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10/02/2008 08:21 AM

To corenzo@dbedt.hawaii.gov
cc
bcc

Subject Land Use Testimony Makakilo Quarry Permit Extension

Aloha Ms. Lorenzo,

Attached is my testimony opposing the Grace Pacific Makakilo
Permit extension to 2032.

Let me know if you have any questions.

Best wishes,
John Riggins

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LAND USE COMMISSION
STATE OF HAWAII

91-210 Oaniani Place
Kapolei, HI 96707

LAND USE COMMISSION
STATE OF HAWAII

2008 OCT -2 A 8 29

October 1, 2008

State Land Use Commission
Department of Business and Economic Development
235 South Beretania Street, Room 405
Honolulu, HI 96813

RE: SP73-147 Pacific Concrete and Rock Co., Ltd, (Oahu)

To consider an amendment to the special use permit to (1) extend the life of the Makakilo Quarry resource extraction and aggregate processing operations to 2032; and (2) expand the resource extraction and buffer areas of the Makakilo Quarry located within the State Land Use Agricultural District at Puu Makakilo, Ewa, Oahu, Hawaii.

Subject: Testimony in Opposition to the Grace Pacific Makakilo Quarry Permit Extension

Dear Chairperson Kanuha and Commissioners,

I am testifying to present the impact and human side of continued operation of the Makakilo quarry. I am a business person having operated my residential real estate sales business in the area daily since January 1977. I am not some extremist who is attempting to stop a business. I am also familiar with quarry operations. I served as a US Army officer and often worked side by side with US Army engineers who operated quarries. My father-in-law is in the sand and gravel business and has operated his Texas business for more than 64 years. His nephew has operated an excavation and road construction business for more than 35 years. My father-in-law and his nephew share a heavy equipment yard. Due to the nature of the quarry operation business, nearly all of the equipment used in quarry operations is designed to be moved relatively quickly, easily and somewhat inexpensively.

All who have seen the construction site of the north south road and H1 freeway interchange have seen how quickly and easily quarry mining equipment was moved by Kewitt, the contractor building the interchange.

More than 400 of my neighbors and I who live downwind of the Makakilo quarry in the Villages of Kapolei strongly oppose the request by Grace Pacific to extend the life of the Makakilo Quarry by 24 years to the year 2032 because of the dust, noise, odor, health issues and desecration of Puu Makakilo caused by the Grace Pacific Makakilo quarry operation.

I have lived and worked in the Makakilo/Kapolei area since July 1974. I am a resident of the State of Hawaii, taxpayer, and registered voter. As previously stated, I am the owner of a residential real estate brokerage company. I have served as Membership Chairman of the Makakilo Community Association, the Makakilo Lease to Fee Committee and most recently as an elected Director, Villages of Kapolei Association since approximately 1996. As a director, Villages of Kapolei Association, I have also served secretary and president of the Villages of Kapolei Association. I interact with my neighbors and area residents on a daily basis.

With the exception of a handful of people who are concerned about reprisals for opposing the quarry and some school officials who receive substantial funds from Grace Pacific, the greatest majority of people in the area who are directly affected by the dust, noise, odor, health issues and desecration of their views are opposed to the Grace Pacific Makakilo Quarry permit extension to 2032.

During the current life of the quarry, my children, grand children and if the permit is extended to 2032, my great grand children will have been born during the nearly 59 years of the quarry operation.

The quarry operation was appropriate for the rural area for a number of years. The original permit was from 1973 through 1998. Around 1990 the area was designated the second city of Kapolei. Today, the quarry operation is in the middle of more than 4200 homes and rapid development. DR Horton-Schuler Division is currently building more than 600 homes adjacent and west of the quarry. More homes are scheduled to be built in the future. The quarry operation in the middle of the area is totally inappropriate for the growing area.

The Makakilo quarry impacts negatively on area neighborhoods and can be easily seen from the Villages of Kapolei (3800 homes), Kapolei Knolls (425 homes), Kahiwelo at Makakilo (over 600 homes), Department of Hawaiian Homes headquarters, the future site of the University of Hawaii West Oahu, Salvation Army Center, second largest shopping center on Oahu and 4,200 homes to be built in east Kapolei.

Unlike when a liquor store requests a license to operate in an area and every homeowner impacted is invited to testify in favor or against the liquor store, no such safe guards exist regarding a quarry operation. Sometime in the 1990's the quarry permit was extended through 2013 without area homeowner input.

Had it not been for one of my neighbors, Mark Schnabel, whose mountain view being destroyed, having checked and discovered that Grace Pacific had requested a permit extension for its quarry operation for another 25 years to 2032, the permit extension would have been granted without any input from surrounding homeowners.

Even now, many of my neighbors and area home owners are skeptical and have simply given up their fight against the noise, dust, odor, health effects and desecration of Puu Makakilo because they feel the elected officials, neighborhood board which failed to solicit homeowner input and government agencies will rubber stamp the permit extension without any consideration of their lives and the impact of the quarry operation.

I am here today speaking on my behalf as a homeowner and for my neighbors, whom I have personally spoken with and who are directly affected by the Grace Pacific Makakilo Quarry operation. While my home is located approximately 400 to 600 yards south southwest of the present quarry in the Village of Malanai, many of my neighbors, such as those in Malanai Iki, an affordable housing complex, are closer, less than 100 yards and just across the street from the Makakilo quarry.

None of us who purchased homes expected the quarry operation to continue forever. When I purchased my present home in 1993, I fully expected the quarry operation would end in 1998.

How are residents impacted by the quarry operations?

According to 40+ years of data collected at a US government Makakilo wind monitoring station which is used to direct flight operations at Honolulu International Airport, winds blow from Makakilo, over the quarry, through the Villages of Kapolei and out to sea.

While this is US government data, Grace Pacific's hired consultant, a University of Hawaii professor who has never tested the winds within the Villages of Kapolei, disputes the US government wind data and states that winds do not blow from Makakilo, over the quarry and through the Villages of Kapolei. Grace Pacific's paid consultant is just wrong. I invite you to come and stand facing the quarry from various locations within the Villages of Kapolei. You'll quickly discover that it is crystal clear the winds blow from Makakilo over the quarry and through the Villages of Kapolei.

The winds blowing from Makakilo is one of the reasons I purchased my home in the location in which it is oriented. My home is naturally cooled and rarely would I have to use air conditioning. However, due to the winds blowing across the quarry and the dust produced by the quarry, I have to keep nearly all of my windows closed to prevent my home from getting filthy. Even with leaving a couple windows, such as bathroom windows, it's an almost impossible task to keep those rooms clean.

The winds are so strong at times that I had to install screens much like those used in nurseries to protect plants on the north side of my house. Even the screens did not protect my plants and I had to remove many of my less hardy plants. Trees in my yard and on the Kapolei Golf Course have grown leaning in a southerly direction. This was caused by the winds from the north.

My window frames and those of many of my neighbors have corroded on the north side of our houses. We suspect this is due to the corrosive nature of formaldehyde which is a by-product of asphalt. The existing Grace Pacific asphalt plant located in the quarry produces a vapor which is released into the air and blows through the Villages of Kapolei and out to sea. (See the attached report which outlines the impact of asphalt plants).

Grace Pacific has proposed moving its existing plant to Campbell Industrial Park in December 2008. However, in a new proposal presented to the Villages of Kapolei Association in July 2008, it has also proposed moving a

new more technically advanced asphalt plant into the quarry north of the H1 freeway in 2011.

While the US Department of Health and Human Services has reported that formaldehyde is harmful to humans, we have no idea what health problems may have been caused by the existing quarry asphalt plant and winds blowing the vapors through our homes and yards, especially the residents of Malanai Iki and Kapolei Knolls residents who live directly across the street and adjacent to the quarry. It's impossible to know at this time what the long term health effects will be of placing a new asphalt plant on the north side of the H1 freeway in 2011.

When questioned about the impacts of the various dust, noise, odor and toxins produced by the quarry and asphalt plant and the impact on residents downwind of the quarry, Grace Pacific officials have laughed at or dismissed our concerns. It's interesting that none of the Grace Pacific officials and/or their consultants live downwind of the quarry and asphalt plant operations.

As mentioned, dust is another problem caused by the operation of the quarry and the winds blowing from Makakilo. Dust accumulates rapidly on the north side of our houses, on our cars and in our homes.

As part of the requirements under the Villages of Kapolei Covenants and Declarations, the Villages of Kapolei Association in 2007 sent notices to all Malanai home owners reminding them of the requirement to re-paint their homes. My neighbors and I re-painted our homes in the May-July 2007 time frame. Within a short time, dirt had collected on the north side of our homes. One of my neighbors directly next door desired to keep the exterior of his home clean and has had to pressure wash the north side of his home about once a quarter in order to remove the dirt and to keep the exterior of the north side of his house clean. I have not pressure washed my house since re-painting it in May 2007. The north side of my house is filthy while the other sides of my house appear clean and freshly painted.

At the recent City and County Department of Planning and Permitting hearing, Grace Pacific's hired consultant made light of the dust and filth accumulating on our homes. He indicated he washes his Hawaii Kai home down periodically. I do not disagree that he probably does, however, he

does not have a quarry and trucks going to and from the quarry near his home.

As to the health impact, some of my neighbors have become seriously ill during operation of the asphalt plant. The odor from asphalt is so strong that it almost takes your breath away.

One neighbor in Malanai Iki, the town house complex directly across the street from the asphalt plant, has to sleep in her bathtub to avoid getting sick when the asphalt plant is in operation. The bathroom in her home is the only room where she can shut the door and keep out the odor from the asphalt operation.

Another 17 year old boy who lives on Ania Place becomes sick each time the asphalt plant is in operation and repeatedly vomits until after the asphalt operation stops.

Another lady who recently moved into Kekuilani is having to move because she has become ill since moving into her home. She was not ill before moving to Kekuilani nor is she ill when stays away from Kapolei for an extensive period of time.

Another resident in A'eloa is having to move for health reasons. He was not ill prior to moving to A'eloa nor is he ill during extended stays away from Kapolei.

A number of my neighbors, especially those in Malanai Iki and near the corner of Oaniani Street and Kolili Street, have asthma and have to use their air conditioning units full time in order to avoid the rock crushing noise, dust and odor. To meet the demand of paving roads at night, Grace Pacific has often run its rock crushing and asphalt operations well after midnight and into the early morning hours.

It's not just Malanai that has been impacted. Kapolei Knolls on the north side of the Farrington Highway, west of the quarry operation and downwind of the quarry on the north side of the H1 freeway has also been impacted.

Residents have to run their air conditioners 24 hours a day 7 days a week in order to avoid the noise, dust and odor. With the recent increase in electricity rates, it's very expensive to operate air conditioners on a full time

basis. This has placed a heavy financial burden especially on those residents of Malanai Iki, an affordable housing complex.

Neighbors across the golf course in A'eloia and Kekuilani, who paid premium prices for mountain views, have had their beautiful mountain views desecrated by the quarry operation and the failure of Grace Pacific to reclaim the land.

The quarry operation has operated without government oversight. As a result, the quarry reminds me of strip mining in the mountains of Pennsylvania, Ohio, West Virginia, Kentucky, Nevada and Utah.

The quarry operation and destroying of Puu Makakilo has affected the ability of homeowners to sell their homes and has caused property values to decline. In one mainland area, homes near a quarry and asphalt plant operation dropped as much as 57%. Homeowners are required by State of Hawaii law to disclose material facts. The Makakilo quarry and its asphalt operation have become material facts which in turn will affect the ability of homeowners to sell their properties through 2032 if the permit extension is granted. Lower sales prices will result in lower tax assessments and the City and County of Honolulu will receive lower real property taxes.

According to Pacific Business News dated September 19, 2008, while the Kapolei zip code 96707 was one of the top ten wealthiest zip codes in 2005, the latest report shows that Kapolei has slipped from number 10 in 2007 to number 24 in 2008.

The quarry operation in Puu Makakilo can be seen as far away as Kalaeloa, Ewa Beach and Waipahu. Besides destroying the scenic beauty of the aina, the quarry operation is also affecting and having an initial impact on the thousands of tourists who arrive in Hawaii, visit Ko Olina Resort, Paradise Cove and play golf at the various leeward golf courses. Allowed to continue its quarry operation, desecration of the mountain will ultimately affect Hawaii's beauty and number one industry tourism.

Most airplanes arriving in Hawaii approach Honolulu Airport from the west. As such, hundreds of arriving tourists each day see the Makakilo quarry almost before they see anything else. Those of us who have traveled and returned from the mainland or Asia have seen tourists sitting on the left side of airplane anxiously stretching and looking out their airplane windows to

get their first look of Hawaii to see the Makakilo quarry. Tourists come to Hawaii for its natural beauty, its diverse people and cultures, and the magical aloha spirit. Is the Makakilo quarry really the first image we want to portray to tourists?

The desecration of Puu Makakilo caused by the quarry operation has gotten so bad that the Kapolei Golf Course has been cropping its marketing photos in order not to show Puu Makakilo.

Since the quarry operations began in 1973, the City and County of Honolulu Department of Planning and Permitting has failed to monitor the quarry operation and enforce the permit requirements such as re-claiming the land.

Those of us who live in the area have discovered that Grace Pacific can not be trusted to monitor its quarry operations. Through the years Grace Pacific has had lapses of credibility and manipulation such as moving an asphalt plant into its present quarry and future quarry. It had previously told the Villages of Kapolei Association that it would not move an asphalt plant into the quarry.

Grace Pacific meeting with the Villages of Kapolei regarding dust, noise, odor and health problems in April 2007 failed to mention that it had applied for a permit extension to 2032. Yet it had appeared before the neighborhood board in the summer of 2006 to ask the neighborhood board's endorsement of the permit extension through 2032.

The Belt Collins Report, completed in the summer of 2007, contradicts itself in a number of areas especially regarding complaints about the quarry.

While US government wind data shows that winds blow from Makakilo, Grace Pacific disputes that winds blow from Makakilo through the Villages of Kapolei.

However, Grace Pacific in a meeting with the Villages of Kapolei Association in April 2007 volunteered to install wind monitoring equipment. Instead of installing the equipment in an area where meaningful data could be obtained, Grace Pacific installed the equipment well away from the problem areas in Malanai. Grace Pacific set up the equipment closer to the Kapolei Parkway near the 16th tee on the Kapolei Golf Course. To help

gather accurate wind data, I had volunteered to allow the equipment to be installed in my yard.

As recently as June 6, 2008 and after having met just a few nights earlier with the Villages of Kapolei Association on May 30, 2008, Grace Pacific told the Department of Planning and Permitting that it had informed the Villages of Kapolei of its plans to move an asphalt plant across the H1 freeway in 2011 when in fact Grace Pacific had not. It was only after the Villages of Kapolei asked Grace Pacific at a joint meeting in July did Grace Pacific inform the Villages of Kapolei of its plans for the asphalt plant.

In conclusion, it's the role of government to protect its citizens. We have not seen any government agencies testifying regarding the health impact of the quarry. Instead, testimony and evidence contrary to Grace Pacific with its unlimited funds and its highly paid consultants is left to the handful of citizens with limited funds and directly affected by the quarry and asphalt plant operations. The Grace Pacific Makakilo Quarry operation should not be extended beyond 2013 without close government oversight.

However, if the Planning Commission agrees to grant an extension of the permit, I would strongly recommend the permit be extended for no more than 5 years until 2018. Ten years from now, the Planning Commission can re-examine the impact of the dust, noise, odor, health effects and desecration of Puu Makakilo.

I strongly recommend an independent neutral third party be hired by the Land Use Commission to monitor the dust, noise, odor and health effects of the quarry operations and re-claiming of the land; enforce the permit provisions; obtain input from surrounding residents and community associations such as the Villages of Kapolei Association and Kapolei Knolls Association who residents are directly affected by quarry operations; and annually report to the Land Use Commission and City & County of Honolulu Department of Planning and Permitting and community associations who represent homeowners surrounding the quarry of its findings and recommendations.

A complaint hotline to be operated by an independent neutral third party needs to be established and information about the hotline needs to be mailed to every home owner and community association in the area.

The expense of the independent neutral third party and its expenses needs to be paid for by Grace Pacific who according to income figures it submitted to Pacific Business News in 2006 exceeded \$60 million.

Respectively,

John Riggins