

**MAUI PLANNING COMMISSION
PORTION OF THE REGULAR MINUTES
ITEM B.3
DECEMBER 10, 2019**

Mr. Carnicelli: The Maui Planning Commission meeting of December 10, 2019 is back in session. Director.

Ms. McLean: Thank you Chair, next you have a request from Eric Nakagawa who is the Director of the County's Department of Environmental Management and this is for an amendment to State Land Use Commission Special Permit SP97-390 and County of Maui Special Use Permit CUP 2008/0003 to include an approximate 39.573-Acre Project Area at TMK (2) 3-8-003:019 (por.) for development of the Central Maui Landfill Facilities Project involving offices; areas for abandoned vehicles, metals processing, open construction and demolition material recovery, household hazardous waste and electronic waste processing and storage; warehouse; storage; truck parking and maintenance; and associated infrastructure. The amendment also includes a Time Extension for SP97-390 and removal of TMK (2) 3-8-003:020 from both State Special Permit and County Special Use Permit. The total amended area covered by both permits will be approximately 95.659 Acres. The project is located at 8100 Pulehu Road and Kurt Wollenhaupt is the Project Planner.

- 3. ERIC NAKAGAWA, Director, County of Maui, Department of Environmental Management, Requesting an Amendment to State Land Use Commission Special Permit SP97-390 and County of Maui Special Use Permit CUP 2008/0003 to Include an approximate 39.573-Acre Project Area (TMK (2) 3-8-003:019 (por.)) for Development of the Central Maui Landfill Facilities Project involving offices; areas for abandoned vehicles, metals processing, open construction and demolition material recovery, household hazardous waste and electronic waste processing and storage; warehouse; storage; truck parking and maintenance; and associated infrastructure. Amendment request also includes a Time Extension for SP97-390 and removal of TMK (2) 3-8-003:020 from both SP97-390 and CUP 2008/0003. Total amended area covered by both permits will be approximately 95.659 Acres. Project is located at 8100 Pulehu Road TMK (2) 3-8-003:019 (por) and 020, Puunene, Island of Maui (SP97-390, CUP 2008/0003) (K. Wollenhaupt)**

Final EA http://oeqc2.doh.hawaii.gov/EA_EIS_Library/2019-08-08-MA-FEA-Central-Maui-Landfill-Facilities.pdf

Mr. Kurt Wollenhaupt: Good morning Members of the Maui Planning Commission. The item before while it appears that there are many moving parts is actually very straight forward. The Central Maui Landfill has been successfully operating for many years, but it has to operate under two kinds of permits, the County Special Permit in which you are the approving body, they have that permit, we're looking for a slight modification, an expansion of the area in order to facilitate a longer life of the landfill. Also, it has to operate under a State Land Use Commission Permit because it's over 15 acres and it's in the Ag District and we're essentially replicating the conditions for both. We want to extend both to 2028 and the applicant will be looking at the specific

enhancements that could be done to the landfill to extend its life to provide a centralized facility for solid waste processing.

Just very briefly, if you look at the recommendation pages, the conditions are essentially staying the same as they were in the past with the exception of extending the permits to 2028, filing a revised metes and bounds map that will clearly show the project area. There is a comment on the traffic impact report at Pulehu Road and Hansen Road and then there were three conditions that relay to environmental planning for endangered or possibly endangered species during construction. So the changes are really straight forward. Mr. Nakagawa is here today as the Director of the Department of Environmental Management along with quite a few consultants and the team at Munekiyo and Hiraga with Colleen Suyama and Mark Roy. So the next person is going to be Eric who will talk about this project and his team.

Mr. Eric Nakagawa: Thank you Kurt. All right, Kurt actually covered all what I have to say, but I'll say it anyway. Good morning, aloha. My name is Eric Nakagawa, I'm the Director of Department of Environmental Management.

Mr. Carnicelli: Good morning Eric.

Mr. Nakagawa: Today we're just here before you as Kurt said is just to get an approval for amending our Special Use Permit to include basically approximately 40 acres of land that we bought north of our Central Maui Landfill and what this will do is allow us to centralize our operations which will make it more efficient, saving taxpayer's dollars as well as continue our landfill diversion programs. All of these efforts is to basically keep our...conserve on our precious landfill space, yeah, throwing away. So you know all of this in line with our integrated solid waste management plan. This helps us to stay in line with that which was approved in 2009 by Maui County Council as well as the State of Hawaii Department of Health. So other than that, I mean, we just respectfully request approval for this amendment and actually Colleen Suyama from Munekiyo and Hiraga will give you a little presentation to go over details and then we can answer questions after.

Mr. Carnicelli: Thanks Eric.

Mr. Nakagawa: Thank you.

Ms. Colleen Suyama: Good morning Members of the Commission, my name's Colleen Suyama.

Mr. Carnicelli: Good morning Colleen.

Ms. Suyama: I'm with the planning consulting firm of Munekiyo Hiraga. Also in terms of project team besides the Director, Eric Nakagawa, also we have Sage from the Solid Waste Division as well as Elaine Baker who is the project manager for the project. Our engineering consultant is A-Mehr and we Ali Mehrazarin. Also our surveyor is from R T Tanaka Engineering and Kurt Tanaka is here today. Our traffic engineer was Fehr and Peers. Originally our traffic engineer was gonna be present but unfortunately he just had a family emergency and he had to leave to go back home.

And our cultural consultant is Cultural Surveys Hawaii and we have Hal Hammatt, Trevor Yucha, and Alulii Mitchell from Cultural Services.

In terms of our project description it includes another 40-acre expansion of the Central Maui Landfill. It is adjacent to the existing Central Maui Landfill and the project is proposed to divert waste from the existing Central Maui Landfill. The proposed facilities and uses include an 8,000 square foot office, a two-acre abandoned vehicles area, a 40,000 square foot metals processing area, an open...a 40,000 square foot open construction and demolition material recovery area, a 20,000 square foot household hazardous waste and electronic waste collection and storage area, another 20,000 square foot warehouse and storage area, 12,000 refuse collection office, a two-acre truck parking area for the wastewater...solid waste trucks and a maintenance area, and also included are two drainage basins.

In terms of the project need, the Central Maui Landfill is the main landfill on Maui. The only other landfill is in Hana because of its distance from the rest of the island. The facility project will implement sustainability measures that are recommended in the County's integrated solid waste management plan. It would also consolidate the Department of Environmental Management solid waste operations at the Central Maui Landfill and currently the landfill is projected to have capacity until about 2026. With the implementation of the integrated solid waste management plan and the proposed facility it is expected to extend that capacity to 2042.

In terms of the permitting history there are two permits that are associated with the Central Maui Landfill. One is the State Land Use Commission Special Permit and the other one is the County Special Use Permit. In terms of the State Special Permit there are two special permits that were issued to the project. The first Special Permit was SP 86-359. This permit established the Central Maui Landfill which opened in 1987 on approximately 55 acres of the landfill property. Then in 2016, the first amendment to this permit was granted and this was to include special wastes at the landfill. There were no expansion of the area. Then in 1997, Special Permit SP 97-390 was granted and this was to expand the landfill an approximately 29.34 acres of land. First amendment was done in 2002 for a new entrance facility which did not include any expansion of the area. A second amendment was granted in 2004 for approximately 1.395 acres for a minor expansion of the landfill for an access road and a time extension. Also a third amendment in 2009 was granted and this was for an approximate 41-acre expansion for a total of this permit was about 70.5 acres and it also transferred the permit from the Department of Public Works to the Department of Environmental Management and it granted a time extension to October 31, 2018. The transfer of permit was required because the County of Maui through a Charter Amendment divided the then Department of Public Work and Environmental Management into two separate departments so the transfer of the permit was to the then newly developed Department of Environmental Management. Also in 2008, a County Special Use Permit was approved the Maui Planning Commission and the reason in 2008 the County Special Use Permit was required is that the County Agricultural District was amended and at that...through that amendment landfills were then determined to be a special use so the Department of Environmental Management also had to get a County Special Use Permit.

In terms of the request, the amendments being sought is an amendment to the Special Permit and the County Special Use Permit to include an approximately 40 acres for development of the

Central Maui Facilities Project on Parcel 19. It's also a time extension to the State Special Permit to October 31, 2028 and this is to be concurrent with the County Special Use Permit which expires on October 31, 2028. Also it is to remove Parcel 20 from the State Special Permit and the County Special Use Permit due to the fact that the County of Maui no longer has jurisdiction over this parcel.

In terms of the project if you'd look at the map this is Pulehu Road located here. The Central Maui Landfill property which is Parcel 19 and this is where the existing Central Maui Landfill is located. This is the proposed approximate 40-acre expansion and this is Parcel 20 which is being removed from both the State Special Permit and the County Special Use Permit.

In terms of summary of the permit, the existing area of the Special Permit and the County Special Use Permit is approximately 73 acres. Parcel 20 which is to be removed is approximately...it's only a portion of the parcel, it's approximately 16.841 acres and the new facility is approximately 39.573 acres so the new permitted area once the approvals are granted is going to be approximately 96 acres. The net expansion with the removal of Parcel 20 is 22.732 acres.

In terms of the background of the project, the project because it involved both County land and funding it was subject to Chapter 343 our environmental impact rules. On July 19, 2019 a Finding of No Significant Impact Determination was made by the Department of Environmental Management. On August 8, 2019, the Final EA and FONSI document was published in the Office of Environment Quality Controls Environmental Notice. There were no legal challenges to the Final EA FONSI.

In terms of the project plan, this is the conceptual plan of the project. Pulehu Road is located here. The new access road to the project site is located here. What they're proposing to do is the office building located here, the abandoned vehicle area, the metal processing area located here, the open construction and demolition materials recovery area. Then you have the household hazardous waste and electronic waste facility and storage area here and we have the new warehouse facility that they're proposing, the new refuse collection office and truck parking area located here and two new drainage basins.

These are...the following slides are conceptual office building plans that are being proposed. This is the office building, the metals processing building, the hazardous waste...household hazardous waste and electronic waste collection and storage area. The warehouse building, your refuse collection office and maintenance area building. In terms of the buildings as you can see they're basically warehouse facilities that are being proposed at the landfill. There also...the project includes what we call important agricultural lands and based upon that information approximately 22 acres of the 40-acre project site is identified as important agricultural lands. In accordance with the State requirements in the Hawaii Revised Statutes as well as the rules of the State Land Use Commission. Both the Department of Agricultural and the Office of Planning was notified of the Special Permit. Their comments were included in the Final EA FONSI which I believe the Commission Members were given a copy of the document. The project site also represents less than one percent of the 27,000 acres of important ag lands on Maui.

This is a depiction of the important ag lands within the surrounding area. Pulehu Road is located here. The Central Maui Landfill site goes this way, it's a real weird project, is as you can see the green is all the surrounding agricultural lands, you know important agricultural lands including the portion of the project area that's identified as important agricultural lands

In terms of the Special Permit criteria, the project complies with Chapter 205 which is our State Land Use Law and Chapter 205A which is the Coastal Zone Management Law located in the Hawaii Revised Statutes. In terms of making decisions for important ag lands it meets the criteria in Section 205-50(c) and 205-50(d) and this was the reason why the project was analyzed based upon this information was that both the Department of Agriculture and the Office of Planning recommended that during the EA process that we address, the Department of Environmental Management address HRS 205 as it relates to important agricultural lands.

It also complies with the State Land Use Administrative Rules relating to State Special Permits and it also complies with Chapter 19.510.07(b) of the Maui County Code relating to the County Special Use Permit.

In summary, we're asking for amendments to the State Special Permit and the County Special Use Permit in order to include approximately 40 acres for development of the Central Maui Landfill facilities project on Parcel 19. We're asking for a time extension to the State Special Permit to be concurrent with County Special Use Permit on October 31, 2028, and we're also requesting removal of a portion of Parcel 20 from both the State Special Permit and the County Special Use Permit and once approvals are granted the total area of the Special Permit and the County Special Use Permit would be approximately 96 acres.

In terms of next steps action by the Maui Planning Commission on both the State Special Use Permit and the County Special Use Permit. Once that decision is made then it's transmittal of the Maui Planning Commission recommendation for the State Special Permit to the State Land Use Commission for further action and then finally action by the State Land Use Commission on the State Special Permit. So in terms of the State Special Permit it requires both the Planning Commission approval as well as the State Land Use Commission's approval. Mahalo. And our project team is available for any questions that they Commission may have.

Mr. Carnicelli: Thank you Colleen. So at this point in time we will go ahead and open up the floor for public testimony. P. Denise can you see if anybody signed up please?

Ms. La Costa: No.

Mr. Carnicelli: No. Is there anybody that would like to come forward and testify on this particular item? Then if there are no objections we'll go ahead and close public testimony. I think where I'd like to start with this is with the IAL portion of it and Mr. Hopper if you could address a couple of items and for the Commission, you can go to Pages 8 and 9 in the staff report that are about IAL.

Mr. Hopper: I'll try to clarify. You also have a pretty detailed analysis on Pages 17-22 of your staff report. They contain an analysis of HRS 205-50 as well as an analysis of the Administrative

Rule 15-15-127 of the Land Use Commission's Rules. The titles of these sections, the HRS 205-50 is Standards and Criteria for the Reclassification or Rezoning of Important Agricultural Lands. The title of the Admin Rule is Standards and Criteria for the Reclassification or Rezoning of Important Agricultural Lands. So on their face they appear to apply only to a district boundary amendment or a change in zoning and in this case there's a Special Permit request. However, I think as the applicant's consultant had stated there is...there were comments by the State Department of Agriculture and the State Office of Planning that requested an analysis done of all of the sections relevant to important agricultural lands, and so I think what was done on Pages 17-22 by Planner and the consultant I think as closely as possible analyzes the special permit request before you now in light of the criteria under the HRS and Administrative Rule just referenced with the understanding that those sections on their face applied to district boundary amendments and changes of zoning specifically. But I think the criteria in them have been analyzed and as part of the criteria they do require you as a commission to make findings based on preponderance of the evidence that these criteria are met. I think it's part of the staff report, I think you should review it and adopt it along with you staff report out of an abundance of caution based on the State Department of Agriculture and Office of Planning's comments and to get it on record for the State Land Use Commission should you approve this they would also have to review this and may be looking for those findings as well.

So this is something along with the other criteria that you normally look at for State Special Permits that's also here that deals with the IAL, again, you not taking action on anything that would be either redistrict, so change the district boundary classification or change the zoning of the parcel. You're acting on a special permit. There is a requirement in 205-50 that any application for a special permit involving IAL be referenced...referred to the Department of Agriculture and the Office of Planning for review and comment so that's been done and is part of this staff report, but I wanted to note that for the record 'cause it's a bit awkward but I think the recommendation to you at this point is to leave that in the staff report, review it, if these are findings along with the rest of the staff report that you wish to adopt to go ahead and do so with any changes you might want to adopt or any conditions and have that transmitted along with the record to the Land Use Commission again, due to those requests by the State.

Mr. Carnicelli: Thank you Mr. Hopper. Does either the Director or Kurt do you have anything to add or clarify based on what it is that Mr. Hopper said. Okay, yep thank you very much. So guys, we're at ten minutes to 12:00, we can dig into this now and go as deep as we want or we can go ahead and recess and go to lunch and come ask and do Q & A after?

Mr. Robinson: Keep going.

Ms. Pali: Is it heavy?

Mr. Carnicelli: It doesn't have to be heavy. If you look at the staff report, right. Let's go to the staff report in the green, on the State Land Use Commission Special Permit Item Number 1, we're changing the date. Item Number 6, we're deleting, we're adding 17 and 18, that's what we're doing.

And then if you go to the County Special Use Permit, we're deleting 6, making a change to 14, adding 16 and 17, that's what we're doing.

Mr. Hopper: Noting of course you're...they're expanding the area and in one case deleting the area from the project area.

Mr. Carnicelli: Correct, correct. And so, anyways that being said we can go...all right I think that have...all those in favor of lunch please raise your hand, one, two—

Ms. La Costa: I'm not shy, I am hungry.

Mr. Carnicelli: You know what let's go a little bit then, we'll go a little bit and then we'll break for lunch. So then since you raised your hand you want to go to lunch I'm gonna let you go first.

Ms. La Costa: Thank you sir.

Mr. Carnicelli: Commissioner La Costa.

Ms. La Costa: Mahalo sir. My questions have to do with the mitigation of pollution in the project. So I don't know whomever is responsible for addressing that please?

Ms. Suyama: In terms of mitigation of pollution, what type of pollution—

Ms. La Costa: Well, in the report that I have here you talked about recycling electronics so they have a lot of heavy metals in them. Cars, they have a lot of fluids that can also create pollution so my concern is if you're gonna be storing them in the new area and in larger areas what mitigation is in place to be sure that those fluids and/or heavy metals do not get into the ground water.

Ms. Suyama: Okay, I think it's best for our engineering consultant A-Mehr, Ali.

Mr. Ali Mehrazarin: My name is Ali Mehrazarin. Answer to your question is the fluids would be removed and taken to recycle facility and same thing with the electronics. It's just a receiving area and the actual recycling gets done after it's shipped out. So the heavy metals and all of that is under a roof ...(inaudible)...There is no chance of getting into the ground water or surface water.

Ms. La Costa: How long are they gonna be stored before the dismantling?

Mr. Mehrazarin: They are normally stored somewhere between 30 to 90 days and then they will...when there is sufficient amount of the material then they get shipped out.

Ms. La Costa: So what mitigation is going to be used so that there aren't issues during those 30 to 90 days?

Mr. Mehrazarin: The mitigation is you're in the building and you're basically control the storm water or any liquid. There is a SPCC plan per regulation that you have to have a plan. It's a thorough regulation to control any liquids from escaping your work area and that applies to most of the facilities that they handle this type of material.

Ms. La Costa: And how are you doing that please?

Mr. Mehrazarin: It's basically a plan, it's a federal regulation. It's a plan and you have a temporary or a permanent and temporary BMPs, berms and basically you berm the area and you control the liquids if there's any accident.

Ms. La Costa: Is there another comment or you're just standing up? You look like you got—

Mr. Eric Nakagawa: Eric Nakagawa, Director. We, Environmental Management we fight pollution every day. So what we're trying to do is, and you guys see it, all of these things are in the environment. There's people are illegally dumping them. What we do is we designate an area, we're heavily regulated by federal and state, Department of Health, EPA so we bring it to an area that is permitted that takes care of all of these concerns. So I'm just trying to give you without going into all these details, I mean, basically you create a impervious area where even if liquids come down they can collect it, they can dispose of it properly, but what I'm trying to do is give you more of a high level understanding so that it kinda helps you address your...any of your guys concerns because the whole point of us in Environmental Management is to protect the environment and so we do that by taking away all of this illegal dumping, illegal that kind of stuff and then putting it to an area that is already designated by and permitted by the feds and the state, yeah.

Ms. La Costa: So it's impervious is that what I heard you say? I'm concerned about it rains and everything else so that's what I want to hear there's an impervious surface that the runoff if it does get wet or whatever is not going to affect the groundwater.

Mr. Nakagawa: Right so whatever we do it, it creates some type of impervious area because the whole point of it is not for it to go into the ground, into groundwater. And so whatever those standards are which is dictated by the Department of Health, right 'cause they look at all our plans, they review it and by EPA who's the authority over them and we comply with that.

Ms. La Costa: Okay, one more.

Mr. Robinson: I'm going to jump on this and then you can jump—Eric one second. So in the report it says that the runoff will be collected, asphalt concrete and then sent to a storm drain and then from there go to bedrock.

Mr. Nakagawa: Okay.

Mr. Robinson: Road drainage ditches with adjacent AC berms and discharge into two proposed basins, right with a net capacity of 27,000 yards, storm water collected in the basins will be

discharged ...(inaudible)...and into fractured bedrock. So it doesn't show it's not impervious it's gonna go, it's gonna go down so there's no lining.

Mr. Nakagawa: All so, I think...I think it's two totally different questions.

Mr. Robinson: Okay.

Mr. Nakagawa: So what you're talking about and I'm not even the design engineer, he can answer in more detail, what you're talking about is surface runoff when it rains, right. So when it rains, right it has to collect like any post development, right when you guys...well, not you guys but approve subdivisions you create impervious area that doesn't go in that has to flow somewhere, it has to be mitigated, you can't let it go off your property, that's the same thing. So when you do these drainage improvements that's gets collected and that takes care of...but that's totally different than when you bring in these abandoned vehicles, all these other different types of hazardous waste you could bring it into a confined space that's controlled and then you mitigate that, those measure...so it can't be...so those two are totally—

Mr. Robinson: So the vehicles are gonna be in the covered area and not be susceptible to rain water?

Mr. Nakagawa: Oh, that's a little bit more detailed than for me, he can answer it.

Mr. Mehrazarin: Yeah, the vehicles will be partly in the open areas but the hazardous materials from it is already removed and is safe for transportation and that's how you'd store them and transfer it.

Mr. Robinson: The oils will be drained...(inaudible)...with be removed.

Mr. Mehrazarin: Everything, yes absolutely, correct.

Mr. Robinson: And the electrical is the same thing?

Mr. Mehrazarin: Yes.

Mr. Robinson: Refrigerators are the same thing?

Mr. Mehrazarin: Correct. They take the Freon out. That's basically how you manage batteries and so on. You have to get it in a safe condition for transport so that's...

Mr. Robinson: There's a prestaging area that's contained and then it goes into a storage area that—

Mr. Mehrazarin: That's correct.

Mr. Robinson: Thank you.

Mr. Carnicelli: Commissioner La Costa.

Ms. La Costa: Thank you Chair. My other question please for the engineer I believe. In your new facility or in the future do you have any plans for any kind of H-power or is it just gonna be status quo as it is?

Mr. Nakagawa: Eric Nakagawa, Director. I think it's more for this Administration so I'll speak on that. So you talk about H-power which is basically some type of either waste to energy or in that manner fashion. So this Administration is looking into waste to energy. I mean that is kinda the future of where everybody else is going. The question comes back to is, is the technology mature enough to where we can utilize that and we're currently in a waste to energy contract kinda-ish that expires maybe next year. If that doesn't come to fruition then we are absolutely, this Administration is dedicated in looking into future waste to energy projects because ultimately we feel that this waste is some type of resource that can create something good for the community and that's what we're gonna produce. We also have a update for our integrated solid waste management plan that's already contracted that's basically in layman's term the long term vision of what the department is supposed to be doing and that gets approved once again from the Department of Health. So we...that will kind of set that tone of are we...how much waste to energy, how recycling, how much composting, all that kinda long term visions, yeah for that.

Ms. La Costa: Thank you.

Mr. Carnicelli: Commissioner Castro.

Mr. Castro: No questions.

Mr. Carnicelli: No questions. Commissioner Tackett.

Mr. Tackett: No questions.

Mr. Carnicelli: Thank you. Commissioner Robinson.

Mr. Robinson: I have a question with the numbers of the plus and the minuses and Eric or anybody, yeah or the consultant can answer that. Is I was trying to follow your presentation, I apologize I didn't want to stop you through it, so there was a net gain and net loss but is what I didn't see is was a...I saw a gain on cars and different type of things but I didn't see a gain on the landfill itself, are we not increasing the landfill? The landfill is still gonna be what it has been with its same date of expiration?

Ms. Suyama: The landfill...this is only a portion of the landfill operation. We're only adding approximately 40 acres to do the ancillary uses. The landfill itself is under another portion of where they have different phasing and maybe Eric can explain to you what those phasings are but none of the landfill, you know like just the dumping of the waste would occur on this 40 acres.

Mr. Robinson: Okay. And Eric, my question is I know the new Administration you guys are looking at different things, it's I just got a easy question is we want to extend the life of our landfill like

everybody else and of course, separating green waste and recyclable waste like other islands do is a good leap towards that, do you have any updates on what this Administration is looking forward to do? I know we got a contract that you know, a year, but how we're doing with recycling and separation?

Mr. Nakagawa: Eric Nakagawa, Director. So I think maybe to help clear and I don't know if this was your question but you had about adding and subtracting so we're adding 40 acres, right but then we're subtracting 17 or so acres so the whole reason for just bigger picture is a private entity bought that 17 acres so there's no reason for the County to have special use permits and county permits on that land. So that's purely why we're taking that out. So this hopefully probably gonna help you guys understand why we're subtracting those acres.

As far as recycling I mean, and eco-compost, diversions, recycling you know as a whole the recycling market unfortunately is in a big downturn, right. I mean we're having nationwide everybody's trying to figure out what do you do, China shut off recycling basically right and so now they're looking at different venues and this Administration is still committed to doing as much landfill diversion which is recycling. The whole point is really to try to keep it out of our landfills, right, out of our land, conserve that space for the waste, but also to figure out like Hannah was mentioned to Member La Costa that we also want to utilize for some kind of beneficial use which is energy. So this...the key is gonna be this integrated solid waste management plan that will really determine look at the landscape of what's going on in the market today and where new technologies and that kind of things are coming up and then set our long-term vision on where we're gonna go. Hopefully you know that will flesh out is maybe recycling on a downturn so you do waste and energy with that stuff but yet eco-composting is still viable and a good product to do on an island that hopefully with larger ag developments they pursue this, agriculture, you know growing our own crops here on Maui, right and so that would be a venue of that.

But those guys that are you know once again, I can bring the department up, in fact the division up, but they can answer like you know where we are with that integrated solid waste management plan which is just about to get kicked off. I think it takes around roughly 18 months to two years to go through that entire process which is basically I think like City and County of Honolulu just finished theirs and took around that time two years so...but this Administration is still committed to recycling and reuse if you look at our EP&S Division that's all they do as far as landfill diversion with recycling yeah.

Mr. Robinson: Thanks. Thank you Chair.

Mr. Carnicelli: Commissioner Pali.

Ms. Pali: Just for clarification Chair. This was a permit that was already issued and now they're coming back and amending it and that was the items you highlighted that's typed out here in the recommendation?

Mr. Carnicelli: I'll let Kurt answer that directly. He's nodding yes, let the record show that Kurt is nodding yes.

Mr. Hopper: And of course, adding additional acreage to those permits.

Ms. Pali: Correct, but on a permit that was already issued. Okay, so I was trying to focus on those amendments.

Mr. Carnicelli: Right.

Ms. Pali: But I did notice if just for the record the amendment Number 6, I believe there's a typo, it should be May 13, 2020, it's reading May 13, 2002. So...

Mr. Wollenhaupt: It's being deleted.

Ms. Pali: Oh, you're deleting that whole thing?

Mr. Wollenhaupt: Correct.

Ms. McLean: Right.

Ms. Pali: Oh we're deleting it.

Ms. McLean: It's done.

Ms. Pali: Okay, got it. Okay, so just we're deleting it completely.

Mr. Carnicelli: Yes.

Ms. Pali: Wonderful. Okay, thank you for the clarification.

Mr. Carnicelli: Bracketed is deleted and then underlined and bold is the added.

Ms. Pali: Okay, perfect. So good. So that's gone then. I actually have one question I'm not sure who it would be towards but I get to the dump often with my girls you know doing our part and these things you're adding on this acreage it doesn't seem like...do you have those services available now in the existing acreage because I don't remember seeing these available or at least when I'm driving through I stop, I do my cardboard dump, I go around for household stuff, are we adding services to the dump?

Ms. Elaine Baker: Elaine Baker, civil engineer. Currently we do not collect these items at Central Maui Landfill.

Ms. Pali: Okay, so we're adding new services. Again, what the other gentleman said...we're I'm trying to create a centralized point so yeah, okay well, I think it's a great addition so thank you.

Mr. Carnicelli: Thank you. Commissioner Thompson. Commissioner Freitas.

Mr. Freitas: I have two. About fees and all that, that's down the road? Are these free or are we gonna be charging people to drop their cars and washer, dryer and stuff?

Ms. Suyama: My understanding its fees are set by the annual budget.

Mr. Freitas: Okay.

Ms. Suyama: So it's not set by the department, although the department makes a recommendation.

Mr. Freitas: Okay. My second question, I was happy to hear you have a cultural team on board and in this, let's see what you got in this special permit I don't know, underlined Number 9, that the applicant shall immediately stop work and contact the State Historic Preservation Division, Department of Land and Natural Resources. Why wouldn't your cultural team also be contacted...one of the members be contacted as well? Can we add that or is that for her to...

Ms. Suyama: We didn't change any of the conditions and this is an original condition of the Special Use Permit as well as the County Special Use Permit.

Mr. Freitas: Okay. Can we add that as a...Chair?

Mr. Carnicelli: Hang on one second, let me—

Mr. Freitas: Okay.

Mr. Robinson: And Commissioner if you look at the State Historic Preservation when they went through and they did their work it was because it was heavily used before in ag and other things I think that's why they kind of bypassed it 'cause they figured that's been tilled for so long, but I hear you on the...

Mr. Freitas: That's what I'm afraid of they're gonna say that and some areas may have been just so many inches below the surface and some may have gone way down this area that we're talking about you know with some of the buildings that are being built I see the square footage but I don't see how deep you folks are gonna dig down into the ground. So how...that was going to be my other question how deep are you digging down to build some of these four or five facilities.

Ms. Suyama: Because these are conceptual plans I don't think they know how much you know the extent of the groundwork until they actually start designing the structures, the facilities. And one of the things is that with this Condition 9, whenever they come in for a building permit for the structures normally it is sent to the State Historic Preservation Division for review and recommendation or you know they make sure that if there's a monitoring plan involved or if there's any you know cultural resources that are involved that they get notified somewhere along the line.

Mr. Freitas: Okay, to Commissioner Robinson it does say if they find bones and I did read the part that it was deemed ag land before and there was –

Mr. Robinson: No, and you know what and you brought up a great point about the construction. I was just thinking about the land and being over it.

Mr. Freitas: Right.

Mr. Robinson: Again, we read or I read about the storm drains and all that so yes, I think that's something that was overlooked. That's a good catch.

Mr. Freitas: So I still think that yes, but if there are bones there are things of cultural significance found you would be contacting your cultural team and since we're talking about the cultural team what other things would they do?

Mr. Carnicelli: Actually Colleen, let's bring your archaeologist forward.

Ms. Suyama: We have our cultural specialist.

Mr. Carnicelli: Or cultural specialist then, yeah. We brought 'em, let's us him.

Ms. Suyama: Yeah, this is Trevor Yucha from Cultural Surveys.

Mr. Trevor Yucha: Hi, Trevor Yucha from Cultural Surveys.

Mr. Freitas: Hi Trevor, so would you agree that if something is found that you would be one to be contacted?

Mr. Yucha: Certainly as a cultural archaeological consultant we could be contacted, yes.

Mr. Freitas: You can be, but I think it should be.

Mr. Yucha: Yeah.

Mr. Freitas: I mean I think you should be the first one to call depending on how fast the other departments move, more damage could be done if no one's right there and I would think that our cultural specialists would have little bit more passion for our Hawaiian cultural...things that might be found.

Mr. Carnicelli: Director.

Mr. Nakagawa: Eric Nakagawa, Director. So the construction process is no different than any other construction process. We go through building permit approval. We gotta go through the Burial Council approval whenever you have excavations. These guys are hired to do their cultural survey impact you know the reports in the beginning. Typically what every project that I've been a part of, I came from waste water, but you are required to have archaeological monitoring so we have archaeological monitoring. If bones are ever found, the first person is not him who's called, it's SHPD and Hinano comes out with his team, they figure out what it is, can it be interred, is it

something of cultural significance and they come up with a plan which is the State, comes up with a plan on how do you address that.

Mr. Freitas: What department is that, you used acronyms I don't understand?

Mr. Nakagawa: Oh, State Historic Preservation Division, sorry.

Mr. Freitas: Oh, okay thank you.

Mr. Nakagawa: So just to kinda mitigate your...or anybody's concerns whenever 'cause in Hawaii there's a lot of cultural significance in bones and stuff so every project that's done whether it's Environmental Management, Public Works, any type of excavation that's how it's addressed yeah.

Mr. Freitas: Okay, thank you.

Mr. Carnicelli: If you'd like we could also I guess add that the applicant's cultural specialist is also, you know informed.

Mr. Freitas: I think so because not many have one or say that they have one. So if we know that there is one it should be added in.

Mr. Carnicelli: Okay, thank you. Commissioner La Costa.

Ms. La Costa: Thank you Chair. Two questions. Eric please, I'm not finished with you yet, thank you very much.

Mr. Carnicelli: You're gonna earn your money tonight.

Mr. Nakagawa: All right.

Mr. Robinson: She's hungry.

Mr. Nakagawa: Good, 'cause it will go quicker.

Ms. La Costa: Not necessarily. So my moniker here is I'm the solar question asker, where are your solar panels on your buildings please?

Mr. Nakagawa: Well, that will be a more detailed question for design, but—

Ms. La Costa: While we're waiting for him I do have another question.

Mr. Nakagawa: Oh, okay, I can kinda, I'll just answer it a little more in general, I mean your facilities they don't really require much power. So I'm imagining and he can correct me if I'm wrong, are all gonna be rooftops because all of our land space we need for storage of equipment or buildings or mitigation measures to protect groundwater that kind of...drainage basins and all that kind of drainage, so...but I think he can answer.

Mr. Mehrazarin: Yeah, we have 80,000 square foot of building, the roof area and we only need about 10,000 square foot to have our solar panels and meet our demands.

Ms. La Costa: So there will be solar?

Mr. Mehrazarin: There will be solar, yes.

Ms. La Costa: Thank you very much. That answers that question and I have one more Chair if I might?

Mr. Carnicelli: Go ahead.

Ms. La Costa: I noticed somewhere amongst here or perhaps it was on the thumbdrive about Anagegras and I might be mispronouncing it. There was an area for that and I don't know...I need some additional information on that please?

Mr. Nakagawa: Oh, I went to public school I don't know what...nah I just joking.

Ms. La Costa: So did I.

Mr. Nakagawa: Well, I guess everybody else went to public school like me. Nah, I'm just joking. They said they don't...I'm not too sure what you're referring to, maybe you can point it out in the document?

Ms. La Costa: Well, I was...I've been leafing through this looking for it. There was an area that showed and it was A-N-A-G-E-G-R-A-S—

Mr. Carnicelli: Ingress, egress?

Ms. La Costa: No.

Mr. Nakagawa: Oh, okay, okay, okay. Okay, so—I mean, Eric Nakagawa here. That's Anagegras that is I was talking to you about it. It's a...that's the private entity that we're contracted with right now. Their contract potentially may end in July if they don't meet their milestones. But I don't think that's part of this 40-acre piece. So that's just another waste to energy venue that we tried to pursue back in 2015 I think, 2014 and that is still yet to see if it comes to fruition.

Ms. La Costa: Okay, so that's not part of this? Thank you.

Mr. Carnicelli: Does anybody else have any other questions at this time? Okay, seeing none, Kurt, the man in white shirt with the black pants.

Mr. Wollenhaupt: There are two permits here so we can take them all as one or however you'd like. The Department first on the County Special Use Permit, you are the approving the body. The Department recommends that the Planning Commission approve the amendments to County

Special Use Permit to 2008/0003 to include the new uses, the addition of the 40-acre project area, the deletion of TMK: (2) 3-8-003:020 from the permit with the new permit area of approximately 96 acres subject to the conditions that are outlined on the staff report, conditions that are enumerated up to Number 17. Did you want to take...

And the other recommendation that has to do with the State Land Use Commission Special Permit, the Department recommends the Maui Planning Commission approve the State Special Permit 97-390 and they also make a recommendation to the State Land Use Commission that the Land Use Commission also approves the amendments to the State Special Permit 97-390 consisting of the time extension, the inclusion of the new uses, the addition of the 40-acre project area and the deletion of TMK: (2) 3-8-003:020 from the permit.

There would be one change to the condition regarding the finding of potential archaeological resources and that Condition Number 9 "that the applicant shall immediately stop work and contact the State Historic Preservation Division, Department of Land and Natural Resources and the applicant's cultural specialist should any"...and then it would read as it says there. So we would add, "and the applicant's cultural specialist".

Mr. Carnicelli: Thank you Kurt. Anything else to add Mr. Hopper?

Mr. Hopper: Just to clarify for the State Special Permit you are actually approving that permit. The Land Use Commission is going to review the record on that and decide if they're also going to approve it. So you're not really making a recommendation to them, you are actually approving the State Special Permit and then it's going to go to them and they also have to approve it. So for example, if you denied the State Special Permit then it wouldn't move forward at all and the use would be denied. So it's different than the Council recommendations where you could recommend denial and the Council could approve it. In this case, if you recommend...or in this case if you decide to deny the State Special Permit the project would stop. I'm not saying you're going to do that, but to clarify what's happening is you're being requested to approve the State Special Permit and that would be forwarded if approved to the State Land Use Commission for their action and that's under HRS 205-6.

Mr. Carnicelli: And also including the necessary findings under IAL.

Mr. Hopper: I think if you adopt your staff report which includes those findings, if you so choose then you would be adopting that as part of your decision and that would hopefully make clear to the Land Use Commission that you had considered that criteria found by preponderance of the evidence it was met and forwarded to them with those findings and they could disregard if they find it inapplicable or they could see that analysis and decide to agree or disagree with it.

Mr. Carnicelli: Thank you very much. So with that...saying all that do we have a motion?

Mr. Robinson: I'd like to make a motion first to accept the staff report so it can be clarified that way.

Mr. Carnicelli: Okay, we have a motion to accept the staff report by Commissioner Robinson. Do I have a second? Seconded by Commissioner Pali. Any discussion on that particular motion?

Mr. Robinson: Just housekeeping.

Mr. Carnicelli: Sounds good. All those in favor of the motion please raise your hands? That is seven ayes, passes unanimously.

It was moved by Mr. Robinson, seconded by Ms. Pali, then unanimously

(Vote was taken at 03:05:11 of the audio recording.)

VOTED: To Accept the Staff Report.

**(Assenting – K. Robinson, K. Pali, K. Freitas, D. Thompson,
C. Tackett, S. Castro, P. D. La Costa)**

(Absent – T. Gomes)

Mr. Carnicelli: Do we have another motion?

Mr. Robinson: So moved.

Mr. Carnicelli: Okay, so moved to approve—

Mr. Robinson: We're doing two or we're doing one and one, right?

Mr. Carnicelli: Oh—

Mr. Robinson: Because approval and the recommendation is—

Mr. Carnicelli: No, we'll just do it the entire staff report in total as read into the record by Kurt—

Mr. Hopper: Including the recommendation.

Mr. Carnicelli: --including the recommendation—

Mr. Hopper: As revised.

Mr. Carnicelli: --as revised. So the motion is to accept by Commissioner Robinson. Do I have a second? Seconded by Commissioner Pali. Discussion on the motion?

Mr. Hopper: Did you want to restate the motion just to make it clear.

Mr. Carnicelli: Right, we will do that. I guess, yeah we gotta approve it where else we're gonna put everything, right? We'll put it in your backyard. So Director.

Ms. McLean: Thanks Chair. The motion is to approve the staff report, the findings and conclusions in the staff report to approve the State Land Use Commission Special Permit subject to the 18 conditions as amended and to transmit that to the State Land Use Commission, and to approve the County Special Use Permit subject to the 17 conditions as amended.

Mr. Carnicelli: All those in favor please raise your hand. That is seven ayes, unanimous.

(Motion was made at 03:05:18 of the audio recording.)

It was moved by Mr. Robinson, seconded by Ms. Pali, then unanimously

(Vote was taken at 03:06:15 of the audio recording.)

VOTED: To Approve the Staff Report, Findings and Conclusions in the Staff Report to Approve the State Land Use Commission Special Permit Subject to the 18 Conditions as Amendment and to Transmit to the State Land Use Commission and to Approve the County Special Use Permit as Subject to the 17 Conditions as Amended.

**(Assenting – K. Robinson, K. Pali, K. Freitas, D. Thompson,
C. Tackett, S. Castro, P. D. La Costa)
(Absent – T. Gomes)**

Respectfully Submitted by,

CAROLYN TAKAYAMA-CORDEN
Secretary to Boards and Commissions II