) The public benefit to be derived from the proposed action is justified by a need for additional lands for nonagricultural purposes; and
- (5) The impact of the proposed district boundary amendment or zone change on the necessity and capacity of state and county agencies to provide and support additional agricultural infrastructure or services in the area.

Further, pursuant to §205-50(d), HRS, any decision shall be based upon a determination of the following:

- (1) On balance, the public benefit from the proposed district boundary amendment or zone change outweighs the benefits of retaining the land for agricultural purposes;
- (2) The proposed action will have no significant impact upon the viability of agricultural operations on adjacent agricultural lands.

COUNTY SPECIAL USE PERMIT:

The appropriate planning commission shall review and, after a public hearing, may approve a request for a special use if the commission finds that each of the following criteria have been met:

- 1. The proposed request meets the intent of the general plan and the objectives and policies of the applicable community plan of the county;
- 2. The proposed request is consistent with the applicable community plan land use map of the county;
- 3. The proposed request meets the intent and purpose of the applicable district;
- The proposed development will not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, roadway and transportation systems, or other public requirements, conveniences, and improvements;
- 5. The proposed development will not adversely impact the social, cultural, economic, environmental, and ecological character and quality of the area:

- 6. That the public shall be protected from the deleterious effects of the proposed use;
- 7. That the need for public service demands created by the proposed use shall be fulfilled; and
- 8. If the use is located in the state agricultural and rural district, the commission shall review whether the use complies with the guidelines established in section 15-15-95 of the rules of the land use commission of the State.

PROCEDURAL MATTERS

- On February 28, 2018, applications for an amendment to State Land Use Commission Special Permit SP 97-390 and County Special Use Permit CUP 2008/0003 were filed with the Maui Department of Planning within the time stipulation for such filings of time extensions. At the time of filing, a Notice of Application mailed on February 27, 2018, to all owners and recorded lessees within 500 ft. of the subject property informing them of the filing of the County Special Use Permit application was included.
- 2. On **September 26, 2019**, 75 days prior to the hearing, the Maui County Planning Department mailed a notice to the applicant notifying them of the scheduled public hearing.
- 3. On **October 9, 2019,** the Department of Planning indicated that no interested parties have requested to be notified of the public hearing.
- 4. On October 25, 2019, the applicant mailed a letter of notification and location map to abutting owners and recorded lessees, including across the street, of the subject State Land Use Commission Special Permit describing the application and notifying them of the scheduled public hearing date, time and place by either certified or registered mail receipt (return receipt requested for land use amendments). Copies of letter, location map, list of owners and recorded lessees, certified and registered mail receipts (if required) are on file in the Planning Department.
- 5. On **October 25, 2019**, the applicant mailed a letter of notification and location map to all owners and recorded lessees within 500 ft. of the subject property of the County Special Use Permit describing the application and notifying them of the scheduled hearing date, time and place by either certified or registered mail receipt (return receipt requested for land use amendments). Copies of the letter, location map, list of owners and recorded lessees, certified and registered mail receipts and return receipts (if required) are on file in the Planning Department.
- 6. On **November 2, 9 and 16, 2019**, the applicant published the notice of public hearing and the site location map for the County Special Use Permit in the Maui News, once a week for three consecutive weeks prior to the hearing date. A copy of the affidavit of publication is on file in the Planning Department.
- 7. On **November 8, 2019,** the Maui Department of Planning published a public hearing notice in the Maui News pursuant to Chapter 91, HRS.

8. Pursuant to Chapter 343, HRS, relating to Environmental Impact Statements, a Final EA was issued by the Department of Environmental Management and filed with the Office of Environmental Quality Control (OEQC). The Final EA was published on August 8, 2019, in the Environmental Notice. No appeal was filed. A copy of the Final EA is attached as a flash drive to this staff report.

REVIEWING AGENCIES

County Agencies:	Comment	Exhibit #
Department of Fire and Public Safety on April 12, 2018	Yes	12
Applicant's Response on July 22, 2019	Yes	13
Department of Planning on April 27, 2018	Yes	14
Applicant's Response on July 22, 2019	Yes	15
Department of Public Works on April 2, 2018	Yes	16
Applicant's Response on July 22, 2019	Yes	17
Department of Water Supply on March 21, 2018	Yes	18
Applicant's Response on July 22, 2019	Yes	19

State Agencies:	Comment	Exhibit #
Department of Agriculture on May 1, 2018	Yes	20
Applicant's Response on July 19, 2019	Yes	21
Department of Health, Environmental Planning Office on March 22,	Yes	22
2018		
Applicant's Response on July 22, 2019	Yes	23
Department of Land and Natural Resources-State Historic	Yes	24
Preservation Division on March 15, 2018		
Applicant's Response on July 22, 2019	Yes	25
Department of Transportation – Statewide Transportation Planning	Yes	26
Office on April 10, 2018		
Applicant's Response on July 19, 2019	Yes	27
Land Use Commission on March 19, 2018	Yes	28
Applicant's Response on July 19, 2019	Yes	29
Office of Planning on April 6, 2018	Yes	30
Applicant's Response on July 19, 2019	Yes	31

Federal Agencies:	Comment	Exhibit #
Fish and Wildlife Service on August 28, 2015	Yes	32
Applicant's Response on January 3, 2018	Yes	33
Department of the Army on October 28, 2015	Yes	34
Applicant's Response on January 3, 2018	Yes	35

Others:	Comment	Exhibit #
Maui Electric Company on June 12, 2018	Yes	36
Applicant's response 0n July 22, 2019	Yes	37
Hammerhead Recycling on April 9, 2018	Yes	38
Applicant's response on July 19, 2019	Yes	39

Jazmyne Geis on April 9, 2018	Yes	40
Applicant's response on July 19, 2019	Yes	41
Dave Robichaux on June 27 2018, September 7, 2018, and June 3,	Yes	42
2019		
Applicant's response on July 2, 2019	Yes	43

ANALYSIS

LAND USE

The proposed project is in conformance with the goals, objectives and policies of the Hawaii State Plan. It will allow the DEM to implement the County's Integrated Solid Waste Management Plan (ISWMP) and meet the State's and County's goals on sustainability. The ISWMP includes measures to re-use and recycle waste to reduce the stream of solid waste into the CML, as well as consolidate the Department's solid waste facilities at the existing landfill.

STATE LAND USE DISTRICTS

The proposed project is located within the State Land Use "Agricultural" district

Special Permit

Prior to opening in 1987, the CML was established under SLUC Special Permit No. SP 86-359. Expansion of the landfill area and uses were granted by the SLUC under Special Permit No. SP 97-390. The proposed approximate 40-acre project site is not within the existing State Special Permit's land area. As such, an amendment to SP 97-390 is being requested by the DEM. As part of the request to amend SP 97-390, the DEM will also be seeking to adjust the permitted area to reflect a recently completed survey of the existing area and to remove a portion of Parcel 20 which is no longer owned by the County of Maui. The amendment will also include a time extension for the permit to October 31, 2028, so that SP 97-390 is consistent with the expiration of the CUP 2008/0003. Following the requested amendment, the total permitted area will be 95.659 acres. As the project area is more than 15 acres, the MPC will submit its recommendation on the amendment to SP 97-390 to the SLUC for review and approval per Chapter 205A, HRS.

Chapter 15, Land Use Commission, Hawai'i Administrative Rules

Pursuant to Section 15-15-95, HAR (SLUC Rules), certain "unusual and reasonable" uses may be permitted within the "Agricultural" District. The proposed project is consistent with the guidelines for determining an "unusual and reasonable" use as follows:

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

Response: The general intent of the State Land Use law is "to preserve, protect and encourage the development of land in the State for those uses which are best suited for and in the interest of the public health and welfare of the State of Hawai'i. The proposed project will serve the public welfare by reducing the amount of waste entering the CML. The majority of the area for the proposed project is contained within the Maui Island Plan's (MIP) designation of the Urban Growth Boundary (UGB) of the directed growth maps. The

project will support the government operations of DEM which serves the community, and is not contrary to Chapters 205 and 205A, HRS and the rules of the SLUC.

Chapter 205A, HRS Coastal Zone Management Program, sets out to preserve, protect and where possible, restore the natural resources of the coastal zone of Hawai'i. The project site is located inland and is a substantial distance away from the shoreline. As such, the project is not expected to adversely impact coastal zone resources or access to the shoreline.

2. The desired use would not adversely affect surrounding property.

Response: The proposed site is located on the north side of Pūlehu Road and is surrounded by former sugar cane fields previously cultivated by HC&S. HC&S ceased its sugar cane operations at the end of 2016 and the former sugar cane fields are now fallow. Although currently fallow, the surrounding agricultural lands are expected to continue to be used for diversified agriculture. The CML and quarry operation have co-existed with the former agricultural use and are expected to continue to do so in the future.

Other industrial-type uses are located adjacent to the CML, such as the HC&D quarry operations. There are no residential or commercial uses in the area. The proposed project is not anticipated to adversely impact agricultural uses that may occur on neighboring lands in the future.

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

Response: Access to the CML is from Pūlehu Road. Access to the project site will be provided through a new driveway entrance from Pūlehu Road. Although the landfill is not served by a public or private water service, domestic water is hauled to the site and stored in a 100,000 gallon tank. The existing administration building, breakroom trailer, and scale house at the landfill are served by an individual wastewater treatment system. Telephone and electrical service is available to the landfill property. Water and wastewater infrastructure upgrades will be implemented to accommodate the increased demand from the new facilities.

As noted previously, the administration building, breakroom trailer, and scale house are not currently served by a public or private water system. However, there is sufficient source capacity from an existing onsite production well that is available to provide domestic and fire protection service. Water infrastructure upgrades will also require a new water storage tank. Additional individual wastewater systems (IWS) will be constructed onsite to serve the project uses. The proposed project is intended to support DEM operations and will not burden public services, such as education, police, and fire protection.

4. Unusual conditions, trends, and needs have arisen since the district boundaries and rules were established.

Response: The CML was established at the Pūlehu Road site because the existing quarry operation left an excavated hole, which was ideal for use as a landfill. Since 1987,

as the quarry operation continued, the landfill operation expanded into the excavated areas. The proposed uses and improvements are ancillary to the existing landfill operations and their purpose is to reduce the waste stream entering the landfill. As such, it is appropriate for the new uses and facilities to be located adjacent to the existing CML operations. These facilities will allow the DEM to meet the objectives of the County's ISWMP, and are located in an area designated for urban type uses in the MIP Directed Growth Map.

5. The land upon which the proposed use is sought is unsuited for the uses permitted within the district.

Response: The subject property is suited for the uses permitted within the State "Agricultural" district. However, the project site is a small portion of the total 235,280 acres of agricultural designated lands on Maui, comprising less than 0.02 percent of the total agricultural lands on Maui. Also, with the closure of HC&S operations in 2016, the approximately 27,102 acres of former A&B lands are now available for other agricultural uses, such as diversified agriculture.

As noted previously, the proposed project will provide DEM with a location that allows development and expansion of its facilities to meet current objectives. Further, as noted previously, the MIP includes a majority of the project area (including the CML) in the UGB recognizing the future land use needs of the landfill.

IMPORTANT AGRICULTURAL LANDS (IAL)

In 2009, A&B, the previous owner of the project site, petitioned the SLUC to designate a portion of the project site as Important Agriculture Lands (IAL). On February 20, 2015, the Declaration of Important Agricultural Lands was filed with the State of Hawai'i Bureau of Conveyances.

Pursuant to §15-15-127(b) of the SLUC Rules, an application for a special permit involving important agricultural lands shall include evidence that the request has been referred to the State Department of Agriculture (DOA) and Office of Planning (OP) for review and comment and contain as part of the petition any comments or recommendations made by both agencies. Requests for comments and recommendations were mailed to OP and DOA on April 28, 2016 and April 29, 2016, respectively. Comments were received by both agencies. Refer to Exhibit 20 and Exhibit 30.

The following analysis is presented in response to comments received from OP and DOA to demonstrate the proposed project's consistency with applicable sections of both Chapter 205, HRS and Section 15-15-127(c), HAR (SLUC Rules):

Chapter 205, Hawai'i Revised Statutes (HRS)

Section 205-b(a) states:

Subject to this section, the county planning commission may permit certain unusual and reasonable uses within agricultural and rural districts other than those for which the district is classified. Any person who desires to use the person's land within an agricultural or rural district other than for an agricultural or rural use, as the case may be, may petition the planning commission of the county within which the

person's land is located for permission to use the person's land in the manner desired. Each county may establish the appropriate fee for processing the special permit petition. Copies of the special permit petition shall be forwarded to the land use commission, the office of planning, and the department of agriculture for their review and comment.

Response: Comments were received from the SLUC, OP, and DOA. Refer to Exhibits

20, 28, and 30.

Section 205-6(c) states:

The county planning commission may, under such protective restrictions as may be deemed necessary, permit the desired use, but only when the use would promote the effectiveness and objectives of this chapter; provided that a use proposed for designated important agricultural lands shall not conflict with any part of this chapter. A decision in favor of the applicant shall require a majority vote of the total membership of the county planning commission.

Response: An application to amend SP 97-390 was reviewed in the context of Section 205-6, HRS, Special Permits. The approximately 22 acres of IAL is part of the approximately 40 acres of land under consideration in the application to amend SP 97-390 and will require approval by the SLUC.

Section 205-41, HRS states:

The intent of Section 205-41, HRS, is "(1) conserving and protecting agricultural lands; (2) promoting diversified agriculture; (3) increasing agricultural self-sufficiency; and (4) assuring the availability of agriculturally suitable lands."

Response: However, the objectives under Chapter 226 the State Planning Act, HRS, §226-15 are to maintain basic public health and sanitation standards relating to treatment and disposal of solid waste and promoting reuse and recycling to reduce solid waste and to employ a conservation ethic. The proposed action, to include solid waste support facilities and measures to reduce the solid waste stream into the landfill, will fulfill these objectives. However, these solid waste objectives are in conflict with agricultural objectives to preserve a small portion of IAL (0.08 percent). With the demise of the sugar plantation, there is an abundance of IAL lands available for diversified agriculture. Many of these once productive lands continue to remain vacant.

§205-43 Important agricultural lands; policies, states:

State and county agricultural policies, tax policies, land use plans, ordinances, and rules shall promote the long-term viability of agricultural use of important agricultural lands and shall be consistent with and implement the following policies:

(1) Promote the retention of important agricultural lands in blocks of contiguous, intact, and functional land units large enough to allow flexibility in agricultural production and management;

- (2) Discourage the fragmentation of important agricultural lands and the conversion of these lands to nonagricultural uses;
- (3) Direct nonagricultural uses and activities from important agricultural lands to other areas and ensure that uses on important agricultural lands are actually agricultural uses;
- (4) Limit physical improvements on important agricultural lands to maintain affordability of these lands for agricultural purposes;
- (5) Provide a basic level of infrastructure and services on important agricultural lands limited to the minimum necessary to support agricultural uses and activities;
- (6) Facilitate the long-term dedication of important agricultural lands for future agricultural use through the use of incentives;
- (7) Facilitate the access of farmers to important agricultural lands for long-term viable agricultural use; and
- (8) Promote the maintenance of essential agricultural infrastructure systems, including irrigation systems.

Response: The contraction of plantation agriculture has changed the economic conditions of the State, and Maui Island in particular, with the closure of HC&S's sugar plantation in 2016. Furthermore, the 2012 purchase of the property by the County of Maui (COM) for future expansion of the CML effectively took the 22 acres of IAL out of plantation agriculture prior to the demise of the plantation.

Since 2009 when the project site was designated as IAL, the State of Hawai'i in 2011 revised Chapter 226, HRS, to include sustainability priority guidelines. The proposed project will enable the COM to implement sustainable measures to reduce the waste stream entering the CML in keeping with the solid waste objectives and sustainability priority guidelines identified in the State Plan. Also, since the 2009 designation as IAL, the COM adopted the MIP which included approximately 19.8 acres of the 22 acres of IAL in the UGB in recognition of the future expansion of the CML.

The COM believes that the benefits to be realized by the public (reliable solid waste services) from the proposed project outweigh the benefits of using the land for agriculture considering the current abundance of agricultural lands available for diversified agriculture.

§205-50, HRS: Standards and Criteria for the Reclassification or Rezoning of Important Agricultural Lands.

Pursuant to Section 205-50(b), HRS, upon acceptance by the County for processing, any application for a special permit involving important agricultural lands shall be referred to the DOA and the OP for review and comment. As noted previously, comment letters were received from DOA and OP. Refer to **Exhibit 20** and **Exhibit 30**.

Pursuant to §205-50(c), HRS, any decision shall consider the following criteria:

1. The relative importance of the land for agricultural based on the stock of similarly suited lands in the area and the State as a whole;

A 2017 Impacts on Agriculture report prepared as part of an EIS for the Department of Land and Natural Resources' Industrial and Business Park at Pūlehunui, Maui assessed the impacts on agricultural resources. According to the report, many of the State's agricultural policies were written before the major contraction of plantation agriculture and assumed that profitable agricultural activities would be available to use all available agricultural lands. The report noted that this has proven to be a questionable assumption in view of the enormity of the contraction of plantation agriculture, the abundant supply of farmland that is now available for diversified agriculture, and the slow growth in the amount of land being used for diversified agriculture.

To reiterate as previously stated, the contraction of plantation agriculture has changed the economic conditions of the State and Maui Island in particular with the closure of HC&S's sugar plantation in 2016. Furthermore, the 2012 purchase of the property by the COM for future expansion of the CML effectively took the 22 acres out of plantation agriculture prior to the demise of the plantation.

Since 2009 when the project site was designated as IAL, the State of Hawai'i in 2011 revised Chapter 226, HRS, to include sustainability priority guidelines. The proposed project will enable the COM to implement sustainable measures to reduce the waste stream entering the CML in keeping with the priority guidelines identified in the State Plan.

The 22 acres of vacant IAL designated lands represent approximately 0.08 percent of the 27,102 acres of IAL on Maui. The demise of sugar cane production on Maui has left an abundant supply of farmland available for diversified agriculture. The removal of the 22 acres for public purposes is expected to have a minimal impact on agriculture.

2. The proposed district boundary amendment or zone change will not harm the productivity or viability of existing agricultural activity in the area, or adversely affect the viability of other agricultural activities or operations that share infrastructure, processing, marketing, or other production-related costs or facilities with the agricultural activities on the land in question;

The application to amend SP 97-390 is to expand the CML which includes approximately 22 acres of IAL. The facility expansion will contain uses ancillary to the CML that are necessary for implementation of the County's ISWMP. The facility expansion area will allow DEM to centralize its operations at the landfill and to construct facilities to reduce the waste stream going into the CML. As a contiguous site to the CML and other industrial-type uses, it is not anticipated to adversely

affect the surrounding uses, including the vacant former sugar cane lands. The surrounding vacant agricultural lands co-existed with the existing CML and HC&D quarry. This relationship is expected to continue with any future agricultural activities and operations. As such, the surrounding agricultural lands are expected to continue to be viable. The 22 acres of IAL do not share infrastructure, processing, marketing, or other production-related costs or facilities with the surrounding vacant agricultural lands.

3. The district boundary amendment or zone change will not cause the fragmentation of or intrusion of nonagricultural uses into largely intact areas of lands identified by the State as important agricultural lands that create residual parcels of a size that would preclude viable agricultural use;

The proposed project is contiguous to other industrial-type uses consisting of the existing CML and HC&D quarry and is not expected to cause the fragmentation of, or intrusion of, nonagricultural uses into largely intact areas of land identified as IAL. The property was obtained by the COM for future expansion of the CML facilities and operations. The UGB for the area in the MIP includes approximately 19.8 acres of the 22 acres of IAL as well as the remaining non-IAL portion of the 40-acre project site recognizing the COM's future intent to expand the CML facility.

4. The public benefit to be derived from the proposed action is justified by a need for additional lands for nonagricultural purposes; and

The proposed project will support the goal of the ISWMP to reduce the amount of solid waste entering into the landfill by 60 percent and to extend the capacity of the landfill until approximately 2042. Except for the Hāna region, the CML is the only facility that accepts solid waste from Maui Island and is a critical infrastructure for the island.

The DEM has chosen to implement waste reduction measures supported by the COM's ISWMP and the sustainability goals of the State of Hawai'i to extend the viability of the existing CML. The proposed action will reduce the waste stream going into the CML and implement the ISWMP and sustainability goals of the State of Hawai'i and will provide a public benefit that justifies the use of IAL.

5. The impact of the proposed district boundary amendment or zone change on the necessity and capacity of state and county agencies to provide and support additional agricultural infrastructure or services in the area.

The CML has constructed independent infrastructure for its facilities and operations. The CML has an independent wastewater system, a well to provide non-potable water to the site with domestic water trucked in; and drainage improvements to handle stormwater runoff from the CML. The proposed facility expansion will connect to these existing services and upgrade these services, as necessary. The proposed project is not expected to adversely impact the ability or capacity of state or county agencies to provide and support additional agricultural infrastructure or services in the area.

Pursuant to §205-50(d), HRS any decision shall be based upon a determination of the following:

1. On balance, the public benefit from the proposed district boundary amendment or zone change outweighs the benefits of retaining the land for agricultural purposes;

As noted previously, the CML is the main landfill facility for most of Maui Island. The proposed uses and expanded land area will extend the life of the CML. At present, there are no known areas within the Central Maui area where a new landfill may be established. The proposed action will reduce the waste stream going into the CML and implement the COM's ISWMP and sustainability goals of the State of Hawai'i which provides a public benefit that outweighs retaining the land for agricultural purposes.

2. The proposed action will have no significant impact upon the viability of agricultural operations on adjacent agricultural lands.

As noted previously, prior to the cessation of the plantation, the 22 acres of IAL were taken out of sugar cane production. Sugar cane cultivation co-existed with the existing CML and HC&D quarry. The landfill and quarry operations were compatible with the then existing agricultural activities. The proposed project is not expected to significantly affect the viability of future agricultural activities or operations on the adjacent former sugar cane lands.

Pursuant to §205-50(e) HRS, the standards and criteria of this section shall be in addition to:

1. The decision-making criteria of section 205-17 governing decisions of the land use commission under this chapter; and

Section 205-17, HRS, pertains to district boundary amendments and zoning changes and is not applicable to the amendment of SP97-390. The decision-making criteria will be in accordance with Chapter 12 and Section 15-15-127 of the SLUC Administrative Rules.

2. The decision-making criteria adopted by each county to govern decisions of county decision-making authorities under this chapter.

As noted previously, the request is for an amendment to SP97-390 and not for a SLUC district boundary amendment (DBA) or COM change in zoning (CIZ). The COM, through the MPC, will conduct a public hearing and transmit the record and recommendation to the SLUC on SP97-390. The SLUC will be the decision-making authority on the proposed amendment to SP97-390.

According to Section 205-50(f), HRS, any decision of the SLUC and any decision of any County on a land use DBA or CIZ involving IAL shall be approved by the body

responsible for the decision by a two-thirds vote of the membership to which the body is entitled. Also, Section 205-50(g) outlines the County's decision-making actions on DBAs and CIZs.

As discussed above, the DEM is not seeking a DBA or CIZ and has applied for an amendment to SP97-390 in order to implement the proposed project to reduce waste streams entering the Central Maui Landfill. The facilities proposed are, therefore, considered to be long term and the DEM does not anticipate the land returning to agricultural cultivation that would necessitate a remediation plan.

Chapter 15, Hawaii Administrative Rules (HAR)

Pursuant to Section 15-15-127(c), HAR (LUC Rules), any decision involving IAL designated lands shall specifically consider, and find a preponderance of the evidence, that:

(1) The land to be reclassified is not critical for agriculture based on the amount of similarly suited lands in the area and the State as a whole;

Response: Although a portion of the project site is designated as IAL, it is not critical for agriculture, based on the amount of similarly designated lands in the area and the State as a whole. The IAL designated lands portion of the project site represents approximately 22 acres of the 27,102 acres of IAL designated lands on Maui, or approximately 0.08 percent of the total IAL designated lands. The proposed project will not curtail future agricultural use of the surrounding lands as has been demonstrated by the compatibility of the existing CML operations with agriculture since its establishment in 1987.

(2) The proposed district boundary amendment or zone change will not harm the productivity or viability of existing agricultural activity in the area, or adversely affect the viability of other agricultural activities or operations that share infrastructure, processing, marketing, or other production-related costs or facilities with the agricultural activities on the land in question:

Response: Prior to the cessation of the plantation, sugar cane cultivation co-existed with the existing CML and HC&D quarry. The landfill and quarry operations were compatible with the then existing agricultural activities and did not affect the viability of agricultural activities or operations. The CML does not share infrastructure, related costs, or facilities with the surrounding agricultural lands. The CML has its own infrastructure to provide access, drainage, water and sewers, and is not dependent on the surrounding agricultural and nonagricultural uses.

(3) The district boundary amendment or zone change will not cause the fragmentation of or intrusion of nonagricultural uses into largely intact areas of lands identified by the State as important agricultural lands that create residual parcels of a size that would preclude viable agricultural use;

Response: The amendment to SP 97-390 is for approximately 40 acres of County-owned land that is contiguous to the existing CML, Pūlehu Road, and the HC&D quarry and is not expected to fragment or intrude into the surrounding agricultural land or preclude the viability of agricultural uses that may be established on the currently vacant lands. The

property was obtained by the COM for future expansion of the CML facilities and operations. The UGB for the area in the MIP includes approximately 20 acres of the 22 acres of IAL as well as the remaining non-IAL portion of the approximate 40-acre project site recognizing the COM's future intent to expand the CML facility.

(4) The public benefit to be derived from the proposed action is justified by a need for additional lands for nonagricultural purposes;

Response: The proposed project will support the goal of the ISWMP to reduce the amount of solid waste into the landfill by 60 percent and to extend the capacity of the landfill. Except for Hāna, the CML is the only facility that accepts solid waste from Maui Island and is a critical infrastructure for the island.

The COM has had a long standing relationship with the adjacent HC&D quarry operations in which, once an adjacent quarry operation ceases in an area, it provides an ideal area for the conversion of the quarry to landfill purposes, which has been beneficial for the COM. There are no known areas within the heavily populated Central Maui area where a new landfill may be established. The COM has implemented waste reduction measures in accordance with its ISWMP and sustainability goals of the State of Hawai'i to extend the life of the CML facility. As such, implementation of the proposed project to extend the useful life of the CML facility will provide a public benefit that justifies the use of IAL.

(5) The proposed district boundary amendment or zone change will not negatively impact the ability or capacity of state and county agencies to provide and support additional agricultural infrastructure or services in the area;

Response: The CML facility has constructed independent infrastructure for its facilities and operations. The CML facility has an independent wastewater system, a well to provide non-potable water to the site with domestic water trucked in; and drainage improvements to handle stormwater runoff from the CML facility. The proposed project will connect to these existing services and upgrade these services, as necessary. The proposed project is not expected to negatively impact the ability or capacity of state and county agencies to provide and support additional agricultural infrastructure or services in the area.

(6) The public benefit from the proposed district boundary amendment or zone change outweighs the benefits of retaining the land for agricultural purposes;

Response: As noted previously, the CML is the main landfill facility for most of Maui Island. The proposed uses and expanded land area will reduce the waste stream going into the CML. At present, there are no known areas within the Central Maui area where a new landfill may be established. The public benefit of keeping the existing landfill viable outweighs the benefits of retaining the land for agricultural purposes.

(7) The proposed action will have no significant impact upon the viability of agricultural operations on adjacent agricultural lands;

Response: As noted previously, prior to the closure of HC&S operations in 2016, sugar cane cultivation co-existed with the existing CML and HC&D quarry. The landfill and quarry operations were compatible with the then existing agricultural activities. The proposed

project is not expected to significantly affect the viability of future agricultural activities or operations that may occur on the adjacent former sugar cane lands.

(8) The decision-making criteria of subchapter 8 governing decisions of the land use commission on district boundary amendments have been met; and

Response: The request is for an amendment to Special Permit No. SP 97-390 and not for a SLUC district boundary amendment. As such, Special Permit No. SP 97-390 has not been evaluated pursuant to decision-making criteria of subchapter 8 of the SLUC Administrative Rules. The decision-making criteria will be in accordance with Subchapter 12 and Section 15-15-107 of the SLUC Administrative Rules.

(9) The decision-making criteria adopted by each county to govern decisions of county decision-making authorities under this chapter have been met.

Response: As noted previously, the request is for an amendment to SP 97-390 and not for a SLUC district boundary amendment or COM change of zoning. The COM, through the MPC, will hold a hearing and then will transmit the record and recommendation to the SLUC on SP 97-390. The SLUC will be the final decision-making authority regarding the proposed amendment to SP 97-390.

COUNTYWIDE POLICY PLAN

The proposed Central Maui Landfill Facilities project is in keeping with the following Countywide Policy Plan goals, objectives and policies:

Improve Physical Infrastructure

GOAL:

Maui County's physical infrastructure will be maintained in optimum condition and will provide for and effectively serve the needs of the County through clean and sustainable technologies.

Objective:

Improve waste-disposal practices and systems to be efficient, safe, and as environmentally sound as possible.

Policies:

- Provide sustainable waste-disposal systems and comprehensive, convenient recycling programs to reduce the flow of waste into landfills
- Support innovative and alternative practices in recycling solid waste and wastewater and disposing hazardous waste.
- Pursue improvements and upgrades to existing wastewater and solid-waste systems consistent with current and future plans and the County's Capital Improvement Program.

Implementing Action: Establish recycling, trash-separation, and materials recovery programs and facilities to reduce the flow of waste into landfills.

MAUI ISLAND PLAN

The majority of the project area consisting of approximately 38 acres is located within the Maui Island Plan (MIP) Urban Growth Boundary (UGB). A summary of the policy statements consistent with the MIP are provided below:

INFRASTRUCTURE AND PUBLIC FACILITIES

Solid Waste

According to the MIP, "most of the island's waste goes to the Central Maui Landfill. If nothing is done to divert waste from this landfill through increased recycling and WasteTEC (waste to energy), the landfill capacity will be reached by 2026. Efforts to increase diversion as recommended by the ISWMP could increase landfill capacity until 2042".

GOAL: Maui will have implemented the ISWMP thereby diverting waste from its

landfills, extending their capacities.

Objective: Meet our future solid waste needs with a more comprehensive planning and

management strategy.

Policy: Divert waste from the landfills and educate the public about the

recommendations of the ISWMP.

<u>Implementing Action</u>: Implement the ISWMP through programs/improvements/upgrades of the solid waste management system and the Capital Improvement Project (CIP) budget in a timely manner.

Objective: Divert at least 60 percent of solid waste from the island's landfills.

Policies:

- Encourage environmentally safe waste-to-energy solutions.
- Facilitate the reduction of solid waste generated by packaging, food service products, construction waste, etc.

Implementing Action:

Develop regulations, programs, funding opportunities, and/or incentives to:

- (1) Increase recycling of used appliances/furniture/ electrical/components/clothing/other household items and recyclable materials:
- (2) Increase the number of composting centers;
- (3) Reduce solid wastes generated by packaging, food service products, home construction waste, etc.:
- (4) Construction materials recovery facilities (MRFs) including a facility in Central Maui, in accordance with the ISWMP, and investigate a cost-recovery fee to meet funding needs; and

(5) Discourage slow degradable materials, e.g., Styrofoam

DIRECTED GROWTH PLAN

The MIP establishes a managed and directed growth plan to accommodate population and employment growth in a manner that is fiscally prudent, safeguards the island's natural and cultural resources, enhances the built environment, and preserves land use opportunities for future generations. The Directed Growth Plan provides the framework for future community plan and zoning changes and guides the development of the County's short-term and long-term capital improvement plan budgets.

The Directed Growth Plan includes the UGB, Rural Growth Boundary (RGB), and Small Town Boundary (STB). As noted previously, a majority of the approximate 40-acre project site is within the UGB. The UGB plan not only includes the areas within which future urbandensity development requiring a full range of services, such as new multi-user sewer and water should go, but also where public infrastructure and services should be planned. The Directed Growth Plan identifies the majority of the project site within the UGB as appropriate for the new facilities at the landfill in order to accommodate future solid waste needs of Maui's population. Further, the Directed Growth Plan recognizes that there may be certain land uses that may have unique impacts or requirements that would allow them to occur outside of the growth boundaries.

Exceptions to Development Outside of Growth Boundaries

During the life of the MIP, there will be a need for certain land uses that may have unique impacts or requirements due to the nature of the use, and would be more appropriately located outside of identified growth boundaries. These land uses may include heavy industrial operations, such as but not limited to, infrastructure facilities, baseyards, quarries, transfer stations, landfills, and uses generating noise or odor that are undesirable for an urban environment.

WAILUKU-KAHULUI COMMUNITY PLAN

According to the Wailuku-Kahului Community Plan the property is designated Agriculture. The proposed project is in keeping with the following goals, objectives and policies:

Objectives and Policies:

- As part of a county-wide solid waste management study, address the needs of the planning region for disposal and transfer sites with more convenience to residential areas. The collection system and location of disposal sites need to be improved to better serve residential areas.
- Reduce the disposal of solid waste in landfills through reducing the amount of material for disposal at the source (i.e. home composting of lawn or tree trimmings), reuse and recycling programs, bioconversion (i.e. composting) and the provision of convenient dropoff facilities.

COUNTY ZONING

The project area is zoned "Agricultural" District. The amendment to the "Agricultural" District in 1998 by Ordinance 2749 identifies landfills as a special use. Since 1998, expansion of the landfill facilities and operations greater than 15 acres required a County Special Use Permit. The MPC, on October 28, 2008, granted CUP 2008/0003 for inclusion of approximately 70.5 acres to the CML. The CUP is valid until October 31, 2028. The proposed project requires an amendment to CUP 2008/0003 to include the approximately 40-acre project area and uses.

The application also requests deletion of TMK (2) 3-8-003:020 (Parcel 20) from the area approved by CUP 2008/0003. Upon approval by the MPC, the total area of CUP 2008/0003 will be approximately 96 acres.

Pursuant to Title 19, Section 19.510.070(b) the criteria for a County Special Use Permit. shall be reviewed by the appropriate planning commission and, after a public hearing, may approve a request for a special use if the commission finds that each of the following criteria have been met:

a. The proposed request meets the intent of the general plan and the objectives and policies of the applicable community plan of the county;

Response:

The proposed project meets the infrastructure goals, objectives and policies of the Countywide Policy Plan, MIP, and Wailuku-Kahului Community Plan. Further, a majority of the project area is located within the UGB of the Directed Growth Map recognizing the future need to expand the landfill facilities and operations.

b. The proposed request is consistent with the applicable community plan land use map of the county;

Response:

Although the Wailuku-Kahului Community Plan designates the project area as Agriculture, it was adopted in 2002 prior to adoption of the MIP and Directed Growth Map in 2012 that identifies the project area for future urban growth recognizing the need to expand the landfill facilities and operations to accommodate future population growth.

c. The proposed request meets the intent and purpose of the applicable district;

Response:

In accordance with Section 19.30A.060, MCC, Special Uses, landfills are identified as a special use in the "Agricultural" District. CUP 2008/0003 was granted by the MPC in 2008 and is valid until October 31, 2028. The Applicant is requesting an amendment to include an additional approximately 40-acre site and removal of TMK (2) 3-8-003:020 (por.) from the permit.

d. The proposed development will not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal, drainage, roadway and transportation systems, or other public requirements, conveniences, and improvements:

Response:

As analyzed in the Infrastructure and Public Facilities Section of this report, the proposed development will not adversely affect or interfere with public or private schools, parks, playgrounds, water systems, sewage and solid waste disposal. In fact the proposed development will improve solid waste disposal by providing facilities to meet the sustainability goals of the State and County, implement the County's ISWMP in order to meet the needs of future population growth.

- e. The proposed development will not adversely impact the social, cultural, economic, environmental, and ecological character and quality of the area;
 - **Response:** As addressed in this report, the proposed development will not adversely impact the social, cultural, economic, environmental, and ecological character and quality of the area.
- f. That the public shall be protected from the deleterious effects of the proposed use;
 - **Response:** Continued compliance with conditions of approval of CUP 2008/0003 along with compliance reports will protect the public from potentially deleterious effects of the proposed development.
- g. That the need for public service demands created by the proposed use shall be fulfilled; and
 - **Response:** The need for public service demands will be met through expansion of the existing independent services at the existing landfill.
- h. If the use is located in the state agricultural and rural district, the commission shall review whether the use complies with the guidelines established in section 15-15-95 of the rules of the land use commission of the State.
 - Response:

As noted under the State Land Use Special Permit Section of this report, the proposed uses have been reviewed and complies with the guidelines in Section 15-15-95 of the administrative rules of the State Land Use Commission.

AGRICULTURE

A portion of the project site is designated as IAL pursuant to Chapter 205-12, HRS. As required, pursuant to Section 15-15-127 of the SLUC Rules, both the State of Hawai'i OP and State of Hawai'i DOA were informed by letters dated April 28, 2016 and April 29, 2016, respectively, that a portion of the project site is designated as IAL and requested comments and recommendation. Comments were received from both agencies and are addressed in the Land Use Section of this report. Refer to Exhibit 20 and Exhibit 30.

Although a portion of the project site is designated as IAL, it is not critical for agriculture, based on the amount of similarly designated land in the area and the State as a whole. The IAL designated lands portion of the project site represents approximately 22 acres of the 27,102 acres of IAL

designated lands on Maui or approximately 0.08 percent of the total IAL designated lands. The proposed project will not curtail future agricultural use of the surrounding lands as has been demonstrated by the compatibility of the existing CML operations with agriculture since its establishment in 1987.

In 2016, HC&S ended its sugar cane operations on Maui and Mahi Pono is in the process of transitioning to a diversified agricultural model for the lands formerly cultivated by HC&S. Inasmuch as the lands surrounding the project site are designated as IAL, the surrounding area is anticipated to be transitioned to diversified agriculture use. Furthermore, approximately 19.8 of the 22 acres of IAL in the project area is located within the UGB of the MIP.

The MIP is a component of the Maui County General Plan. The UGB indicates areas of future urban density development. In summary, the proposed project is not expected to adversely impact future diversified agriculture activities that may occur on lands to the north, west, and south since the CML has co-existed with agricultural activities in the vicinity for decades.

ARCHAEOLOGICAL, HISTORIC AND CULTURAL RESOURCES

The archaeological inventory survey for the project area did not find any historic properties. The Department of Land and Natural Resources, State Historic Preservation Division (DLNR-SHPD) reviewed the application and determined no significant historic properties will be affected and no archaeological monitoring is required. Refer to **Exhibit 24**.

INFRASTRUCTURE AND PUBLIC FACILITIES AND SERVICES

1. Water – The Department of Water Supply (DWS) commented there is no County water service to the project area; however, there is an onsite production well at the project site that supplies water to tanker trucks for use in dust control at the CML.

There is an existing 100,000 gallon water tank at the CML that provides domestic water to the administration building, breakroom trailer, scale house bathroom, as well as fire protection purposes. Water is hauled to the site from an offsite source.

DEM proposes to interconnect the existing tank and the existing onsite well (State Well No. 5125-07) in order to eliminate the need to truck water. The onsite well is capable of supplying up to 145,000 gallons per day (gpd). The well has the capacity to provide for the average daily water demand for the existing CML of approximately 21,500 gpd. The remaining capacity from the well is approximately 123,500 gpd and will be able to accommodate the proposed expansion facilities. Based on the DWS water system standards (2002), the Preliminary Engineering Report (PER) estimates that the improvements will require approximately 117,000 gpd, which will result in an average total domestic daily water demand of approximately 138,500 gpd, which is within the capacity of the existing onsite well (145,000 gpd). This average daily demand translates into a peak daily domestic demand of 176,000 gpd. The increase in water demand is predicated on a full built-out of all facilities with fire protection and uses DWS system standards for domestic flow and light industrial land use area. The bulk of this predicted water use increase is based upon use of the standard of 6,000 gallons per acre per day which for a 19.1 acre project site increase equates to 115,000 gallons per day. DWS comments estimated,

based on their standards, that the total water demand is 123,000 gpd which can be accommodated by the excess capacity from the existing onsite well. Refer to Exhibit 18.

On a weekly basis, well production capacity of 145,000 gpd equates to 1,015,000 gallons/week. The CML operates six days/week (Monday through Saturday). Therefore, the average weekly water use will be approximately 831,000 gallons (six days x 138,500 gpd). On a weekly basis, the well production capacity will exceed projected water use by approximately 184,000 gallons.

The PER estimated the total fire flow requirement for the CML is approximately 270,000 gpd. The total water demand (maximum daily demand and fire flow) is approximately 446,000 gpd.

To accommodate the estimated water needs for the CML facilities the required reservoir (tank) capacity (100 percent full) is 595,000 gallons. As such, the required water tank will have a capacity of 0.6 million gallons. A new 0.6 million gallon water tank will be located adjacent to and connected to a pump from the existing well (State Well No. 5125-07) which will provide adequate pressure for domestic use and fire flow. A distribution network consisting of eight-inch main lines, six-inch fire hydrant laterals, and two-inch laterals to the structures is planned for the proposed project.

The DWS also recommended their standard Best Management Practices and indoor and outdoor conservation measures. Refer to **Exhibit 18**.

Sewers -- The administration building, breakroom trailer and scale house is currently serviced by an individual wastewater system (IWS) consisting of a septic tank and leach field. The proposed facilities will also be serviced by new IWS units in accordance with DOH standards located at least 1,000 feet from the domestic water well and at least 50 feet from any surface body of water that includes the two reservoirs one mile north of the project site.

The septic system for the office, consisting of a septic tank, distributor box, and leach field, will be sized to accommodate the Household Hazardous Waste and Electronic Waste Collection and Storage Area and the Metal Processing Area structures. This septic system will be offset at least 50 feet from the new infiltration Basin "A".

Further, the refuse collection office, truck parking, and maintenance area will also be served by an IWS consisting of a septic tank, distributor box, and leach field and offset a minimum of 50 feet from the new infiltration Basin "B" located to the east of the area.

Each IWS will utilize the largest septic tank size permitted, 1,250 gallons, to accommodate the estimated load of 1,100 gpd. Based on the percolation rate observed at the CML, the leach field for each IWS will be at least 1,913 square feet with dimensions of 65 feet by 30 feet.

3. Drainage -- The subject property is located in Zone X, an area of minimal flooding, as indicated by the Flood Insurance Rate Map, which defines areas of the 100-year flood with base flood elevations and flood hazard factors. There are no drainage improvements on the project area and the existing runoff is estimated as 46.7 cubic feet per second (cfs).

Under developed conditions runoff is estimated as 130.7 cfs, an increase of 84 cfs.

Runoff is proposed to be collected in the perimeter asphalt concrete (AC) road drainage ditches with adjacent AC berms and discharged into two proposed infiltration basins (Basin "A" and "B") with a net capacity of 26,600 cubic yards. Stormwater collected in the basins will discharge primarily by infiltration through the fractured bedrock in which these basins are constructed.

Within the west drainage area, the project area next to Pūlehu Road is graded to drain towards the north/northeast to the AC drainage ditch and berm adjacent to the internal access road next to the property line of the project site. The AC drainage ditch will collect surface runoff and flow northeast to an open top concrete culvert crossing under the access road and discharge into infiltration Basin "A". The concrete culvert will have a traffic-rated cattle crossing-style grate, matching the adjacent road grade, which will bridge over the open top culvert. Infiltration Basin "A" will include an emergency spillway approximately 400 feet long along the north side in case design peak flows are exceeded. A rip rap revetment will provide erosion control over the outer slope of its emergency spillway.

Within the north drainage area, the project area abutting the northern property line of the CML is graded to the northeast. Stormwater will sheet flow over the surfaced operational areas to the graded inlet of infiltration Basin "B". Drainage features, such as curbs and contoured pavement, will be added to this area during final design of the roads and paved operational areas to further guide stormwater flow to the basin inlet. Infiltration Basin "B" is proposed to be connected to the adjacent existing 11,000 cy CML Phase IV stormwater basin. If design capacity is exceeded in the event of a major storm, overflow of the combined basin will be conveyed into the adjacent Kalialinui Gulch from the existing Phase IV basin spillway.

In addition to the project infiltration basins being sized to hold and infiltrate 100 percent of the stormwater runoff generated by the proposed project, the completed project will incorporate structural and operational BMPs designed to minimize impacts to stormwater quality resulting from the project's activities.

Structural BMPs will include covered or enclosed areas for activities with high potential to impact stormwater to prevent their exposure to rainfall. The metals processing area, refuse maintenance building, household hazardous waste and electronic waste collection and storage area, and, warehouse are all covered or enclosed areas providing shelter for activities that could otherwise adversely impact stormwater. Storage of vehicle fluids, solvents, fuels, etc. will occur under covered areas. If outdoor storage is necessary, these areas will be equipped with the applicable secondary containment to prevent runoff. Additional BMPs will include diversion berms and swales to direct runoff around and away from steeply sloped areas and areas with activities that could contribute to stormwater degradation.

Operational practices and procedures are prescribed methods of executing work to minimize pollutant exposure to stormwater. Examples include a policy that vehicle fluid changes and maintenance activities involving fluids will only be conducted inside the covered maintenance area, or scrap vehicles leaking fluids (when delivered to the metals processing area) will only be stored under the canopy and not outdoors. In the case of the

construction and demolition material recovery area, accumulation of fine-grain soils will be minimized to reduce the potential for stockpile erosion and runoff with high suspended solids.

Good housekeeping will include practices and procedures that maintain the project facilities and areas in a neat and orderly fashion and prevent exposure of pollutants to stormwater. Regular use of a street sweeper on paved areas will minimize build-up of dirt and oils on the road that would otherwise impact stormwater. Regular cleaning and upkeep of the exposed operational areas will also be implemented. Finally, regular inspections and observations of project areas will ensure structural BMPs are maintained in good working order.

During construction, appropriate BMPs will be implemented to minimize impacts to stormwater from erosion. BMPs such as frequent watering of exposed surfaces and measures to contain silt plumes, such as silt curtains around the construction zone, will be implemented to mitigate potential adverse water quality impacts.

4. Transportation Facilities -- Access to the CML is provided from the north side of Pūlehu Road. The transportation network to the project site includes Pūlehu Road, Hansen Road, Hāna Highway, Maui Veterans Highway, and Ho okele Street in the Kahului Industrial Subdivision.

Access to the project site will be from a new driveway from Pūlehu Road, which is a County roadway. The Traffic Impact Analysis Report (TIAR) prepared for the proposed project indicated the new driveway access at Pūlehu Road would operate at Level of Service (LOS) "A" in the morning and LOS "B" in the afternoon.

Regional analysis of the impacts from the proposed project included four intersections; (1) Pūlehu Road/Hoʻokele Street, (2) Hoʻokele Street/Hāna Highway, (3) Pūlehu Road/Hansen Road and (4) Maui Veterans Highway/Hansen Road. According to the TIAR, three of the intersections would operate at acceptable LOS, while the Pūlehu Road/Hansen Road intersection would experience traffic delays. Further, these undesirable traffic delays will continue whether the project is implemented or not.

The TIAR describes the following potential mitigative strategies for the project:

- At the Pūlehu Road/Ho'okele Street intersection, restriping of the northbound and southbound approaches to include separate left-turn and shared through/right-turn lanes on each approach. Since the preparation of the TIAR, a traffic signal has been installed with other roadway improvements adjacent to the Safeway development thereby mitigating traffic at this intersection.
- At the Pūlehu Road/Hansen Road intersection, the project according to the TIAR would comprise a maximum of 4% of the total peak hour traffic at this intersection. Potential mitigative measures might include the installation of an all-way stop control or traffic signal to provide operations that will be equal to or better than preproject levels. Although an all-way stop control would improve vehicle delays experienced at this location, the AM peak hour of operation for the overall intersection would continue to be at LOS F. A traffic signal would improve vehicle

delays to LOS D operations under 2020 project conditions assuming existing lane configurations are maintained. It should be noted that roadway improvements when warranted are proposed by the Department of Public Works through the County of Maui's Capital Improvement Program after review of updated traffic impact reports. It is understood that funding has been requested in the Fiscal Year 2021 Capital Improvement Budget to study this intersection in order to come up with the best course of action.

The State Department of Transportation commented that the landfill expansion is not anticipated to have any significant impacts to State highways in the area. Refer to **Exhibit 26**.

- Parks As the proposed project is limited to the development of support facilities for the CML, significant adverse impacts on recreational facilities in the Kahului region is not anticipated.
- 6. Schools -- The proposed project supports the solid waste operations of the CML and does not place additional demand upon educational facilities in the Kahului region.
- 7. Solid Waste -- The proposed project will implement objectives of the ISWMP at the CML. The project will include solid waste management facilities to implement DEM's goal to reduce the stream of solid waste into the landfill in order to extend its capacity.
- 8. Public Services -- The only major medical facility on the island is Maui Memorial Medical Center, which is located in Kahului, about seven miles northwest of the project area. The 231-bed licensed facility provides general, acute, and emergency care services. Clinics and offices throughout the Kahului area offer medical services on a lesser scale.

The project site is within the Maui Police Department's (MPD) service area, the headquarters for which are located in Wailuku. The MPD consists of several patrol, investigative, and administrative divisions.

The Maui County Department of Fire and Public Safety provides fire prevention, suppression, protection, and emergency services to the islands of Maui, Lāna'i, and Moloka'i from 14 fire stations and a fire prevention office. The project site is served by the Kahului Fire Station located on Dairy Road.

Comments from the Department of Fire and Public Safety included concerns relating to fire apparatus access, water supply for fire protection, fire flow requirements and right to comment further during the building permit review process. Refer to **Exhibit 12**.

There are no Civil Defense warning sirens at the CML. During a Civil Defense emergency, communication is maintained between the CML and DEM's main office in Wailuku, as well as the County of Maui Emergency Management Office by telephone (land line and cell phone), email correspondence, radio, and news releases on radio. Should an emergency occur either at the landfill or externally, these communication channels will be utilized to inform employees and users of the emergency.

No adverse impacts on emergency, police, fire, and medical services are anticipated.

SOCIO-ECONOMIC IMPACTS

The proposed project, itself, will not generate new population growth. During the construction period, the proposed project will benefit the local economy by providing construction-related jobs. The new facilities, once in operation, will generate additional employment opportunities at the CML.

ENVIRONMENTAL IMPACTS

There are no federally listed endangered or threatened species on the project site. The U.S. Fish and Wildlife Service (USFWS) commented on the proposed project. Refer to **Exhibit 32**. According to the USFWS there are five possible listed species within the vicinity of the project area: federally endangered Hawaiian hoary bat, Blackburn's sphinx moth, Hawaiian Stilt, Hawaiian Coot, and Hawaiian Goose. To minimize impacts on these listed species, the USFWS recommends the following:

Hawaiian hoary bat: Woody plants greater than 15 feet tall should not be removed or trimmed during the Hawaiian hoary bat breeding season (June 1 to September 15). Additionally, barbed wire should not be used for fencing as part of the proposed action.

Blackburn's sphinx moth: A qualified biologist should survey areas of proposed construction activities for Blackburn's sphinx moth and its host plants prior to initiation during the wettest portion of the year (usually November to April or several weeks after a significant rain) and immediately prior to construction. Any host plants with eggs, larvae and signs of larvae feeding should not be cut or disturbed.

Hawaiian waterbirds and Hawaiian goose: To minimize adverse impacts such as predation and reduced reproductive success, the project should occur outside of the Hawaiian stilt breeding season (February through August). If the breeding period cannot be avoided, consultation with USFWS is recommended to develop measures to avoid impacts to listed species.

The State Department of Transportation also commented that the proposed expansion is located within two miles of the Air Operations Area of the Kahului Airport. Further, "Hazardous Attractants on or Near Airports" require a minimum distance of five miles. The improvements will not be expanding the active open landfill area, which is an attractant to wildlife. Best management practices will continue to be utilized at the landfill, as needed, to mitigate potential wildlife hazards. Refer to Exhibit 26 and Exhibit 27.

The expansion area will include two drainage basins that have the potential to attract hazardous wildlife to airport operations. During most rain events, the existing Phase IV basin does not hold water for extended periods and is typically dry within a few days after rain events. After major rain events, the existing basin may retain water for up to two weeks. Throughout its operation, the Phase IV basin has not been shown to be an attractant to wildlife regardless of the presence of water. Birds have not been observed with any regularity in the basin during wet or dry periods. The project's basins are expected to function similarly to the existing basin with the basins being dry the majority of the time and only holding water for short periods after major rain events and will not be a wildlife attractant. Refer to Exhibit 27.

There will be short-term noise, air, and water quality impacts during the construction and operational phases of the project. Best management practices, such as dust fencing and use of sound attenuating construction equipment, to control air and noise pollution and erosion will be incorporated into the project in accordance with Federal, State and County standards. Also, as appropriate, Noise and National Pollutant Discharge Elimination System (NPDES) permits shall be obtained from the Department of Health.

Any waste generated by the project will be disposed of at the Central Maui Landfill facility permitted by the Department of Health.

OTHER GOVERNMENTAL APPROVALS

Pursuant to HRS 343, the Final Environmental Assessment was accepted and published in the August 8, 2019, Environmental Notice.

Building and grading permits will be required by the Department of Public Works. Refer to **Exhibit** 16.

A Noise Permit and National Pollutant Discharge Elimination System (NPDES) permit may be required by the Department of Health. Refer to **Exhibit 22.**

TESTIMONY

Comments received from the public during the Environmental Assessment process were reviewed and responded to by the DEM. Refer to **Exhibits 38, 39, 40, 41, 42**, and **43**. As of November 25, 2019, the Planning Department has received no testimony regarding this application as a result of the Notice of Public Hearing for the permits.

ALTERNATIVES

- 1. Deferral. The Commission may defer action to another meeting date in order to obtain additional information that will assist in their deliberation on the requests.
- 2. Approve State Special Permit and recommend approval of the State Special Permit to the State Land Use Commission and approve the County Special Use Permit with no conditions.
- 3. Approve State Special Permit and recommend approval of the State Special Permit to the State Land Use Commission and approve the County Special Use Permit with conditions.
- 4. Denial. The Commission may take action to deny the State Special Permit and deny the County Special Use Permit.

<u>CONCLUSIONS OF LAW</u>

STATE LAND USE COMMISSION SPECIAL PERMIT:

The application complies with the following applicable standards for a State Special Use Permit:

- 1. The use is not contrary to the objectives sought to be accomplished by chapters 205 and 205A, HRS, and the rules of the commission;
- 2. The proposed use would not adversely affect surrounding property;
- 3. The proposed use would not unreasonably burden public agencies to provide roads and streets, sewers, water drainage and school improvements, and police and fire protection;
- 4. Unusual conditions, trends, and needs have arisen since the district boundaries and rules were established; and,
- 5. Although the land upon which the proposed use is sought is suited for the uses permitted within the district, the proposed project will provide the Department of Environmental Management with a location that allows development and expansion of its existing landfill operations to meet current objectives and accommodate future population growth. Further, the Maui Island Plan includes the majority of the project area in the Urban Growth Boundary recognizing the future need for expansion of the landfill operations.

IMPORTANT AGRICULTURAL LANDS

The application addresses the following applicable criteria relating to Important Agricultural Lands:

Section 205-50(c), HRS

- (1) The relative importance of the land for agriculture based on the stock of similarly suited lands in the area and the State as a whole;
- (2) The proposed district boundary amendment or zone change will not harm the productivity or viability of existing agricultural activity in the area, or adversely affect the viability of other agricultural activities or operations that share infrastructure, processing, marketing, or other production-related costs or facilities with the agricultural activities on the land in question;
- (3) The district boundary amendment or zone change will not cause the fragmentation of or intrusion of nonagricultural uses into largely intact areas of lands identified by the State as important agricultural lands that create residual parcels of a size that would preclude viable agricultural use:
- (4) The public benefit to be derived from the proposed action is justified by a need for additional lands for nonagricultural purposes; and
- (5) The impact of the proposed district boundary amendment or zone change on the necessity and capacity of state and county agencies to provide and support additional agricultural infrastructure or services in the area.

Section 205-50(d), HRS

(1) On balance, the public benefit from the proposed district boundary amendment or zone change outweighs the benefits of retaining the land for agricultural purposes;

(2) The proposed action will have no significant impact upon the viability of agricultural operations on adjacent agricultural lands.

COUNTY SPECIAL USE PERMIT:

The application complies with the following applicable standards for a County Special Use Permit:

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

RECOMMENDATION

(Note: The conditions of previous actions of the State Land Use Commission and Maui Planning Commission have been consolidated in this recommendation, amended and new conditions added. Deleted sections are bracketed and new sections are bolded and underlined)

STATE LAND USE COMMISSION SPECIAL PERMIT NO. SP 97-390

The Department recommends that the Maui Planning Commission approve Special Permit SP No. 97-390 and recommend to the State Land Use Commission approval of the amendment to Special Permit No. SP 97-390 consisting of the time extension, inclusion of the new uses, and addition of the approximately 40-acre project area and deletion of TMK (2) 3-8-003:020 (por.) from the permit with a new permit area of approximately 96 acres, subject to the following existing and amended conditions:

1. That the State Land Use Commission Special Permit shall be valid until [October 31, 2018] October 31, 2028, subject to further time extensions by the Land Use

Commission upon a timely request for extension filed at least one-hundred twenty (120) days prior to its expiration. The appropriate Commission shall make a recommendation to the Land Use Commission and may require a public hearing on the time extension.

- 2. That the conditions of this State Land Use Commission Special Use Permit shall be enforced pursuant to Sections 205-12 and 205-13, Hawai'i Revised Statutes. Failure to comply with one or more of the conditions herein shall result in a notice of violation issued by the appropriate enforcement agency, notifying the permit holder of the violation and providing the permit holder no more than sixty (60) days to cure the violation. If the permit holder fails to cure the violation within sixty (60) days of said notice, the appropriate enforcement agency shall issue an order which may require one or more of the following: that the violative activity cease; that the violative development be removed; that a civil fine be paid not to exceed ONE THOUSAND AND NO/100 DOLLARS (\$1,000.00) per violation; that a civil fine not to exceed FIVE THOUSAND AND N0/100 DOLLARS (\$5,000.00) shall be issued if violation not cured within six 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 Planning Department within said thirty (30) days. Upon receipt of a request for a hearing, the Planning Department shall specify a time and place for the permit holder to appear and be heard. The hearing shall be conducted by the Planning Director or the Director's designee in accordance with the provisions of Chapter 91, HRS, as amended.
- 3. That the subject State Land Use Commission Special Use Permit shall not be transferred without the prior written approval of the Land Use Commission. The appropriate Planning Commission shall make a recommendation to the 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 full compliance with all applicable governmental requirements shall be rendered.
- 5. That the Applicant shall develop the Property in substantial compliance with the representations made to the Land Use Commission in obtaining the State Land Use Commission Special [Use] Permit. Failure to so develop the Property may result in the revocation of the permit.
- [6.] [That the Applicant shall begin construction of the landfill expansion within 12 months from issuance of the Land Use Commission's decision and order dated May 13, 2002. Construction shall include any improvements necessary to the operation of the landfill pursuant to all applicable laws and regulations.] (Note: Phase IV of the Central Maui Landfill fulfilled this condition.)
- [7.]6. That the Applicant shall take appropriate mitigative measures to minimize erosion, and prevent cement products, oil, fuel, and other toxic substances associated with the use of heavy machinery from spilling or leaching into the ground.

- [8.]7. That the Applicant shall comply with Department of Health Ambient Air Quality Standards, Hawai'i Administrative Rules, Title 11, Chapter 59 and Air Pollution Control, HAR 11-60.
- [9.]8. That the Applicant shall comply with the EPA's New Source Performance Standards.
- [10.]9. That the Applicant shall immediately stop work and contact the State Historic Preservation Division, Department of Land and Natural Resources should any previously unidentified archaeological resources such as artifacts, shell, bone, charcoal deposits, human burial, rock or coral alignments, pavings or wall be encountered during development of the Special [Use] Permit area.
- [11.]10. That provisions shall be enacted to ensure emergency access to the sanitary landfill in case of fire or any other disaster.
- [12.]11. That the Applicant shall timely provide without any prior notice, annual reports to the Land Use Commission and the County of Maui Planning Department in connection with the status of the subject project and Applicant's progress in complying with the conditions imposed herein. The annual report shall also include the capacity remaining in the landfill at the time of submission of the annual report. The annual report shall be submitted in a form prescribed by the Executive Officer of the Land Use Commission.
- [13.]12. That the Applicant use non-drinking water, to the extent possible, for grading, dust control, and irrigation of the landfill.
- [14.]13. That the Applicant shall reasonably ensure that windblown debris around the perimeter of the landfill, particularly within areas visible from the public right-of-way, are removed on a daily basis.
- [15.]14. That full compliance with the requirements of the State's Department of Health for sanitary landfill operation shall be rendered.
- [16.]15. [That the Applicant shall clarify the entire acreage that is the subject of LUC Docket No. SP97-390 with the Maui Planning Commission and the LUC by filing an aerial photographic map with overlay and a site map clearly depicting the proper acreage of SSP97-390.] That the Applicant shall file a metes and bounds map and description of the new approximately 96 acre project area with the Land Use Commission and Maui Planning Commission.
- [17.]16. That to the extent practicable, leachate generated at the landfill shall be returned to the landfill.
- 17. The County of Maui shall review implementation of improvements at the Pūlehu Road/Hansen Road intersection as outlined in a Traffic Impact Analysis Report when warranted by the Department of Public Works.
- 18. To minimize impacts on animal species, the Applicant shall implement the following and if applicable consult with the U.S. Fish and Wildlife Service as deemed appropriate for further input on measures to avoid such impacts:

Hawaiian hoary bat: Woody plants greater than 15 feet tall should not be removed or trimmed during the Hawaiian hoary bat breeding season (June 1 to September 15). Additionally, barbed wire should not be used for fencing as part of the proposed action.

Blackburn's sphinx moth: A qualified biologist should survey areas of proposed construction activities for Blackburn's sphinx moth and its host plants prior to initiation during the wettest portion of the year (usually November to April or several weeks after a significant rain) and immediately prior to construction. Any host plants with eggs, larvae and signs of larvae feeding should not be cut or disturbed.

Hawaiian waterbirds and Hawaiian goose: To minimize adverse impacts such as predation and reduced reproductive success, the project should occur outside of the Hawaiian stilt breeding season (February through August). If the breeding period cannot be avoided, consultation with USFWS is recommended to develop measures to avoid impacts to listed species.

COUNTY SPECIAL USE PERMIT CUP 2008/0003

The Department recommends that the Maui Planning Commission approve the amendment to County Special Use Permit CUP 2008/0003 to include the new uses and the addition of the approximately 40-acre project area and deletion of TMK (2) 3-8-003:020 (por.) from the permit with a new permit area of approximately 96 acres, subject to the following existing and amended conditions:

- 1. That the County Special Use Permit shall be valid until October 31, 2028, subject to extension by the Commission upon a timely request for extension filed at least ninety (90) 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 full compliance with all applicable governmental requirements shall be rendered.
- 4. That the Applicant shall submit to the Department of Planning (Department) five (5) copies of a detailed report addressing its compliance with the conditions established with the subject County Special Use Permit. Said compliance report shall be submitted with a time-extension request or request to amendment the County Special Use Permit.
- 5. That the Applicant shall 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.
- [6.] [That the Applicant shall begin construction of the landfill expansion within six months from issuance of the Land Use Commission's decision and order on the amendment. Construction shall include any improvements necessary to operate the landfill pursuant

- to all applicable laws and regulations.] (Note: Phase IV of the Central Maui Landfill fulfilled this Condition.)
- [7.]6. That the Applicant shall take appropriate mitigative measures to minimize erosion, and prevent cement products, oil, fuel, and other toxic substances associated with the use of heavy machinery from spilling or leaching into the ground.
- [8.]7. That the Applicant shall comply with Department of Health Ambient Air Quality Standards, Hawaii Administrative Rules, Title 11, Chapter 59 and Air Pollution Control, HAR 11-60.
- [9.]8. That the Applicant shall comply with the EPA's New Source Performance Standards.
- [10.]9. That the Applicant shall immediately stop work and contact the State Historic Preservation Division, Department of Land and Natural Resources should any previously unidentified archaeological resources such as artifacts, shells, bone, charcoal deposits, human burial, rock or coral alignments, pavings or wall be encountered during development of the Special Permit area.
- [11.]10. That provisions shall be enacted to ensure emergency access to the sanitary landfill in case of fire or any other disaster.
- [12.]11. That the Applicant shall utilize non-potable water, to the extent possible, for grading, dust control, and irrigation of the landfill.
- [13.]12. That the Applicant shall ensure that windblown debris around the perimeter of the landfill, particularly within areas visible from the public right-of-way; are removed in a timely manner.
- [14.]13. That full compliance with the requirements of the State's Department of Health for sanitary landfill operations shall be rendered.
- [15.]14. [That the Applicant shall clarify the entire acreage that is the subject of LUC Docket No. SP97-390with the Maui Planning Commission and the LUC by filing an aerial photographic map with overlay and a site map clearly depicting the proper acreage of SP97-390.] Upon approval of the amendment to SP 97-390, the Applicant shall file a metes and bounds map and description of the new approximately 96 acre project area with the Land Use Commission and Maui Planning Commission.
- [16.]15. That to the extent practicable leachate generated at the landfill shall be returned to the landfill.
- 16. The County of Maui shall review implementation of improvements at the Pûlehu Road/Hansen Road intersection as outlined in a Traffic Impact Analysis Report when warranted by the Department of Public Works.
- 17. To minimize impacts on animal species, the Applicant shall implement the following and if applicable consult with the U.S. Fish and Wildlife Service if deemed appropriate for further input on measures to avoid such impacts:

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Hawaiian waterbirds and Hawaiian goose: To minimize adverse impacts such as predation and reduced reproductive success, the project should occur outside of the Hawaiian stilt breeding season (February through August). If the breeding period cannot be avoided, consultation with USFWS is recommended to develop measures to avoid impacts to listed species.

In consideration of the foregoing, the Department of Planning recommends the Maui Planning Commission authorize the Director of Planning to transmit its recommendation and record for SP 97-390 to the State Land Use Commission and approve amendments to County Special Use Permit CUP 2008/0003 with conditions and adopt the Department of Planning's Report and Recommendation prepared for the December 10, 2019, meeting as its Findings of Fact. Conclusions of Law and Decision and Order and to authorize the Director of Planning to transmit copies of its action to the Applicant.

APPROVED:

MICHELE MCLEAN, AICP

muluhm

Director of Planning

EXHIBIT 1.

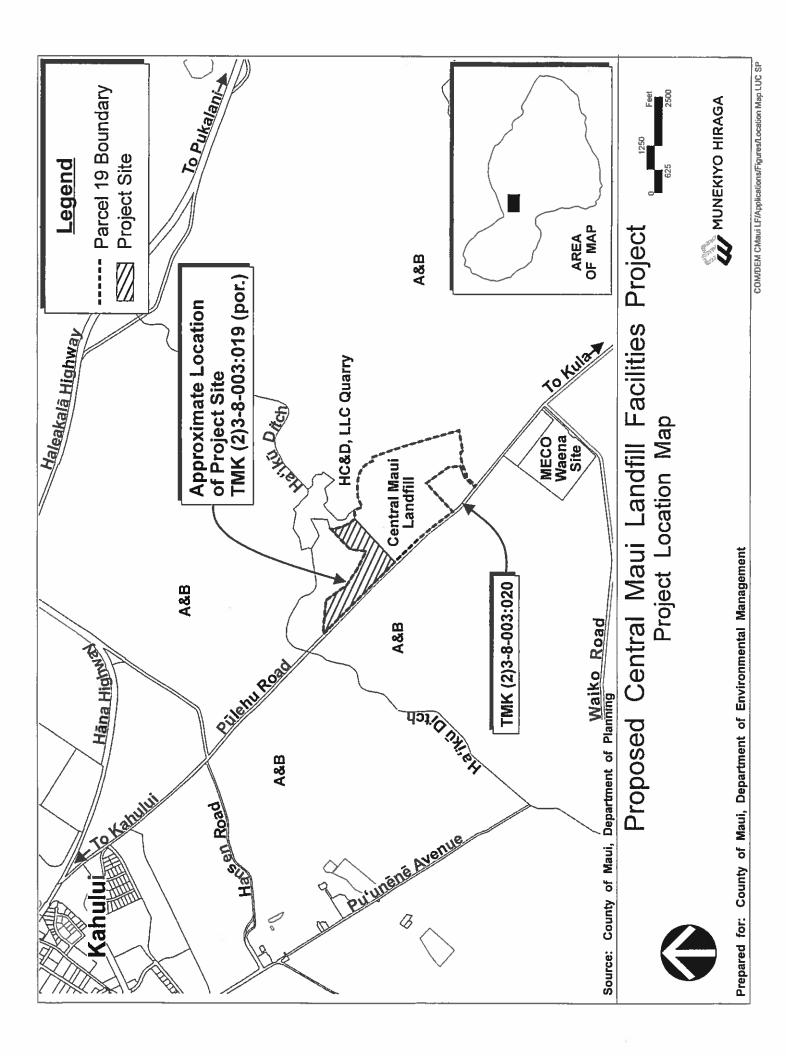
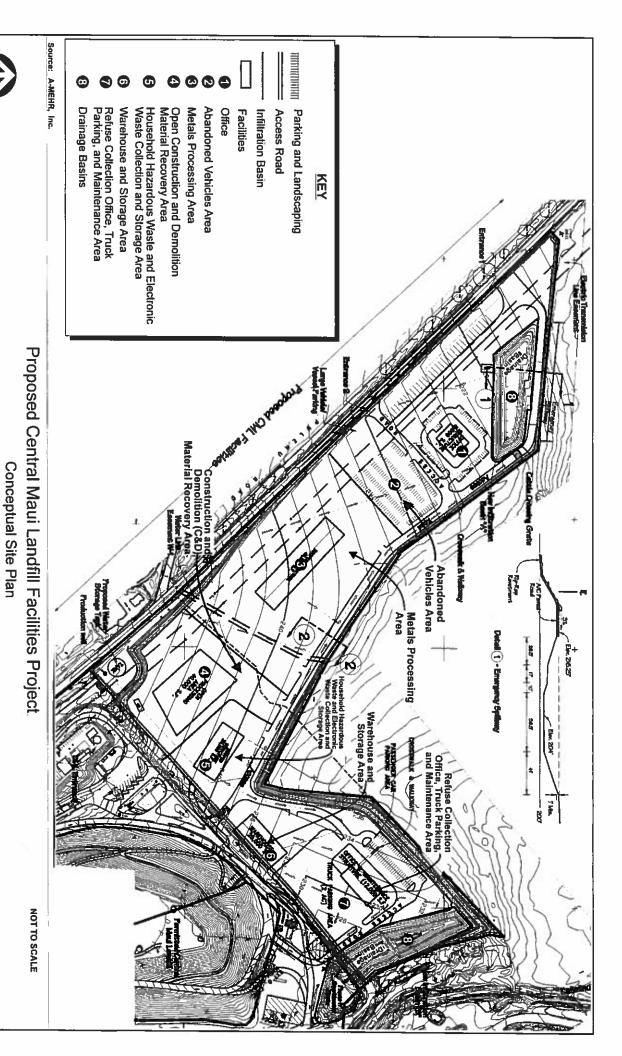


EXHIBIT 2.



Prepared for: County of Maui, Department of Environmental Management

MUNEKIYO HIRAGA

EXHIBIT 3.

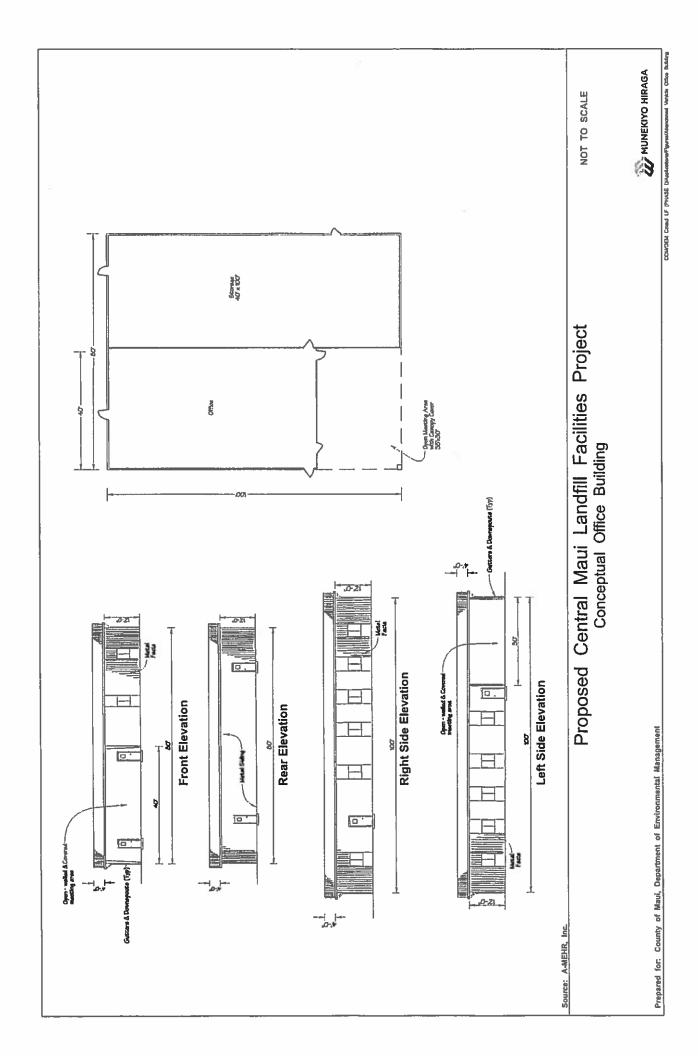


EXHIBIT 4.

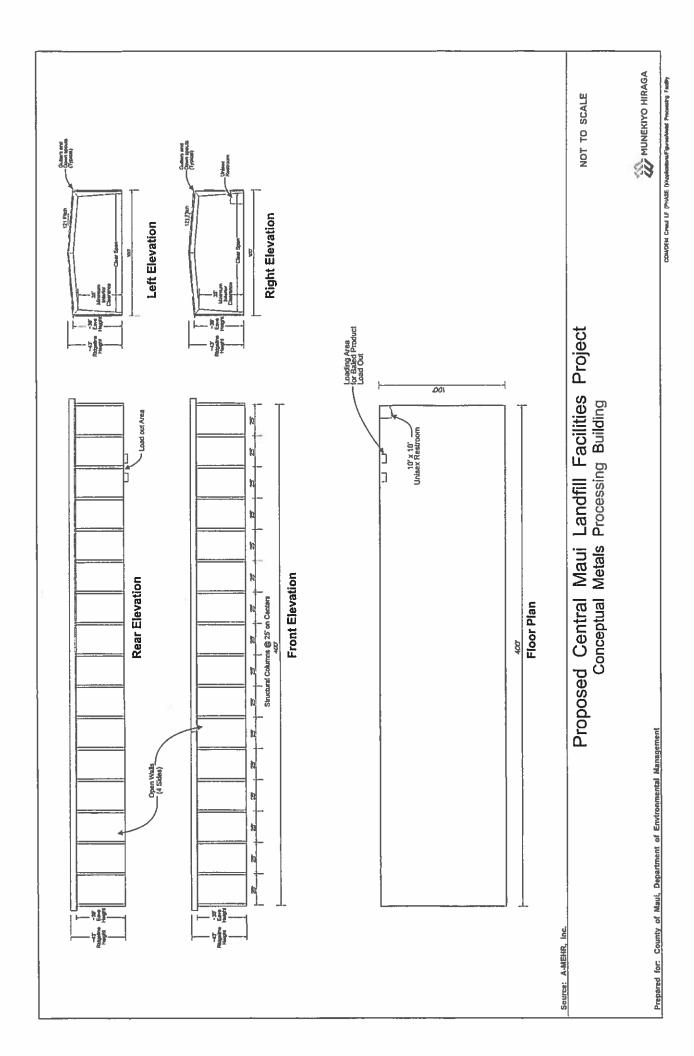
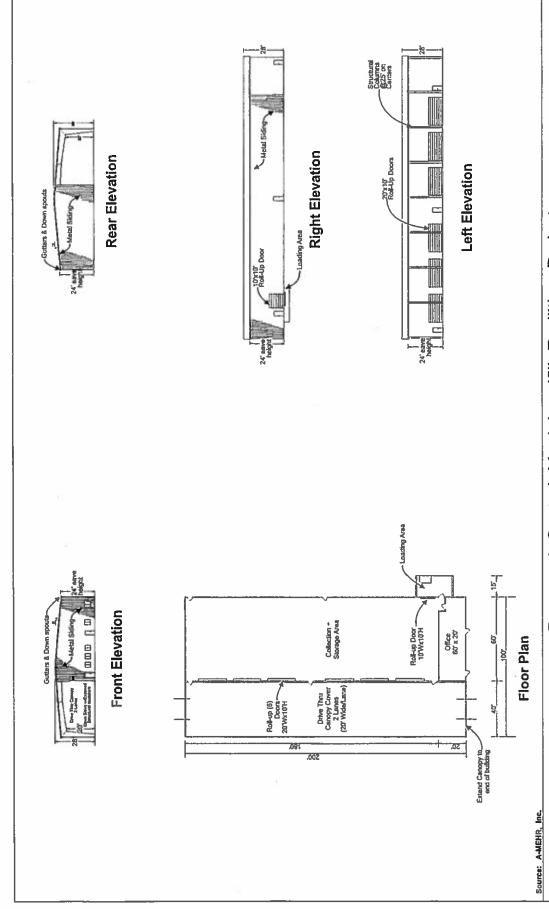


EXHIBIT 5.



Proposed Central Maui Landfill Facilities Project Conceptual Household Hazardous Waste and Electronic Waste Collection and Storage Area

W MUNEKIYO HIRAGA

NOT TO SCALE

EXHIBIT 6.

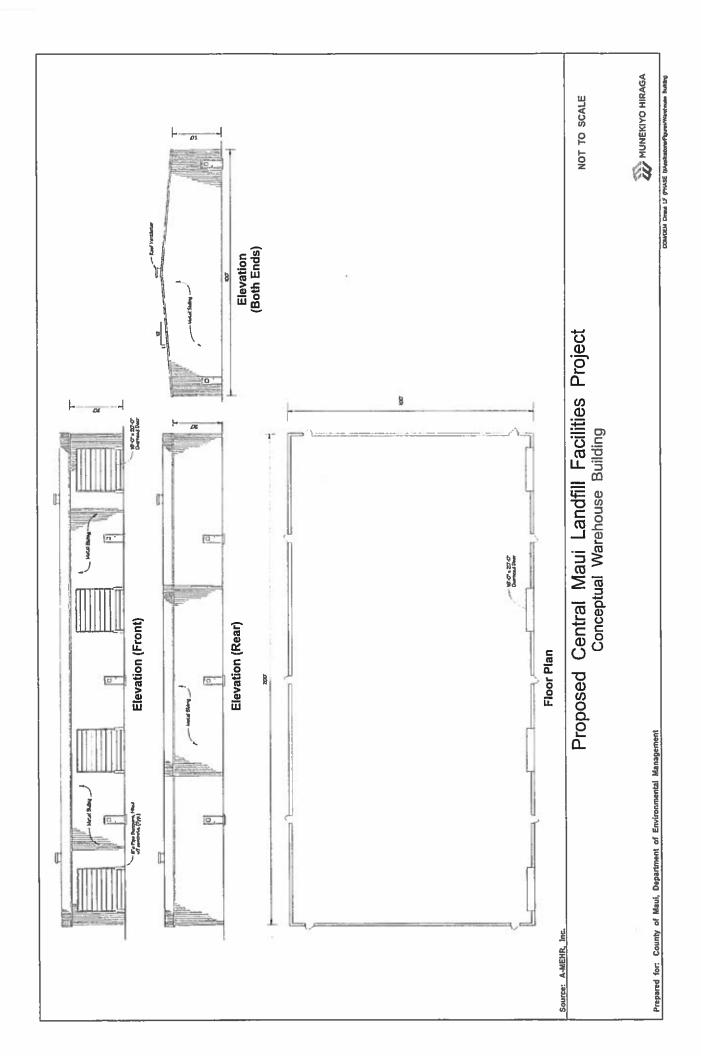


EXHIBIT 7.

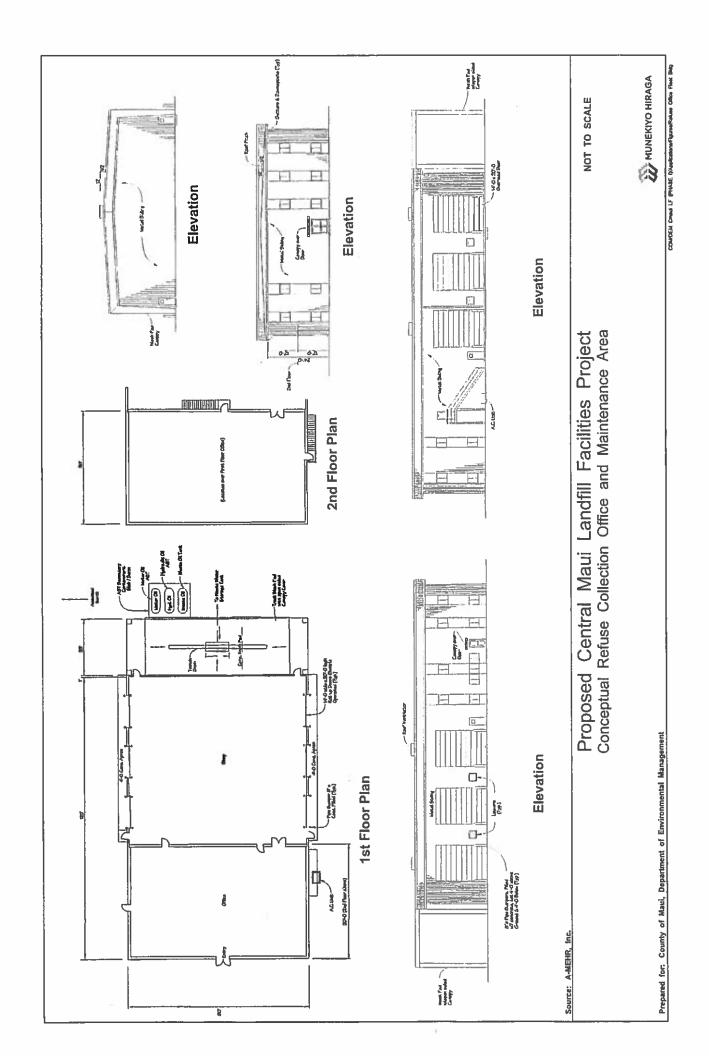


EXHIBIT 8.



BEFORE THE LAND USE COMMISSION STATE OF HAWAI'I

In The Matter Of The Petition Of) DOCKET NO. SP97-390
PUBLIC WORKS AND WASTE)) APPROVING A THIRD
MANAGEMENT, SOLID WASTE) AMENDMENT TO THE LAND USE
DIVISION, COUNTY OF MAUL) COMMISSION'S SPECIAL USE
(DEPT: OF ENVIRONMENTAL) PERMIT
MANAGEMENT))
)
To Obtain A Third Amendment To)
Land Use Commission Special Use)
Permit To Obtain a Time Extension;)
For Expansion Of The Permit Area By)
41.2 Acres, For Addition Of)
Composting And Quarrying Related)
Activities as Permitted Uses; And To)
Request A Transfer Of Permit Holder)
To Establish And Operate Central)
Maui Sanitary Landfill On)
Approximately 70.5)
Acres Of Land Situated Within The)
State Land Use Agricultural District)
At Pu'unene Maui, Hawai'i, Tax Map)
Key: 3-8-03; Por. 4, Por. 20, and Por. 21)
**)

DECISION AND ORDER APPROVING A THIRD AMENDMENT TO THE LAND USE COMMISSION'S 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, HAWAII

Datu BY DAM Executive Officer



BEFORE THE LAND USE COMMISSION STATE OF HAWAPI

In The Matter Of The Petition Of)	DOCKET NO. SP97-390
)	
PUBLIC WORKS AND WASTE)	APPROVING A THIRD
MANAGEMENT, SOLID WASTE)	AMENDMENT TO THE LAND USE
DIVISION, COUNTY OF MAUI)	COMMISSION SPECIAL USE
(DEPT. OF ENVIRONMENTAL)	PERMIT
MANAGEMENT))	
)	
To Obtain A Third Amendment To)	
Land Use Commission Special Use)	
Permit To Obtain a Time Extension;)	
For Expansion Of The Permit Area By)	
41.2 Acres, For Addition Of)	
Composting And Quarrying Related)	
Activities as Permitted Uses; And To)	((4))
Request A Transfer Of Permit Holder)	
To Establish And Operate Central)	
Maui Sanitary Landfill On)	
Approximately 70.5)	12
Acres Of Land Situated Within The)	
State Land Use Agricultural District)	
At Pu'unene Maui, Hawai'i, Tax Map)	
Key: 3-8-03: Por. 4, Por. 20, and Por. 21)	
•	Y	

DECISION AND ORDER APPROVING A THIRD AMENDMENT TO THE LAND USE COMMISSION'S SPECIAL USE PERMIT

On June 12, 2008, the County of Maui, Department of Environmental Management ("Petitioner"), filed a written request for amendment to State Special Use Permit SP97-390 with the County of Maui Department of Planning ("DP"), pursuant to section 205-6, Hawai'i Revised Statutes ("HRS"), and sections 15-15-95 and 15-15-96, Hawai'i Administrative Rules ("HAR").

The Petitioner sought to amend SP97-390 by: 1) Requesting a Ten Year Time Extension; 2) Expanding the Permit Area by 41.2 acres; 3) adding composting and quarrying related uses; and 4) requesting a transfer of permit holder from the Department of Public Works to the Department of Environmental Management. The Maui Planning Department supported the request with conditions.

On October 28, 2008, the County of Maui Planning Commission

("Planning Commission") conducted a hearing on the Petitioner's Request. One public witness expressed opposition to the request. After due deliberation, the Planning Commission voted to approve the amendment with the existing Conditions currently included in SP97-390, as amended, plus the addition of two new Conditions that provide as follows: 1)" That the Applicant shall clarify the entire acreage that is the subject of LUC Docket No. SP97-390 with the Maui Planning

¹ The Applicant concurrently filed applications for a Special Management Area ("SMA") Use Permit and a County Special Use Permit. This is the Third Amendment to this Docket. The Applicant had titled it the Second Amendment.

Commission and the LUC by filing an aerial photographic map with overlay and a site map clearly depicting the proper acreage of SP97-390."; and 2) " That to the extent practicable, leachate generated at the landfill shall be returned to the landfill."

The Planning Commission also amended existing Condition 1. by extending the term of the Special Permit 20 years until October 31, 2028, instead of the ten years recommended by the Planning Department.

The Land Use Commission ("Commission") has jurisdiction over the Applicant's Request. Section 205-6, FIRS, and sections 15-15-95 and 15-15-96, HAR, authorize this Commission to approve special use permits and amendments thereto for areas greater than 15 acres.

On December 24, 2008, the Commission received a copy of the decision and a portion of the record of the Planning Commission's proceedings on the Petitioner's Request. On February 9, 2009, the Commission received the remaining portion of the record.

On February 19, 2009, the Commission met in Kahului, Maui, Hawai'i, to consider the Petitioner's Request. Cheryl Okuma, Director of the Maui Department of Environmental Management, and Tracy Takamine of the Department of Environmental Management represented the Petitioner. Michael Hopper, Esq. and Robyn Loudermilk represented the County of Maui Planning Department.

Following a presentation by Petitioner, in which it pointed out that approval of this special permit was needed to satisfy Department of Health requirements, and questions and discussion by the Commissioners, a motion was made and seconded to approve the Petitioner's Request as approved by the Maui Planning Commission, subject to the following amendments to the existing Conditions and the addition of new Conditions 16 and 17 as recommended by the Maui Planning Commission. However, the Commission approved a 10 year rather than 20 year extension of the Special Permit. The amended conditions provide as follows:

- 1. That the State Land Use Commission Special Permit shall be valid until October 31, 2018, subject to further time extensions by the Land Use Commission upon a timely request for extension filed at least one-hundred twenty (120) days prior to its expiration. The appropriate Commission shall make a recommendation to the Land Use Commission and may require a public hearing on the time extension.
- 13. That the Applicant use non-drinking water, to the extent possible, for grading, dust control, and irrigation of the landfill.
- 14. That the Applicant shall reasonably ensure that windblown debris around the perimeter of the landfill, particularly within areas visible from the public right-of-way, are removed on a daily basis.
- 16. That the Applicant shall clarify the entire acreage that is the subject of LUC Docket No. SP97-390 with the Maui Planning Commission and the LUC by filing an aerial photographic map with overlay and a site map clearly depicting the proper acreage of SP97-390.

17. That to the extent practicable, leachate generated at the landfill shall be returned to the landfill.

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

<u>ORDER</u>

Having duly considered the complete record of Petitioner's Request and the oral arguments presented by the parties present in the proceeding, and a motion having been made at a meeting on February 19, 2009, in Kahului, Maui, 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, the LUC hereby APPROVES Petitioner's Request to (i) transfer the Permit holder from the Department of Public Works and Waste Management, Solid Waste Division County of Maui to the Department of Environmental Management, County of Maui; (ii) add approximately 41.2 acres of land to the Permit Area as shown on Exhibit "A" attached hereto and incorporated by reference herein; and (iii) add composting and quarrying activities as allowed uses in this 41.2 acre area being added to the Permit Area; subject to the following Amendments: to the existing Permit Conditions and new Conditions 16 and 17:

1. That the State Land Use Commission Special Permit shall be valid until October 31, 2018, subject to further time extensions by the Land Use Commission upon a timely request for extension filed at least one-hundred twenty (120) days prior to its expiration. The appropriate Commission

- shall make a recommendation to the Land Use Commission and may require a public hearing on the time extension.
- 13. That the Applicant use non-drinking water, to the extent possible, for grading, dust control, and irrigation of the landfill.
- 14. That the Applicant shall reasonably ensure that windblown debris around the perimeter of the landfill, particularly within areas visible from the public right-of-way, are removed on a daily basis.
- 16. That the Applicant shall clarify the entire acreage that is the subject of LUC Docket No. SP97-390 with the Maui Planning Commission and the LUC by filling an aerial photographic map with overlay and a site map clearly depicting the proper acreage of SP97-390.
- 17. That to the extent practicable, leachate generated at the landfill shall be returned to the landfill.

All other conditions to the Decision and Order dated May 13, 2002, as further amended by Decision and Order dated December 14, 2004 are hereby reaffirmed and shall continue in effect.

DONE at Honolulu, Hawai'i, this 19th day of March, 2009, per motion on February 19, 2009.

APPROVED AS TO FORM:

Deputy Attorney General

LAND USE COMMISSION

STATE OF HAWAIL

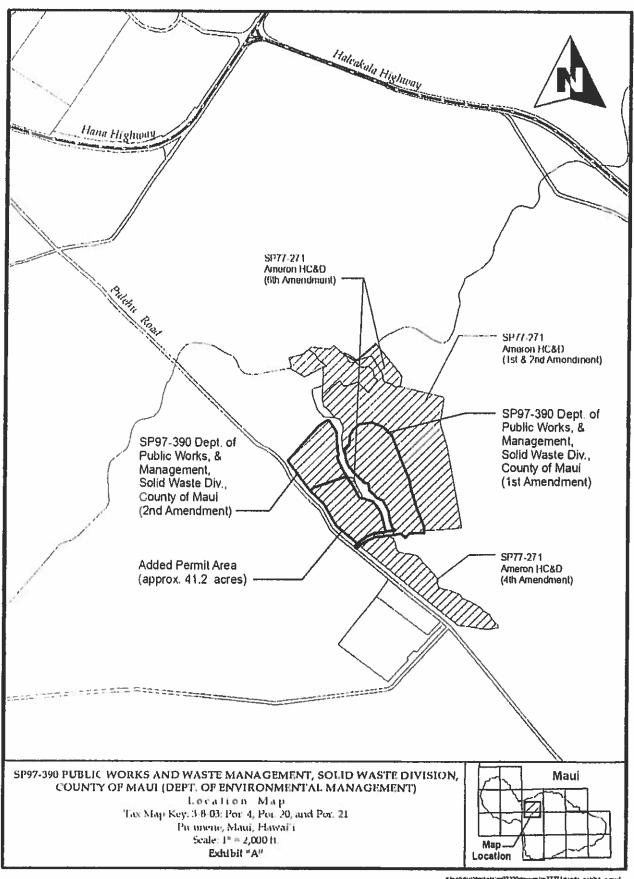
DUANE KANUITA

Chairperson and Commissioner

Filed on:

MAII 2 3 2009

Executive Officer





BEFORE THE LAND USE COMMISSION STATE OF HAWAIT

In The Matter Of The Petition Of) DOCKET NO. SP97-390
PUBLIC WORKS AND WASTE MANAGEMENT, SOLID WASTE DIVISION, COUNTY OF MAUI (DEPT. OF ENVIRONMENTAL MANAGEMENT)) CERTIFICATE OF SERVICE)))
To Obtain A Third Amendment To Land Use Commission Special Use Permit To Obtain a Time Extension; For Expansion Of The Permit Area By 41.2 Acres, For Addition Of Composting And Quarrying Related Activities as Permitted Uses; And To Request A Transfer Of Permit Holder To Establish And Operate Central Maui Sanitary Landfill On Approximately 70.5 Acres Of Land Situated Within The State Land Use Agricultural District At Pu'unene Maui, Flawai'i, Tax Map	
Key: 3-8-03: Por. 4, Por. 20, and Por. 21)

CERTIFICATE OF SERVICE

I hereby certify that a copy of DECISION AND ORDER APPROVING A THIRD AMENDMENT TO THE LAND USE COMMISSION 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:

DEL.

ABBEY SETH MAYER, Director

Office of Planning P. O. Box 2359

Honolulu, Hawaii 96804-2359

DEL.

BRYAN YEE, Esq.

Deputy Attorney General Hale Auhau, Third Floor

425 Queen Street

Honolulu, Hawali 96813

REGULAR Mr. Mike Munckiyo

MAIL:

Munekiyo & Hiraga, Inc.

395 High Street, Suite 104 Wailuku, Hawai'i 96793

REGULAR

Cheryl Okuma, Director

MAIL:

County of Maui

Department of Environmental Management

200 South High Street, Room 322

Walluku, Hawaii 96793

CERTIFIED Mr. Michael Hopper Esq.,

MAIL:

County of Maui

Department of Environmental Management

200 South High Street, Room 322

Wailuku, Hawaii 96793

Honolulu, Hawaii,

MAH 2 3 2009

Executive Officer

EXHIBIT 9.

DANIEL E. ORODENKER **Executive Officer**

DAVID Y. IGE Governor

LDIS P. SALAVERIA Director MARY ALICE EVANS Deputy Director

LAND USE Department of Business, Economic Development & Tourism State of Hawaili

August 7, 2018 Department of Environmental Management

DIRECTOR DEPUTY PERS WWR SW EP45 SECTY

Dear Mr. Stant:

County of Maui

Mr. Stewart Stant, Director

2050 Main Street, Suite 2B

Wailuku, Hawai'i 96793.

Subject:

Docket No. SP97-390/Department of Public Works and Waste Management,

Solid Waste Division, County of Maui

This is to acknowledge receipt of your letter dated July 30, 2018, transmitting an aerial photograph overlaid with the Central Maui Landfill site, pursuant to Condition No. 16 of the Decision and Order Approving a Third Amendment to the Land Use Commission's Special Use Permit filed March 23, 2009. We understand that this aerial photograph supersedes the previous map that was forwarded by your department by letter dated October 6, 2009, and more accurately depicts the boundaries of the current special permit area consistent with the previous amendments in the docket.

We further understand that your department has filed an application for a Fourth Amendment with the County of Maui Planning Commission requesting, among other things, to include additional lands under the landfill and to delete existing acreage previously approved in the docket. Given that this request will further amend the boundaries of the landfill, we suggest that close coordination continue with our office to ensure that the record reflects the proper area of the special use permit.

Should you have any questions on this matter, please feel free to call Bert Saruwatari of our office at 587-3822.

Sincerely,

DANIEL E. ORODENKER

Executive Officer

AI AN M. ARAKAWA Mayor STEWART STAN F Director MICHAEL M. MIYAMOTO Deputy Director



MICHAEL RATTE Solid Waste Division

ERIC NAKAGAWA, P.E. Wastewater Reclamation Division

COUNTY OF MAU! DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

2050 MAIN STREET, SUITE 2B WAILUKU, MAUI, HAWAII 96793

July 30, 2018

Daniel Orodenker, Executive Officer State of Hawai'i Land Use Commission Dept. of Business, Economic Development, and Tourism P.O. Box 2359 Honolulu, HI 96804-2359

Dear Mr. Orodenker:

SUBJECT: SP 97-390 FOR THE CENTRAL MAUI LANDFILL CORRECTION TO THE THIRD AMENDMENT PERMIT CONDITION NO. 16

Attached is a corrected aerial map showing the areas of Central Maui Landfill subject to SP97-390 and its amendments according to Condition No. 16 of the Third Amendment "That the Applicant shall clarify the entire acreage that is the subject of LUC Docket No. SP97-390 with the Maui Planning Commission and the LUC by filling an aerial photographic map with overlay and a site map clearly depicting the proper acreage of SP97-390."

Mr. Bert Saruwatari of your staff assisted us with this clarification of the existing permitted acreage as part of the application review in progess for a Fourth Amendment to SP97-390. As a result, we have noted that the setback from Pulehu Rd. was mistakenly included in the landfill boundaries shown on the aerial submitted on October 6, 2009, but was excluded from the acreage calculation. The boundaries shown in yellow are the corrected boundaries.

If you have any questions, please call Elaine Baker, Solid Waste Division Engineer, at 808-

270-7875.

Director of Environmental Management

xc: Elaine Baker, Solld Waste Division Michele McLean, Planning Director Colleen Suyama, Munekiyo Hiraga Attach

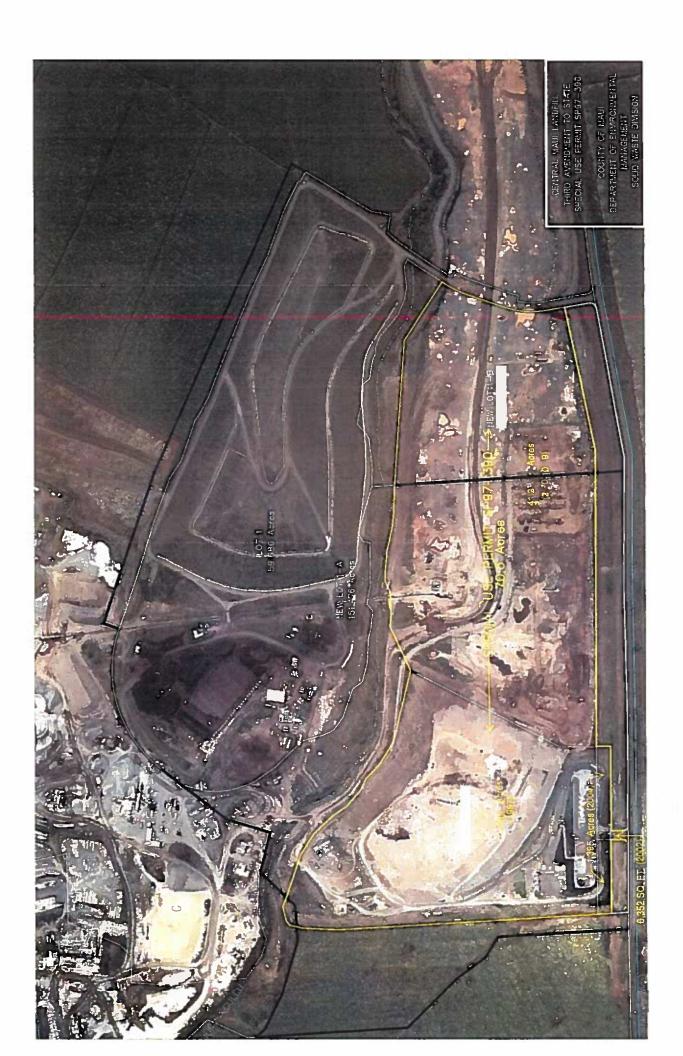


EXHIBIT 10.

CHARMAINE TAVARES
Mayor

JEFFREY S. HUNT
Director

KATHLEEN ROSS AOKI
Deputy Director



COUNTY OF MAUI DEPARTMENT OF PLANNING

November 28, 2008

CERTIFIED MAIL - #7006 2760 0000 7127 4494

Ms. Erin Mukai Munekiyo & Hiraga, Inc. 305 High Street, Suite 104 Walluku, Hawali 96793

Dear Ms. Mukai:

SUBJECT:

COUNTY SPECIAL USE PERMIT AND LAND USE COMMISSION SPECIAL PERMIT FOR THE CENTRAL MAUI LANDFILL AT TMK'S: 3-8-003:004, 020 (POR), & 025 (POR), PUUNENE, MAUI, HAWAII; (SUP1 960009) (CUP 2008/0003) (SP 97-390)

At its regular meeting on October 28, 2008, the Maul Planning Commission (Commission) reviewed the above requests and after due deliberation and receipt of testimony and exhibits, hereby orders approval of the County Special Use Permit, subject to the following conditions:

- 1. That the County Special Use Permit shall be valid until October 31, 2028, subject to extension by the Commission upon a timely request for extension filled at least ninety (90) 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.
- That full compliance with all applicable governmental requirements shall be rendered.
- 4. That the applicant shall submit to the Department of Planning (Department) five (5) copies of a detailed report addressing its compliance with the conditions established with the subject County Special Use Permit. Said compliance report shall be submitted with a time-extension request or request to amendment the County Special Use Permit

- That the applicant shall 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.
- 6. That the Applicant shall begin construction of the landfill expansion within six (6) months from issuance of the Land Use Commission's decision and order on the amendment. Construction shall include any improvements necessary to operate the landfill pursuant to all applicable laws and regulations.
- 7. That the Applicant shall take appropriate mitigative measures to minimize erosion, and prevent cement products, oil, fuel, and other toxic substances associated with the use of heavy machinery from spilling or leaching into the ground.
- 8. That the Applicant shall comply with Department of Health Ambient Air Quality Standards, Hawall Administrative Rules, Title 11, Chapter 59 and Air Poliution Control, HAR 11-60.
- That the Applicant shall comply with the EPA's New Source Performance Standards.
- 10. That the Applicant shall Immediately stop work and contact the State Historic Preservation Division, Department of Land and Natural Resources should any previously unidentified archaeological resources such as artifacts, shells, bone, charcoal deposits, human burial, rock or coral alignments, pavings or wall be encountered during development of the Special Permit area.
- 11. That provisions shall be enacted to ensure emergency access to the sanitary landfill in case of fire or any other disaster.
- 12. That the Applicant shall utilize non-potable water, to the extent possible, for grading, dust control, and irrigation of the landfill.
- 13. That the Applicant shall ensure that windblown debris around the perimeter of the landfill, particularly within areas visible from the public right-of-way, are removed in a timely manner.
- 14. That full compliance with the requirements of the State's Department of Health for sanitary landfill operations shall be rendered.
- 15. That the Applicant shall clarify the entire acreage that is the subject of LUC Docket No. SP97-390 with the Maui Planning Commission and the

- LUC by filling an aerial photographic map with overlay and a site map clearly depicting the proper acreage of SP97-390.
- That to the extent practicable, leachate generated at the landfill shall be returned to the landfill.

Further, the Commission adopted the enclosed Report and Recommendation prepared by the Department for the October 28, 2008, meeting as its Findings of Fact, Conclusions of Law, and Decision and Order. Parties to proceedings before the Commission may obtain judicial review of decision and orders issued by the Commission in the manner set forth in Chapter 91-14, Hawaii Revised Statutes.

Additionally, the Commission voted to recommend to the State Land Use Commission approval of the Second Amendment to the Land Use Commission Special Permit subject to the following conditions:

- 1. That the State Land Use Commission Special Permit shall be valid until October 31, 2028, subject to further time extensions by the Land Use Commission upon a timely request for extension filed at least one-hundred twenty (120) days prior to its expiration. The appropriate Commission shall make a recommendation to the Land Use Commission and may require a public hearing on the time extension.
- 2. That the conditions of this State Land Use Commission Special Permit shall be enforced pursuant to Section 205-12 and 205-13, Hawaii Revised Statutes. 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 permit holder no more than sixty (60) days to cure the violation. If the permit holder falls to cure the violation within sixty (60) days of said notice, the appropriate enforcement agency shall issue an order which may require one or more of the following: that the violative activity cease; that the violative development be removed; that a civil fine be paid not to exceed ONE THOUSAND AND NO/100 DOLLARS (\$1,000.00) per violation; that a civil fine not to exceed FIVE THOUSAND AND NO/100 DOLLARS (\$5,000.00) shall be issued if violation not cured within six 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 within said thirty (30) days. Upon receipt of a request for a hearing, the Planning Director 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.

- That the subject State Land Use Commission Special Permit shall not be transferred without the prior written approval of the Land Use Commission. The appropriate Planning Commission shall make a recommendation to the Land Use Commission. However, in the event that a contested case hearing preceded issuance of said State Land Use Commission Special 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 partles to said contested case and their counsel.
- That full compliance with all applicable governmental requirements shall be rendered.
- 5. That the Applicant shall develop the Property in substantial compliance with the representations made to the Land Use Commission in obtaining the State Land Use Commission Special Permit. Failure to develop the Property may result in the revocation of the permit.
- That the Applicant shall begin construction of the landfill expansion within six months from issuance of the Land Use Commission's decision and order on the amendment. Construction shall include any improvements necessary to operate the landfill pursuant to all applicable laws and regulations.
- 7. That the Applicant shall take appropriate mitigative measures to minimize erosion, and prevent cement products, oil, fuel, and other toxic substances associated with the use of heavy machinery from spilling or leaching into the ground.
- 8. That the Applicant shall comply with Department of Health Amblent Air Quality Standards, Hawaii Administrative Rules, Title 11, Chapter 59 and Air Pollution Control, HAR 11-60.
- 9. That the Applicant shall comply with the EPA's New Source Performance Standards.
- 10. That the Applicant shall immediately stop work and contact the State Historic Preservation Division, Department of Land and Natural Resources should any previously unidentified archaeological resources such as artifacts, shells, bone, charcoal deposits, human burial, rock or coral alignments, pavings or wall be encountered during development of the Special Permit area.
- 11. That provisions shall be enacted to ensure emergency access to the sanitary landfill in case of fire or any other disaster.

Ms. Erin Mukal November 28, 2008 Page 5

- 12. That the Applicant shall timely provide without any prior notice, annual reports to the Land Use Commission and the County of Maui Planning Department 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 also include the capacity remaining in the landfill at the time of submission of the annual report. The annual report shall be submitted in a form prescribed by the Executive Officer of the Land Use Commission.
- 13. That the Applicant shall utilize non-potable water, to the extent possible, for grading, dust control, and Irrigation of the landfill.
- 14. That the Applicant shall reasonably ensure that windblown debris around the perimeter of the landfill, particularly within areas visible from the public right-of-way, are removed in a timely manner.
- 15. That full compliance with the requirements of the State's Department of Health for sanitary landfill operations shall be rendered.
- 16. That the Applicant shall clarify the entire acreage that is the subject of LUC Docket No. SP97-390 with the Maul Planning Commission and the LUC by filling an aerial photographic map with overlay and a site map clearly depicting the proper acreage of SP97-390.
- 17. That to the extent practicable, leachate generated at the landfill shall be returned to the landfill.

Thank you for your cooperation. If additional clarification is required, please contact Staff Planner Robyn Loudermilk at robyn.loudermilk@mauicounty.gov or at 270-7180.

Sincerely.

Planning Director

Attachment

Clayton I. Yoshida, AICP, Planning Program Administrator

Aaron H. Shinmoto, PE, Planning Program Administrator

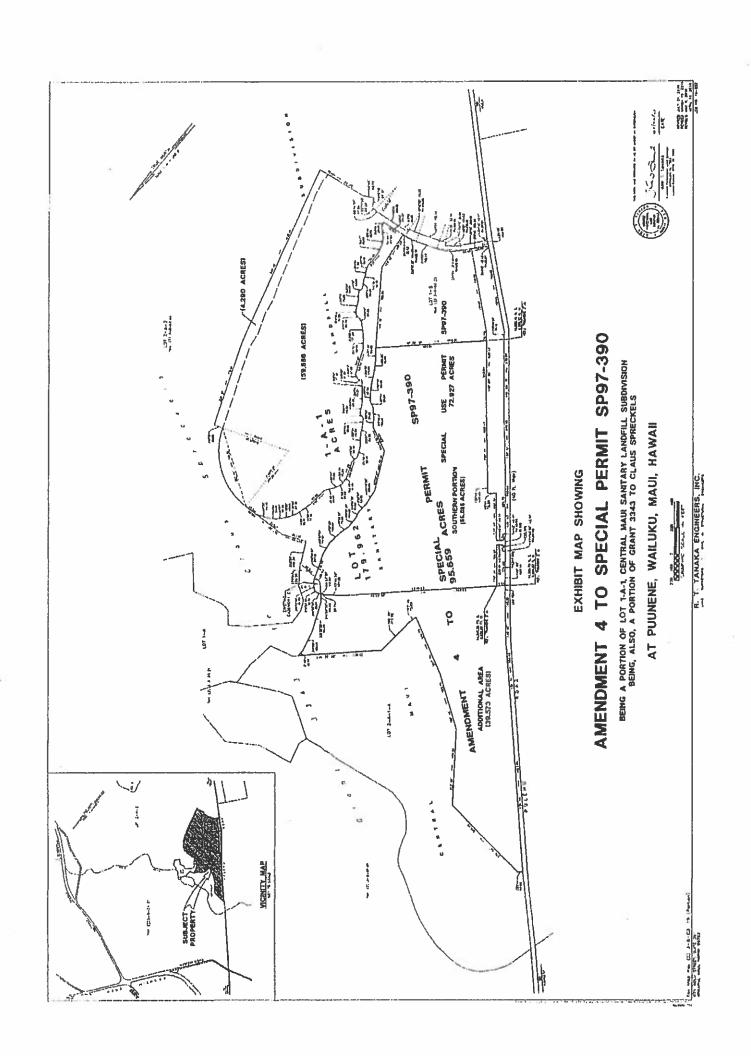
Robyn L. Loudermilk Staff Planner Development Services Administration Department of Health, Maul District Project File

General File

JSH:RLL:bg

K:\WP_DOCS\PLANNING\SUP1\1996\0009_CentralMaulLandfill_Expansion\2007_txt\CUPApproval.doc





SOUTHERN PORTION

OF

AMENDMENT 4 TO SPECIAL PERMIT SP97-390 BEING A PORTION OF LOTS 1-A-1 AND 1-A, CENTRAL MAUI SANITARY LANDFILL SUBDIVISION BEING ALSO A PORTION OF GRANT 3343 TO CLAUS SPRECKELS SITUATED ON THE EASTERLY SIDE OF PULEHU ROAD AT PUUNENE, WAILUKU, MAUI, HAWAII

Beginning at the Northwest corner of this Area on the Easterly side of Pulehu Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUUNENE 2" being 14,347.36 feet South and 9,832.08 feet West and running by azimuths measured clockwise from True South:

1.	226° 28' 30"	1,335.98 feet	along the remainder of Lot 1-A-1, Central Maui Sanitary Landfill Subdivision;
2.	232° 49' 30"	174.00 feet	along the remainder of Lot 1-A-1, Central Maui Sanitary Landfill Subdivision;
3.	244° 23' 30"	63.00 feet	along the remainder of Lots 1-A-1 and 1-A, Central Maui Sanitary Landfill Subdivision;
4.	278° 33′ 30"	32.00 feet	along the remainder of Lot 1-A, Central Maui Sanitary Landfill Subdivision;
5.	316" 12' 30"	81.99 feet	along the remainder of Lot 1-A, Central Maul Sanitary Landfill Subdivision;
6.	338° 28' 30"	247.01 feet	along the remainder of Lot 1-A and 1-A-1, Central Maui Sanitary Landfill Subdivision;
7.	352° 07' 30"	117.00 feet	along the remainder of Lot 1-A-1, Central Maui Sanitary Landfill Subdivision;
8.	7" 06' 30"	139.00 feet	along the remainder of Lot 1-A-1, Central Maui Sanitary Landfill Subdivision;
9.	16° 58' 30"	75.00 feet	along the remainder of Lot 1-A-1, Central Maul Sanitary Landfill Subdivision;
10.	359° 26′ 30"	104.00 feet	along the remainder of Lot 1-A-1, Central Maul Sanitary Landfill Subdivision;

11.	346° 05' 30"	61.00 feet	along the remainder of Lot 1-A-1, Central Maui Sanitary Landfill Subdivision;
12.	3° 23′ 30"	93.00 feet	along the remainder of Lot 1-A-1, Central Maui Sanitary Landfill Subdivision;
13.	351° 46' 30"	133.96 feet	along the remainder of Lot 1-A-1, Central Maui Sanitary Landfill Subdivision;
14.	333° 39' 30"	351.86 feet	along the remainder of Lot 1-A-1, Central Maui Sanitary Landfill Subdivision;
15.	294° 43' 30"	235.24 feet	along the remainder of Lot 1-A-1, Central Maui Sanitary Landfill Subdivision;
16.	326° 53'	58.22 feet	along the remainder of Lot 1-A-1, Central Maui Sanitary Landfill Subdivision;
17.	317° 36'	103.00 feet	along the remainder of Lot 1-A-1, Central Maui Sanitary Landfill Subdivision;
18.	297° 11'	65.60 feet	along the remainder of Lot 1-A-1, Central Maul Sanitary Landfill Subdivision;
19.	322° 18′	59.50 feet	along the remainder of Lot 1-A-1, Central Maui Sanitary Landfill Subdivision;
20.	325° 18'	90,40 feet	along the remainder of Lot 1-A-1, Central Maui Sanitary Landfill Subdivision;
21.	332° 26′	116.00 feet	along the remainder of Lot 1-A-1, Central Maui Sanitary Landfill Subdivision;
22.	325° 35'	86,80 feet	along the remainder of Lot 1-A-1, Central Maui Sanitary Landfill Subdivision;
23.	321° 38'	114,68 feet	along the remainder of Lot 1-A-1, Central Maui Sanitary Landfill Subdivision;
24.	46° 28' 30"	964.96 feet	along Lot 1-B, Central Maui Sanltary Landfill Subdivision;
25.	140° 08' 30"	563,04 feet	along the remainder of Lot 1-A-1, Central Maui Sanitary Landfill Subdivision;
26.	138° 51'	660.47 feet	along the remainder of Lot 1-A-1, Central Maui Sanitary Landfill Subdivision;
27.	139° 41'	102,00 feet	along the remainder of Lot 1-A-1, Central Maui Sanitary Landfill Subdivision;
28.	49° 41'	75.00 feet	along the remainder of Lot 1-A-1, Central Maui Sanitary Landfill Subdivision;

49° 41'	44.11 feet	Maui Sanitary Landfill Subdiv along the remainder of Lot 1-	A d. Carles
		Maui Sanitary Landfill Subdiv	
Thence, along the remainde	er of 1-A-1, C∈	entral Maui Sanitary Landfill Su a curve to the left with a radi feet, the chord azimuth and dis	ius of 30.00
		4° 42'	42.41 feet;
139° 43'	76.90 feet	along Pulehu Road;	
140° 06'	23.30 feet	along Pulehu Road;	
Thence, along Lot 1-A-1, Ce	entral Maui Sa	nitary Landfill Subdivision on a left with a radius of 30.00 fee azimuth and distance being:	curve to the t, the chord
		274° 53' 30"	42.58 feet;
229° 41'	43.90 feet	along the remainder of Lot 1- Maul Sanitary Landfill Subdiv	
139° 41'	358.90 feet	along the remainder of Lot 1- Maui Sanitary Landfill Subdiv point of beginning and contain of 56.086 Acres.	ision to the
	139° 43' 140° 06' Thence, along Lot 1-A-1, Ce	139° 43' 76.90 feet 140° 06' 23.30 feet Thence, along Lot 1-A-1, Central Maui Sa 229° 41' 43.90 feet	feet, the chord azimuth and dis 4° 42' 139° 43' 76.90 feet along Pulehu Road; 140° 06' 23.30 feet along Pulehu Road; Thence, along Lot 1-A-1, Central Maui Sanitary Landfill Subdivision on a left with a radius of 30.00 fee azimuth and distance being: 274° 53' 30" 229° 41' 43.90 feet along the remainder of Lot 1-Maui Sanitary Landfill Subdivision on a left with a radius of 30.00 fee azimuth and distance being: 274° 53' 30" 358.90 feet along the remainder of Lot 1-Maui Sanitary Landfill Subdivision on a left with a radius of 30.00 fee azimuth and distance being: 274° 53' 30" 358.90 feet along the remainder of Lot 1-Maui Sanitary Landfill Subdivision on a left with a radius of 30.00 fee azimuth and distance being: 274° 53' 30" 229° 41' 43.90 feet along the remainder of Lot 1-Maui Sanitary Landfill Subdivision on a left with a radius of 30.00 fee azimuth and distance being: 274° 53' 30" 229° 41' 43.90 feet along the remainder of Lot 1-Maui Sanitary Landfill Subdivision on a left with a radius of 30.00 fee azimuth and distance being: 274° 53' 30"

LICENSED PROFESSIONAL LAND SURVEYOR No. 7223-LS

871 Kolu Street, Suite 201 Wailuku, Hawali 96793

July 2, 2019

R. T. TANAKA ENGINEERS, INC.

Kirk T. Tanaka Licensed Professional Surveyor Certificate No. 7223-LS License Expires: April 30, 2020

ADDITIONAL AREA

AMENDMENT 4 TO SPECIAL PERMIT SP97-390 BEING A PORTION OF LOT 1-A-1,

CENTRAL MAUI SANITARY LANDFILL SUBDIVISION BEING ALSO A PORTION OF GRANT 3343 TO CLAUS SPRECKELS SITUATED ON THE EASTERLY SIDE OF PULEHU ROAD AT PUUNENE, WAILUKU, MAUI, HAWAII

Beginning at the Southwest corner of this Additional Area on the Easterly side of Pulehu Road, the coordinates of said point of beginning referred to Government Survey Triangulation Station "PUUNENE 2" being 14,396.70 feet South and 9,884.03 feet West and running by azimuths measured clockwise from True South:

1.	140° 06'	80.16 feet	along Pulehu Road;
2.	139° 02'	398.82 feet	along Pulehu Road;
3.	135° 34'	554.93 feet	along Pulehu Road;
4.	135° 44'	1,463.88 feet	along Pulehu Road;
5.	225° 44'	44.62 feet	along Lot 2-A-1-A, Central Maui Sanitary Landfill Subdivision;
6.	275° 54'	816.49 feet	along Lot 2-A-1-A, Central Maui Sanitary Landfill Subdivision;
7.	323° 01'	656.69 feet	along Lot 2-A-1-A, Central Maui Sanitary Landfill Subdivision;
8.	303° 45'	505.19 feet	along Lot 2-A-1-A, Central Maui Sanitary Landfill Subdivision;
9.	297° 04'	534.73 feet	along Lot 2-A-1-A, Central Maul Sanitary Landfill Subdivision;
10.	193° 15'	73,63 feet	along Lot 2-A-1-A, Central Maui Sanitary Landfill Subdivision;
11.	185° 05'	342.02 feet	along Lot 2-A-1-A, Central Maui Sanitary Landfill Subdivision;
12.	226° 28' 30"	736.33 feet	along Lot 2-A-1-A, Central Maui Sanitary Landfill Subdivision;

13.	8° 09'	56.47 feet	along Lot 1-A, Central Maui Sanitary Landfill Subdivision;
14.	345° 55'	198,13 feet	along Lot 1-A, Central Maui Sanitary Landfill Subdivision;
15.	336° 28' 30"	261.19 feet	along Lot 1-A, Central Maui Sanitary Landfill Subdivision;
16.	316" 08' 30"	69.80 feet	along Lot 1-A, Central Maui Sanitary Landfill Subdivision;
17.	64° 23' 30"	29.76 feet	along the remainder of Lot 1-A-1, Central Maui Sanitary Landfill Subdivision;
18.	52° 49' 30"	174.00 feet	along the remainder of Lot 1-A-1, Central Maui Sanitary Landfill Subdivision;
19.	46° 28' 30"	1,407.62 feet	along the remainder of Lot 1-A-1, Central Maui Sanitary Landfill Subdivision to the point of beginning and containing an area of 39.573 Acres.

LICENSED PROFESSIONAL LAND SURVEYOR No. 7223-LS HAWAII, U.S

871 Kolu Street, Suite 201 Wailuku, Hawaii 96793

May 2, 2018

R. T. TANAKA ENGINEERS, INC. Lixa. Daml

Kirk T. Tanaka Licensed Professional Surveyor Certificate No. 7223-LS License Expires: April 30, 2020

EXHIBIT 12.

ALAN M. ARAKAWA MAYOR



JEFFREY A. MURRAY FIRE CHIEF

LIONEL W. MONTALVO DEPUTY CHIEF

COUNTY OF MAUI DEPARTMENT OF FIRE AND PUBLIC SAFETY FIRE PREVENTION BUREAU

313 MANEA PLACE, WAILUKU, HAWAII 96793 (808) 876-4690, FAX (808) 244-1363

April 12, 2018

Munekiyo Hiraga Attn: Colleen Suyama 305 High Street Suite 104 Wailuku, HI 96793

Re: Proposed Central Maui Landfill Facilities Project

(2) 3-8-003; 019 (por.) and 020 SP97/390, CUP 2008/0003

Dear Colleen:

Thank you for the opportunity to comment on this subject. At this time, our office provides the following comments:

- The basic concerns of the fire department for most projects are fire apparatus access and water supply for fire protection. From the submittal, fire apparatus access appears to be provided within the project and a water supply for fire protection is identified.
- A minimum of 2000 gpm of fire flow with a maximum spacing of 250 feet between hydrants is required; this requirement is based on the fire protection requirements for uses similar to light-industry. Our office would like to review the installation of this system in more detail to ensure that the design provides for the proposed project and the existing landfill operations.
- Our office also reserves the right to comment during the building permit review process when permits are processed for proposed structures associated with this project.

If there are any questions or comments, please feel free to contact me at (808) 876-4693.

Sincerely,

Paul Haake

Captain - Fire Prevention Bureau

EXHIBIT 13.



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

July 22, 2019

Captain Paul Haake County of Maul Department of Fire and Public Safety 313 Manea Place Walluku, Hawai'i 96793

SUBJECT:

Draft Environmental Assessment (EA) and Applications to Amend State Special Permit No. 97-390 and County Special Use Permit No. CUP 2008/003 for the Proposed Central Maui Landfill Facilities Project at Tax Map Key (2) 3-8-003:019 (por.) and 020, Pu'unēnē, Maui, Hawai'i

Dear Captain Haake:

9 PE 1 TO 1 PE

Thank you for your letter of April 12, 2018 providing comments on the Draft Environmental Assessment (EA) and Applications to Amend State Special Permit No. 97-390 and County Special Use Permit No. CUP 2008/003 for the Proposed Central Maui Landfill Facilities Project. On behalf of the County of Maui (COM), Department of Environmental Management (DEM), we offer the following responses in the order of the comments presented in your letter:

- Thank you for noting that the Fire Department's basic concerns on fire apparatus access and water supply for fire protection have been addressed.
- 2. It is acknowledged that a minimum of 2,000 gallons per minute of fire flow with a maximum spacing of 250 feet between hydrants is required. The construction plans for the project, including the fire protection system, will be routed to the Department of Fire and Public Safety for review as part of the building permit application process.
- 3. It is noted that the Department of Fire and Public Safety reserves the right to further comment during the building permit review process.

Captain Paul Haake July 22, 2019 Page 2

We appreciate the input provided by your Department and will include a copy of your letter and this response in the Final EA. Should you have any questions or require further information regarding the proposed action, please feel free to contact me at 244-2015.

Very truly yours,

Colleen Suyama Senior Associate

CS:tn

cc: Elaine Baker, Department of Environmental Management

Ali Mehrazarin, A-MEHR

Clayton Yoshida, Department of Planning KIDATAKCOMDEM CMALL LE (PHASE I)Applications DEA Response Latters Fire Response doc

EXHIBIT 14.

ALAN M. ARAKAWA Mayor

WILLIAM R. SPENCE Director

MICHELE CHOUTEAU McLEAN
Deputy Director



COUNTY OF MAUI DEPARTMENT OF PLANNING

April 27, 2018

Stewart Stant, Director
Department of Environmental Management
2050 Main Street, Suite 2B
Walluku, Hawali 96793

Dear Mr. Stant,

SUBJECT:

DRAFT ENVIRONMENTAL ASSESSMENT (EA) PROPOSED CENTRAL MAUI LANDFILL FACILITIES PROJECT, PUUNENE, MAUI, HAWAII; TMK: (2)3-8-003:019 (POR.) (EAC 2018/0002)

The Department of Planning (Department) is in receipt of your request for review of the above-mentioned Draft EA.

The Department of Environmental Management (DEM) operates and maintains the Central Maui Landfill (CML) in Puunene, Maui. The landfill has been in operation since 1986.

The CML was established under State Land Use Commission (SLUC) Special Permit SP86-359. Expansion of the landfill area and uses were granted by the SLUC under SP 97-390. The DEM is submitting an application to amend the State Special Permit. As part of the request to amend, the DEM is also seeking a time extension of the permit to October 31, 2028, to be consistent with the County Special Use Permit (CUP2008/0003).

The DEM is proposing to improve its facilities at the CML on approximately 40.8 acres of a larger approximate 180 acres of County-owned parcel located at Tax Map Key (TMK) (2) 3-8-003:019 (por.) (Parcel 19), 8100 Pulehu Road in Puunene. The DEM further proposes to not utilize parcel 20, which was originally part of SP 97-390 and CUP 2008/0003. By correspondence dated February 22, 2018, the DEM notified the owner of parcel 20 of the decision to remove the parcel from the SP and CUP.

The DEM proposes to develop the following solid waste management facilities on the project site to centralize its facilities and operations to increase efficiency: 1) Office; 2) Abandoned vehicles area; 3) Metals processing area; 4) Open construction and demolition material recovery area; 5) Household hazardous waste and electronic waste processing and holding area 6) Warehouse building and storage area; 7) Refuse collection office, truck parking, and maintenance area; 8) Drainage basins; and 9) Associated Infrastructure.

The project site was formerly utilized for sugar cane cultivation and is currently vacant.

Mr. Stewart Stant, Director April 27, 2018 Page 2

Pursuant to Chapter 343, Hawai'l Revised Statutes (HRS), an Environmental Assessment (EA) is triggered because of the use of County lands and funds. The EA will serve as the supporting document for the SP and CUP amendment processes for the proposed project. This EA documents the proposed project's technical characteristics, environmental impacts of the proposed project, mitigation measures, and alternatives. The DEM is the proposing and determining agency for the EA.

On the Island of Maui, approximately 235,770 acres have been designated as "Agricultural" by the SLUC, comprising just over fifty percent (50%) of the Island.

According to the EA, the proposed project will repurpose approximately 40.8 acres of agricultural lands for a critical public facility, which is intended to reduce the amount of waste entering the CML. This change represents a very small portion of the SLUC designated "Agricultural" lands on Maui.

Pursuant to Chapter 205, Part III, HRS, in 2012 when the County acquired the project site from Alexander & Baldwin, approximately 22 acres were identified as being designated Important Agricultural Lands (IAL). Chapter 205-42 defines IAL as:

- (a) As used in this part, unless the context otherwise requires, "important agricultural lands" means those lands, identified pursuant to this part, that:
 - (1) Are capable of producing sustained high agricultural yields when treated and managed according to accepted farming method and technology;
 - (2) Contribute to the State's economic base and produce agricultural commodities for export or local consumption; or
 - (3) Are needed to promote the expansion of agricultural activities and income for the future even if currently in production.

The twenty-two (22) acre IAL designated on the proposed project land represents a small portion of the approximately 27,102 acres of IAL designated lands on Maui.

The subject property is designated as "Prime" agricultural lands by the State Department of Agriculture and corresponds to the national designation criteria and is defined as follows:

PRIME AGRICULTURAL LAND is land best suited for the production of food, feed, forage and fiber crops. The land has the soil quality, growing season, and moisture supply needed to produce sustained high yields of crops economically when treated and managed, including water management, according to modern farming methods.

The University of Hawai'i, Land Study Bureau developed the *Overall Productivity Rating*, which classifies soils according to five (5) levels, with "A" representing the class of highest productivity soils and "E" representing the lowest. The lands underlying the proposed project site are rated "A" including a portion of the existing landfill, the highest productivity level.

Mr. Stewart Stant, Director April 27, 2018 Page 3

Section 205-4.5(7), HRS, provides for solid waste transfer stations on agricultural land.

According to the Draft EA, the proposed project is not expected to curtail future agricultural use of the surrounding lands as has been demonstrated by the compatibility of the existing CML operations with agriculture since its establishment.

A large portion of the project site, including the CML, is located within the Urban Growth Boundary as designated on the Directed Growth Map of the Maul Island Plan. The long-range objective of the Urban Growth Boundary is to allow the development of urban uses, such as the development of solid waste management uses. The project is located in the County's Agricultural District; It is zoned InterIm District, It is located in the Waituku-Kahului Community Plan District and Designated Agriculture, with a portion designated Public/Quasi Public.

By correspondence dated October 28, 2015, the Department of the Army (DA) stated:

Under Section 404 of the Clean Water Act, DA authorization is required for discharges of dredged or fill material into waters of the U.S. Based on our initial review of the Information provided, it appears there may be waters of the U.S. on the project site. The Haiku Ditch flows along the northern boundary of the project site and the Kalialinul Gulch flows along the eastern boundary of the project site. Depending on the circumstances of your project, a permit may be required from this office prior to commencing proposed work.

As stated in correspondence dated January 3, 2018, from Munekiyo Hiraga to the Department of the Army, please work with the Department to secure the necessary permit if necessary.

Additionally, please ensure compliance with the State's Water Quality Standards as stated in correspondence dated January 3, 2018, from Munekiyo Hiraga to the Department of Health Clean Water Branch, the Solid and Hazardous Waste Branch, and the Indoor and Radiological Health Branch. The Department notes this is addressed in the Draft EA

By correspondence dated August 28, 2015, the United States Department of the Interior Fish and Wildlife Service noted five (5) species of concern: the federally endangered Hawaiian hoary bat, Blackburn's sphinx moth, Hawaiian stilt, Hawaiian coot, and Hawaiian goose. Please adhere to the recommendations made by the Department to mitigate and minimize danger to the species' as stated in correspondence dated January 3, 2018, from Munekiyo Hiraga to the Department.

Please ensure compliance with the Hawaii State Plan as noted in correspondence dated January 3, 2018, from Munekiyo Hiraga to the Office of Planning.

Please obtain a National Pollutant Discharge Elimination system permit as stated in correspondence dated January 3, 2018, from Munekiyo Hiraga to the Department.

Mr. Stewart Stant, Director April 27, 2018 Page 4

The Department acknowledges inclusion of an Archeological Assessment Report as Appendix "F" to the Draft EA.

As proposed, the Draft EA appears to be in order and fall within the requirements of Chapter 343, HRS and the General Plan.

The Department has no further comments or suggestions at this time.

Thank you for the opportunity to comment. If additional clarification is required, please contact Staff Planner Kimberley Willenbrink by email at kimberly.willenbrink@mauicounty.gov or by phone at (808) 270-5570.

Sincerely,

Milliam SPENCE

Planning Director

xc: Clayton I. Yoshida, Planning Program Administrator (PDF)
John S. Rapacz, Planning Program Administrator (PDF)

Pam Eaton, Planning Program Administrator (PDF)

Kimberley C. Willenbrink, Staff Planner (PDF)

Project File

WRS:KCW:lk

K:\WP_DOCS\PLANNING\EAC\2018\0002_Central Maul Landfill\AgencyResponse.doc

EXHIBIT 15.



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

July 22, 2019

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

SUBJECT:

Draft Environmental Assessment (EA) for the Proposed Central Maui Landfill Facilities Project at Tax Map Key (2) 3-8-003:019 (por.), Pu'unēnē, Maui, Hawai'i (EAC 2018/0002)

Dear Ms. McLean:

On behalf of the County of Maui (COM), Department of Environmental Management (DEM), we thank you for your Department's letter of April 27, 2018 providing comments on the Draft Environmental Assessment (EA) for the Proposed Central Maui Landfill Facilities Project. As noted in the Draft EA, DEM will obtain all required permits for the project and will adhere to State and County standards, rules, and laws, as applicable.

We acknowledge your Department's determination that the Draft EA appears to be in order and falls within the requirements of Chapter 343, Hawai'i Revised Statutes (HRS) and the General Plan. We also note that your Department has no further comments or suggestions at this time.

Michele McLean, Director July 22, 2019 Page 2

We appreciate the input provided by your Department and will include a copy of your letter and this response in the Final EA. Should you have any questions or require further information regarding the proposed action, please feel free to contact me at 244-2015.

Very truly yours,

Colleen Suyama Senior Associate

CS:tn

cc: Elaine Baker, Department of Environmental Management

Clayton Yoshida, Department of Planning
KIDATAICOMDEM CMAILLE (PHASE I)MAPPIICATIONS DEA Response Letters Planning Response dec

EXHIBIT 16.

APR 1 6 2018

ALAN M. ARAKAWA Mayor

DAVIDIC, GOODE Director

ROWENA M. DAGDAG-ANDAYA Deputy Director

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



COUNTY OF MAUL DEPARTMENT OF PUBLIC WORKS 200 SOUTH HIGH STREET, ROOM NO. 434 WAILUKU, MAUI, HAWAII 96793

April 2, 2018

GLEN A. UENO, P.E., P.L.S. **Dovelopment Services Administration**

> CARY YAMASHITA, P.E. Engineering Division

JOHN R. SMITH, P.E. Highways Division

Ms. Colleen Suyama, Senior Associate MUNEKIYO HIRAGA 305 High Street, Suite 104 Wailuku, Maui, Hawaii 96793

Dear Ms. Suyama:

SUBJECT: AMENDMENTS TO STATE LAND USE COMMISSION SPECIAL

PERMIT AND COUNTY SPECIAL USE PERMIT FOR

PROPOSED CENTRAL MAUI LANDFILL FACILITIES PROJECT

TMK: (2) 3-8-003:POR. 019 AND 020

SP97-390; CUP 2008/0003

We reviewed the subject application and have the following comment:

Comment from the Development Services Administration, Plans Review Section:

1. Any new structures or improvements related to the proposed uses may require a building permit prior to construction.

Please call Rowena M. Dagdag-Andaya at 270-7845 if you have any questions regarding this letter.

Sincerely,

Director of Public Works

DCG:RMDA:da

XC:

Highways Division

Engineering Division

Elaine Baker, Engineer, Department of Environmental Management, Solid Waste

Kimberley Willenbrink, Planner, Department of Planning S:\DSA\Engr\CZM\Draft Comments\38003019_020_central_maui_landfill_exp_sp_cup.rtf

EXHIBIT 17.



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

July 22, 2019

Rowena Dagdag-Andaya, Director County of Maui Department of Public Works 200 South High Street, Room 434 Walluku, Hawai'i 96793

SUBJECT:

Draft Environmental Assessment (EA) and Applications to Amend State Special Permit No. 97-390 and County Special Use Permit No. CUP 2008/003 for the Proposed Central Maui Landfill Facilities Project at Tax Map Key (2) 3-8-003:019 (por.) and 020, Pu'unēnē, Maui, Hawai'i

Dear Ms. Dagdag-Andaya:

Thank you for your letter of April 2, 2018 providing comments on the Draft Environmental Assessment (EA) and Applications to Amend State Special Permit No. 97-390 and County Special Use Permit No. CUP 2008/003 for the Proposed Central Maui Landfill Facilities Project. On behalf of the County of Maui (COM), Department of Environmental Management (DEM) we offer the following response to your comment:

1. Construction permits will be obtained for new structures and uses, as applicable.

We appreciate the input provided by your Department and will include a copy of your letter and this response in the Final EA. Should you have any questions or require further information regarding the proposed action, please feel free to contact me at 244-2015.

Very truly yours,

Colleen Suyama Senior Associate

Aller of

CS:tn

cc: Elaine Baker, Department of Environmental Management

Ali Mehrazarin, A-MEHR

Clayton Yoshida, Department of Planning KYDATA(COMDEM CANDALL) (PHASE I)(Applications/DEA Response Letters/DPW Response-doc

73. 305 High Street, Suite 104 Walluku, Hawaii 96793 Tel: 808.244.2015 Fax: 808.244.8729 735 Bishop Street, Suite 321 Honotulu, Hawaii 96813 Tel: 808.983.1233

EXHIBIT 18.

ALAN M ARAKAWA Mayor



DAVID TAYLOR, P E Director

GLADYS C BAISA Deputy Director

DEPARTMENT OF WATER SUPPLY COUNTY OF MAUI

200 SOUTH HIGH STREET
WAILUKU MAUI, HAWAII 96793-2155
www.maulwalgr.org

March 21, 2018

Kimberly Willenbrink, Staff Planner Department of Planning 2200 Main Street, Suite 315 Walluku, Hawali 96793

Subject:

Central Maul Landfill Facilities Project

Amend State Special Permit (SP97/390) and County Special Use Permit (CUP 2008/003)

TMKs: (2) 3-8-003:019 (por.) and 020

Dear Ms. Willenbrink,

Thank you for the opportunity to comment on the expansion of the Central Maui Landfill Facility.

Consumption

The Department of Water Supply (DWS) notes the increase in water demand, according to <u>Water System Standards</u>, <u>Hawaii</u>, <u>2002</u>, of 114,600 gallons per day (gpd) for 19.1 acres of industrial area plus 8,400 gpd for 1.4 acres of office area resulting in a total of 123,000 gpd of additional demand.

The source of water is not supplied by DWS.

Please see the attached previous comment letter dated August 12, 2015 including Best Management Practices.

Should you have questions, please contact Audrey Dack, staff planner, at (808) 463-3109 or audrey.dack@co.maul.hi.us.

Sincerely,

€ Gladys C Balsa, Deputy Director

cc: Elaine Baker, Department of Environmental Management Colleen Suyama, Muneklyo Hiraga

DWS Engineering, County of Maul

Attachments

ALAH M ARAKAWA Mayor



DAVID TAYLOR PE

PAUL J MEYER Deputy Director

DEPARTMENT OF WATER SUPPLY

COUNTY OF MAUL

200 SOUTH HIGH STREET WAILUKU, MAUI, HAWAII 96793-2155 www.maulwater.org

August 12, 2015

County of Maul Department of Environmental Management 2050 Main Street, Suite 1C Walluku, Hawali 96793

Dear Mr. Ginoza:

RE: Pre-Consultation for a Draft Environmental Assessment (DEA)

Central Maul Landfill Expansion (Walluku, Maul, Hawaii)

TMK: (2) 3-8-003:019 (por.)

Thank you for the opportunity to offer the following comments on the referenced project.

Source Availability and Consumption

The water source for the project site is the Paia aquifer. The DEA should include the source of water and an estimated water consumption based on system standards.

System Infrastructure

DWS has no water infrastructure within the proposed project. The expansion of the landfill will have no negative affect on the Department of Water (DWS) water system.

Pollution Prevention

in order to protect ground and surface water sources, Best Management Practices (BMPs) designed to minimize infiltration and runoff from construction should be implemented during construction. The mitigation measures below should be included in the DEA and be implemented during construction:

- Prevent cement products, oil, fuel and other toxic substances from failing or dripping
 on the ground as this can cause them to leach into the ground. Store them in proper
 containers on non-porous surfaces and protect from the elements.
- Properly and promptly dispose of all loosened and excavated soil and debris material from drainage structure work.
- Retain ground cover until the last possible date.
- Stabilize denuded areas by sodding or planting as soon as possible. Replanting should include soil amendments and temporary irrigation. Use high seeding rates to ensure rapid stand establishment.

"By Water All Things Find Life"

Mr. Kyle Ginoza
County of Maul
Department of Environmental Management

- Avoid fertilizers and biocides, or apply only during periods of low rainfall to minimize chemical run-off.
- Keep run-off on site.

Conservation

DWS recommends that the applicant include the following conservation measures in the DEA and implement them in the project.

Indoor Conservation Measures:

- Use EPA WaterSense labeled plumbing fixtures;
- Install flow reducers and faucet aerators in all plumbing fixtures wherever possible; and
- Install dual flush tollets with high efficiency models that use 1.28 gallons per flush or less.

Outdoor Conservation Measures

- If irrigating recommend use of Smart Approved WaterMark Irrigation products.
 Examples include ET Irrigation controllers, drlp irrigation, and water saving spray heads;
- Avoid plant fertilizing and pruning that would stimulate excessive growth. Time
 watering to occur in the early morning or evening to limit evaporation. Limit turf to as
 small an area as possible;
- Use native climate-adapted plants for landscaping. Native plants adapted to the area conserve water and protect the watershed from degradation due to invasive alien species; and
- Dust control: Reclaimed water for dust control is available at the Kahulul and Kihei Wastewater Treatment Plant at a reasonable cost. It should be considered as an alternative source of non-potable water for dust control during construction.

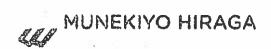
Should you have any questions, please contact Audrey Dack at <u>audrey.dack@co.maul.hi.us</u> or at (808) 463-3109.

Sincerely,

Dave Taylor, P.E., Director

cc: DWS Engineering and Water Resources & Planning Divisions

EXHIBIT 19.



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

July 22, 2019

Jeff Pearson, Director County of Maui Department of Water Supply 200 South High Street Wailuku, Hawai'i 96793

SUBJECT:

Draft Environmental Assessment (EA) and Applications to Amend State Special Permit No. 97-390 and County Special Use Permit No. CUP 2008/003 for the Proposed Central Maui Landfill Facilities Project at Tax Map Key (2) 3-8-003:019 (por.) and 020, Pu'unēnē, Mauī. Hawai'i

Dear Mr. Pearson:

Thank you for your department's letter of March 21, 2018 providing comments on the Draft Environmental Assessment (EA) and Applications to Amend State Special Permit No. 97-390 and County Special Use Permit No. CUP 2008/003 for the Proposed Central Maui Landfill Facilities project. On behalf of the County of Maui (COM), Department of Environmental Management (DEM) we offer the following responses in the order of the comments presented in your letter:

- 1. We acknowledge that water for the proposed project will not be provided by the Department of Water Supply (DWS). There is an existing onsite well and tank (which will be supplemented) that will supply water for the project.
- The information previously provided by the DWS regarding Best Management Practices for protection of ground and surface water resources, and, indoor and outdoor conservation measures were included in the Draft EA and will be implemented, as appropriate.

Jeff Pearson, Director July 22, 2019 Page 2

We appreciate the input provided by your Department and will include a copy of your letter and this response in the Final EA. Should you have any questions or require further information regarding the proposed action, please feel free to contact me at 244-2015.

Very truly yours,

Colleen Suyama Senior Associate

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CS:tn

cc: Elaine Baker, Department of Environmental Management

Ali Mehrazarin, A-MEHR

Clayton Yoshida, Department of Planning KADATAICOANDEM CATALLE (PHASE INAPPLICATIONALDEA RESPIRITE LEURISDUS RESPIRITE DES

EXHIBIT 20.

DAVID Y, IGE Governor

DOUGLAS S. CHIN



State of Hawali
DEPARTMENT OF AGRICULTURE
1428 Souih King Street
Honolulu, Hawali 86814-2512
Phono: (808) 973-9800 FAX: (808) 973-9613

May 1, 2018

SCOTT E. ENRIGHT Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER
Deputy to the Chairperson



Ms. Elaine Baker County of Maui Solid Waste Division 2200 Main Street, Suite 225 Walluku, Hawali 96793

Dear Ms. Baker:

Subj: Chapter 343, Hawaii Revised Statutes (HRS), Draft Environmental Assessment (DEA) for the proposed Central Maul Landfill Facilities Project

TMK: 3-8-003:019 (por.) Puunene, Maui, Hawaii

The Department of Agriculture (DOA) has reviewed the County of Maui, Department of Environmental Management's DEA for the proposed 40.8-acre expansion for the Central Maui Landfill (CML) facility and offers the following comments and recommendations.

Background

The CML currently operates on a portion of TMK: 3-8-003:019 (Parcel 19) encompassing approximately 126 acres, and Is located immediately adjacent to the southeast of the proposed 40.8-acre expansion area (DEA, page 14). The landfill has been in operation since 1986 (DEA, page 14). The expansion area will contain the following facilities: offices, abandoned vehicles area, metals processing area, open construction and demolition material recovery area, household hazardous waste area, warehouse building and storage area, and a refuse collection office area (DEA, page 1). The project completion date is estimated to be the end of 2020.

The expansion area is in the State Agricultural District, Previously, a portion of the expansion area was owned by Alexander and Baldwin Inc. and managed by Hawaiian Commercial & Sugar Co. In 2009, the Land Use Commission (LUC) approved a petition to designate approximately 27,102 acres of land as Important Agricultural Lands (IAL). Approximately 22 acres within the northwestern half of the expansion area is designated as IAL (LUC DR09-38). The majority of the expansion area is within the Maui Island Plan's Urban Growth Boundary; however, a portion of the northwest corner is not within the Urban Growth Boundary (DEA, Figure 13). The Walluku-Kahului Community Plan designates the entire expansion area as "Agriculture" (DEA, Figure 15).



Ms. Elaine Baker May 1, 2018 Page 2

The Applicant is also seeking to amend SP No. 97-390 and CUP No. 2008/0003 fo expand the Central Maui Landfill Facilities (DEA, page 57).

Comments/Recommendations:

<u>The Department recommends</u> that the Environmental Assessment include additional discussion in the following sections:

- In Part III "Relationship to Government Plans, Policies, and Controls", whether the proposed expansion conflicts with the IAL sections of 205-41 to 52, HRS. Pursuant to Section 205-6(c), HRS, certain unusual and reasonable non-agricultural uses may be permitted within agricultural and rural districts; however, such uses proposed on IAL designated lands shall not conflict with any part of Chapter 205, HRS. We note that the intent of IAL designation under section 205-41, HRS, is to: "(1) conserv[e] and protect agricultural lands; (2) promot[e] diversified agriculture; (3) increas[e] agricultural self-sufficiency; and (4) assur[e] the availability of agriculturally suitable lands...."
- In Part IV, "Alternatives", or Part II, "Description of Existing Environment, Potential Impacts, and Proposed Mitigation Measures", the possibility of removing IAL designation within the expansion area under the process described in Section 205-50(g), HRS, before starting construction of the CML expansion.
- In Part II, "Description of Existing Environment, Potential Impacts, and Proposed Mitigation Measures", the possibility of implementing a remediation plan for IAL designated lands to be returned to agricultural use after the life of the CML.
- The Department of Agriculture believes that the discussion on the alternatives to the proposed action in section IV in the DEA should reflect the protections that apply to designated IAL, such as that articulated in Section 205-43, HRS (IAL, policies).

Thank you for the opportunity to provide our input. Should you have any questions, please contact Earl Yamamoto at 973-9466 or email at earl.j.yamamoto@hawaii.gov.

Scott E. Enright

Chairperson, Board of Agriculture

c: Office of Planning
William Spence, Department of Permitting and Planning, County of Maul
Colleen Suyama, Muneklyo Hiraga

DAVID Y. IGE Governor

DOUGLAS S. CHIN



State of Hawaii
DEPARYMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 98814-2512
Phona: (808) 973 0800 FAX: (808) 973 8813

May 1, 2018

SCOTT E. ENRIGHT Chairperson, Board of Agriculture

PHYLLIS 8HIMABUKURO-GEISER
Deputy to the Chairperson

Mr. William Spence, Director Planning Department County of Maui 2200 Main Street, Suite 619 Wailuku, Hawaii 96793

Attn. Ms. Kimberley Willenbrink, Planner

Dear Mr. Spence:

Subj: Applications to amend State Special Permit (SP) 97-390 and County Special Use Permit (CUP) 2008/0003 for the proposed Central Maui Landfill Facilities Project, Tax Map Key (2) 3-8-003: 019 (por.) and 020, Pu'unene, Maul, Hawaii.

The Department of Agriculture (DOA) has reviewed the subject applications and offers the following comments and recommendations.

The County of Maui, Department of Environmental Management is seeking to amend SP No. 97-390 and CUP No. 2008/0003 to expand the Central Maui Landfill Facilities. The proposed amendments to SP 97-390 and CUP 2008/0003 are to remove Parcel 20 (19.7 acres), extend the time period of the SP to be coterminous with that of the corresponding CUP (October 31, 2028), and include an additional 40.8 acres within the SP and CUP boundary for the development of the project.

Background

The existing Central Maui Landfill (CML) currently operates on a portion of TMK: 3-8-003:019 (Parcel 19) encompassing approximately 126 acres, and is located immediately adjacent to the southeast of the proposed 40.8-acre expansion area (Index 15, page 14). The landfill has been in operation since 1986 (Page 1). The expansion area will contain the following facilities: offices, abandoned vehicles area, metals processing area, open construction and demolition material recovery area, household hazardous waste area, warehouse building and storage area, and a refuse collection office area (Page 1). The project completion date is estimated to be the end of 2020. The expansion area is in the State Agricultural District. Previously, a portion of the expansion area was owned by Alexander and Baldwin Inc. and managed by Hawaiian



Mr. William Spence May 1, 2018 Page 2

Commercial & Sugar Co. In 2009, the Land Use Commission (LUC) approved a petition to designate approximately 27,102 acres of land as Important Agricultural Lands (IAL). Approximately 22 acres within the northwestern half of the expansion area is designated as IAL (LUC DR09-38). The majority of the expansion area is within the Maui Island Plan's Urban Growth Boundary, however, a portion of the northwest corner is not within the Urban Growth Boundary (Index 15, Figure 13). The Walluku-Kahulul Community Plan designates the entire expansion area as "Agriculture" (Index 15, Figure 15).

Comments/Recommendations:

The Department reviews SPs and CUPs with guidance from Section 205-6, Hawali Revised Statutes (HRS), Land Use Commission Administrative Rules Section 15-15-95, Maui County Code Section 19.510.070, and prior SPs and CUPs we have reviewed and submitted comments on. Under Section 205-6(c), HRS, certain unusual and reasonable non-agricultural uses may be permitted within agricultural and rural districts; however, such uses proposed on IAL designated lands shall not conflict with any part of Chapter 205, HRS. The Department recommends the applicant address this requirement, particularly regarding the IAL Sections of 205-41 to 52, HRS.

The Department agrees with the Applicant that the proposed use is unusual and reasonable in that the project will support and expand the CML, which is a unique and essential facility for the County of Maui. We also urge the County to hold any special permit considered for agricultural lands that are designated as IAL to a higher level of scrutiny.

Finally, the Department also recommends that the Applicant consider significant mitigation measures, including removing IAL designation within the expansion area pursuant to the process described in Section 205-50(g), HRS, and/or implementing a remediation plan for IAL designated lands to be returned to agricultural use after the life of the CML.

Thank you for the opportunity to provide our input. Should you have any questions, please contact Earl Yamamoto at 973-9466 or email at earl.j.yamamoto@hawaii.gov.

Shice ela

Scott E. Enright

Chairperson, Board of Agriculture

c: Office of Planning
Elaine Baker, Department of Environmental Management, County of Maui
Colleen Suyama, Munekiyo Hiraga

EXHIBIT 21.

MICHAEL P. VICTORINO Mayor

ERIC A. NAKAGAWA, P.E. Director

SHAYNE R. AGAWA, P.E. Deputy Director

MICHAEL P. RATTE Solid Waste Division

SCOTT R. ROLLINS, P.E. Waslewater Reclamation Division

TAMARA L. FARNSWORTH Environmental Protection & Sustainability Division



COUNTY OF MAUI DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

2050 MAIN STREET, SUITE 2B WAILUKU, MAUI, HAWAII 96793

July 19, 2019

Phyllis Shimabukuro-Gieser, Chairperson State of Hawai'i Department of Agriculture 1428 S. King Street Honolulu, Hawai'i 96814-2512

SUBJECT:

Draft Environmental Assessment (EA) and Applications to Amend State Special Permit No. 97-390 and County Special Use Permit No. CUP 2008/003 for the Proposed Central Maui Landfill Facilities Project at Tax Map Key (2) 3-8-003:019 (por.) and 020, Pu'unēnē, Maui, Hawai'i

Dear Ms. Shimabukuro-Gieser:

Thank you for your department's two letters of May 1, 2018 providing comments on the Draft Environmental Assessment (EA) and Applications to Amend State Special Permit No. 97-390 and County Special Use Permit No. CUP 2008/003 for the Central Maui Landfill Facilities Project. The County of Maui (COM), Department of Environmental Management (DEM), offers the following information in response to the comments presented in your letters.

As recommended, we have reviewed Chapter 205, Hawal'i Revised Statutes (HRS), Sections 205-6(c), 205-41 through 52 regarding special permits and Important Agricultural Lands (IAL). The Environmental Assessment (EA) will be revised to include an analysis of Chapter 205 as it relates to IAL and the special permit amendment process.

An amendment to the existing SP No. 97-390 is being pursued based on coordination undertaken with both the State Land Use Commission and the County of Maui's Department of Planning during the early consultation phase of the EA process.

Phyllis Shimabukuro-Gleser, Chairperson July 19, 2019 Page 2

The proposed project will improve a critical County of Maui Solid Waste Management facility to extend the useful life of the existing landfill beyond 2030. The project will involve use of approximately 22 acres of IAL, the majority of which are located within the Urban Growth Boundary (UGB) of the Maui Island Plan, which was adopted in 2012. The IAL portion of the project site represents approximately 22 acres of the 27,102 acres of IAL designated lands on Maui or approximately 0.08 percent of the total IAL designated lands and is not anticipated to present a significant impact on the availability of agricultural lands given the recent demise of sugar cane cultivation activities on Maui. As such, DEM does not believe that a remediation plan would be appropriate in this instance. DEM will, however, coordinate with your Department and the State Land Use Commission to determine the feasibility of the County possibly petitioning the State to remove the IAL designation from the property in the future.

Also, as recommended, Chapter IV Alternatives of the EA will be revised to include a discussion of §205-43 and the protections afforded to IAL. We understand that there are priorities in the State and County planning framework that may not support the intent of the IAL. The public need to provide reliable public infrastructure, including solid waste management facilities, is also addressed in this framework and may be contrary to the Intent of IAL. The proposed project at the Central Maui Landfill will ensure the provision of continued solid waste services to residents and visitors on Maui and will implement the solid waste objectives of the State and COM. The proposed project will implement sustainability measures intended to reduce the solid waste stream entering the Central Maui Landfill.

We appreciate the input provided by your Department and will include a copy of your letter and this response in the Final EA. Should you have any questions or require further information regarding the proposed action, please feel free to contact Colleen Suyama of Munekiyo Hiraga at (808) 244-2015.

Sincerely,

ERIC A. NAKAGAWA, P.E.

Director of Environmental Management

EN cc.

Elaine Baker, Department of Environmental Management Clayton Yoshida, Department of Planning Colleen Suyama, Munekiyo Hiraga **EXHIBIT 22.**

DAVID Y IGE



STATE OF HAWAII DEPARTMENT OF HEALTH P. O. BOX 3378 HONOLULU, HI 98801-3378

March 22, 2018

VIRGINIA PRESSLER, M.D. ORECTOR OF HEALTH

> in reply, please refer to: File:

EPO 18-066

Ms. Colleen Suyama Munekiyo Hiraga 305 High Street, Suite 104 Walluku, Hawali 96793 Email: planning@munekiyohiraga.com

Dear Ms. Suyama:

SUBJECT:

Draft Environmental Assessment (DEA) for Central Maul Landfill Facilities

TMK: (2)3-8-003:019 (por)

The Department of Health (DOH), Environmental Planning Office (EPO), acknowledges receipt of your DEA to our office via the OEQC link:

http://oegc2.doh.hawaii.gov/EA_EIS_Library/2018-03-08-MA-DEA-Central-Maul-Landfill-Facilities.pdf

We understand from the OEQC publication form project summary that "The Department of Environmental Management (DEM) proposes to develop the following solid waste management facilities on an approximately 40-acre portion of the Central Maul Landfill property: 1) Office; 2) Abandoned Vehicles Area; 3) Metals Processing Area; 4) Open Construction and Demolition Material Recovery Area; 5) Household Hazardous Waste and Electronic Waste Processing and Storage Area; 6) Warehouse Building and Storage Area; 7) Refuse Collection Office, Truck Parking, and Maintenance Area; 8) Drainage Basins; and 9) Associated Infrastructure. Implementation of the project will allow the County to reduce the amount of solid waste entering the Central Maul Landfill, thereby extending the useful life of the landfill."

Hawaii's environmental review lews require Environmental Assessments (EAs) and Environmental Impact Statements (EISs) to consider health in the discussion and the mitigation measures to reduce negative Impacts. In its definition of 'impacts,' §11-200-2, Hawaii Administrative Rules (HAR) includes health effects, whether primary (direct), secondary (indirect), or cumulative. Further, §11-200-12(b)(5), HAR, lists public health as one of the criteria for determining whether an action may have a significant impact on the environment.

In the development and implementation of all projects, EPO strongly recommends regular review of State and Federal environmental health land use guidance. State standard comments to support sustainable healthy design are provided at: http://health.hawaii.gov/epo/landuse. Projects are required to adhere to all applicable standard comments.

EPO also encourages you to examine and utilize the Hawaii Environmental Health Portal at: https://eha-cloud.doh.hawaii.gov. This site provides links to our e-Permitting Portal, Environmental Health Warehouse, Groundwater Contamination Viewer, Hawaii Emergency Response Exchange, Hawaii State and Local Emission Inventory System, Water Pollution Control Viewer, Water Quality Data, Warnings, Advisorles and Postings.

We suggest you review the requirements of the Clean Water Branch (Hawali Administrative Rules (HAR), Chapter 11-54-1.1, -3, 4-8) and/or the National Pollutant Discharge Elimination System (NPDES) permit (HAR, Chapter 11-55) at: http://health.hawaii.gov/cwb. If you have any questions, please contact the Clean Water Branch (CWB), Engineering

Ms. Colleen Suyama Page 2 March 22, 2018

Section at (808) 586-4309 or cleanwaterbranch@doh.hawali.gov. If your project involves waters of the U.S., it is highly recommended that you contact the Army Corps of Engineers, Regulatory Branch at: (808) 835-4303.

If temporary fugitive dust emissions could be emitted when the project site is prepared for construction and/or when construction activities occur, we recommend you review the need and/or requirements for a Clean Air Branch (CAB) permit (HAR, Chapter 11-60.1 "Air Pollution Control"). Effective air pollution control measures need to be provided to prevent or minimize any fugitive dust emissions caused by construction work from affecting the surrounding areas. This includes the off-site readways used to enter/exit the project. The control measures could include, but are not limited to, the use of water wagons, sprinkler systems, and dust fences. For questions contact the Clean Air Branch via e-mail at: Cab.Goneral@doh.hawaii.gov or call (808) 586-4200.

Any waste generated by the project (that is not a hazardous waste as defined in state hazardous waste laws and regulations), needs to be disposed of at a solid waste management facility that complies with the applicable provisions (HAR, Chapter 11-58.1 "Solid Waste Management Control"). The open burning of any of these wastes, on or off site, is strictly prohibited. You may wish you review the Minimizing Construction & Demolition Waste Management Guide at: http://health.hawaii.gov/shwb/files/2016/05/constdem16.pdf Additional Information is accessible at: http://health.hawaii.gov/shwb. For specific questions call (808) 586-4226.

If noise created during the construction phase of the project may exceed the maximum allowable levels (HAR, Chapter 11-46, "Community Noise Control") then a noise permit may be required and needs to be obtained before the commencement of work. Relevant information is online at: http://health.hawaii.gov/irhb/noise EPO recommends you contact the Indoor and Radiological Health Branch (IRHB) at (808) 586-4700 with any specific questions.

We hope this information is helpful. If you have any questions please contact us at DOH.epo@doh.hawaii.gov or call us at (808) 586-4337. Thank you for the opportunity to comment.

Mahalo nui loa.

Laura Lelaiona Phillips McIntyre, AICP

Environmental Planning Office

LM:nn

c: Stewart Stant, Director, County of Maul Dept. of Env Mgmt (via email: environmental.mgmt@mauicounty.gov) DOH: DHO Maui, SHWB, CWB, CAB, IRHB (via email only)

EXHIBIT 23.



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

July 22, 2019

Laura Leialoha Phillips McIntyre, AICP Environmental Planning Office Department of Health P.O. Box 3378 Honolulu, Hawai'i 96801-3378

SUBJECT: Draft Environmental Assessment (EA) for the Proposed Central

Maui Landfill Facilities Project at Tax Map Key (2)3-8-003:019

(por.), Pu'unene, Maui, Hawai'i (EPO 15-066)

Dear Ms. McIntyre:

Thank you for your letter of March 22, 2018 providing comments on the Draft Environmental Assessment (EA) for the Central Maui Landfill Facilities Project. On behalf of the County of Maui (COM), Department of Environmental Management (DEM) we offer the following information in the order of the comments presented in your letter:

- 1. We note the public and environmental health guidance provided. As applicable, required permits will be obtained by DEM for the proposed project prior to the initiation of construction.
- 2. We note the information provided regarding Clean Water Branch requirements. As appropriate, a National Pollutant Discharge Elimination System (NPDES) permit will be obtained by DEM prior to the initiation of construction.
- 3. The Draft EA has been sent to the U.S. Army Corps of Engineers (USACE), Regulatory Branch for review and comment. The proposed project is not anticipated to involve any waters of the U.S.
- 4. As appropriate, DEM will comply with Chapter 11-60.1 "Air Pollution Control", Hawai'i Administrative Rules (HAR), prior to the initiation of construction of the project.
- 5. Any waste generated by the proposed project will be disposed of at the Central Maul Landfill which is a solid waste management facility regulated by the Department of Health (DOH).

Laura Leialoha Phillips McIntyre, AICP July 22, 2019 Page 2

6. As appropriate, DEM will comply with Chapter 11-46, "Community Noise Control", HAR, prior to the initiation of construction of the project.

We appreciate the input provided by your Department and will include a copy of your letter and this response in the Final EA. Should you have any questions or require further information regarding the proposed action, please feel free to contact me at (808) 244-2015.

Very truly yours,

Colleen Suyama Senior Associate

CS:tn

cc: Elaine Baker, Department of Environmental Management

Ali Mehrazarin, A-MEHR

Clayton Yoshida, Department of Planning
K*IDATA(CONIDEM CMIAN), LF (PHASE I)(Applications/DEA Response Letters/DOH EPO Response.it/r doc

EXHIBIT 24.

DAVID Y, IGE DOVERNOR OF HAWAR





STATE OF HAWAII DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION KAKUHUHEWA BUILDING 601 KAMOKILA BLVD, STE 555 KAPOLEI, HAWAII 96707 Suzanne D. Case Cilaeperson Bould of Lind and Natural Resources Calbricks on water becomes Managed ext

> ROBERT K. MASUDA FORT DERVIY

JEFFREY T. PRARSON, P. K. DEPUTY DIRECTOR - WATER

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IN REPLY REFER TO:

Log No. 2018,00184

Doc. No. 1803MBF01

Archaeology

March 15, 2018

Stewart Stant
Solid Waste Management & Recycling Division recycle.mani@manicounty.gov

Lesli L. Otani, P.E., L.S. Development Services Administration Department of Public Works County of Maui 250 South High Street Wailuku, Hawaii 96793

Dear Mr. Stant and Ms. Otani:

SUBJECT:

Chapter 6E-8 Historic Preservation Review -

County of Maui Grading & Grubbing Permit G T2018-0006

Archaeological Assessment for the Central Maui Landfill Expansion Project

Wailuku Ahupua'a, Pü'ali Komohana District, Island of Maui

TMK: (2) 3-8-003:019 por.

This letter provides the State Historic Preservation Division's (SHPD's) review of the subject permit application and supporting archaeological survey draft document titled, Archaeology Assessment for the Central Maui Landfill Expansion Project; Wailuku Ahupua'a, Wailuku District, Maui Island; TMK: (2) 3-8-003:019 por. (Andricci and Dega, October 2017). The SHPD received the revised report on October 5, 2017 (Log No. 2017.02268), and the permit application on January 30, 2018 (Log No. 2018.00184).

The project area is approximately 40 acres of undeveloped land adjacent to the current existing Central Maui Landfill. The proposed project is expansion of the facility by the County of Maui, Department of Environmental Management, Solid Waste Division. The project area itself has undergone extensive alteration due to sugarcane cultivation. As the results of the archaeological inventory survey (AIS) were negative, the AIS report was submitted to SHPD as an archaeological assessment (AA) report in accordance with HAR §13-275-5(b)(5)(A).

Due to negative findings, the project effect determination is no historic properties affected, pursuant to HAR §13-275-7(a)(1). The unsolicited archaeological monitoring plan (AMP) submitted for the subject project (Log No. 2017.02461), it will not be reviewed.

Pursuant to HAR§ 13-275-7(e), when SHPD agrees that the project will not affect any significant historic properties, this is SHPD's written concurrence and the historic preservation review process ends. The historic preservation review process for the subject project has ended. No archaeological monitoring is required.

The revised draft AA meets the minimum requirements, pursuant to HAR §13-276-5. It is accepted. Please send two hardcopies of the document, clearly marked FINAL, along with a copy of this review letter and a text-searchable PDF version on CD to the Kapolei SHPD office, attention SHPD Library.

Mr. Stant March 15, 2018 Page 2

You may contact Dr. Matthew Barker Fariss at matthew,b.fariss@hawaii,gov, or by phone at (808) 243-4626, for any questions regarding this letter.

Aloha,

Alan Downer

Alan S. Downer, PhD Administrator, State Historic Preservation Division Deputy State Historic Preservation Officer

cc: Michael Dega Scientific Consultant Services mike@scshawaii.com EXHIBIT 25.



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

July 22, 2019

Alan S. Downer, PhD
Administrator
State Historic Preservation Division
Department of Land and Natural Resources
Kakuhihewa Building, Suite 555
601 Kamokila Boulevard
Kapolei, Hawai'i 96707

SUBJECT:

Draft Environmental Assessment (EA) and Permit Applications for the Proposed Central Maui Landfill Facilities Project at Tax Map Key (2)3-8-003:019 (por.), Pu'unene, Maui, Hawa'i (Log No. 2018.00184, Doc. No. 1803MBF01)

Dear Mr. Downer:

Thank you for your letter of March 15, 2018 providing comments on the Archaeological Assessment for the Central Maui Landfill Facilities Project. We acknowledge that your review of the archaeological assessment has been completed and the project effect determination is "no historic properties affected" and that the historic preservation review process for the subject project has ended. We also acknowledge your determination that archaeological monitoring is not required for this project.

We appreciate the input provided by your Division and will include a copy of your letter and this response in the Final EA. Should you have any questions or require further information regarding the proposed action, please feel free to contact me at (808) 244-2015.

Very truly yours,

Colleen Suyama Senior Associate

CS:tn

CC:

Etaine Baker, Department of Environmental Management Clayton Yoshida, Department of Planning

K WATALCOMIDEM CMain LP (PHASE NApplicationsIDEA Response LettersISHPD response in doc

305 High Street, Suite 104 Wailuku, Hawaii 96793 Tel: 808.244.2015 Fax: 808.244.8729
735 Bishop Street, Suite 321 Honolulu, Hawaii 96813 Tel: 808.983.1233

EXHIBIT 26.

DAVID Y. IGE GOVERNOR



STATE OF HAWA!!
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

April 10, 2018

JADE T. BUTAY

Deputy Directors
ROY CATALANI
ROSS M. HIGASHI
EDWIN H. SNIFFEN
DARRELL T. YOUNG

DIR 0287 STP 8.2377

Ms. Elaine Baker
County of Maui
Department of Environmental Management
Solid Waste Division
One Main Plaza Building
2200 Main Street, Suite 225
Wailuku, Hawaii 96793

Dear Ms. Baker:

Subject: Central Maui Landfill Facilities Project

Draft Environmental Assessment

Puunene, Maui, Hawaii TMK: (2) 3-8-003:019 (por.)

The Department of Transportation (DOT) understands, Maui County seeks to expand the existing Central Maui Landfill by 40 acres and centralize all maintenance and landfill related activities, including refuse collection vehicle baseyard, maintenance facility, household hazardous waste facility, material recovery facility, warehousing and storage facility, and an abandoned vehicle yard. The project site is within five miles of the Kahului Airport, and would be accessed via Pulehu Road from Hana Highway (Route 36). DOT's comments on the subject project are as follows:

Airports Division

The proposed expansion is within two miles of the Air Operations Area of the Kahului Airport. Any proposed development within five miles of an airport is subject to the State of Hawaii, Office of Planning, Technical Assistance Memorandum. You can find out more details through this link; http://files.hawaii.gov/dbedt/op/docs/FAM-FAA-DOT-Airports_08-01-2016.pdf.

Highways Division

We do not anticipate the landfill expansion to have any significant impacts to our State highway facilities in the area (Hana Highway and Mokulele Highway).

Ms. Elaine Baker April 10, 2018 Page 2 DIR 0287 STP 8.2377

If there are any questions, please contact Mr. Blayne Nikaido of the DOT Statewide Transportation Planning Office at telephone number (808) 831-7979.

Sincerely,

JADE T. BUTAY

Director of Transportation

c: Colleen Suyama, Munckiyo Hiraga

STATE OF HAWAI'I OFFICE OF PLANNING TECHNICAL ASSISTANCE MEMORANDUM

TAM - 2016 - 1

ISSUED: 08-01-2016

AUTHORITIES:

State Planning, Hawaii Revised Statutes (HRS) Chapter 225M; Hawaii State Planning Act, HRS Chapter 226; Hawaii Land Use Law, HRS Chapter 205; Aeronautics, HRS Chapter 261; Airport Zoning Act, HRS Chapter 262

SUBJECT:

Federal Aviation Administration (FAA) Order 5190.6B

The Office of Planning provides technical assistance to state and county agencies in administering the statewide planning system.¹ This technical advisory discusses an FAA Order which may impact the use of land adjacent to or in the immediate vicinity of Hawail's airports.

Background

Pursuant to FAA Order 5190.682:

"20.1. Background. Land use planning is an important tool in ensuring that land adjacent to, or in the immediate vicinity of, the airport is consistent with activities and purposes compatible with normal airport operations, including aircraft landing and takeoff. Ensuring compatible land use near federally obligated airports is an important responsibility and an issue of federal interest. In effect since 1964, Grant Assurance 21, Compatible Land Use, implementing Title 49 United States Code (U.S.C.) § 47107(a)(10), requires, in part, that the sponsor:"

"...take appropriate action, to the extent reasonable, including the adoption of zoning laws, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise compatibility program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce its compatibility, with respect to the airport, of the noise compatibility program measures upon which federal funds have been expended."

There are a number of sources that can assist an airport sponsor in dealing with noise, obstructions, and other incompatible land uses. These include, but are not limited to:

¹ HRS §§ 225M-2(b), 22G-53(10).

TAM-2013-1: Priority guidelines and principles to promote sustainability

Page 1

- Hazardous Wildlife Attractants on or Near Airports, AC 150/5200-33B, August 28, 2007.³
- Construction or Establishment of Landfills near Public Airports, AC 150/5200-34A, January 26, 2006.
- c. Federal and State Coordination of Environmental Reviews for Airport Improvement Projects. (RTF format) – Joint Review by Federal Aviation Administration and National Association of State Aviation Officials (NASAO), issued March 2002.⁴
- d. Land Use Compatibility and Airports, a Guide for Effective Land Use Planning (PDF format), issued by the FAA Office of Environment and Energy.⁵
- e. Compatible Land Use Planning Initiative (PDF format), 63 Fed. Reg. 27876, May 21, 1998.6
- f. A Model Zoning Ordinance to Limit Height of Objects Around Airports, Advisory Circular (AC) 150/5190-4A.
- g. Glint/Glare Hazards, Airport Airspace Analysis (IOE/AAA), Combined Federal Regulation CFR Part 77 (e-CFR format) – Current as of December 15, 2015 (same as obstruction process below).
- h. Obstruction Evaluation/Airport Airspace Analysis (iOE/AAA), Combined Federal Regulation CFR Part 77 (e-CFR format) Current as of December 15, 2015.
- i. Avigation and Noise Easements Permitting agencies shall ensure that all permits issued to projects near airports are compatible with avigation easement agreements between the State of Hawali Department of Transportation, Airports Division (DOT-A) and property owners. These easements grant the DOT-A the right of flight of aircrafts, the safe operations of airports, and acceptance of certain noise levels and other phenomena associated with the airport. The right to flight includes the prevention of wildlife hazard through appropriate mitigation and monitoring. In all land-use zone changes, this easement is required and must satisfy DOT-A requirements.

http://www.faa.gov/documentLibrary/media/advisory_circular/150-5200-338/150_5200_33b.pdf

https://www.faa.gov/airports/resources/publications/reports/environmental/media/eis-faa-nasao-report.pdf

⁵ http://www.faa.gov/about/office_org/headquarters_offices/apl/noise_emissions/planning_toolkit/media/ III.B.pdf

⁶ https://www.gpo.gov/fdsys/pkg/FR-1998-05-21/pdf/98-13577.pdf

Pertinent Information from FAA's Land-Use Practices on or near Airports That Potentially Attract Hazardous Wildlife, Glint/Glare Hazards and Obstruction Hazards:

2-1. General. The wildlife attracted to the airport environment vary considerably, depending on several factors, including land-use practices on or near the airport. Other hazards that attract wildlife include glint/glare hazards, certain street and property lighting designs, and aerial obstruction hazards, all of which threaten aviation safety. In addition to the specific considerations outlined below, airport operators should refer to Wildlife Hazard Management at Airports, Glint/Glare, and Obstruction guidance materials prepared by the FAA.

Pertinent Information from FAA Order 5190.6B Compatible Land Use and Airspace Protection:

4-3. Other Land-Use Practice Changes. As a matter of policy, the FAA encourages operators of public-use airports who become aware of proposed land use practice changes that may attract hazardous wildlife within 5 statute miles of their airports, to include glint/glare hazards and aerial obstructions to promptly notify the FAA. The FAA also encourages proponents of such land use changes to notify the FAA as early in the planning process as possible. Advanced notice affords the FAA an opportunity (1) to evaluate the effect of a particular land-use change on aviation safety and (2) to support efforts by the airport sponsor to restrict the use of land next to or near the airport to uses that are compatible with the airport.

Land use practices that may attract hazardous wildlife, and may also be a glint/glare hazard or an aerial obstruction hazard to existing flight paths include, but are not limited to:

- Underwater waste discharges
- Aquaculture activities conducted outside of fully enclosed buildings
- Water features on properties such as fountains or ponds, areas of permanent or temporary standing water, and furrow irrigation and drainage systems
- Landfills and material recycling/processing facilities
- Photovoltalc/Solar panels
- Utility poles and lines
- Wind turbines
- Antenna towers
- · High rise building structures
- Cranes
- Tethered Air Balloon Devices
- Street and exterior property lights
- · Certain landscape, trees, and ground cover

4-3.a. Airports that have received Federal grant-in-aid assistance are required by their grant assurances to take appropriate actions to restrict the use of land next to or near the airport to uses that are compatible with normal airport operations. The FAA recommends that airport operators to the extent practicable oppose off-airport land-use changes or practices within the separations identified in Sections 1-2 through 1-4 that may attract hazardous wildlife, and/or be glint/glare, and/or obstruction hazards. Failure to do so may lead to noncompliance with applicable grant assurances. The FAA will not approve the placement of airport development projects pertaining to aircraft movement in the vicinity of hazardous wildlife attractants, or where glint/glare and/or obstruction hazards exist without appropriate mitigating measures. Increasing the intensity of wildlife control efforts is not a substitute for eliminating or reducing a proposed wildlife hazard, nor is the placement adjustments to mitigate glint/glare and obstruction hazards. Airport operators should identify hazardous wildlife, glint/glare, and obstruction hazards during any planning process for new airport development projects.

Pertinent Information from FAA 14 Code of Federal Regulation Part 77 Safe, Efficient Use and Preservation of the Navigable Airspace:

7460-1 Notice of Proposed Construction or Alteration – Requirement to file §77.9 Construction or alteration requiring notice.

If requested by the FAA, or if you propose any of the following types of construction or alteration, you must file notice with the FAA of:

- (a) Any construction or alteration that is more than 200 ft. above ground level (AGL) at its site.
- (b) Any construction or alteration that exceeds an imaginary surface extending outward and upward at any of the following slopes:
 - (1) 100 to 1 for a horizontal distance of 20,000 ft. from the nearest point of the nearest runway of each airport described in paragraph (d) of this section with its longest runway more than 3,200 ft. in actual length, excluding heliports.
 - (2) 50 to 1 for a horizontal distance of 10,000 ft. from the nearest point of the nearest runway of each airport described in paragraph (d) of this section with its longest runway no more than 3,200 ft. in actual length, excluding heliports.
 - (3) 25 to 1 for a horizontal distance of 5,000 ft. from the nearest point of the nearest landing and takeoff area of each heliport described in paragraph (d) of this section.
- (c) Any highway, railroad, or other traverse way for mobile objects, of a height which, if adjusted upward 17 feet for an Interstate Highway that is part of the National System of Military and Interstate Highways where overcrossings are designed for a minimum of 17 feet vertical distance, 15 feet for any other public roadway, 10 feet or the height of the highest mobile object that would normally traverse the road, whichever is greater, for a private road, 23 feet for a railroad, and for a waterway or any other traverse way not previously mentioned, an amount equal to the height of

the highest mobile object that would normally traverse it, would exceed a standard of paragraph (a) or (b) of this section.

NOTE

- (a) You must submit this form at least 45 days before the start date of the proposed construction or alteration or the date an application for a construction permit is filled, whichever is earliest.
- (b) If you propose construction or alteration that is also subject to the licensing requirements of the Federal Communications Commission (FCC), you must submit notice to the FAA on or before the date that the application is filed with the FCC.
- (c) If you propose construction or alteration to an existing structure that exceeds 2,000 ft. in height above ground level (AGL), the FAA presumes it to be a hazard to air navigation that results in an inefficient use of airspace. You must include details explaining both why the proposal would not constitute a hazard to air navigation and why it would not cause an inefficient use of airspace.
- (d) The 45-day advance notice requirement is waived If Immediate construction or alteration is required because of an emergency involving essential public services, public health, or public safety. You may provide notice to the FAA by any available, expeditious means. You must file a completed FAA Form 7460-1 within 5 days of the initial notice to the FAA. Outside normal business hours, the nearest flight service station will accept emergency notices.
- (e) There is a Notice Criteria Tool on https://oeaaa.faa.gov/oeaaa/external/gisTools/gisAction.jsp?action=showNoNoticeRequire_dToolform on the left margin of the webpage. It is free and will help to determine if proposed structures need to filed for aeronautical review.

Photovoltaic and Solar Farms concerns about hazards to safe air navigation from:

- Potential glare and glint caused by parabolic troughs and heliostats that might cause temporary loss of vision to pilots on arrival or departure, or to Air Traffic Control personnel in the control tower.
- Electromagnetic interference with on-and off-airport radar systems that may pick up
 a false signal from the metal components of the mirrors with impacts that can vary
 based on solar tracking activity.
- 3. Physical penetrations of navigable airspace from power towers that extend into Part 77 imaginary surfaces, terminal instrument procedures (TERPS) surfaces, or the path of radio emitting navigational aids.
- 4. Thermal plumes emitted by the power tower that produce unexpected upward moving air columns into navigable air space.
- 5. Use your discretion to evaluate the proposed footprint to be developed. If the footprint is approaching 1 acre, have the proponent submit a 7460-1. If its within 3 nautical miles of an airport, have them submit a 7460-1.

Wind Farms concerns about hazards to safe air navigation from:

- 1. Create false targets and impacts FAA long radar capabilities.
- 2. Height of structures and propellers.
- 3. Any wind farm proposal needs to have the proponent submit a 7460-1.

Application

The State of Hawal'i Department of Transportation, Airports Division (DOT-A) discourages such land uses that may attract hazardous wildlife within five (5) statute miles of airport boundaries, pursuant to FAA Advisory Circular 150/5200-338, (August 28, 2007). Attached are maps depicting the five (5) statute miles from airports in the State of Hawai'i, including glint/glare hazards pursuant to Federal Aviation Administration Notice of Interim Policy dated October 23, 2013 and aerial obstruction to existing flight paths pursuant to Combined Federal Regulation CFR Part 77 (e-CFR format) – Current as of December 15,2015.

State, county, and federal agencies who have Jurisdiction over areas within five (5) statute miles of airport boundaries and have permit authority over future land uses that may attract hazardous wildlife shall consider FAA Advisory Circular 150/5200-33B, including glint/glare hazards and aerial obstruction(s) to existing flight paths in accordance with the FAA Obstruction Evaluation/Airport Airspace Analysis (iOE/AAA), Combined Federal Regulation CFR Part 77 in their decision making on plans and permits,

Consultation with the DOT-A (Airport Operations) shall be performed at the earliest time where a future land use that may attract hazardous wildlife, glint/glare hazard or aerial obstruction(s) is proposed. Agencies should inform applicants of permits or approvals of such proposed land uses to consult with the DOT-A (Airport Operations) as soon as possible, pursuant to the Airport Zoning Act HRS Chapter 262.

Where applicable, when a land-owner petitions the State of Hawaii Land Use Commission (LUC) with a request for a land use district boundary amendment, the State will propose an LUC condition requiring an avigation and noise easement be granted to DOT-A and the terms of the easement must meet the requirements of the DOT-A, including mitigation to minimize potential wildlife hazards to aircrafts and airport operations.

In cases where the respective counties are the authority for land use district boundary amendments (petitions under fifteen (15) acres), the respective counties should contact DOT-A for any requirements of an avigation and noise easement.

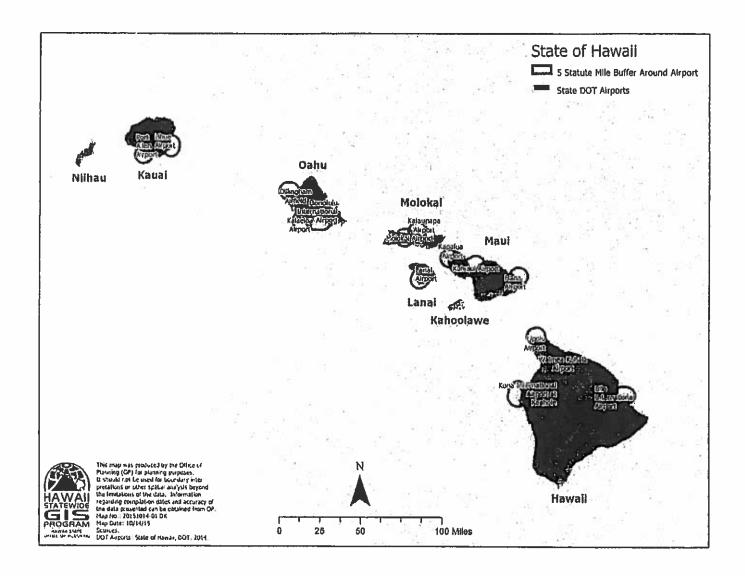
When a landowner in the vicinity of the airport pursues redevelopment of a property, the landowner must grant an avigation and noise easement to the DOT-A to ensure compatible land use in the vicinity of the airport. The terms of the easement must satisfy DOT-A requirements.

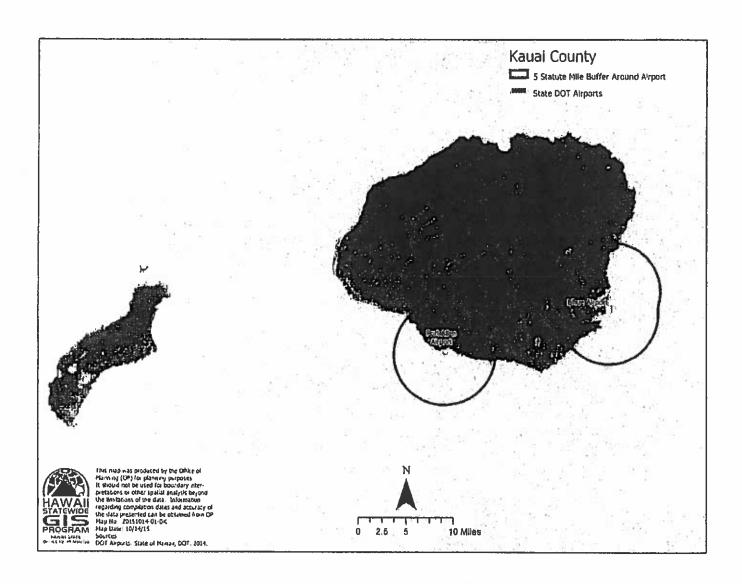
Grant of avigation and noise easements to DOT-A is necessary for the safety of air transportation which is a public benefit. State, County, and Federal regulatory and service agencies that work with any aspect of the conditions identified in an avigation and noise easement must take appropriate actions and incorporate the DOT-A avigation easement regulrements in their decisions.

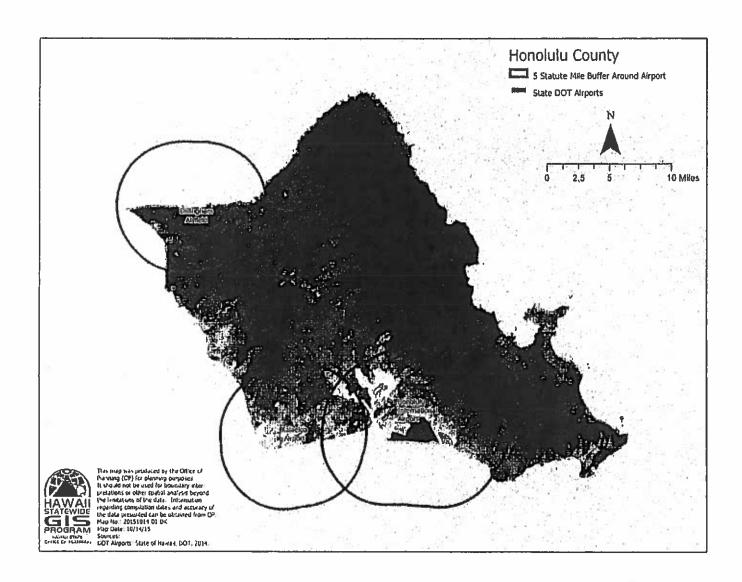
Office of Planning State of Hawai'i P.O. Box 2359 Honolulu, HI 96804 Phone: (808) 587-2846 Web: planning.hawaii.gov

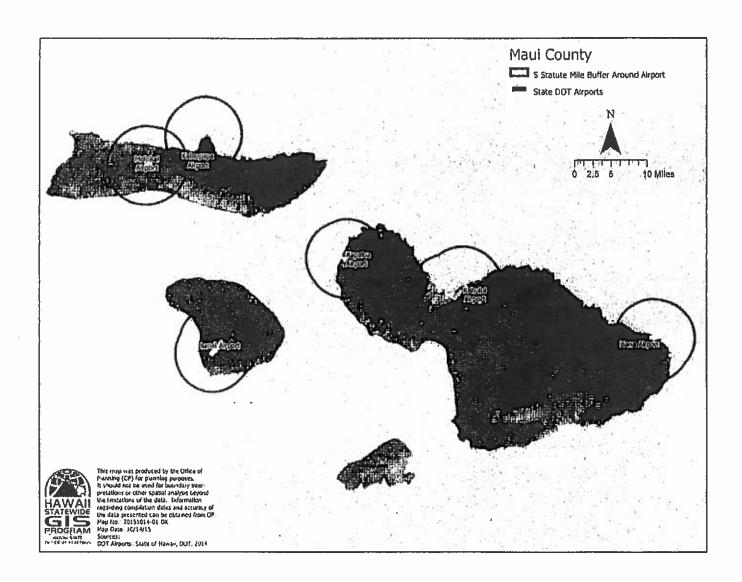
Department of Transportation Airports Division State of Hawai'i 400 Rodgers Boulevard, Suite 700 Honolulu, HI 96819-1880 Phone: (808) 838-8810

Note: A Technical Assistance Memorandum (TAM) is an informational statement of the law, regulations, or policies. It is accurate on the date issued. Subsequent changes in the law or regulations, Judicial decisions, or changes in policies could affect the validity of the Information presented in a TAM.









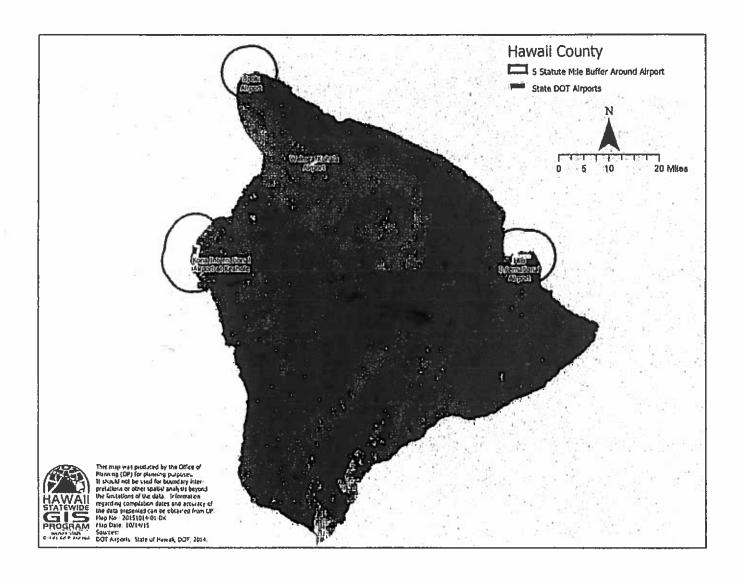


EXHIBIT 27.

MICHAEL P. VICTORINO Mayor

ERIC A. NAKAGAWA, P.E. Director

SHAYNE R. AGAWA, P.E. Deputy Director

MICHAEL P. RATTE Solid Waste Division

SCOTT R. ROLLINS, P.E. Wastewater Reclamation Division

TAMARA L. FARNSWORTH Environmental Protection & Susteinability Division



COUNTY OF MAUI DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

2050 MAIN STREET, SUITE 2B WAILUKU, MAUI, HAWAII 96793

July 19, 2019

Jade T. Butay, Director State of Hawai'i Department of Transportation 869 Punchbowl Street Honolulu, Hawai'i 96813-5097

SUBJECT:

Draft Environmental Assessment (EA) for the Proposed Central Maui Landfill Facilities Project at Tax Map Key (2)3-8-003:019 (por.), Pu^{*}unēnē, Maui, Hawai i (DIR 0287, STP 8.2377)

Dear Mr. Butay:

Thank you for your letter of April 10, 2018 providing comments on the Draft Environmental Assessment (EA) for the Central Maui Landfill Facilities Project. The County of Maui (COM), Department of Environmental Management (DEM), offers the following information in the order of the comments presented in your letter:

Airports Division

1. We have reviewed the State of Hawai'i, Office of Planning website regarding the referenced Technical Assistance Memorandum (TAM). The Federal Aviation Administration (FAA) Advisory Circular 150/5200-33B referenced in the above mentioned TAM, prohibits construction or establishment of new Municipal Solid Waste Landfill Facilities (MSWLF) after April 5, 2001, within six (6) statute miles of certain public-use airports. Please note that the existing approved Central Maui Landfill was established in 1986 through issuance of a State Land Use Commission Special Permit. The proposed 40-acre expansion at the Central Maui Landfill is for accessory uses and facilities related to the landfill operations that are intended to reduce refuse entering the landfill during its remaining service life. As such, we believe the 6-mile restriction may not apply in the case of the proposed improvements.

The facilities expansion area will include drainage features consisting of two (2) drainage basins that have the potential to attract hazardous wildlife to airport operations. The project's internal drainage system consisting of shallow drainage ditches and drainage swales will have positive slope and will not retain or pond water for any appreciable time after a rain event. The project's two storm water basins are to be constructed in fractured bedrock, similar to the existing Central Maui Landfill (CML) Phase IV storm water basin (located immediately adjacent to the Project Basin B). Storm water collected in the project basins will discharge primarily by infiltration through the fractured bedrock similar to the existing CML Phase IV basin.

Jade T. Butay, Director July 19, 2019 Page 2

During most rain events, the existing Phase IV basin does not hold water for extended periods and is typically dry within a few days after rain events. After major rain events, the existing basin may retain water for up to two weeks. Throughout its operation, the Phase IV basin has not been shown to be an attractant to wildlife regardless of the presence of water. Birds have not been observed with any regularity in the basin during wet or dry periods.

Due to the similar fractured rock conditions in the project basins as in the existing Phase IV basin, the project basins are expected to function similarly to the existing basin with the basins being dry the majority of the time and only holding water for periods after major rain events. Further, it is expected the project basins, like the Phase IV basin, will not be wildlife attractants.

The adjacent CML operation has successfully implemented best management practices to limit the attraction of wildlife at the landfill and its surrounding support facilities, including the Phase IV basin. These best management practices will be implemented in the project area including, but not limited to, the project basins, and it is fully anticipated they will be equally successful in limiting wildlife attraction to the Project.

Highways Division

2. We acknowledge your comment that the landfill facilities project is not anticipated to have a significant impact on State highway facilities.

We appreciate the input provided by your Department and will include a copy of your letter and this response in the Final EA. Should you have any questions or require further information regarding the proposed action, please feel free to contact our planning consultant, Colleen Suyama of Munekiyo Hiraga at (808) 244-2015.

Very truly yours,

ERIC A. NAKAGAWA, P.E. Director of Environmental Management

EN cc:

Elaine Baker, Department of Environmental Management Ali Mohrazarin, A-MEHR

Claylon Yoshida, Department of Planning Colleen Suyama, Munekiyo Hiraga EXHIBIT 28.



DAVID Y, IGH
GOVERNOR

LUIS P. SALAVERIA
Director

MARY ALICE EVANS
Deputy Director

LAND USE COMMISSION

Department of Business, Economic Development & Tourism State of Hawal'i DANIEL E. ORODENKER Executive Officer

March 19, 2018

Ms. Kimberley C. Willenbrink, Planner Department of Planning County of Maui One Main Plaza Building 2200 Main Street, Suite 315 Wailuku, Hawai'i 96793

Subject:

Proposed Central Maui Landfill Facilities Project

Pu'unënë, Maui, Hawai'i

Tax Map Key: (2) 3-8-003: 019 (por.) and 020

We are in receipt of the Draft Environmental Assessment (DEA) and Applications to Amend State Special Permit (SP97-390) and County Special Use Permit (CUP 2008/0003) forwarded by your transmittal dated March 1, 2018. As you know, the Land Use Commission (LUC) originally approved the State special permit to establish and operate the expansion of the Central Maui Sanitary Landfill and subsequently granted three amendments relating to various improvements, additional uses, time extensions, and further expansion of the landfill area. We have therefore limited our comments to the Application to Amend State Special Permit No. SP97-390 (Application) and the DEA for the subject project.

We understand that the Application proposes to (1) delete parcel 020, consisting of approximately 19.663 acres of land, from the existing special permit issued in the docket; (2) extend the life of the special permit concurrent with the County Special Use Permit; and (3) include a 40.8-acre portion of parcel 019 under the special permit to accommodate an office; an abandoned vehicle area; a metals processing area; an open construction and demolition material recovery area; a household hazardous waste and electronic waste processing and storage area; a warehousing building and storage area; a refuse collection office, truck parking, and maintenance area; drainage basins; and associated infrastructure.

We note that the County Special Use Permit is valid until October 31, 2028.

Ms. Kimberley C. Willenbrink, Planner March 19, 2018 Page 2

With this understanding, we offer the following comments:

- Ne note that Section 11 entitled Reason(s) Justifying The Proposed Request of the Application provides background on the landfill, including improvements and programs to extend its capacity. However, this section does not address the reason for deleting parcel 020 from the existing special permit nor clearly identify the timeframe of the requested extension (as it is in Attachment "A" to the Application). As these matters are integral to the request to amend the special permit, they should be disclosed. The development plans, if any, for parcel 020 should also be discussed.
- As part of the assessment of cultural resources, we note that interviews were conducted with two cultural experts who are knowledgeable about the Pu'unēnē area. We question whether interviews with just two individuals provide a sufficient "cultural impact perspective" of the proposed expansion of the landfill. We suggest that additional individuals familiar with the area be interviewed to provide a more comprehensive assessment. In the alternative, we request that justification for limiting the interviews to such a small number of people be provided. Relatedly, the status of the Archaeological Assessment Report with the State I-listoric Preservation Division should be updated with a timetable for resolution.
- 3) The DEA should include a discussion on the existing emergency management facilities, the impacts of the proposed project upon such facilities, and any measures to mitigate the impacts, if any.
- 4) A metes and bounds map and description of the amended landfill area, including the 40.8 acres proposed to be included under the special permit, should be provided as part of the Final EA or otherwise be included as part of the record on the Application. Both the map and description should be signed and stamped by a registered/licensed professional land surveyor.
- 5) We acknowledge that the LUC designated a portion of parcel 019 as Important Agricultural Land in 2009 in Docket No. DR09-38/Alexander & Baldwin, Inc. Most of the land area was actively utilized for

Ms. Kimberley C. Willenbrink, Planner March 19, 2018 Page 3

sugarcane cultivation at the time by the Hawaiian Commercial & Sugar Co. (HC&S) before HC&S ceased all of its sugarcane operations on Maui.

We have no further comments to offer at this time. Should you have any questions or require further clarification, please call our office at 587-3822.

Sincerely

Daniel E. Orodenker Executive Officer

c: Elaine Baker Colleen Suyama EXHIBIT 29.

MICHAEL P. VICTORINO Mayor

ERIC A. NAKAGAWA, P.E. Director

SHAYNE R. AGAWA, P.E. Deputy Director

MICHAEL P. RATTE Solid Waste Division

SCOTT R. ROLLINS, P.E. Wastewater Reclamation Division

TAMARA L. FARNSWORTH Environmental Protection & Sustainability Division



COUNTY OF MAUI DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

2050 MAIN STREET, SUITE 2B WAILUKU, MAUI, HAWAII 96793

July 19, 2019

Daniel E. Orodenker, Executive Officer State of Hawal'i Land Use Commission 235 South Beretania Street, Suite 406 Honolulu, Hawai'i 96813

SUBJECT:

Draft Environmental Assessment, State Special Permit (SP97-390) Amendment, and County Special Use Permit (CUP 2008/003) Amendment for the Proposed Central Maui Landfill Facilities Project at TMK (2) 3-8-003:019 (por.) and 020, Pu'unene, Maui, Hawai'i

Dear Mr. Orodenker:

We thank you for your letter of March 19, 2018, providing comments on the Draft Environmental Assessment (EA) and Applications for State Special Permit (SP97-390) Amendment and County Special Use Permit (CUP 2008/003) Amendment for the Proposed Central Maui Landfill Facilities Project. The County of Maui (COM), Department of Environmental Management (DEM) offers the following information in the order of your letter:

- Although Parcel 20 was originally included in the boundary of the subject permits as a
 future expansion area, it is not owned by the COM. The parcel is currently owned by
 Komar Maui Properties I, LLC, which we understand has plans to develop the property
 independent of the COM. As the COM cannot utilize the property for the Central Maui
 Landfill, the deletion of the applicable portion of Parcel 20 from the subject permits is being
 requested.
- 2. In response to your comment regarding cultural interviews, a third interview has been conducted with a person who worked in the area and retired from Hawalian Commercial and Sugar Company, which will be included in the Final EA. Also, Cultural Surveys Hawaii (CSH) has been retained to prepare a Cultural Impact Assessment Report for the proposed project which will be included and discussed in the Final EA. Three (3) additional interviews have been conducted by CSH as part of the CIA.

By letter dated March 15, 2018 the State Historic Preservation Division Issued a no historic properties affected determination and accepted the revised draft Archaeological Assessment dated October 2017.

Daniel E. Orodenker, Executive Officer July 19, 2019 Page 2

- 3. There are no civil defense warning sirens at the Central Maui Landfill, however, communication is maintained between the Central Maui Landfill and the DEM's main office in Wailuku, as well as the COM Emergency Management Office by telephone (land line and cell phone), email correspondence, radio, and news releases on radio. Should an emergency occur either at the landfill or externally, these communication channels will be utilized to inform employees and users of the emergency. The Final EA will include the information noted above.
- A survey and accompanying metes and bounds descriptions of the amended SP97-390/CUP2008/003 permitted area will be prepared by a registered/licensed professional surveyor and included in the Final EA.
- 5. We note your acknowledgement that a portion of the project area was designated as Important Agricultural Land in 2009 when it was owned by Alexander & Baldwin, Inc. However, since Hawalian Commercial & Sugar Co. ceased their sugar cane cultivation operations in 2016, the land has remained fallow.

We appreciate the input provided by your Department and will include a copy of your letter and this response in the Final EA. Should you have any questions or require further information regarding the proposed action, please feel free to contact our planning consultant, Colleen Suyama of Munekiyo Hiraga at (808) 244-2015.

Sincerely,

ERIC A. NAKAGAWA, P.E.

Director of Environmental Management

EN cc:

Elaine Baker, Department of Environmental Management Ali Mehrazarin, A-MEHR Clayton Yoshida, Department of Planning Colleen Suyama, Munekiyo Hiraga **EXHIBIT 30.**



OFFICE OF PLANNING STATE OF HAWAII

235 South Beretunia Street, 6th Floor, Honolulu, Hawali 96813 Malling Address: P.O. Box 2359, Honolulu, Hawali 96804

DAVID Y. IGE

LEO R. ASUNCION DIRECTOR OFFICE OF PLANNING

Telephone: Fax: Web: (808) 687-2846 (808) 687-2824 lutp://planning.hawail.gov/

DTS No. 201804031259BE

April 6, 2018

Ms. Elaine Baker County of Maui Solid Waste Division 2200 Main Street, Suite 225 Wailuku, Hawaii 96793

Dear Ms. Baker:

Subject:

Chapter 343, Hawaii Revised Statutes, Draft Environmental

Assessment (DEA) for the Proposed Central Maui Landfill

Facilities Project

TMK: 3-8-003: 019 (Por) Puunene, Maui, Hawaii

Thank you for the opportunity to review the DEA for the proposed 40.8-acre expansion of the Central Maui Landtill facility. The existing landfill was established in 1986 by a State Special Permit on a 55-acre site by SP86-359. The activities listed for this Special Permit include landfill activities, weigh station, special waste, and green waste composting. There is no time limit for the use on this Special Permit.

In 1997, the County of Maui expanded the landfill via a second State Special Permit (SP97-390) with an additional 29.340 acres. The County requested three amendments to this Special Permit for various improvements, and an extension of time for the permit, and an expansion of 41.2 acres. The current permit is valid until October 31, 2018. The combined land area for the entire existing landfill and appurtenant uses is approximately 125.54 acres.

The DEA indicates that the County will be requesting an amendment to SP97-390 and CUP 2008/003 to extend the time limit on the permit and allow an expansion of the facility of 40.8 acres. The uses proposed for the expansion area include offices, an abandoned vehicle area, metals processing area, open construction and demolition material recovery area, household hazardous waste and electronic waste processing and storage area, warehouse building and

Ms. Elaine Baker April 6, 2018 Page 2

storage area, refuse collection office, truck parking, maintenance area, drainage basins, and associated infrastructure.

The Office of Planning (OP) has the following comments:

- 1. Page 33. DR09-38 was approved by the Land Use Commission (LUC) to designate approximately 27,102 acres of land as Important Agricultural Lands (IAL). As noted in the DBA, about 22 acres of this IAL designated area is proposed to be included within the proposed expansion of the County's Central Maui Landfill.
 - The Legislature's intent for IAL lands was to preserve and protect good agricultural lands. The LUC has approved DR09-38 and designated as Important Agricultural Lands 22 acres of this proposed expansion. Thus, OP is concerned that using IAL designated lands for non-agricultural uses could set a precedent in the future. This is a significant impact of the proposed expansion. We also note that since the DEA does not recognize this as a significant impact, no mitigation measures are proposed.
- 2. Page 85. Hawaii State Plan, Chapter 226, HRS-Part III. Priority Guidelines (d) Priority guidelines to promote the growth and development of diversified agriculture and aquaculture. The DEA indicates that this section is Not Applicable to this proposal. However, since this proposal would include the use of 22 acres of IAL lands, it may be appropriate to indicate that it is "N/S = Not Supportive rather than N/A or Not Applicable.
- 3. The DEA indicates that the project will be on a 40.8-acre portion of the parcel. According to Hawaii Revised Statutes 205-6(d) Special Permits for land areas over 15 acres are approved by the LUC. Thus, the Special Permit will require approval by the LUC and the County of Maui.
- 4. The DEA indicates that the majority of the proposed expansion area is within the Maui Island Plan Urban Growth Boundary. The approximate acreage within the Urban Growth Boundary should be indicated, and not merely referenced as being shown on Exhibit 13.
- 5. We note that our pre-consultation comments have been satisfactorily addressed in the DEA.

Ms. Elaine Baker April 6, 2018 Page 3

6. The DEA includes the Special Permit 97-390 FY 2017 Annual Report. All conditions are currently being met. OP comments that if the proposed expansion is approved, that these conditions should also apply to the expansion area.

Thank you for the opportunity to review this project. If you have any questions, please call Lorene Maki of our Land Use Division at (808) 587-2888.

Sincerely,

Leo R. Asuncion

Director

ce: Land Use Commission
Colleen Suyama, Munekiyo Hiraga
Kimberley Willenbrink, County of Maui Department of Planning
Department of Agriculture

EXHIBIT 31.

MICHAEL P. VICTORINO Mayor

ERIC A. NAKAGAWA, P.E. Director

SHAYNE R. AGAWA, P.E. Deputy Director

MICHAEL P. RATTE Solid Waste Division

SCOTT R. ROLLINS, P.E. Wastewater Reclamation Division

TAMARA L. FARNSWORTH Environmental Protection & Sustainability Division



COUNTY OF MAU! DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

2050 MAIN STREET, SUITE 2B WAILUKU, MAUI, HAWAII 96793

July 19, 2019

Mary Alice Evans, Director State of Hawai'i Office of Planning P.O. Box 2359 Honolulu, Hawai'i 96804

SUBJECT:

Draft Environmental Assessment (EA) for the Proposed Central Maui Landfill Facilities Project at Tax Map Key (2)3-8-003:019 (por.), Pu'unēnē, Maui, Hawai'i (DTS No. 201804031259BE)

Dear Ms. Evans:

Thank you for your letter of April 6, 2018 providing comments on the Draft Environmental Assessment (EA) for the Central Maul Landfill Facilities Project. The County of Maul (COM), Department of Environmental Management (DEM) offers the following Information in the order of the comments presented in your letter:

We note your comment regarding Important Agricultural Lands (IAL). As discussed in the Draft EA, the State Agriculture Functional Plan also recognizes that redesignation of IAL should be allowed "... upon a demonstrated change in economic or social conditions, and where the requested redesignation will provide greater benefits to the general public than its retention in the IAL district; when an "overriding public Interest exists". The contraction of plantation agriculture, which resulted in a supply of agricultural land which has far exceeded demand, constitutes a major change in economic conditions.

A 2017 Impacts on Agriculture Report prepared in support of an Environmental Impact Statement (EIS) for the Department of Land and Natural Resources' Industrial and Business Park at Pulehunul, Maui assessed potential impacts of this State project on agricultural resources. According to the report, many of the State's agricultural policies were written before the major contraction of plantation agriculture and assumed that profitable agricultural activities would be available to utilize all available agricultural lands. The report noted that this has proven to be a questionable assumption in view of the size of the contraction of plantation agriculture, the abundant supply of farmland that is now available for diversified agriculture, and the slow growth in the amount of land being utilized for diversified agriculture.

The contraction of plantation agriculture has changed the economic conditions of the State and Maui island in particular with the closure of HC&S plantation in 2016. Furthermore, the 2012 purchase of the subject property by the County of Maui effectively took the 22 acres out of plantation agriculture prior to the 2016 closure of HC&S.

Mary Alice Evans, Director July 19, 2019 Page 2

Moreover, since 2009 when the project site was designated as IAL, the State of Hawal'i in 2011 revised Chapter 226, Hawai'i Revised Statutes, to include sustainability priority guidelines. The proposed project will enable the County of Maui to implement sustainable measures to reduce the waste stream entering the Central Maui Landfill in keeping with the priority guidelines identified in the State Plan. Use of the property to expand facilities associated with the Central Maui Landfill to meet the sustainability goals of the State is anticipated to qualify as an overriding public interest.

As discussed above, the use of 22 acres, or 0.08 percent, of Maui Island's IAL that is no longer in plantation agriculture, for the subject project, is not expected to present a significant adverse impact on IAL.

The use by a public agency to provide needed public services for the Maui community sets it apart from other requests to utilize IAL for non-agricultural use. As such, we do not feel this request will set a precedent.

- 2. Although the proposed project does not oppose promotion of the growth and development of diversified agriculture and aquaculture in general, item (d)(1) will be revised to indicate "N/S", since it is proposing a non-agricultural use for the 22 acres of IAL within the project area.
- 3. We acknowledge the project site is over 15 acres and an amendment to the State Special Permit (SP 97-390) will require approval of both the Land Use Commission and the County of Maui.
- 4. Approximately 38.6 acres of the approximately 40-acre project site is within the Maui Island Plan Urban Growth Boundary. This information will be included in the Final EA.
- 5. Thank you for acknowledging that your pre-consultation comments were satisfactorily addressed in the Draft EA.
- 6. Thank you for acknowledging that all of the conditions of Special Permit 97-390 are currently being met. It is noted that OP recommends that these conditions should also apply to the proposed expansion, if approved.

We appreciate the input provided by your office and will include a copy of your letter and this response in the Final EA. Should you have any questions or require further information regarding the proposed action, please feel free to contact our planning consultant, Colleen Suyama of Munekiyo Hiraga at (808) 244-2015.

ERIC A. NAKAGAWA, P.E.

Director of Environmental Management

EN cc:

Elaine Baker, Department of Environmental Management Clayton Yoshida, Department of Planning Colleen Suyama, Munekiyo Hiraga EXHIBIT 32.



United States Department of the Interior, 33

FISH AND WILDLIFE SERVICE

Pacific Islands Fish and Wildlife Office 300 Ala Moana Boulevard, Room 3-122 Honolulu, Hawaii 96850



RECEI

In Reply Refer To: 01EPIF00-2015-TA-0361

Ms. Michelle Makii Department of Environmental Management 2050 Main Street, Suite IC Wailuku, Hawaii 96793 AUG 2 8 2015

Subject:

Technical Assistance for the Central Maui Landfill Expansion, Maui

Dear Ms. Makii:

The U.S. Fish and Wildlife Service (Service) received your correspondence on July 16, 2015, inviting preliminary comments on a proposed Central Maui Landfill Expansion. The proposed action is on a 40-acre plot adjacent to the existing landfill on former sugar cane agricultural fields, upland from Kahului on Pulehu Road, TMK (2) 3-8-003:019 (por.). The action includes constructing a vehicle baseyard, maintenance facility, household hazardous waste facility, material recovery facility, warehousing, and abandoned vehicle yard. Based on information you provided and pertinent information in our files, including data compiled by the Hawaii Biodiversity Program (ECP), there are 5 listed species possibly in the vicinity of the project area that are of concern: the federally endangered Hawaiian hoary bat (Lasiurus cinereus semotus), Blackburn's sphinx moth (Manduca blackburni), Hawaiian Stilt (Himantopus mexicanus knudseni), Hawaiian Coot (Fulica alai), and Hawaiian Goose (Branta sandvicensis).

Hawaiian hoary bat

The Hawaiian hoary bat is known to occur across a broad range of habitats throughout the State of Hawaii. This bat roosts in both exotic and native woody vegetation and, while foraging, leaves young unattended in "nursery" trees and shrubs. If trees or shrubs suitable for bat roosting are cleared during the Hawaiian hoary bat breeding season (June 1 to September 15), there is a risk that young bats that cannot yet fly on their own could inadvertently be harmed or killed. As a result, the Service recommends that woody plants greater than 15 feet tall should not be removed or trimmed during the Hawaiian hoary bat breeding season. Additionally, Hawaiian hoary bats forage for insects from as low as three feet to higher than 500 feet above the ground. When barbed wire is used in fencing, Hawaiian hoary bats can become entangled. The Service, therefore, recommends that barbed wire not be used for fencing as part of this proposed action.

Blackburn's sphinx moth

The Blackburn's sphinx moth could potentially be in the vicinity of the proposed project area. Adult moths feed on nectar from native plants, including beach morning glory (*Ipomoea pescaprae*), iliee (*Plumbago zeylanica*), and maiapilo (*Capparis sandwichiana*); larvae feed upon

Ms. Michelle Makii 2

non-native tree tobacco (*Nicotiana glauca*) and native aiea (*Nothocestrum latifolium*). To pupate, the larvae burrow into the soil and can remain in a state of torpor for up to a year (or more) before emerging from the soil. Soil disturbance can result in death of the pupae. The Service recommends that a qualified biologist survey areas of proposed construction activities for Blackburn's sphinx moth and its host plants prior to work initiation. We recommend these surveys be conducted during the wettest portion of the year (usually November-April or several weeks after a significant rain) and immediately prior to construction. Surveys should include searches for eggs, larvae, and signs of larval feeding (chewed stems, frass, or leaf damage). Any host plants of Blackburn's sphinx moth identified should not be cut or disturbed.

Hawaiian waterbirds and Hawaiian goose

The Hawaiian Stilt, Hawaiian Coot (collectively referred to as waterbirds) and Hawaiian Goose are known to occur in the vicinity of your project area. Based on the project details provided, our information suggests that your project may result in standing water or creation of open water, thus attracting Hawaiian waterbirds and Hawaiian geese to the site. In particular, the Hawaiian stilt is known to nest in sub-optimal locations (e.g., any ponding water) if water is present. Hawaiian waterbirds attracted to sub-optimal habitat may suffer adverse impacts, such as predation and reduced reproductive success, and thus the project may create an attractive nuisance. To avoid potential adverse impacts to listed Hawaiian waterbirds and Hawaiian geese, we recommend the project occur outside of the Hawaiian stilt breeding season (February through August). If the Hawaiian stilt breeding season cannot be avoided, we recommend you work with our office during project planning so that we may assist you in developing specific measures to avoid impacts to listed species. Therefore, we recommend you work with our office during project planning so that we may assist you in developing measures to avoid impacts to listed species (e.g., fencing, vegetation control, predator management).

Implementation of these measures will minimize but does not ensure that take of listed species associated with this proposed action will be fully avoided. Thank you for your efforts to conserve listed species and native habitats. Please contact Fish and Wildlife Biologist Jon Sprague (808-792-9573) if you have any questions or for further guidance.

Sincerely

Michelle Bogardus Island Team Leader

Maui Nui and Hawaii Island

EXHIBIT 33.



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

January 3, 2018

Michelle Bogardus, Island Team Leader Maui Nui and Hawaii Island U.S. Department of the Interior Fish and Wildlife Service Pacific Islands 300 Ala Moana Boulevard, Room 3-122 Honolulu, Hawai'i 96850

SUBJECT: Early Consultation Letter for the Proposed Central Maui Landfill

Facilities Project at TMK (2) 3-8-003:019 (por.), Pu'unēnē, Maui,

Hawai'i (01 EPIF00-2015-TA-0361)

Dear Ms. Bogardus:

Thank you for your department's letter of August 28, 2015 providing early consultation comments for use in preparing a Draft Environmental Assessment (EA) for the proposed Central Maui Landfill Facilities project. On behalf of the County of Maui, Department of Environmental Management, we offer the following responses in the order of your department's comments:

- 1. We note your comment that there are five (5) listed species possibly in the vicinity of the project area. The listed species are the federally endangered Hawaiian hoary bat (Lasiurus cinereus semotus), Blackburn's sphinx moth (Manduca blackburni), Hawaiian Stilt (Himantopus mexicanus knudseni), Hawaiian Coot (Fulica alai), and Hawaiian Goose (Branta sandvicensis).
- 2. We acknowledge the Hawaiian hoary bat roost in woody vegetation. As such, if trees or shrubs suitable for bat roosting are cleared during the bat breeding season (June 1 to September 15), there is a risk that young bats could inadvertently be harmed or killed. As recommended, woody plants greater than 15 feet tall shall not be removed or trimmed during the hoary bat breeding season. Also, barbed wire shall not be used for fencing.
- 3. A qualified biologist will survey the project area for the Blackburn's sphinx moth and their habitat prior to initiation of construction. As may be necessary,

Michelie Bogardus, Island Team Leader January 3, 2018 Page 2

appropriate mitigation measures from the U.S. Fish and Wildlife Service shall be implemented.

4. A qualified biologist surveyed the project area and did not observe Hawaiian waterbirds or the Hawaiian goose on the project site. As may be necessary, the project will occur outside of the Hawaiian stilt breeding season (February through August). Should the breeding season not be able to be avoided, DEM will work with your office to develop appropriate mitigation measures.

Again, thank you for your participation in the Chapter 343, Hawai'l Revised Statutes review process. A copy of your letter will be included in the Draft EA. A copy of the Draft EA will be sent to your office for review and comment. In the meantime, if there are any questions or if additional information is needed, please feel free to contact me at (808) 244-2015

Very truly yours,

Colleen Suyama Senior Associate

CS:tn

cc: Elaine Baker, Department of Environmental Management

Ali Mehrazarin, A-MEHR, Inc.

Robert Hobdy, Biologist
K:NDATAICOM/DEM CMAU! LFIECL Responses/USFWS Response2.doc

EXHIBIT 34.



RECEIVEDEPARTMENT OF THE ARMY HONOLULU DISTRICT, U.S. ARMY CORPS OF ENGINEERS FORT SHAFTER, HAWAII 98868-6440

7015 NOV -2 AM 11: 34 October 28, 2015

COUNTY OF MAU! DEPT, OF ENVIRONMENTAL MGMT.

SUBJECT: Early Consultation Request for the Central Maui Landfill Expansion located in Pu'unene, Maui, Hawal'l; DA File No. POH-2015-00201

Michelie Makli Department of Environmental Management 2050 Main Street, Suite C Wailuku, Hawal'i, 96793

Dear Ms. Makii:

The Honolulu District, U.S. Army Corps of Engineers (Corps), has received your letter dated July 13, 2015 for the Proposed Central Maul Landfill Expansion project located at Pu'unene, Maui, Hawai'i. Your project has been assigned Department of the Army (DA) file number POH-2015-00201. Please reference this number in all future correspondence.

Please be advised, if the proposed project Involves work in waters of the U.S., a DA authorization may be required. Under Section 10 of the Rivers and Harbors Act, structures and/or work in or affecting the course, location, condition, or capacity of navigable waters of the U.S. require DA authorization. Navigable waters of the U.S. are waters subject to the ebb and flow of the tide.

Under Section 404 of the Clean Water Act, DA authorization is required for discharges of dredged or fill material into waters of the U.S., including wetlands. Generally, discharges of fill material include materials that change the bottom elevation of a water of the U.S., and includes rock, sand, soil, debris, overburden, etc. Waters of the U.S. include navigable waters of the U.S. and other waters including wetlands, rivers, streams, lakes, and ponds.

Based on our initial review of the information provided, it appears there may be waters of the U.S. on the project site. The Haiku Ditch flows along the northern boundary of the project site and the Kalialinui Gulch flows along the eastern boundary of the project site. Depending on the circumstances of your project, a permit may be required from this office prior to commencing proposed work. Accordingly, we recommend the landowner or the authorized agent continue coordination of the development of this project with our office.

Thank you for your cooperation with the Honolulu District Regulatory Program. Please contact this office if you have any questions. You may contact the me at 808-835-4306 or via email at kate.m.bliss@usace.army.mil

Kate Blin

Kate Bliss Project Manager

Regulatory Office

EXHIBIT 35.



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

January 3, 2018

Tunis McElwain Regulatory Office Department of the Army Honolulu District U.S. Corps of Engineers Fort Shafter, Hawai'i 96858-5440

SUBJECT:

Early Consultation Letter for the Proposed Central Maui Landfill

Facilities Project at TMK (2) 3-8-003:019 (por.), Pu'unene, Maui,

Hawai'i (POH-2015-0021)

Dear Mr. McElwain:

Thank you for your department's letter of October 28, 2015 providing early consultation comments for use in preparing a Draft Environmental Assessment (EA) for the proposed Central Maui Landfill Facilities project. On behalf of the County of Maui, Department of Environmental Management (DEM), we offer the following responses in the order of your department's comments:

- We acknowledge that if the project involves work in the waters of the U.S., Department of Army (DA) authorization may be required.
- 2. We acknowledge under Section 404 of the Clean Water Act, DA authorization may be required for discharges or dredged fill material into waters of the U.S.
- 3. We acknowledge both Haiku Ditch and Kalialinui Gulch are located in the vicinity of the project site. As such, the DEM will continue to coordinate the project with the DA and if required, a DA Permit will be obtained.

Tunis McElwain January 3, 2018 Page 2

Again, thank you for your participation in the Chapter 343, Hawai'i Revised Statutes review process. A copy of your letter will be included in the Draft EA. A copy of the Draft EA will be sent to your office for review and comment. In the meantime, if there are any questions or if additional information is needed, please feel free to contact me at (808) 244-2015

Very truly yours,

Colleen Suyama Senior Associate

CS:tn

CC: Elaine Baker, Department of Environmental Management
Ali Mehrazarin, A-MEHR, Inc.
K:\DATA\COM\DEM CMaud LFIECL Responses\text{Vmy Response.doo}

EXHIBIT 36.



June 12, 2018

Ms. Colleen M. Suyama, Senior Associate Munekiyo Hiraga 305 High Street, Suite 104 Walluku, Hawaii 96793

Dear Ms. Suyama,

Subject:

Proposed Central Maui Landfill Facilities Project

Draft Environmenta Assessment (EA) and Application to Amend State Special

Permit No. 97-390 and County Special Use Permit No. CUP 2008/0003

Puunene, Maui, Hawali

Tax Map Key: (2) 3-8-003:019

Thank you for allowing us to comment on the the subject project.

In reviewing our records and the information received, Maui Electric Company, Limited has no objection to the project at this time. However, we highly encourage the customer's electrical consultant to submit the electrical demand requirements and project time schedule as soon as practical so that any service upgrade or new service can be provided on a timely basis.

Should you have any other questions or concerns, please feel free to call me at 871-2340.

Sincerely,

Ray Okazaki

Engineer II, Engineering

EXHIBIT 37.



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

July 22, 2019

Mr. Michael Grider, Manager, Engineering Maul Electric Company, Ltd. P.O. Box 398 Kahului, Hawai'i 96733-6898

SUBJECT:

Draft Environmental Assessment (EA) and Applications to Amend State Special Permit No. 97-390 and County Special Use Permit No. CUP 2008/003 for the Proposed Central Maui Landfill Facilities Project at Tax Map Key (2) 3-8-003:019 (por.) and 020, Pu'unēnē, Maui, Hawai'i

Dear Mr. Grider:

13-56 15-16-1

Thank you for your letter of June 12, 2018 providing comments on the Draft Environmental Assessment (EA) and Applications to Amend State Special Permit No. 97-390 and County Special Use Permit CUP 2008/003 for the Central Maui Landfill Facilities Project. On behalf of the County of Maui (COM), Department of Environmental Management (DEM), we offer the following information in response to your comment:

We acknowledge Maui Electric Company, Ltd. (MECO) does not object to the project at this time. Further, the DEM has been advised to submit the electrical demand requirements and project time schedule as soon as practical to MECO so that any service upgrade or new service can be provided on a timely basis.

Mr. Michael Grider, Manager, Engineering July 22, 2019 Page 2

We appreciate the input provided and will include a copy of your letter and this response in the Final EA. Should you have any questions or require further information regarding this proposed action, please feel free to call me at 244-2015.

Very truly yours,

Colleen Suyama Senior Associate

CS:Ifm

Enclosure

cc: Elaine Baker, Department of Environmental Management (w/ enclosure)

Ali Mehrazarin, A-MEHR

Clayton Yoshida, Department of Planning KIDATAICOMIDEM CHIMILE (PHASE IMAPPIICAIIONSIDEA ROSPINISO LOITAINMECO ROSPINISO DOC

EXHIBIT 38.



Hammerhead Metals Recycling 2000 Mokulele Highway

P.O. Box 1473 Puunene, HI 96784 Office: (808) 280-8844 Fax: (808) 877-0202



April 9, 2018

Via Email (environmenal.mgmt@mauicounty.gov)

Stewart Stant, Director
Department of Environmental Management
County of Maui
2050 Main Street, Suite 2B
Wailuku, III 96793

Re: Draft Environmental Assessment (EA) for Proposed Central Maui Landfill Facilities Project at TMK (2) 3-8-003-019 (por.), Pu'unčně, Maui, Hawai'i

Dear Director Stant:

Hammerhead Metals Recycling ("HMR") is pleased to provide comments on the Draft Environmental Assessment ("EA) for the proposed expansion of the Central Maui Landfill.

HMR, previously SOS Island Metals Recycling, is a scrap metal recycling facility that has been operating in the County of Maul since 2005. Like the landfill, the HMR facility is located in the Pu'unēnē district.

HMR commends the County on its continued efforts to divert solid waste from the landfill as reflected in the Draft EA. Such efforts are in line with HMR's own mission. Since its inception in 2005, HMR has actively partnered with the County in its recycling efforts relating to white goods, scrap metal and automobiles. As an active partner of the County, it is our belief that the County has the best run white goods and abandoned car programs in the State. The County's success is the result of years of effort, including public-private partnerships. HMR submits that the success of these public-private partnerships should be addressed in the Draft EA.

In 1994, the County approved its Integrated Solid Waste Management Plan ("ISWMP"). The 1994 ISWMP noted that derelict vehicles were a problem at that time. The County had initiated a Buy-Back pilot program whereby the County purchased derelict vehicles for \$50 each. However, that pilot program ended due to lack of funding.

In 2007, the County's Solid Waste Resource Advisory Committee ("SWRAC"), with the assistance of the Solid Waste Division, initiated a review of the ISWMP. The SWRAC's work resulted in an updated ISWMP that was approved by the County in 2009. The 2009 ISWMP noted that there were various private entities recycling scrap metal in the County at that time, including HMR's predecessor, SOS Island Metals Recycling. Because some of these facilities had not been operating consistently in the past, the County also began planning for the possibility of owning and operating a scrap metal facility of its own. While these plans were developing, however, the County entered into contracts with the private entities to process white goods from residents and derelict vehicles abandoned at the landfill. After reviewing these issues, the SWRAC came to the following consensus recommendation:



Hammerhead Metals Recycling

2000 Mokulele Highway
P.O. Box 1473
Punnene, HI 96784
Office: (808) 280-8844
Fax: (808) 877-0202



County-operated Scrap Yard vs. Contracted Out:

Contract with the private sector to receive, store and process abandoned autos and discarded appliances rather than the County initiating its own operations on the Island of Maui. The County, however, may be a member in the development of such operations in the Hana region and on the Islands of Molokai and Lanai.

There was a sense among the SWRAC that if the private sector is now doing the work adequately, then it should continue to do without competition from the County. However, the SWRAC fully recognized that a problem currently exists away from the more densely populated areas on the Island of Maui, and that a regular and routine process needs to be developed to process the metal items on the Islands of Lanai and Molokai, and at Hana.

ISWMP §10.6.

The 2009 ISWMP accepted the SWRAC's recommendation. For the Island of Maui, the ISWMP recommendation was as follows:

The County has contracts with private service providers to collect, store, process and market scrap autos, white goods, and other metals. The system is currently working well. The continuation of this public/private partnership is recommended.

ISWMP §10.8.1.

Though the Draft EA discusses the ISWMP, it appears to go beyond the recommendations in the ISWMP. Specifically, although the ISWMP recommended a Recyclable Materials Recovery Facility ("MRF"), the Draft EA appears to go beyond that by proposing that the County undertake to process the white goods and scrap metal itself in the Pu'unēnē landfill. DEA p. 10. The Preferred Alternative section of the Draft EA states that this is in accordance with the ISWMP. DEA p. 110. It states that, without these proposed actions, the County would not be able to meet its goal of 60% diversion. It is unclear how this can be the case given the fact that the ISWMP recommends continuing the public/private scrap metal partnership for the Island of Maui. HMR submits that the Draft EA is inconsistent with the ISWMP's recommendation for the Island of Maui, and that this inconsistency should be addressed in the Draft EA. This will provide the agency with a more complete assessment of the alternatives.

HMR also notes that the County anticipates that the project will be completed by 2020. It is unclear how the County projected this schedule. However, as an entity that has been involved in scrap metal recycling for many years, it is our belief that the County has greatly underestimated the time required to start a scrap metal recycling facility. The Draft EA should include a more realistic time schedule for consideration by the agency.



Hammerhead Metals Recycling

2000 Mokulele Highway

P.O. Box 1473 Puunene, 111 96784 Office: (808) 280-8844 Fax: (808) 877-0202



Thank you for allowing HMR to provide comments. HMR looks forward to continuing its recycling efforts in partnership with the County.

Nick Garofalo General Manager

cc: Colleen Suyama (planning@munekiyohiraga.com)

EXHIBIT 39.

MICHAEL P. VICTORINO Mayor

ERIC A. NAKAGAWA, P.E. Director

SHAYNE R. AGAWA, P.E. Deputy Director

> MICHAEL P. RATTE Solid Waste Division

SCOTT R. ROLLINS, P.E. Wastewater Reclamation Division

TAMARA L. FARNSWORTH Environmental Protection & Sustainability Division



COUNTY OF MAUI DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

2050 MAIN STREET, SUITE 2B WAILUKU, MAUI, HAWAII 96793

July 19, 2019

Nick Garofalo, General Manager Hammerhead Metals Recycling 2000 Mokulele Highway P.O. Box 1473 Puunene, Hawai'i 96784

SUBJECT:

Draft Environmental Assessment (EA) for the Proposed Central Maui Landfill Facilities Project at Tax Map Key (2) 3-8-003:019 (por.), Pu'unene,

Maui, Hawai'i

Dear Mr. Garofalo:

Thank you for your letter of April 9, 2018 providing comments on the Draft Environmental Assessment (EA) for the Central Maui Landfill (CML) Facilities Project. We offer the following information in the order of the comments presented in your letter:

- 1. The Integrated Solid Waste Management Plan (ISWMP) identifies measures that are necessary to reduce the waste stream at the Central Maui Landfill. In order to implement these measures an expansion of the landfill area was deemed necessary and the County of Maui (COM) in 2012 obtained land adjacent to the landfill to accommodate future facilities. The DEM is in the process of obtaining the necessary land use permit amendments to allow solid waste facilities on the property in order to implement measures identified in the ISWMP. Although the COM currently has public-private partnerships with private facilities to handle portions of the COM waste stream it needs to plan for the future should these facilities not be available or capable of continuing to provide these services. Although the COM currently does not have plans to construct a metal processing facility it needs to include the proposed land use in its land use permit. Operational staffing is not specified in the EA and does not preclude a continuation of public-private partnerships with a private operator on public land, such as Maui EKO Systems at Phase III of CML.
- The construction completion timeframe of 2020 is an estimate based on the construction of the buildings proposed in Chapter 1 of the Draft EA, most of which are simple structures with open floor plans, including the proposed (future) metals processing building. As noted in the Draft EA, the projected completion date is also subject to obtaining all necessary permits and the availability of funding. Also, the facilities will be constructed when the DEM deems it necessary to meet the goals of the ISWMF.

Nick Garofalo, General Manager July 19, 2019 Page 2

We appreciate your comments on the Draft EA and will include a copy of your letter and this response in the Final EA. Should you have any questions or require further information regarding the proposed action, please contact Elaine Baker of the Solid Waste Division at 270-7875.

Sincerely,

ERIC A. NAKAGAWA, P.E.

Director of Environmental Management

EN cc:

Elaine Baker, Department of Environmental Management

Ali Mehrazarin, A-MEHR

Claylon Yoshida, Department of Planning

Colleen Suyama, Munekiyo Hiraga

EXHIBIT 40.

From: Elaine Baker [mailto:Elaine.Baker@co.maui.hi.us]

Sent: Tuesday, April 10, 2018 8:27 AM

To: Colleen Suyama < Colleen@munekiyohiraga.com>

Subject: Fwd: Community Feedback on Central Maul Landfill, Document Feb. 8

Just got this.

>>> Jazmyne Geis <<u>jazmyne@maui.net</u>> 4/9/2018 10:53 AM >>>

Aloha Department of Environmental Management,

Mahalo for notifying us citizens and making this document available for us for review and provide feedback. Given the short one month window of time to review the 790 page document, I would like to comment on the areas of concern that I've been able to go over already, and would like to share this comments to make the deadline of today. As I might have further questions and feedback, along the way, I will send another email in reference to those parts of the document that I am still going over.

First off, I'd like to say that I'm happy to hear that thought, funds and preparation are going into Maui County's waste issue. As many posts and comments in our news that Maui's landfill will be at full capacity by 2026, it made me wonder what plan was being thought through for the challenges that are arising at this time.

Questions and Comments:

My first overall observation is that there are solutions being met from a more reactional perspective of fixing the mess our county currently is in with lack of landfill space, and material reclamation being inconveniently located all over the Island. I do appreciate that centralizing facilities and operations does "increase efficiency", as written. My first thought is, are we thinking far enough in advance and preparing ourselves for more island inhabitants and bigger amounts of consumed waste that is definite in our near future? What efforts and planning are being met to help structure our community to minimize its daily waste?

- 1. A composting facility for household bio-waste. There is still a good percentage of food scrap waste/plant waste going into the landfill, not breaking down, and turning into methane gas. It would also be a really great opportunity for the county /and or affiliate business partner to generate compost from food waste and resell it to the community. This would add really circular benefits for something just regarded as "waste". There are definitely some example cities and counties that Maui could reference. The knowledge and infrastructure is there. It's possible.
- If compostable blo-waste existed, restaurants and take-out services could use packaging and to-go containers that could be thrown in the compost such as unlined paper products, which also means less possible waste in the landfill. This would eliminate a lot of already produced waste that food establishments create to abide by county rules, such as water restrictions.
- 2. Why is no industrial composter being considered for this planning and development? With the polystyrene (styrofoam) ban approaching at the end of this year, more and more restaurants are unfortunately using take-out containers from bioplastics containers as alternatives. This itself is a one-use waste stream consumer product that ends up in the landfill, confusing many who think they biodegrade in the ground. They don't, unless a facility to take care of them is established for recycling as best as possible. It takes a lot of energy and high heat to break down the bio-plastic. This would maybe need to be a joined issue with the state of Hawaii, including the other islands, not just Maui.

- 3. Are there concerns about the proposed facility being close to Haiku Ditch and Kalialinui Gulch?
- 4. Why is there a cattle crossing gate near the facility, presented on the map? Will A&B be grazing cattle nearby?? I think that is a health issue worth discussing.
- 5. Which types of metals are being considered for processing at the facility? It was not specific in the document read so far.
- 6. What actions/planning are being taken towards developing a safe storage facility for workers in the toxic materials holding facility? How often will these materials be shipped off? How long is there planned storage time in facilities?
- 7. In the temperature change of the area with the build roads and cement, have you thought about white/light colored buildings? and maybe grey gravel instead of black roads?
- 8. Is there a proposal for translating the 54 native trees found, or having an organization take care of removing them?

I might have more questions and comments to come. Please consider my email and feedback, as a concerned citizen with high interest in creating a better future. I know that we are all doing our best, but with community participation and involvement we could be better doing it together. I think there are a lot of talented and knowledgable people in the community who can help bring their insight and proposals.

Mahalo for your time, and looking forward to hearing feedback.

Aloha,

Jazmyne

Maui, Hawai'i jazmyne@maui.net (808) 205-9813 >>> Jazzy Maui <jazmyne@maui.net> 5/13/2018 1:03 AM >>> Aloha Elaine,

Mahalo for your email response!! I appreciate the time taken.

My biggest concern for the community of Maui is about minimizing Maul's "waste" going to the landfill, and setting up the proper systems to divert waste into useful resources for our island. As I had a lot of questions, here are three main concerns:

- 1. Composting facility --turning consumer biological-based waste (food scraps, flowers, paper bags, etc,) into something useful for Maui. Opens the possibility of using compostable one-use take-out containers that can repurpose a good amount of waste from food establishments under county water restrictions.
- -2. Facility for dealing with plastics --China recycle regulations, and increase use of industrial compostable plastic containers due to styrofoam (polystyrene foam) ban starting at the end of this year. Plastic, being complex in there mixes, are not all recyclable. How does this new facility work towards solving the plethora of plastic use on island?
- 3. How does the new facility plan on educating and communicating better waste practices to the community? How can we as a community lessen our chances of over filling our landfill spaces to full capacity in the next seven years?

Thanks you for your time and consideration.

Aloha,

Jazmyne G.

808.205.9813 jazmyne@maui.net **EXHIBIT 41.**

MICHAEL P. VICTORINO Mayor

ERIC A. NAKAGAWA, P.E. Director

SHAYNE R. AGAWA, P.E. Deputy Director

MICHAEL P. RATTE Solid Waste Division

SCOTT R. ROLLINS, P.E. Wastewater Reclamation Division

TAMARA L. FARNSWORTH Environmental Protection & Sustainability Division



COUNTY OF MAU! DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

2050 MAIN STREET, SUITE 2B WAILUKU, MAUI, HAWAII 96793

July 19, 2019

Jazmyne Geis

Via email: jazmyne@maui.net

SUBJECT:

Draft Environmental Assessment (EA) for the Proposed Central Maui Landfill Facilities Project at Tax Map Key (2) 3-8-003:019 (por.), Pu'unēnē,

Maui, Hawai'i

Dear Ms. Geis:

Thank you for your email correspondences of April 9 and May 13, 2018 providing comments on the Draft Environmental Assessment (EA) for the Central Maul Landfill Facilities Project. We offer the following information in the order of the comments presented in your correspondences.

April 9, 2018 EMAIL

General Comment - In response to your question about forward planning and preparation conducted by the County in anticipation of increased waste generation due to increases in both the number of residents and number of visitors, the Department of Environmental Management's (DEM) Solid Waste Division has developed an Integrated Solid Waste Management Plan which it periodically updates. The Plan also includes strategies to minimize daily waste generation. The Plan serves as a guide for future programs and policies, capital improvement projects, and infrastructure development proposed by the Division for funding approval by the administration and the County Council.

- 1. A composting facility for household bio-waste is currently located on Phase III of the Central Maul Landfill. Maul EKO Systems currently co-composts biosolids and greenwaste. In 2012, foodwaste from a pilot curbside collection program for recyclables was included as well; however, composting is regulated by the Hawai'i Department of Health, and meeting regulatory requirements for foodwaste became too costly for the contractor and that program was discontinued.
- 2. The County currently has a contract with Anaergia, Inc. to provide waste-to-energy services on Maui; which is expected to process plastics, including bioplastics. Anaergia's plant may be located near the Central Maui Landfill with landfill gas piped to them for the production of alternative fuel.
- 3. The facility design incorporates appropriate Best Management Practices (BMPs) to minimize potential project impacts to Halku Ditch and Kalialinul Gulch. The facility stormwater management system, consisting of a system of drainage swales and ditches, is designed to manage a 50-year storm event. All site drainage is ultimately conveyed to two (2) infiltration basins designed with capacity exceeding the volume of stormwater run-

Jazmyne Geis July 19, 2019 Page 2

off for a 50-year storm event. As such, post implementation stormwater discharge from this facility to Haiku Ditch and Kalialinui Gulch is expected to be significantly less than the current discharge. The infiltration basins are to be constructed in fractured bedrock, which will discharge water primarily through infiltration, reducing the potential for direct stormwater discharge to Haiku Ditch and Kalialinui Gulch from the project site.

With the exception of the Construction and Demolition Material Recovery Area, an area that will be receiving and processing primarily inert materials such as asphalt, concrete, rock, and soil, all other waste handling and equipment maintenance activities proposed to be conducted at the facility will be housed in a roofed or fully enclosed structure such that the waste materials will not be exposed to rain. These roofed or enclosed structures will prevent contact of waste materials with rain and minimize potential impacts to the facility stormwater.

The facility operational procedures will include BMPs such as good housekeeping practices that will ensure the facility is maintained in a clean and orderly fashion that prevents exposure of pollutants to stormwater. These procedures will include, but not be limited to, regular cleaning and sweeping of exterior paved areas, regular litter collection and clean up, and performance of vehicle maintenance within roofed or enclosed buildings. Operational procedures will also include regular documented facility inspections to ensure the operational practices and BMPs are properly implemented and achieving the desired results of minimizing potential impacts to stormwater.

- 4. The proposed cattle crossing grate is actually a stormwater management feature, as discussed in the Preliminary Engineering Report in Appendix F of the Draft EA. The grate over the open top culvert is in the style of a cattle crossing grate in that it matches the roadway on both sides and is a metal grill rather than pavement.
- 5. Hammerhead Metals Recycling (HMR) is a scrap metal recycling facility near the Central Maui Landfill that has operated since 2005. During the early planning phases for this project, it was rumored that HMR was considering shutting down their operation. The metals processing area is included in the site plan so DEM can obtain the necessary permits and approvals for the facility, should it be needed in the future. DEM is not planning to begin processing scrap metal itself, unless there is a need for it to do so.
- The Household Hazardous Waste and Electronic Waste Collection and Storage Area will 6. be designed to incorporate appropriate health and safety measures to ensure the safety of all employees operating the facility and the safety of the general public making use of the facility. The facility will be a combination of roofed areas and enclosed areas that will prevent contact of waste with precipitation and stormwater. Enclosed areas will be ventilated to ensure a healthy environment is maintained at all times. Waste handling and storage practices will be implemented to ensure wastes are properly segregated and stored to prevent unsafe conditions, and all employees will be trained to properly implement these practices, as well as required recordkeeping. Wastes will be packaged to ensure they are not released to the environment, and storage areas will be equipped with secondary containment to prevent discharge of waste in the event of a spill. Hazardous wastes received at this facility will be stored onsite for no more than 90 days. Within 90 days of receipt, hazardous wastes must be shipped offsite to a permitted disposal or processing facility. Materials will be shipped offsite more frequently as necessary to ensure compliance with the storage capacity limits of the facility.

Jazmyne Gels July 19, 2019 Page 3

- 7. The County will seek to adopt all feasible and practical building and facility design features for efficient utilization of energy and other resources and minimize potential environmental impacts. To that end, during the detailed design phase, the County will evaluate a broad scope of building and facility design options that will minimize potential environmental impacts while also meeting operational performance requirements and will incorporate those deemed appropriate, feasible, and practical. Construction materials for the buildings and the roads will be included in this design phase review, which may result in incorporation of light colored building exteriors, light colored pavement, and/or reduced quantities of paved areas in favor of larger areas of gravel or other permeable surfacing.
- 8. There were a total of 54 species of plants found during the biological resources survey for the project. Of the 54 species observed, two (2) were common native plant species, while the remaining 52 were non-native agricultural grasses and weeds. No federally listed endangered or threatened plant species or special plant habitats were found onsite. Based on the biological survey, mitigation for removal of the plants was not deemed necessary or appropriate.

May 13, 2018 EMAIL

- As noted previously, composting for household bio-waste is currently located on Phase III
 of the Central Maui Landfill.
- 2. As noted previously, the County has a contract with Anaergia, Inc. to provide waste to energy services on Maui, which is expected to process plastics, including bioplastics.
- 3. The DEM routinely distributes by mail, at County offices, and at various events, a resource guide titled "County of Maui Recycling and Landfill Guide". The guide contains various information and resources to help residents reduce waste by reusing materials, where and how to recycle, and handling of household hazardous waste. The guide also encourages residents to visit the website <a href="mailto:ma

We appreciate your comments on the Draft EA and will include a copy of your emails and this response letter in the Final EA. Should you have any questions or require further information regarding the proposed action, please contact Elaine Baker of the Solid Waste Division at 270-7875.

Sincerely,

ERIC A. NAKAGAWA, P.E.

Director of Environmental Management

EN cc:

Clayton Yoshida, Department of Planning Elaine Baker, Department of Environmental Management Ali Mehrazarin, A-MEHR Colleen Suyama, Munekiyo Hiraga **EXHIBIT 42.**

>>> "Dave Robichaux" <<u>robichaud001@hawaji.rr.com</u>> 6/27/2018 3:29 PM >>> Sorry, Spelling error.

From: Dave Robichaux < robichaud 001@hawaii.rr.com >

Sent: Wednesday, June 27, 2018 3:26 PM

To: 'Clayton.yoshida@mauicounty.gov' <<u>Clayton.yoshida@mauicounty.gov</u>>;

'Kimberly.willenbrink@mauicounty.gov' < Kimberly.willenbrink@mauicounty.gov >;

'tara.furukawa@mauicounty.gov' < tara.furukawa@mauicounty.gov>

Cc: 'Clint@komarinvestments.com' < Clint@komarinvestments.com>

Subject: SP 97-390

Clayton, Kim, and Tara:

Thank you for taking your time to meet with me regarding the extension of SP97-390. I've had a bit of time to read through the documents and will take a bit more in the coming days. As mentioned, Komar Maui Properties I (Komar) was not aware that the application had been prepared or that we had been excluded from the existing SUP. Komar objects to this exclusion and requests that the application be amended to retain the status quo with regard to Parcel 20. The County gains absolutely nothing from removing a potential landfill space from the SUP allowing the County to build a landfill. If Komar wanted to build a landfill or conduct other private waste management activities on that parcel it would almost certainly require a new SUP. We have no ulterior motive here, but removing it and trying to put it back in a few years later will makes life more difficult for the County. Mayor Arakawa proposed a land swap after recommending that we purchase the property several years ago. The Mayor reiterated his desire to execute the land swap on Monday. Komar will work diligently with the current and next administration to cooperate with The County and promote your solld waste objectives. We believe that the current application is detrimental to those objectives, and request that parcel 20 remain in the extension for SP97-390.

Thanks, David M. Robichaux ናሷ እ

North Shore Consultants, LLC

2091 Round Top Dr. Honolulu, HI 96822

(808) 368-5352 cell robichaud001@hawaii.rr.com

Mark Roy

From:

Elaine Baker <Elaine.Baker@co.maui.hi.us>

Sent:

Friday, June 28, 2019 10:02 AM

To:

Mark Roy

Subject:

Fwd: Re: F: Parcel # 3-8-003:20 Central Maui Landfill

>>> Kimberley Willenbrink 9/10/2018 9:32 AM >>> Here you go >>> Kimberley Willenbrink 9/7/2018 12:38 PM >>> Aloha Mr. Robichaux,

Thank you for your e-mail. The Special Use Permits you are referring to were issued to the County of Maui Solid Waste Division and therefore any questions about your interests in those permit should be addressed to that office. In order for the permit to be transferred, a request would need to be submitted by the permit holder.

If you are pursuing a new Special Use Permit for your business, we can assist you with the application process.

Kimberley Willenbrink, Planner Department of Planning One Main Plaza 2200 Main St., Suite 619 Wailuku, HI 96793 (808)270-5570

>>> "Daye Robichaux" <robichaud001@hawaii.rr.com> 9/6/2018 1:30 PM >>>

Hi Ms Willenbrink:

This request is regarding Komar Maui Properties I, LLC parcel that is or was designated as Phase VI of the Central Maul Landfill. We are working on a Special Use permit for the LUC to maintain the existing uses for our parcel, so that the only change would be change of ownership. Once we got into this we discovered that the County CUP is valid until 2028 (CUP2008/0003). We also wish to maintain the existing uses for the County permit, and at this time we have not been kicked off. That stated, the CUP contains a condition that the permit is not transferable without permission from the Planning Commission.

Questions:

1. Does having a new owner constitute a transfer if nothing else changes?

2. If yes to #1, what form should be taken to request permission from the MPC to transfer the existing County CUP. I 對身 letter request or is there an established format?

I would appreciate any advice that you could offer, and I'm happy to talk at your convenience.

Thanks, David M. Robichaux

NORTH SHORE CONSULTANTS, LLC

Honolulu, HI 96822

(808) 368-5352 cell robichaud001@hawaii.rr.com

Mark Roy

From:

Elaine Baker < Elaine.Baker@co.maul.hi.us>

Sent:

Friday, June 28, 2019 9:56 AM

To:

Mark Roy

Subject:

Fwd: Re: SP 97-390, CUP 2008/0003- Central Maui Landfill

>>> Kurt Wollenhaupt 6/13/2019 12:54 PM >>>

Elaine:

This was an email regarding the CML for your records. Just an FYI.

Is this the parcel 20 ??

Kurt

>>> "Dave Robichaux" <robichaud001@hawaii.rr.com> 6/3/2019 12:22 PM >>>

Kurt:

The above-referenced permits are extensions to a Special Permit for the County to continue landfilling activities on the Central Maui Landfill Agriculture land. Komar Properties the landowner of parcel (2) 3-8-003:020 (CML Phase 6) asked the County last year to continue to be included in the Permit amendment, but was denied for reasons that are not entirely clear. It would be mutually advantageous to leave the parcel in the amendment because the County is now considering its use for municipal waste management. I could not determine the status of the SP 97-390 application following a brief review of approved and pending dockets, and I would appreciate it if you could advise us on its status.

Thanks in advance

David M. Robichaux

North Shore Consultants, LLC

2091 Round Top Dr. Honolulu, HJ 96822

(808) 368-5352 cell robichaud001@hawaii.rr.com

EXHIBIT 43.

MICHAEL P. VICTORINO Mayor

ERIC A. NAKAGAWA, P.E. Director

SHAYNE R. AGAWA, P.E. Deputy Director

MICHAEL P. RATTE Solid Waste Division

SCOTT R. ROLLINS, P.E. Wastewater Reclamation Division

TAMARA L. FARNSWORTH Environmental Protection & Sustainability Division



COUNTY OF MAUI DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

2050 MAIN STREET, SUITE 2B WAILUKU, MAUI, HAWAII 96793

July 2, 2019

David M. Robichaux North Shore Consultants, LLC 2091 Round Top Drive Honolulu, Hawai'i 96822

Dear Mr. Robichaux:

SUBJECT:

STATE SPECIAL PERMIT (SP97-390) AND COUNTY SPECIAL USE PERMIT (CUP 2008/003) AMENDMENT APPLICATIONS FOR THE PROPOSED CENTRAL MAUI LANDFILL FACILITIES PROJECT PUUNENE, MAUI, HAWAI'I

We thank you for your emails of June 27, 2018, September 6, 2018 and June 3, 2019, regarding the State Special Permit (SP97-390) and County Special Use Permit (CUP 2008/003) Amendment applications for the Proposed Central Maui Landfill Facilities Project. Copies of your emails were forwarded to the Department of Environmental Management (DEM) for review. We understand that you represent the current owner of TMK (2)3-8-003:020 (Parcel 20), Komar Maui Properties 1 LLC, and are writing to you today to offer the following information in response to your email correspondence:

1. As part of the proposed amendments to the subject permits, DEM is proceeding with its request to remove the portion of Parcel 20 that currently falls within the permitted area covered by the subject Central Maui Landfill (CML) special permits. The reason for this request is that Parcel 20 is no longer owned by the County of Maui and DEM does not have any plans to utilize this parcel in the future as part of its waste management operations at the CML facility. A letter was mailed to the current owner of Parcel 20 (Komar Maui Properties 1 LLC) by DEM on February 22, 2018 to provide Komar Properties with formal notification that the County was proceeding in this manner. A copy of this notification letter is provided as Exhibit "A" for your reference.

David M. Robichaux July 3, 2019 Page 2

- 2. DEM is currently in the process of finalizing the Chapter 343, Hawai'l Revised Statutes Final EA for the CML Facilities Project. Processing of the SP/CUP amendment applications will continue with the Department of Planning and State Land Use Commission (SLUC) following completion of the environmental review process. DEM anticipates that public hearings with the Maul Planning Commission and the SLUC may be scheduled sometime during the 4th Quarter of this year.
- 3. Should Komar Maui Properties 1 LLC wish to develop Parcel 20 in the future, we would encourage early consultation with Department of Planning staff who will be able to assist with determining applicable permitting requirements.

We appreciate the input provided and will include a copy of your emails and this response letter in the Final EA for the project. Should you have any questions or require further information regarding the proposed action, please feel free to contact Elaine Baker of our Solid Waste Division at (808) 270-7875.

Sincerely,

ERIC A. NAKAGAWA, Director Department of Environmental Management

Enclosure:

Exhibit A

CC;

Elaine Baker, Department of Environmental Management

Kurt Wollenhaupt, Dept of Planning

Mark Alexander Toy, AICP, Munekiyo Hiraga