

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of )  
DEPARTMENT OF PUBLIC WORKS, )  
COUNTY OF KAUAI )  
For a Special Permit to Establish )  
Phase II of the Kekaha Sanitary )  
Landfill on Approximately 63.18 )  
acres of Land Situated Within the )  
State Land Use Agricultural )  
District at Kekaha, Kauai, Tax Map )  
Key Number: 1-2-02: Portion of 1 )

DOCKET NO. SP93-384  
DEPARTMENT OF PUBLIC  
WORKS, COUNTY OF KAUAI

JUL 1 10 59 AM '93  
LAND USE COMMISSION  
STATE OF HAWAII

FINDINGS OF FACT, CONCLUSIONS OF LAW,  
AND DECISION AND ORDER

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of	)	DOCKET NO. SP93-384
	)	
DEPARTMENT OF PUBLIC WORKS,	)	DEPARTMENT OF PUBLIC
COUNTY OF KAUAI	)	WORKS, COUNTY OF KAUAI
	)	
For a Special Permit to Establish	)	
Phase II of the Kekaha Sanitary	)	
Landfill on Approximately 63.18	)	
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State Land Use Agricultural	)	
District at Kekaha, Kauai, Tax Map	)	
Key Number: 1-2-02: Portion of 1	)	
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FINDINGS OF FACT, CONCLUSIONS OF LAW,  
AND DECISION AND ORDER

The Department of Public Works, County of Kauai (hereinafter "Applicant") initiated this proceeding pursuant to Section 205-6, Hawaii Revised Statutes, and Sections 15-15-95 and 15-15-96 of the Hawaii Administrative Rules. The Land Use Commission (hereinafter "LUC"), having considered the entire record on this matter, hereby makes the following findings of fact, conclusions of law, and decision and order:

FINDINGS OF FACT

PROCEDURAL MATTERS

1. On April 13, 1993, the Special Permit Application (hereinafter "Application") for the construction and operation of Phase II of the Kekaha Sanitary Landfill and ancillary facilities (hereinafter "Phase II" or "Project") on approximately 63.18 acres at Kekaha, Kauai, was filed by the

Applicant with the County of Kauai Planning Department (hereinafter "Planning Department").

2. On May 27, 1993, a public hearing on the Application was conducted by the County of Kauai Planning Commission (hereinafter "Planning Commission"). The Planning Commission also acted on the Application and recommended approval of the Application to the LUC subject to five conditions.

3. On May 28, 1993, the LUC received and accepted for consideration a partial record of the Planning Commission's proceedings on the Application and the Planning Commission's decision.

4. On June 2, 1992, the LUC received partial transcripts of the Planning Commission's meeting held on May 27, 1993.

5. On June 4, 1993, the LUC received the written testimony of Mr. Joseph Manini, Sr.

6. On June 7, 1993, the LUC received additional information to supplement the record. On this date, the LUC received a tax map, County zoning map, site map, and survey map. It also received a letter dated December 2, 1992, from William Paty on behalf of the Board of Land and Natural Resources (hereinafter "BLNR") to Mayor JoAnn Yukimura of the County of Kauai confirming the setting aside of land to the County of Kauai for an addition to the existing Kekaha Landfill, and a right-of-entry allowing the County of Kauai to

enter the subject land for the purpose of field exploration and technical engineering studies. Another letter dated December 2, 1992, from William Paty on behalf of BLNR stating the conditions for the right-of-entry was also received.

7. On June 16, 1993, the LUC held a meeting in Honolulu, Oahu on the Application.

At the meeting, the LUC received written testimony from the following: Dale Burton, Solid Waste Coordinator, County of Kauai, Mayor JoAnn Yukimura and James Tehada, Chairperson, Kauai County Council. In addition, the LUC received letters dated July 6, 1992 and July 15, 1992, from Ed Renaud, Deputy County Engineer, County of Kauai and Brian J. J. Choy Director, Office of Environmental Quality Control, respectively. Said letters and testimony were admitted into evidence by the LUC with no objections from the parties.

DESCRIPTION OF THE PROPERTY AND SURROUNDING AREA

8. The Special Permit area consists of approximately 63.18 acres located at Kekaha, Kauai, and is identified as Tax Map Key No.: 1-2-02: portion of 1 (hereinafter "Property").

9. The Property is located immediately north of the existing Kekaha Sanitary Landfill site, along the makai side of Kaunualii Highway. The Property is owned in fee by the State of Hawaii, Department of Land and Natural Resources (hereinafter "DLNR").

10. The BLNR approved the withdrawal of land from General Lease No. S-4222 and set aside approximately 63+ acres

to the County of Kauai for the Phase II expansion of the Kekaha landfill, in conjunction with a right-of-entry allowing the County of Kauai to enter upon the subject state land for the purpose of field exploration and technical engineering studies. As of this date, an Executive Order for the transfer of the Property is being processed.

11. Current access to the Property is through an existing access road leading to the existing Kekaha Sanitary Landfill (Phase I) site.

12. The Applicant proposes a new access roadway on the western side of the Property, perpendicular to Kaumualii Highway, and within the Property.

13. The Property is currently vacant. The surrounding areas include the existing Phase I landfill which is adjacent to the Property on the south and vacant land under the jurisdiction of the Pacific Missile Range Facility to the west. Lands to the north and east are predominantly in agriculture, and include sugarcane cultivation by Kekaha Sugar Company to the north and corn seed and sugarcane seed cultivation to the east. The Kekaha/Mana Drag Strip and rifle range are also situated on the makai side of the existing Phase I Kekaha Landfill.

14. The Department of Agriculture Soil Survey classifies the soils on the Property as Jaucus loamy fine sand (JfB), 0 to 8 percent slopes. The soil is single grain, pale

brown to very pale brown, sandy, and more than 60 inches deep. Permeability is rapid, and runoff is very slow to slow. The hazard of water erosion is slight but wind erosion is a severe hazard where vegetation has been removed. The available water capacity is .5 to 1.0 inch per foot of soil.

DESCRIPTION OF PROPOSED USES (PHASE II)

15. The Applicant is requesting the special use permit to construct and operate Phase II of the Kekaha Sanitary Landfill, which would be a lateral expansion of the existing Phase I site. The Project includes the development of a solid waste landfill and ancillary facilities.

16. The Project will have a double composite liner system, leachate collection and evaporation system, runoff and run-on control systems, perimeter roads, administrative support facilities (office building and maintenance shop), and public debris, recycling and processing (DROP) facilities. Also included in the Project are a blower building, scale house and scales.

17. The Project conforms to the County's overall solid waste management plan.

18. The proposed Project must be implemented by October 1993 to meet new federal regulations under the Resource Conservation and Recovery Act (RCRA), (40 CFR 258, Subtitle D) and to preclude additional expenses of waste disposal in the Phase I landfill.

19. The Project will operate in accordance with all applicable federal, state, and county regulations. The Kauai County Council is in the process of determining whether Phase II facilities will be maintained by the County or a private contractor.

NEED FOR PROPOSED USE

20. The Project is urgently needed due to the sudden influx of solid waste from Hurricane Iniki and the new Federal statutes relating to the development and management of sanitary landfills.

21. The Project is expected to serve the County's future waste disposal needs since there are no other areas on the island that are physically and climatically conducive for a sanitary landfill.

STATE AND COUNTY PLANS AND PROGRAMS

22. The State Land Use District Classification of the Property is Agricultural, as reflected on State Land Use District boundary map K-2 (Kekaha).

23. The Kauai General Plan designates the area as Agricultural and the current zoning for the area is also Agricultural.

SUMMARY OF STATE AND COUNTY AGENCIES COMMENTS

24. The Kauai County Fire Department recommended that only an approved and reliable potable source of water be used for fire protection. In addition, the Fire Department

recommended the installation of two fire hydrants, one at the entrance to the Project and the other adjacent to the green waste storage area. These hydrants shall provide a minimum of 1,000 GPM fire flow with a minimum supply of 2-hours duration.

25. The Kauai County Department of Water had no objections to the proposed landfill, but stated that County water service is currently not available in this area. The nearest available waterline is located approximately 7,000 feet away, in the town of Kekaha. The Water Department recommended that, prior to building permit approval, the developer be required to sign and execute a "Waiver and Release" form with the Department of Water agreeing to the fact that County water will not be servicing this development. In addition, the Department of Water stated that approval of County water service will be dependent on the adequacy of the source, storage and transmission facilities existing at that time.

26. The Department of Transportation had no objections to the proposed expansion, from a long-range transportation planning viewpoint.

27. The Department of Transportation, Highways Division - Kauai, recommended that any new roadway connections or improvements to the existing roadway connection to Kaumualii Highway be approved by the Highways Division. In addition, a minimum 30 foot wide buffer zone within the site facility area shall be maintained along the Kaumualii Highway frontage.



28. The State Department of Health conducted an on-site survey of the Property and recommended the following in a letter dated May 10, 1993:

1. The Phase II landfill shall meet the applicable requirements of Chapter 11-58, Solid Waste Management Control, Hawaii Administrative Rules.
2. The applicant/owner shall obtain a permit to operate the proposed landfill from the Solid and Hazardous Waste Branch of the Department of Health.
3. The Property is situated in an area that is designated as CRITICAL WASTEWATER DISPOSAL AREA WITH NO EXCEPTION. The type of wastewater systems permitted to service the office building, the maintenance shop building and the scalehouse and blower building shall meet the minimum applicable requirements of Chapter 11-62, Wastewater Systems, Hawaii Administrative Rules.
4. The oil/water separator in the washdown area of the maintenance shop shall meet the minimum requirements of Chapter 11-62. The wastewater and oil shall be properly disposed.

Used oil and grease collected from the maintenance of the vehicles and equipment shall be properly disposed, preferably by recycling.

5. The proposed office building, maintenance shop building and scale house building shall comply with the applicable requirements of Chapter 11-11, Sanitation, Hawaii Administrative Rules pertaining to natural ventilation.
6. The Property may harbor rodents which will be dispersed to the surrounding areas when the site is cleared. In accordance with Chapter 26, Vector Control, Title 11, Administrative Rules, State of Hawaii, the applicant shall ascertain the presence or absence of rodents on the Property. Should the presence of rodents be determined, the applicant shall eradicate the rodents prior to clearing the site.
7. In accordance with Chapter 11-60, Air Pollution Control, Title 11, State Administrative Rules, the property owner/developer shall be responsible for ensuring that effective control measures are provided to minimize or prevent any visible

dust emission caused by the construction work and the proposed operation from impacting the surrounding areas including the off-site roadways used to enter/exit the project. These measures include but are not limited to the use of water wagons, sprinkler systems, dust fences, etc.

8. In accordance with Chapter 11-55, Water Pollution Control and Chapter 14, Water Quality Standards, Title 11, State Administrative Rules, the Property owner/developer shall be responsible for ensuring that the best management practices (BMP) to minimize or prevent the discharge of sediments, debris, and other water pollutant into state waters is provided.

The Property owner/developer shall be responsible for obtaining all applicable permits from the Department of Health including but not limited to National Pollution Discharge Elimination System (NPDES) permits for storm water, hydrostatic test and dewatering prior to commencing construction.

9. In accordance with Chapter 11-58, Solid Waste Management Control, Title 11, State Administrative Rules, the Property owner/developer shall be responsible for ensuring that grub material, demolition waste and construction waste generated by the project are disposed of in a manner or at a site approved by the State Department of Health. Disposal of any of these wastes by burning is prohibited.

10. The proposed development shall be provided with potable water from an approved source.

29. The Department of Agriculture had no objections to the issuance of permits for the expansion of the Kekaha Landfill into the Phase II area. However, the Department of Agriculture noted that it is proceeding with plans to develop an agricultural park immediately adjacent, on the Mana side of the proposed Project. As a result, coordination may be required with respect to the use of water from the drainage ditch which transect both properties, possible use of domestic water from the new water main being installed by the U.S. Navy, and the taking of dredged soil from the Kekaha Sugar Company mill wastewater settling basin.

30. The DLNR, State Historic Preservation Division recommended that subsurface testing be done to determine if significant historic sites are present below the ground

surface. These tests revealed two historic features (canal and linear sand mound), which were not identified as significant historic sites. Therefore, the proposed project would have "no effect" on significant historic sites.

31. The Office of Hawaiian Affairs (hereinafter "OHA") provided testimony to the Planning Commission on May 27, 1993, and identified the Property as being situated on ceded land. As ceded lands, the Property is subject to the obligations and responsibilities of the trust established by state law for the betterment of Native Hawaiians. As part of the ceded land trust, twenty percent (20%) of all income produced from the use of the land must be transferred to the OHA. In addition, OHA also expressed concerns with regard to the impacts of this project on the current residential community in Kekaha and the potential effects on the Department of Hawaiian Home Lands projects anticipated for the Kekaha area.

32. At the June 16, 1993 LUC meeting, the Applicant stated that an analysis of the ceded land issue had not been initiated, however, the Applicant is willing to enter into discussions with appropriate State agencies.

#### SOCIO-ECONOMIC IMPACTS

33. The Project is not expected to adversely impact the socio-economic environment of the island of Kauai. The Property is adequately removed and should not adversely impact residential communities in the area including existing

recreational and ocean-based recreational areas associated with the Kekaha Beach Park shoreline areas.

#### IMPACTS UPON THE RESOURCES OF THE AREA

##### Agricultural Resources

34. The Project is not expected to have any impact on agricultural resources. The Property is located on soil that cannot be used for agriculture without extensive irrigation and soil amendments. As a result, the Project does not withdraw prime agricultural lands from service.

##### Scenic Resources

35. To properly integrate development of the Property and to maintain the existing ambience of the land area fronting Kaumualii Highway, a buffer will be implemented to soften the visibility of all ancillary structures and uses along the highway right-of-way and physical features of the landfill operation.

##### Archaeological and Cultural Resources

36. The State DLNR - Historic Preservation Division initiated an archaeological inventory survey and subsurface testing, and concluded that the Project will have "no effect" on significant historic sites.

#### ADEQUACY OF PUBLIC FACILITIES AND UTILITIES

##### Highways and Roadway Facilities

37. Access to the Property is currently via an existing roadway leading to the Phase I site. The Applicant

will develop a new access roadway off of Kaumualii Highway, within the Property.

Drainage

38. The Property has low average rainfall, minimizing the amount of wastewater (leachate) generated. In addition, there are no valuable aquifers which underlie the site.

Air Quality

39. The Property is on the leeward coastline where odors and dust will not be a nuisance to population centers. The implementation of dust mitigation measures during the construction and operation of the proposed landfill will be incorporated by the Applicant.

Water

40. County water service is currently not available in this area. The U.S. Navy has agreed to provide a new potable water line for the Property. The Applicant is currently working with the Kekaha Sugar Company to provide non-potable water to the Property. The County Fire Department requires a potable source of water (i.e., two fire hydrants with a 1,000 GPM fire flow). The County Department of Water stated that the Applicant will be required to sign and execute a "Waiver and Release" form agreeing to the fact that County water will not be servicing this development. The Department of Health also recommended that potable water from an approved source be provided for the proposed development.

CONFORMANCE WITH SPECIAL USE PERMIT CRITERIA

41. The Planning Department and the Applicant's consultant, Harding Lawson Associates, provided the following comments in a letter dated April 9, 1993, and related to the Applicant's conformance with the guidelines for "unusual and reasonable use" authorized by a Special Use Permit under Section 15-15-95(b), Hawaii Administrative Rules:

- (1) The use shall not be contrary to the objective sought to be accomplished by Chapters 205 and 205A, Hawaii Revised Statutes, as amended, and the rules of the State Land Use Commission.

The proposed use would not be contrary to the objectives sought to be accomplished by Chapter 205 and 205A, Hawaii Revised Statutes. The Project will not result in a substantial degradation or loss of prime and productive agricultural land. In addition, The Project will have "no effect" on significant historic sites or adversely impact recreational, scenic and open space resources.

- (2) The use would not adversely affect surrounding property.

Based on the nature and conduct of the proposed operation, the proposed use should 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.

The use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage, and police and fire protection. Police, sewer and school improvements are not required for the proposed landfill. Water drainage and road improvements are incorporated into the design. Fire protection will be derived from emergency well systems installed at the



site. Fresh water for drinking and irrigation is the only public service required, and the County will supply the required flows as part of a new water main which will be installed by the U.S. Navy. Therefore, the proposed Phase II landfill will not place an unreasonable burden on public services or utilities.

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

Hurricane Iniki caused an unusual need for waste disposal capacity. The hurricane generated approximately five times the normal annual waste volume in one day. This waste disposal crisis is an unusual condition which requires special consideration.

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

The Property is characterized as having poorly graded sand overlying dense sand. This soil has a very high permeability and low capacity to retain moisture and cannot be used for agriculture without extensive irrigation and soil amendments. Therefore, the proposed landfill does not withdraw prime agricultural lands from production.

#### PLANNING COMMISSION RECOMMENDATIONS

42. At its meeting on May 27, 1993, the Planning Commission recommended approval of the Application to the LUC, subject to the following stated conditions:

1. As recommended by the Water Department:
  - a. the applicant, prior to building permit application, shall sign and execute a "Waiver and Release" form with the Department of Water agreeing to the fact that County water will not be servicing this development; and

- b. the applicant is aware that approval of County water service will be dependent on the adequacy of the source, storage and transmission facilities existing at that time.
2. As recommended by the State Health Department:
    - a. The proposed landfill shall meet the applicable requirements of Chapter 11-58, Solid Waste Management Control, Hawaii Administrative Rules.
    - b. The applicant/owner shall obtain a permit to operate the proposed landfill from the Solid and Hazardous Waste Branch of the Department of Health.
    - c. The proposed development is situated in an area that is designated as CRITICAL WASTEWATER DISPOSAL AREA WITH NO EXCEPTION. The type of wastewater systems permitted to service the office building, the maintenance shop building and the scale house and blower building shall meet the minimum applicable requirements of Chapter 11-62, Wastewater Systems, Hawaii Administrative Rules.
    - d. The oil/water separator in the washdown area of the maintenance shop shall meet the minimum requirements of Chapter 11-62. The wastewater and oil shall be properly disposed of.

Used oil and grease collected from the maintenance of the vehicles and equipments shall be properly disposed of, preferably by recycling.
    - e. The proposed office building, maintenance shop building and scale house building shall comply with the applicable requirements of Chapter 11-11, Sanitation, Hawaii Administrative Rules pertaining to natural ventilation.

- f. The property may harbor rodents which will be dispersed to the surrounding areas when the site is cleared. In accordance with Chapter 26, Vector Control, Title 11, Administrative Rules, State of Hawaii, the applicant shall ascertain the presence or absence of rodents on the property. Should the presence of rodents be determined, the applicant shall eradicate the rodents prior to clearing the site.
- g. In accordance with Chapter 11-60, Air Pollution Control, Title 11, State Administrative Rules, the property owner/developer shall be responsible for ensuring that effective control measures are provided to minimize or prevent any visible dust emission caused by the construction work and the proposed operation from impacting the surrounding areas including the off-site roadways used to enter/exit the project. These measures include but are not limited to the use of water wagons, sprinkler systems, dust fences, etc.
- h. In accordance with Chapter 11-55, Water Pollution Control and Chapter 14, Water Quality Standards, Title 11, State Administrative Rules, the property owner/developer shall be responsible for ensuring that the best management practices (BMP) to minimize or prevent the discharge of sediments, debris, and other water pollutant into State waters is provided.

The property owner/developer shall be responsible for obtaining all applicable permits from the Department of Health including but not limited to National Pollution Discharge Elimination System (NPDES) permits for storm water, hydrostatic test and dewatering prior to commencing construction.

- i. In accordance with Chapter 11-58, Solid Waste Management Control, Title 11, State Administrative Rules, the property owner/developer shall be responsible for ensuring that grub material, demolition waste and construction waste generated by the project are disposed of in a manner or at a site approved by the State Department of Health. Disposal of any of these wastes by burning is prohibited.
    - j. The proposed development shall be provided with potable water from an approved source.
  3. The applicant shall resolve and comply with all applicable requirements of the State Department of Land and Natural Resources-Historic Preservation Division.
  4. As recommended by the Fire Department:
    - a. Only an approved and reliable potable source of water shall be used for fire protection.
    - b. A fire hydrant shall be installed at the entrance to Phase II and adjacent to the green waste storage area. These hydrants shall provide a minimum of 1,000 GPM fire flow with a minimum supply of 2-hours duration.

The applicant is further advised to consult the Fire Department to resolve fire protection measures at the site.
  5. As recommended by the State Highways Division-Kauai:
    - a. any new roadway connections or improvements to the existing roadway connection to Kaumualii Highway shall be approved by the Highways Division; and

- b. a minimum 30' wide buffer zone within the site facility area shall be maintained along Kaumualii Highway frontage.

43. Any findings of fact that may be a conclusion of law shall be deemed a conclusion of law.

#### CONCLUSIONS OF LAW

The Special Permit Application to allow the construction and operation of Phase II of the Kekaha Sanitary Landfill for the island of Kauai constitutes an "unusual and reasonable" use as provided in Section 205-6, Hawaii Revised Statutes, and as established in Section 15-15-95(b), Hawaii Administrative Rules, and the proposed use is not contrary to the objectives sought to be accomplished by the State Land Use Law to preserve, protect, and encourage development of lands in the State for those uses to which they are best suited in the interest of the public health and welfare.

#### ORDER

IT IS HEREBY ORDERED that the Special Permit Application No. SP93-384 requesting the construction and operation of Phase II of the Kekaha Sanitary Landfill on approximately 63.18 acres of land designated within the State Land Use Agricultural District, Tax Map Key No. 1-2-02: portion of 1 at Kekaha, Kauai and approximately identified on "Exhibit A" attached hereto and incorporated by reference herein, is hereby approved and subject to the following conditions:

1. That the Applicant, prior to building permit application, shall sign and execute a "Waiver and Release" form with the Department of Water agreeing to the fact that County water will not be servicing this development; and the Applicant is aware that approval of County water service will be dependent on the adequacy of the source, storage and transmission facilities existing at that time.

2. The proposed landfill shall meet the applicable requirements of Chapter 11-58, Solid Waste Management Control, Hawaii Administrative Rules.

3. The Applicant/owner shall obtain a permit to operate the proposed landfill from the Solid and Hazardous Waste Branch of the Department of Health.

4. The proposed development is situated in an area that is designated as CRITICAL WASTEWATER DISPOSAL AREA WITH NO EXCEPTION. The type of wastewater systems permitted to service the office building, the maintenance shop building and the scale house and blower building shall meet the minimum applicable requirements of Chapter 11-62, Wastewater Systems, Hawaii Administrative Rules.

5. The oil/water separator in the washdown area of the maintenance shop shall meet the minimum requirements of Chapter 11-62. The wastewater and oil shall be properly disposed of.

Used oil and grease collected from the maintenance of the vehicles and equipments shall be properly disposed of, preferably by recycling.

6. The proposed office building, maintenance shop building and scale house building shall comply with the applicable requirements of Chapter 11-11, Sanitation, Hawaii Administrative Rules pertaining to natural ventilation.

7. The Property may harbor rodents which will be dispersed to the surrounding areas when the site is cleared. In accordance with Chapter 11-26, Vector Control, Hawaii Administrative Rules, the applicant shall ascertain the presence or absence of rodents on the Property. Should the presence of rodents be determined, the applicant shall eradicate the rodents prior to clearing the site.

8. In accordance with Chapter 11-60, Air Pollution Control, Hawaii Administrative Rules, the Property owner/developer shall be responsible for ensuring that effective control measures are provided to minimize or prevent any visible dust emission caused by the construction work and the proposed operation from impacting the surrounding areas including the off-site roadways used to enter/exit the Project. These measures include, but are not limited to, the use of water wagons, sprinkler systems, dust fences, etc.

9. In accordance with Chapter 11-55, Water Pollution Control and Chapter 11-14, Water Quality Standards, Hawaii Administrative Rules, the Property owner/developer shall be

responsible for ensuring that the best management practices (BMP) to minimize or prevent the discharge of sediments, debris, and other water pollutant into State waters is provided.

The Property owner/developer shall be responsible for obtaining all applicable permits from the Department of Health including but not limited to National Pollution Discharge Elimination System (NPDES) permits for storm water, hydrostatic test and dewatering prior to commencing construction.

10. In accordance with Chapter 11-58, Solid Waste Management Control, Hawaii Administrative Rules, the Property owner/developer shall be responsible for ensuring that grub material, demolition waste and construction waste generated by the project are disposed of in a manner or at a site approved by the State Department of Health. Disposal of any of these wastes by burning is prohibited.

11. The proposed development shall be provided with potable water from an approved source.

12. The Applicant shall resolve and comply with all applicable requirements of the State Department of Land and Natural Resources-Historic Preservation Division.

13. Only an approved and reliable potable source of water shall be used for fire protection.

14. A fire hydrant shall be installed at the entrance to Phase II and adjacent to the green waste storage area.



These hydrants shall provide a minimum of 1,000 GPM fire flow with a minimum supply of 2-hours duration.

The Applicant is further advised to consult the Fire Department to resolve fire protection measures at the site.

15. Any new roadway connections or improvements to the existing roadway connection to Kaumualii Highway shall be approved by the State Department of Transportation - Highways Division; and a minimum 30' wide buffer zone within the site facility area shall be maintained along Kaumualii Highway frontage.

16. The Applicant shall provide the Kauai County Planning Department and the Land Use Commission with copies of the final approved metes and bounds map and a description delineating the Permit Area of approximately 63.18 acres.

17. This Permit shall cover only lands that are within the State Land Use Agricultural District.

18. The Applicant shall commence operations of Phase II of the Kekaha Landfill no later than four months from the date of filing of this Decision and Order by the Land Use Commission.

19. The Applicant shall promptly provide, without prior notice, annual reports to the Kauai County Planning Department and the Land Use Commission in connection with the status of the subject project and the Applicant's progress in complying with the conditions imposed herein.

DOCKET NO. SP93-384 - DEPARTMENT OF PUBLIC WORKS, COUNTY OF KAUAI


Done at Honolulu, Hawaii, this 1st day of July 1993,  
per motions on June 16, 1993 and June 30, 1993.

LAND USE COMMISSION  
STATE OF HAWAII


By   
ALLEN Y. KAJIOKA  
Chairman and Commissioner

By (absent)  
KAREN S. AHN  
Vice Chairman and Commissioner

By (absent)  
JOANN N. MATTSON  
Vice Chairman and Commissioner

By   
ALLEN K. HOE  
Commissioner

By (absent)  
EUSEBIO LAPENIA, JR.  
Commissioner

By   
RENTON L. K. NIP  
Commissioner

By   
TRUDY K. SENDA  
Commissioner

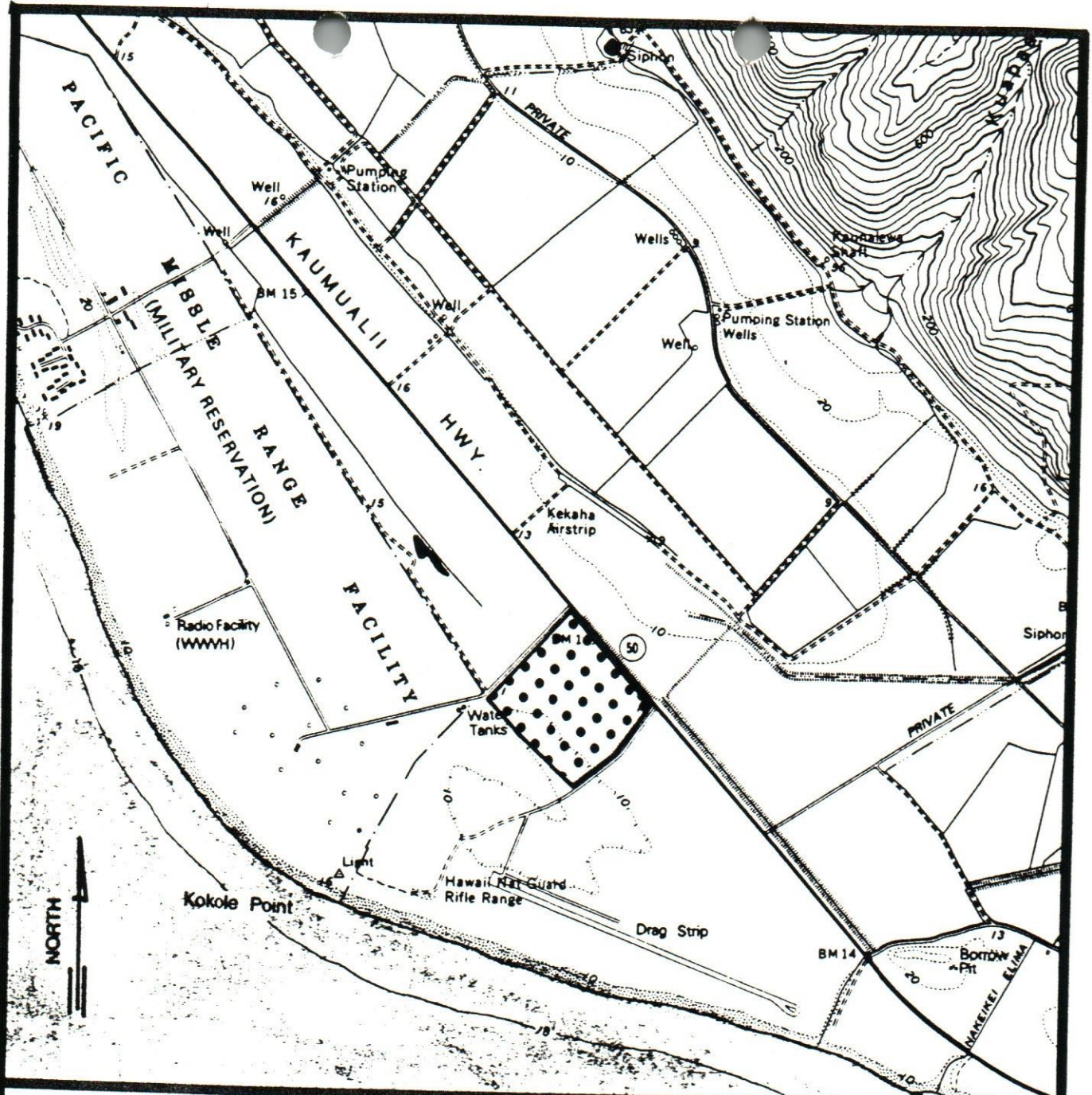
Filed and effective on  
July 1, 1993

Certified by:

  
Executive Officer

By   
ELTON WADA  
Commissioner

By   
DELMOND J. H. WON  
Commissioner

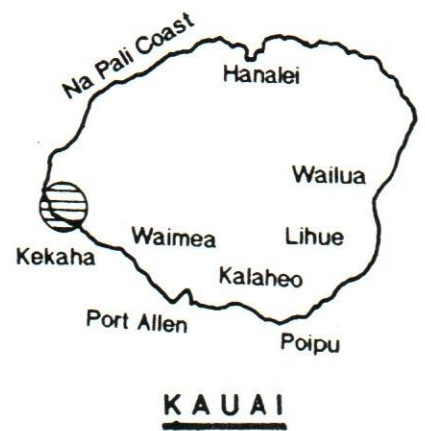


DOCKET NO. SP93 - 384 / COUNTY OF KAUAI,  
DEPARTMENT OF PUBLIC WORKS

**LOCATION MAP**

TAX MAP KEY NO.: 1-2-02: por. 01  
KEKAHA, WAIMEA, KAUAI, HAWAII  
SCALE: 1" = 2,000 ft. ±

 APPROVED AREA



BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

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DEPARTMENT OF PUBLIC WORKS, )  
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Key Number: 1-2-02: Portion of 1 )  
\_\_\_\_\_ )

CERTIFICATE OF SERVICE


I hereby certify that a copy of the Findings of Fact, Conclusions of Law, and Decision and Order was served upon the following by either hand delivery or depositing the same in the U. S. Postal Service by certified mail:

CERT. JEFFREY LACY, Acting Planning Director  
Planning Department, County of Kauai  
4280 Rice Street  
Lihue, Hawaii 96766

CERT. KATHLEEN N.A. WATANABE, ESQ.  
County Attorney  
Office of the County Attorney  
County of Kauai  
4396 Rice Street, #202  
Lihue, Hawaii 96766

CERT. ED RENAUD, Deputy County Engineer  
Department of Public Works  
County of Kauai  
3021 Umi Street  
Lihue, Hawaii 96766

DATED: Honolulu, Hawaii, this 1st day of July 1993.

  
\_\_\_\_\_  
ESTHER UEDA  
Executive Officer