

**HANA LANDFILL
STATE LAND USE COMMISSION
FY2020 ANNUAL REPORT
FOR SP08-402**



Part 1: Project Summary

Makai Hana Berm Phase 1, 2, 3 Soil Sampling

Element Environmental, LLC, sampled and tested soil in Phases 1 & 2 early in Sept. 2018 for RCRA Appendix II constituents and all were below the Hawaii Environmental Action Limits (EALs) proposed as thresholds in the Sampling and Analysis Plan approved by the Dept. of Health (DOH). When Phase 3 was sampled and tested in February 2019, zinc and lead exceeded the EALs in the former scrap site. Further excavation and sampling and testing were done in October 2019 so the project was completed by November 2019. A final summary soils report was submitted to the Dept. of Health and a letter of no comments was received in February 2020.

Groundwater Monitoring Plan

Statistical work for a revised Groundwater Monitoring Plan using Upper Prediction Limits (UPLs) instead of control limits (CLs) was prepared by October 21, 2019 and submitted to the Dept. of Health on November 7, 2019 with comments received on December 13, 2019. Concurrence by DOH with the hydrogeologist's response to comments was received on February 5, 2020. The Conceptual Site Model was drafted by the hydrogeologist by April 2020 for submittal of the Plan to DOH early in FY 2021.

Equipment

A diesel-powered D-6 track bulldozer, budgeted in FY 2019, arrived at the landfill on May 29, 2020 with the 2004 track dozer traded as part of the bid. Training on the new dozer was held on June 3, 2020. A Bandit greenwaste chipper was bid for on-site management of smaller-sized greenwaste and to provide chips for local residents and farmers. A vendor continues to haul in cover soil from the central area and haul out greenwaste at least until the chipper is on-site.

Office Trailer and PV Expansion

The FY 2020 Capital Improvements Project budget included \$25,000 for a consultant to size an office trailer with an expansion of the photovoltaic capacity to run the new trailer. Brown & Caldwell was contracted and \$275,000 was budgeted in FY 2021.

Part 2: Project Compliance

Condition 1: That the State Land Use Commission Special Use Permit shall be valid until February 28, 2048, subject to further extensions by the Land Use Commission as required upon a timely request for extension filed at least one-hundred twenty (120) days prior to its expiration. The Maui Planning Commission shall make a recommendation to the Land Use Commission and may require a public hearing on the time extension.

Hana Landfill FY2020 LUC Annual Report for SP08-402
Page 2

Report: An application for renewal was submitted to the Planning Department early in FY 2018, a hearing was held before the Land Use Commission in Kahului, Maui on May 9, 2018, and a Decision and Order was issued on May 16, 2018 amending Condition Numbers 1, 2, 3, and 6.

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, 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 Dollars (\$1,000.00) per violation; and that a civil fine not to exceed Five Thousand Dollars (\$5,000.00) shall be issued if violation not cured within six (6) months of the issuance of the order. The order shall become final thirty (30) days after the date of its mailing or hand-delivery, unless written request for a hearing is mailed or delivered to the Department of Planning ("Department") within said thirty (30) days. Upon receipt of a request for a hearing, the Department shall specify a time and place for the permit holder to appear and be heard. The hearing shall be conducted by the Planning Director or the Director's designee in accordance with the provisions of Chapter 91, HRS, as amended.

Report: The County continues to work in compliance of all permit conditions of both the State and County Special Use permits.

Condition 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 as necessary. 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.

Report: No request for transfer has been made.

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

Report: The landfill is permitted by the Department of Health (DOH) and follows the operating criteria of RCRA 40 CFR Part 258 Subpart C---operating criteria and Chapter

Hana Landfill FY2020 LUC Annual Report for SP08-402
Page 3

58.1 of Title 11, Hawaii Administrative Rules, 11-58.1.1-15—Municipal solid waste landfills—operating criteria. Landfill gas probes are monitored quarterly for methane; groundwater is sampled and tested quarterly. Use of a tarp as alternative daily cover, for four days a week out of the five the landfill is open, has continued with written approval by the Department of Health. NPDES permit conditions are met with the Storm Water Pollution Control Plan updated as required.

Condition 5: That the Applicant shall timely provide without any prior notice, annual reports to the Land Use Commission and the Department in connection with the status of the Project and the Applicant's progress in complying with the conditions imposed herein. The annual report shall be submitted in a form prescribed by the Executive Officer of the Commission.

Report: The filing of this annual report for FY 2020 meets this requirement.

Condition 6: 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 develop the Property may result in the revocation of the permit.

Report: The property continues as a landfill with related improvements as proposed. Landfill improvements have included the installation of solar panels to power the office and illuminate the office yard. A fenced, cinder pad was prepared for the placement of roll-off containers to collect recyclables. Periodic collections occur for scrap metal and electronics which are promptly hauled to Hammerhead Metals Recycling or shipped off-island. The storm water system controls run-on and runoff to and from the landfill.

Condition 7: That the Applicant shall begin construction of the landfill storm water drainage retention basin within three (3) years from issuance of the Land Use Commission's decision and order. Construction shall include any improvements necessary to operate the landfill pursuant to all applicable laws and regulations.

Report: The Hana Landfill Basin System project was bid in August 2012 which met the three-year deadline. Construction began in March 2013 and finished in Sept. 2013. The concrete ditch and culvert is routinely cleaned and the grass swale is mowed. Sediment is removed from the detention pond, riprap channels, and spillway annually.

Condition 8: That the Applicant shall take appropriate mitigative measures to minimize erosion, prevent cement products, oil, fuel, and other toxic substances associated with heavy machinery from spilling or leaching into the ground.

Report: Erosion is controlled by the maintenance of the grass cover which is mowed regularly on both the surrounding grounds and the portion of the landfill with

Hana Landfill FY2020 LUC Annual Report for SP08-402
Page 4

intermediate cover. For the active area, erosion is controlled by sloping the soil covered workface so that run-off is directed to the concrete ditch. Cement products are not received at the landfill which does not accept construction and demolition material. Landfill equipment is maintained on a compacted cinder pad surface by the office. All fluids are drained directly into a bucket, then transferred to a sealed container. Fueling is done from a double-walled mobile tank according to procedures described in the Spill Plan.

Condition 9: 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.

Report: Minimal dust is produced by the cinder, crusher waste, and tarps used as cover. The buffer area next to the landfill is grassed and mowed regularly. The area around the landfill is wooded which keeps dust to a minimum. The water truck minimizes dust during dry conditions. The Landfill has a dedicated water meter off of Hana Highway and refilling of the water truck is done by staff as needed for dust control.

Condition 10: That the Applicant shall comply with the EPA's New Source Performance Standards.

Report: Four replacement landfill gas probes, constructed in 2012, are monitored quarterly and readings are reported to DOH. Tonnages do not meet NSPS thresholds.

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

Report: The Hana District Supervisor has keys to the landfill in case emergency access is needed. These keys are kept at the Hana Highways District Office. The Fire Department is located adjacent to the Highways District Office.

Condition 12: That the Applicant shall utilize non-drinking water, to the extent possible, for grading, dust control, and irrigation of the landfill.

Report: A non-drinking source has yet to be located. Dust is minimized due to the abundant vegetation surrounding and adjacent to the landfill. Rainfall provides dust control as it is frequent and light; storms produce heavier rains. The water truck with access to a dedicated water meter provides dust control during prolonged dry periods.

Condition 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, be removed in a timely manner.

Hana Landfill FY2020 LUC Annual Report for SP08-402
Page 5

Report: The staff at the landfill maintains the grounds and removes any windblown litter or debris that may be found either away from or nearby the active area. Netting, anchored by poles, is placed downwind of the working face to prevent any litter from blowing away from the active area into the perimeter storm water collection channels. An ATV, purchased in FY 2018, provides transportation to the staff for litter control.

Condition 14: That full compliance with the requirements of the State's Department of Health for sanitary landfill operation shall be rendered.

Report: The landfill is permitted by the Department of Health (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. Potential landfill gas migration is monitored quarterly and groundwater is sampled and tested quarterly.

Condition 15: That the Applicant inform the Department of Public Works of HAC's safety concerns, and further that the Applicant shall make its best effort to ensure daily operations are conducted in a safe manner. The Applicant shall undertake an engineering slope and soil stability analysis prior to construction within the three (3) year period.

Report: YKE, a geotechnical firm from Honolulu, met with the Hana Highways Division in December 2010 prior to taking soil samples and installing piezometers to assess water conditions at the cinder pit between December 2010 and June 2011. The consultants met with Hana Highways and the Solid Waste engineer in July 2011 to discuss operating issues prior to preparation of an Operations Plan for the cinder pit. The *Geotechnical Exploration & Evaluation Report, Hana Landfill Borrow Pit Slope Stability Analysis, Hana, Maui, Hawaii*, was finalized in August 2012. The *Operations Plan, Hana Landfill Borrow Pit, Hana, Maui, Hawaii* was finalized in October 2012. Solid Waste took over cinder pit operations from Hana Highways in July 2013. The contractor hired by Solid Waste has followed the recommendations and the plan to leave and secure the cinder pit at the end of 2016 was implemented. Cinder is no longer mined.

Condition 16: That a cultural assessment be conducted to address impacts to cultural resources resulting from the excavation of cinder ash and that the Office of Hawaiian Affairs shall be consulted prior to construction within the three (3) year period.

Report: Hana Pono, sub-consultant to Munikeyo and Hiraga, finalized their cultural assessment in October 2011 and a copy was sent to the Office of Hawaiian Affairs.

Condition 17: That the Applicant execute a legal document with the State of Hawaii and the County of Maui regarding the removal of cinder ash from the Ka'eleku area.

Hana Landfill FY2020 LUC Annual Report for SP08-402

Page 6

Report: The County notified the Maui District DLNR in the fall of 2015 when it stopped mining and secured the road way with boulders and a locked gate. Staff periodically check to ensure the cinder pit area remains secured and blocked to access.

Condition 18: That mitigation measures be taken to address the visual height of the landfill by landscaping or other methods such as waste diversion, recycling, etc. within the ten (10) year period.

Report: The Master Plan finalized in 2013 by Brown & Caldwell addresses mitigation measures for the visual height concern, recycling being the primary one. The Hana Recycling Center opened in late January 2012. Cardboard, glass, plastic, & newspaper are collected in roll-off containers with used motor oil collected in drums with secondary containment inside a container. Roll-offs are hauled when full. Lush vegetation around the landfill, including forest, and its grassed slopes minimize its visual impacts.

Condition 19: That a recycling program begin immediately after permits are issued and/or the Department of Health grants approval. The recycling program may consider, but not be limited to, glass, aluminum, plastics, batteries, newspapers, cardboard, appliances, and oil.

Report: The Recycling Center was permitted Dec. 30, 2011 and a month later was open for customers. Event recycling is permitted at the center for the collection of scrap metal, appliances, tires, batteries, and computers and occurs on a periodic basis.

Condition 20: That the Applicant increase its groundwater monitoring at the landfill from semi-annually to quarterly.

Report: Since October 2009, groundwater monitoring has been done quarterly, now by CH2MHill. New, dedicated low flow pumps were installed in each well in July 2018.

Condition 21: That the Applicant shall periodically monitor the Property for the presence of miconia plants and eradicate any individuals found while they are still immature.

Report: The staff, while maintaining the grounds, checks for miconia. The brush cutter, weed eater, lawn mower, and tractor mower are all used to control vegetation growth at the landfill. The Miconia Task Force is a resource to be contacted in the event any miconia should be observed in and around the landfill. None has been detected to date.

Condition 22: That the Applicant shall file a boundary interpretation request with the LUC staff to determine the location of the Agricultural and Conservation District boundary relative to Waste Area No. 2, as identified on the survey map dated September 8, 2007, within 30 days following the issuance of the Decision and Order granting the Application. The boundary interpretation request shall be accompanied by

Hana Landfill FY2020 LUC Annual Report for SP08-402
Page 7

a metes and bounds survey prepared by a licensed professional land surveyor.

Report: Newcomer-Lee provided the boundary interpretation request with a metes and bounds survey within 30 days of the Decision and Order. This was confirmed by the Land Use Commission staff prior to the granting of the time extension in May 2018.

Condition 23: That the Applicant shall be prohibited from utilizing any Conservation District lands that may be present in Waste Area No. 2, as determined by the boundary interpretation prepared by the LUC staff, for the purposes of municipal solid waste disposal in connection with the Hana Landfill.

Report: Controlpoint Surveying completed the field staking of the Conservation District line in September 2010. However, subsurface waste was discovered in this area and a Conservation District Use permit (CDUP) was subsequently obtained in February 2016 in addition to a Special Management Area (SMA) permit from the Maui Planning Commission to remove the waste. This work began in 2017 and finished by the end of 2019 with confirmation soil sampling and testing reviewed and approved by DOH.