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COUNTY OF MAUI,
DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT

BEFORE THE LAND USE COMMISSION
OF THE 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 to include an approximately 40-acre project area (TMK (2) 3-8-003:019 (por.)) located at 8100 Pulehu Road in Puunene, 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 SP 97-390. Total amended permitted area covered will be approximately 96 acres.

DOCKET NO. SP 97-390

COUNTY OF MAUI, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT'S POSITION STATEMENT IN SUPPORT OF APPROVAL OF AMENDMENT TO STATE LAND USE COMMISSION SPECIAL PERMIT NO. SP 97-390; CERTIFICATE OF SERVICE

HEARING:
DATE: July 8, 2020
TIME: 9:00 a.m.
PLACE: Online

**COUNTY OF MAUI, DEPARTMENT OF ENVIRONMENTAL MANAGEMENT'S
POSITION STATEMENT IN SUPPORT OF APPROVAL OF AMENDMENT TO
STATE LAND USE SPECIAL PERMIT NO. SP 97-390**

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 No. (2) 3-8-003:019 (por.) (“Parcel 19”), 8100 Pulehu Road in Puunene, Maui, Hawaii. The project site was formerly utilized for sugar cane cultivation and is currently vacant. (Docket Exhibit No. 3, Final Environmental Assessment, Section I.A.).

This is an application to the Land Use Commission (“LUC”) to approve an amendment to Special Permit (SP 97-390) for (1) a boundary amendment to remove a 19.663-acre parcel (Tax Map Key No. (2) 3-8-003:020) from the Special Permit, (2) a time extension to October 31, 2028 (concurrent with County Special Use Permit No. CUP 2008-0003), and (3) to include an approximately 40-acre portion of Parcel 19 to the existing permitted CML in order to develop an office; abandoned vehicles area; metals 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 (Docket Exhibit No. 1, Application).

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 ended its sugar cane cultivation operations at the end of 2016. Northeast of the project site is HC&D, LLC’s quarry operation. (Docket Exhibit No. 3, Final Environmental Assessment, Section I.A.).

The CML was established in 1986 due to its central location with respect to major population centers on Maui, as well as being situated in a rural/agricultural setting that minimizes adverse impacts on urban areas. Excavation of land at the adjacent HC&D, LLC quarry creates a large hole in the ground that is ideal for landfilling purposes. As each phase of the quarry operation is concluded, the CML has expanded into the excavated areas. (Docket Exhibit No. 1, Application, Reason(s) Justifying the Proposed Request).

The DEM currently operates the CML on a portion of Parcel 19. The landfill has been operating through State LUC Special Permits Nos. SP 98-359 (55 acres) and SP 97-390 (70.5 acres) encompassing approximately 125.5 acres of the 180-acre County-owned Parcel 19. The proposed project will increase the area utilized by the CML to 150.659 acres. (Docket Exhibit No. 3, Final Environmental Assessment, Section I.B.).

The proposed new facilities will be located on approximately 40 acres of Parcel 19, on vacant land immediately adjacent to the existing CML facility, which is permitted through the State Special Permit and County Special Use Permit. Inclusion of the project site will consolidate various solid waste functions and divert waste from the existing landfill as recommended in the County of Maui's 2009 Integrated Solid Waste Management Plan (ISWMP). According to the ISWMP, one of the goals is to reduce the solid waste stream into the landfill by at least 60 percent. To meet this goal to reduce the waste stream at the CML, the ISWMP recommended improvements and programs to extend the capacity of the landfill. The proposed expansion project of the CML facilities supports the recommendations of the ISWMP. (Docket Exhibit No. 1, Application, Reason(s) Justifying the Proposed Request). The DEM proposes the 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. (Docket Exhibit No. 3, Final Environmental Assessment, Section I.B.)

The CML is the main landfill serving the island of Maui, except for the Hana region which is served by the Hana Landfill. The 2009 ISWMP estimated the landfill had sufficient capacity to the year 2026. Based on the current and projected landfill capacity utilization rates and the most recent surveys of remaining permitted disposal capacity, the CML has sufficient capacity to operate through 2030. Without the recommended waste reduction improvements at the landfill or procurement and permitting of additional disposal capacity, the DEM will need to initiate a site selection and construction of a new landfill before the landfill exhausts its permitted capacity. (Docket Exhibit No. 1, Application, Reason(s) Justifying the Proposed Request).

On December 10, 2019, DEM went before the Maui Planning Commission on this request for amendment to the State LUC Special Permit, as well as for a companion amendment to the County of Maui Special Use Permit CUP 2008/0003. (Docket Exhibit No. 5, Maui Planning Commission Agenda of December 10, 2019 Meeting). The Maui Planning Commission voted unanimously to approve the amendment to the State LUC Special Permit, subject to 18 conditions and to approve the County Special Use Permit, subject to 17 conditions. (Docket Exhibit No. 8, Maui Planning Commission Meeting Minutes of December 10, 2019, Page 19).

On February 6, 2020, the Director of the Planning Department of the County of Maui issued a letter evidencing the Maui Planning Commission's approval of the amendment to the State LUC Special Permit to Eric Nakagawa, Director of the Department of Environmental Management, containing the 18 conditions. (Docket Exhibit No. 9, Approval Letter). The DEM has no objections to the conditions contained in the letter.

On July 1, 2020, the LUC received a letter from Mary Alice Evans, Director of the State of Hawaii Office of Planning ("OP"). OP supports the amendment to the State Special Permit application to expand the landfill area and other proposed uses, subject to the inclusion of additional conditions of the important agricultural lands ("IAL") contained within the project area (22 out of the approximate 40 acres) and for cultural resources, to wit, to submit a petition to the LUC to withdraw the 22-acres of IAL from IAL designation within one year of the LUC Decision and Order for this Special Permit and to instruct construction employees of the possibility of discovering funerary objects and burials during construction and should burials be found, consult with the State Historic Preservation Division and cultural and lineal descendants of the area to develop a reinternment plan and cultural preservation plan for proper cultural protocol, curation, and long-term maintenance. The DEM has no objections to these two conditions.

Based on the foregoing, it is respectfully requested that the LUC approve the Fourth Amendment to Special Permit No. 97-390, subject to the conditions as stated by the Maui Planning Commission and the Office of Planning.

DATED: Wailuku, Maui, Hawaii, July 6, 2020.

MOANA M. LUTEY
Corporation Counsel
Attorney for COUNTY OF MAUI,
DEPARTMENT OF ENVIRONMENTAL
MANAGEMENT

By _____
JENNIFER M.P.E. OANA
Deputy Corporation Counsel

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DOCKET NO. SP 97-390

CERTIFICATE OF SERVICE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing document was served on this day, by electronic mail, upon the following at the electronic mail addresses shown:

LAND USE COMMISSION
State of Hawaii
c/o daniel.e.ordenker@hawaii.gov

MICHELE MCLEAN
Planning Director
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MICHAEL J. HOPPER, ESQ.
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Attorney for Planning Director

DATED: Wailuku, Maui, Hawaii, July 6, 2020.

JENNIFER M.P.E. OANA
Deputy Corporation Counsel