

**CENTRAL MAUI LANDFILL (CML) EXPANSION  
STATE LAND USE COMMISSION  
FY2020 ANNUAL REPORT  
SP97-390**



**Part 1: Project Summary**

**CML Facilities**

Sub-consultant work, including a traffic study, flora and fauna survey, and archaeological assessment, which commenced early in FY 2017, was published in the draft Environmental Assessment for the proposed Central Maui Landfill facilities project in February 2018. Also, published at the same time were the Amendments to State Land Use Commission (LUC) Special Permit (SP 97-390) and County Special Use Permit (CUP 2008/0003) for the proposed Central Maui Landfill Facilities Project in Pu'unene. These amendments include a time extension for the State Special Use Permit to run concurrent with the County CUP which expires on October 31, 2028, boundary changes, and addition of a 40-acre portion of 3-8-3:019 for landfill diversion activities. Responses to comment letters received were included in the final Environmental Assessment (final EA) published August 8, 2019. Maui Planning Commission heard the request on December 10, 2019 and issued CUP 2008/0003 on February 6, 2020. The project was scheduled to be heard by LUC on July 8-9, 2020.

**System Control and Data Acquisition (SCADA)**

SCADA design, contracted to Brown & Caldwell for \$59,640, will provide online telemetry and recordkeeping capabilities as needed for the facility solid waste permit. A contract with ELCCO for construction was issued December 12, 2019 for \$210,200.

**Leachate Recirculation**

\$650,000 was budgeted in FY 2020 for design/build of a leachate recirculation system for Phase V-B Extension. A design contract was awarded to A-Mehr Inc. for \$187,460.

**Litter Fence**

\$500,000 was budgeted in FY 2020 for design/build of drainage improvements and to extend the litter fence along Pulehu Rd. for Phase V-B Extension. A design contract was awarded to A-Mehr Inc. for \$87,985.

**Customer Drop-Off Area and Entrance Facility Traffic Improvements**

These two projects were combined and \$79,294 was awarded to R.M. Towill to survey the entrance facility and evaluate potential locations for another waste collection roll-off.

**Storage Facility/Infrastructure**

\$300,000 was budgeted in FY 2020 for a storage facility and necessary infrastructure at the CML Facilities project. A scope of work for site-work on the agricultural zoned portion of the 40-acre portion of the CML parcel has been prepared and a proposal requested from A-Mehr Inc. The Important Agricultural Land portion of the site will be subject to County action during this next year as required by the LUC.

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**Part 2: Project Compliance**

Condition 1: That the 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.

Report: The request for the time extension was made in February 2018 as part of the application for landfill diversion activities and boundary changes. The request, for the State SP to run concurrently with the County Special Use Permit which expires on October 31, 2028, was heard by Maui Planning Commission on December 10, 2019. CUP 0008/0003 was issued on February 6, 2020 with expiration on October 31, 2028.

Condition 2: That the conditions of this State Land Use Commission Special Use Permit shall be enforced pursuant to Sections 205-12 and 205-13, Hawaii Revised Statutes. 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) 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 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.

Report: The County is complying with all conditions.

Condition 3: That the subject 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.

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Report: No request for transfer has been made.

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

Report: The landfill is permitted by DOH and follows the operating criteria of RCRA 40 CFR Part 258 Subpart C—operating criteria and Chapter 58.1 of Title 11, Hawaii Administrative Rules, 11-58.1.1-15—Municipal solid waste landfills—operating criteria.

Condition 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.

Report: The Property has been developed as proposed to the Land Use Commission.

Condition 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.

Report: The construction of the entrance facility began on March 3, 2003.

Condition 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.

Report: Landfill equipment is maintained regularly, replaced or repaired when needed; contractor equipment is in good operating condition with no leaking parts. The Spill Prevention and Containment Plan is updated as required for the NPDES Storm Water Pollution Control Plan. Landfill slopes are regularly inspected for erosion and repaired as necessary.

Condition 8: That the Applicant shall comply with the Department of Health Ambient Air Quality Standards, Hawaii Administrative Rules, Title 11, Chapter 59 and Air Pollution Control, HAR 11-60.

Report: Landfill operations comply with air quality regulations. Dust is controlled by paved roadways around the landfill and with regular spraying by the water truck for the unpaved roadways. Dust from cover soil is controlled by moisture conditioning. Tarp use decreases the use of cover soil which results in less dust. The landfill gas collection system is monitored and maintained regularly. Reporting and notifications to the Department of Health Clean Air Branch and Solid Waste Branch are made as required.

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Condition 9: That the Applicant shall comply with the EPA's New Source Performance Standards.

Report: The County continues to sample and monitor the gas wells installed within the active landfill, Phases IV and V. Surface emissions measurements are also taken. In addition, perimeter gas monitoring probes at Phases I and II and IV and V are sampled and metered. Gas well measurements are compiled in reports submitted to the Hawaii Dept. of Health, Clean Air Branch for review. Perimeter monitoring results are sent to the Hawaii Dept. of Health, Solid Waste Branch. A landfill gas collection system installed in Phases I and II pipes landfill gas to the flare in Phase IV where it is ignited. Design and construction of a gas collection system for Phase IV was funded in FY 2010 for \$2M. Cornerstone was the designer; gas well construction was completed by Goodfellow Bros. in June 2011. This work was part of a settlement agreement with the U.S.E.P.A. which also included a Supplemental Environmental Project that designed and installed wind turbines to produce electricity for landfill facilities. Phase V vertical and horizontal wells were installed in FY 2017 and Cornerstone provided compliance and O&M services. In FY 2020 their contract was for \$393,456 for all landfills.

Condition 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, shell, bone, charcoal deposits, human burial, rock or coral alignments, pavings or wall be encountered during development of the Special Use Permit area.

Report: No archaeological resources such as artifacts, shell, bone, charcoal deposits, human burial, rock or coral alignments have been discovered during any construction.

Condition 11: That provisions shall be enacted to ensure emergency access to the sanitary landfill in case of fire or any other disaster.

Report: Fire Dept. and Police Dept. have keys to the gate to enter the landfill anytime.

Condition 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 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 the Executive Officer of the Land Use Commission.

Report: This annual report is submitted to meet this condition. With the construction of Phase V in 2012, the landfill has capacity to 2020. Construction of Phase V-B Extension added approximately 3-years capacity. Phase III will be built in FY 2021.

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Condition 13: That the Applicant shall utilize non-drinking water, to the extent possible, for grading, dust control, and irrigation of the landfill.

Report: A non-potable water production well on-site ensures that non-drinking water is used to meet the landfill's operational needs for dust control and grading.

Condition 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.

Report: The landfill applies leachate to the working face for litter control. Portable litter fences are installed near the working face to catch any litter from refuse trucks as they offload. A permanent, 30-foot litter fence is installed between Phases V-A and V-B and Pulehu Rd. New fencing will be installed between Phase V-B Extension and Pulehu Rd.

Condition 15: That full compliance with the requirements of the State's Department of Health for sanitary landfill operation shall be rendered.

Report: Landfill operations are in compliance with the terms and conditions of Permit No. LF-0074-13 issued by the Department of Health and effective to February 23, 2023.

Condition 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.

Report: The maps were sent to the Maui Planning Commission and the LUC at the time they were requested. Clarifications were sent in FY 2018.

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

Report: Leachate, in compliance with the operating permit, generated at the active area is applied to the working face for increased compaction and litter control. A leachate recirculation plan was prepared by the landfill consultant and submitted to the Dept. of Health in 2013. The plan includes placing pipes in the waste to circulate leachate collected at the sump. Piping and trenching was done by Goodfellow Bros. in 2014 at Phase V-A. In FY 2016 a leachate recirculation system for V-B was constructed by Betsill Brothers including pump installation, controls, and manifold piping. The 2019 work by Betsill upgraded the recirculation system by routing leachate from the tank farm to the landfill and adding flow-meters to measure quantities both to and from the landfill.

