

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Petition of)
COUNTY OF MAUI DEPARTMENT)
OF PUBLIC WORKS)

SP86-359 - COUNTY OF MAUI
DEPARTMENT OF
PUBLIC WORKS

For a Special Permit to Establish)
a sanitary landfill, weigh station)
and access road on approximately)
55 acres in the Agricultural)
District at Puunene, Wailuku,)
Maui, Tax Map Key Nos.: 3-8-03:)
18, 19 and Portion of 4)

FINDINGS OF FACT, CONCLUSIONS OF LAW
AND DECISION AND ORDER

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The County of Maui Department of Public Works initiated this proceeding pursuant to Section 205-6, Hawaii Revised Statutes, as amended, and Part IX of the Land Use Commission's Rules of Practice and Procedure. The Land Use Commission, (hereinafter the "Commission") having considered the entire record on this matter, hereby makes the following findings of facts and conclusions of law:

FINDINGS OF FACT

General Description

1. The Commission received the record of the County of Maui Department of Public Works (hereinafter the "Petitioner") petition for a Special Permit from the County of Maui Planning Department on April 23, 1986.

2. Under the Special Permit, Petitioner proposes to establish a sanitary landfill, weigh station and access road (hereinafter the "Project") consisting of approximately 55 acres, in the State Land Use Agricultural District in Central Maui, near the town of Puunene, approximately one-quarter mile northeast of Pulehu Road and adjacent to the eastern side of Kalialinui Gulch.

3. The Project site is identified as Maui Tax Map Key Nos. 3-8-03:18, 19 and portion of 4 at Puunene, Wailuku, (hereinafter the "Property").

4. Petitioner proposes to situate the proposed Project within a portion of an existing quarry site now operated by Ameron HC&D under Land Use Commission Special Permit Docket No. SP77-271 approved on August 24, 1977. Petitioner proposes to obtain a release for a portion of the existing special permit from Ameron HC&D in order to establish the proposed Project.

5. Petitioner is currently negotiating the purchase or lease of the Property from Alexander and Baldwin, Inc. who is the fee owner.

6. Petitioner has determined that a new sanitary landfill site is needed for the Island of Maui to replace the existing Waikapu, Makani and Olowalu Landfills which have exceeded or are near capacity. The proposed Project will have a capacity to accommodate all landfill needs now being met by the Waikapu, Olowalu and Makani Landfills to 1998.

7. Access is currently provided by an existing quarry road off of Pulehu Road. Petitioner proposes to improve the existing quarry road, except two bridges which cross gullies, into a two-lane paved roadway. Petitioner estimates approximately 500 vehicles per day will use the road in 1987 and increasing to 700 vehicles per day by 1995.

8. Petitioner proposes to open the landfill in 1987 and operate the landfill 8 hours a day, 7 days a week. Two heavy equipment operators, a scale operator and utility person will man the facility.

9. During the operating day, Petitioner proposes to accept conventional refuse and limited special waste including demolition waste and bulky waste. Sludge generated by sewage treatment plants and animal remains will also be accepted. These wastes will be handled in a separate manner. Petitioner will not accept hazardous waste including toxic chemical and radioactive waste.

10. The Property's soil type are "Waiakoa silty clay loam" and "Rockland". Actual quarrying uncovered a 5 to 6 feet layer of topsoil, a layer of rock 40 feet thick below, and a cinder base underlying the rock layer.

11. The Land Study Bureau rates the Property in the vicinity of Kalialinui Gulch as "E" and the land adjacent to the gulch and currently in sugarcane as "A".

12. The proposed Project is not indicated on the County Wailuku-Kahului General Plan. However, Petitioner states that the proposed Wailuku-Kahului Community Plan, which will replace the General Plan, recommends a study to address County-wide solid waste management.

13. The Property is bounded by sugarcane fields to the north and east, existing rock quarry and cane fields to the south, and Kalialinui Gulch to the west.

14. The Property is not within the Department of Health's Underground Injection Project area.

15. The nearest municipal ground water source is in Wailuku approximately seven miles northwest of the Property.

16. Petitioner believes the Property is not subject to serious drainage problems as on-site storm generated runoff sheet flows throughout the Property. Kalialinui Gulch also does not experience serious flooding near the Property.

17. There are no known significant archaeological or historic sites associated with the Property. An old Japanese cemetery exists on the quarry site and has been continually maintained by the quarry operators. However, this cemetery is not within the Property.

18. The Property's vegetation include sparse growth of koa haole, kiawe bushes, and some grasses. Vegetation in Kalialinui Gulch include kiawe, klu, pili grass and koa haole.

19. Animals observed on the Property include rodents, mongoose, and common birds. Barn owls may roost in crevices of the quarry walls.

Environmental Concerns

20. Petitioner pointed out that leaching, or the transmission of pollutants by slow moving groundwater or percolation, is a potential adverse effect of the proposed landfill. Petitioner proposes to establish a fairly impervious floor and sides so as to not allow seepage into the ground in addition to installing perforated leachate collection pipes on the landfill floor to collect any leachate. Petitioner proposes to reapply the liquid effluent on top of the landfill for evaporation into the atmosphere and further filtration.

21. Petitioner's Final Environmental Impact Statement (EIS) for the proposed Project was accepted by the Mayor of Maui County on April 8, 1986. The EIS included a summary of probable impacts, probable adverse environmental effects and proposed mitigation measures, alternatives to the proposed action, irreversible and irretrievable commitments of resources, summary of unresolved issues, and other matters as required by Chapter 343, HRS.

Conformance to Special Permit Guidelines

22. The use of an existing quarry site provides a logical and economic location for a sanitary landfill. Upon the closing of the landfill, the land could be utilized for

agricultural production. As such, establishment of a sanitary landfill at the Property is not contrary to the objectives sought to be accomplished by the Land Use Law and Regulations.

23. Petitioner states that the proposed Project will utilize fencing for security purposes and to keep refuse away from surrounding uses. Petitioner believes that the Property is far enough from populated areas to mitigate impacts of odors, dust, noise vector, and leachate.

24. The proposed use would not unreasonably burden public agencies to provide roads and streets, sewers, water, drainage and school improvements, and police and fire protection.

25. Unusual conditions, trends and needs have arisen since the district boundaries and regulation were established. Petitioner believes that in the context of the use, the Project which is within the State Agricultural District is an appropriate one.

26. The existing quarried portion of the Property is not a productive agricultural site unless it is reclaimed and restored for agricultural use. As current site conditions indicate, the site is not conducive to production nor is it economical to restore it at this time. Hence, the site is unsuited for uses permitted within the Agricultural District.

County Recommendation

27. The Maui Planning Commission conducted a hearing on the subject Special Permit on April 8, 1986. At its meeting of

April 8, 1986, the Commission voted to recommend approval of the Special Permit subject to the following twelve conditions:

" 1. That the adjacent Kalialinui Gulch shall not be disturbed by the activities of the sanitary landfill with the exception of drainage from storm generated runoff.

" 2. That appropriate monitoring of the quality of water to be discharged into Kalialinui Gulch from drainage basins shall be undertaken to assure that toxic wastes are not part of the discharge.

" 3. That in the preparation of the sanitary landfill, the landfill floor shall be further compacted and be made relatively impervious to water in order to contain leachates. Proper disposal methods of leachates shall be installed within the landfill.

" 4. That a traffic assessment shall be developed to determine the impact on Pulehu Road once the sanitary landfill is operating. This assessment shall be completed no later than one year after said landfill is in operation. Findings of the assessment shall be submitted to the County of Maui's Department of Planning for review.

" 5. That the applicant shall stop work on the sanitary landfill and immediately contact the Department of Land and Natural Resources, Historic Sites Division, in the event that any previously unidentified historic, archaeological or cultural sites are encountered.

" 6. That appropriate internal vehicle circulation patterns shall be designed so as to not cause confusion and congestion within the sanitary landfill.

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

" 8. That appropriate rules shall be established to prohibit scavenging within the sanitary landfill.

" 9. That appropriate mitigative measures to control excessive dust generation shall be implemented.

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

"11. That warning signs shall be clearly posted near all entry points of the landfill to indicate any blasting activity on the adjacent rock quarry.

"12. That full compliance with any other applicable government requirements shall be met."

CONCLUSIONS OF LAW

The proposed use is an "unusual and reasonable" use as defined by Chapter 205-6, Hawaii Revised Statutes and the proposed use is not contrary to the objectives sought to be accomplished by the State Land Use Law and Regulation in that it could further the purpose of the Land Use Law to preserve, protect and encourage the 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 Special Permit Docket No. 86-359 for the establishment of a sanitary and fill, weigh station and access road on approximately 55 acres of land situated in the State Land Use Agricultural District at Puunene, Wailuku, Maui, Tax Map Key Nos. 3-8-03: 18, 19 and portion of 4, and approximately identified on Exhibit A attached hereto and incorporated by reference herein, be approved subject to the twelve conditions imposed by the Maui County Planning Commission and the following additional condition:

13. Petitioner will submit to the Commission a letter from Ameron HC&D requesting an amendment to the Special Permit issued under Docket No. SP77-271 to delete a portion of land consisting of the Property, currently approved for quarrying purposes, for the establishment of the Project, pursuant to Section 205-6, Hawaii Revised Statutes.

DOCKET NO. SP86-359 - COUNTY OF MAUI, DEPARTMENT OF PUBLIC WORKS

Done at Honolulu, Hawaii, this 21st day of July
1986, per motion on May 14, 1986.

LAND USE COMMISSION
STATE OF HAWAII

By *T. Tacbian*
TEOFILO PHIL TACBIAN
Chairman and Commissioner

By *Frederick P. Whittemore*
FREDERICK P. WHITTEMORE
Vice Chairman and Commissioner

By *Richard B. F. Choy*
RICHARD B. F. CHOY
Commissioner

By *Robert S. Tamaye*
ROBERT S. TAMAYE
Commissioner

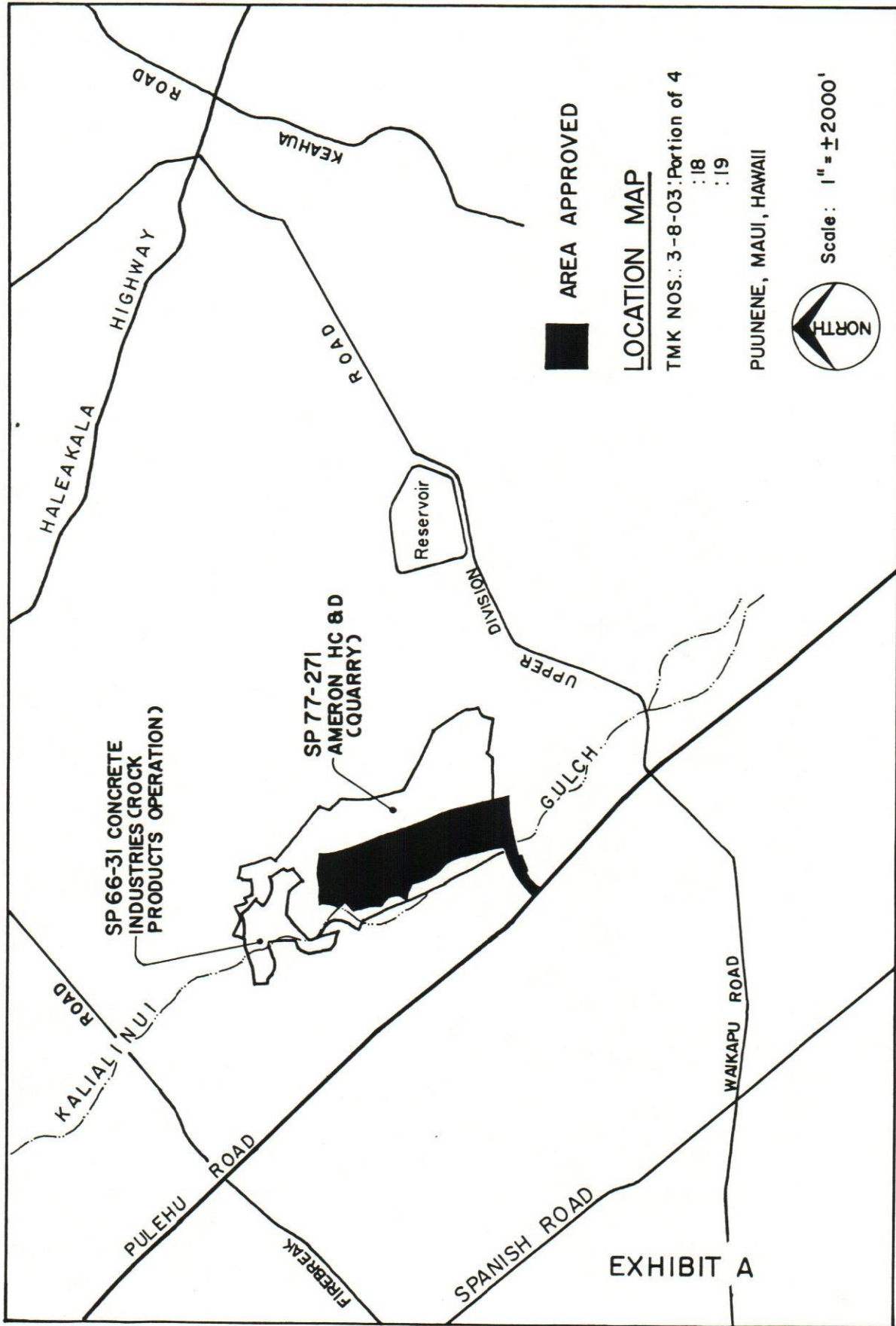
By *Winona E. Rubin*
WINONA E. RUBIN
Commissioner

By *Lawrence F. Chun*
LAWRENCE F. CHUN
Commissioner

By *William W. L. Yuen*
WILLIAM W. L. YUEN
Commissioner

By Everett Cuskaden
EVERETT L. CUSKADEN
Commissioner

By Toru Suzuki
TORU SUZUKI
Commissioner



■ AREA APPROVED

LOCATION MAP

TMK NOS.: 3-8-03:Portion of 4
:18
:19

PUUNENE, MAUI, HAWAII



Scale: 1" = ±2000'

EXHIBIT A

BEFORE THE LAND USE COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Special
Permit of)

COUNTY OF MAUI, DEPARTMENT
OF PUBLIC WORKS)

To Allow a Sanitary Landfill on
Approximately 55 Acres of Land
Situated Within the State Land
Use Agricultural District at
Puunene, Wailuku, Maui)

DOCKET NO. SP86-359

COUNTY OF MAUI, DEPT.
OF PUBLIC WORKS


CERTIFICATE OF SERVICE

I hereby certify that a copy of the Land Use Commission 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:

CHRISTOPHER L. HART, Planning Director
Planning Department
County of Maui
250 South High Street
Wailuku, Hawaii 96793

ALVIN FUKUNAGA, Director
Department of Public Works
County of Maui
250 South High Street
Wailuku, Hawaii 96793

Dated: Honolulu, Hawaii this 21st day of July 1986.



ESTHER UEDA
Executive Officer

DOCKET NO. SP86-359 - COUNTY OF MAUI DEPARTMENT OF PUBLIC WORKS

A copy of the Land Use Commission's Decision and Order was served upon the following by regular mail on July 21, 1986.

Real Property Tax Division
County of Maui
200 South High Street
Wailuku, Maui 96793