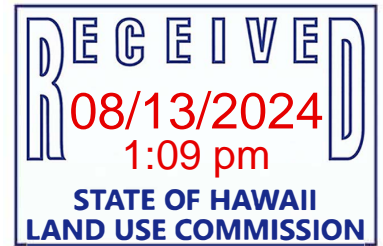


**CENTRAL MAUI LANDFILL (CML) EXPANSION
SP97-390 FY2024 ANNUAL REPORT**



Part 1: Project Summary

Land Use Commission Status Hearing

On January 31, 2024 the Land Use Commission notified the County of a scheduled status hearing for June 20, 2024 on Conditions 19, 21, and 23 of Amendment Four which required designation of Important Agricultural Land (IAL), Condition 19; to replace the withdrawal of 22 acres of IAL, Condition 21; and update progress with the district boundary amendment (DBA), Condition 23. The hearing was held June 19, 2024 for which the County submitted a draft Petition for Declaratory Order to Designate Important Agricultural Lands and a draft Petition for Declaratory Order to Remove Important Agricultural Lands. The County will finalize the Petitions after receiving comments from the Office of Planning and Sustainable Development and the Hawaii Department of Agriculture and the County Department of Agriculture and Planning Dept.

Comprehensive EIS for District Boundary Amendment (DBA)

Mapping the DBA, writing the project narrative, and holding coordination meetings have been the primary focus for this project with \$599,950 contracted to Munekiyo Hiraga in November 2023 for EIS work and \$247,650 to A-Mehr, Inc. for engineering support.

System Control and Data Acquisition (SCADA)

Remote access on cellphones and desktops to leachate elevation and flow data for Phases IV and V sumps and tanks was provided by ELCCO in April 2024. Training in using the new software was provided to engineering and landfill staff in May 2024.

Organics Facility

Rojac Construction, Inc. obtained grading and building permits for their construction of the Organics Facility. Work includes testing and hauling low permeable soil from an existing borrow site and excavation at a nearby borrow site; grading subgrade and spreading soil layers of uniform thickness; rebar and concrete for the sludge bunker; and surveying. Total cost to date is \$2,268,668.

Landfill Gas to Energy

Although the proposal prepared by Maui County and its selected vendor, Ameresco, was not selected by HECO in its search for Renewable Dispatchable Generation and Energy Storage projects, the County continues to explore landfill gas to energy options.

Flare Facility Upgrade

Perennial Energy, LLC, was contracted in October 2023 for \$1,074,622 to build the flare specified by Tetra Tech BAS with their design contract for \$319,833 which was increased in May 2024 by \$151,235.00 to provide construction support services. Tetra Tech reviewed Perennial's submittals prior to the fabrication of the flare throughout FY2024. Facility construction was bid in November 2023 with Alpha, Inc. awarded the contract for \$1,253,722. The building permit application is in process.

Part 2: Project Compliance

Condition 1: That the Land Use Commission Special Permit shall be valid until October 31, 2028, 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 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. The State Land Use Commission heard the matter on August 13, 2020, and deleted former Condition No. 6 concerning achieved development requirements and added new Conditions No. 18 through No. 23. The County requested reconsideration of Condition No. 23 at a hearing on September 24, 2020 which was dismissed due to a timeliness issue. On October 8, 2020 the matter was heard again by Land Use Commission correcting a LUC staff error in acreage applicable to the District Boundary Amendment requirement from 22 acres of IAL to 95.659 acres of the total permitted area of the CML.

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 State Land Use Commission Special 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

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of said State Land Use Commission Special 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 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 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 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 Response 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 7: 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.

Condition 8: That the Applicant shall comply with the EPA's New Source Performance Standards.

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Report: The County continues to sample and monitor the gas wells installed within the active landfill, Phases IV and V and at the closed Phases I and II. Surface emissions measurements are also taken. In addition, perimeter gas monitoring probes at Phases I and II and III, IV and V are sampled quarterly. 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; additional work at Phase V was done in FY 2022 by Alpha for \$1,584,943 with design costs to Tetra Tech for \$249,862. Eight new vertical landfill gas extraction wells were drilled, two wells decommissioned, and seals applied to eleven existing wells and collectors. A solar-powered liquid extraction pump was installed in one of the new wells. Tetra Tech performs Operations and Maintenance LFG services contracted annually.

Condition 9: That the Applicant shall immediately stop work and contact the State Historic Preservation Division, Department of Land and Natural Resources and the Applicant's cultural specialist 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 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 10: 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. are updated on gates for landfill access anytime and the County supervisor has keys for access to all locked gates.

Condition 11: 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 had capacity to 2020. Construction of Phase V-B Extension

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in 2019 added three years. Phase III-A, built in FY 2022, added another three years. When Phase III-B is built in FY 2024-5, another five years of capacity will be available.

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

Report: Brackish water from the production well meets the landfill's operational needs for dust control and grading.

Condition 13: 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: 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. Fencing was extended to Phase V-B Extension in FY 2021 and netting replaced on the 1,200-foot long existing fence. Landfill operations also contracts litter collection services when necessary.

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

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

Condition 15: That the Applicant shall file a metes and bounds map and description of the new approximately 96-acre project area with the Land Use Commission and Maui Planning Commission.

Report: The maps and descriptions were included in the application for permit renewal.

Condition 16: 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 were 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. System data is now visible to staff on their cellphones and desktop computers.

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Condition 17: That the County of Maui shall review implementation of improvements at the Pulehu Road/Hansen Road intersection as outlined in a Traffic Impact Analysis Report when warranted by the Department of Public Works.

Report: Improvements were made in FY2024 to the Pulehu Road/Hansen Road intersection which include a 4-way stop and three articulated, calming pads in each lane of Hansen Road on both sides of the intersection.

Condition 18: That to minimize impacts on animal species, the Applicant shall implement the following and if applicable consult with the U.S. Fish and Wildlife Service as deemed appropriate for further input on measures to avoid such impacts:

Hawaiian hoary bat: Woody plants greater than 15 feet tall should not be removed or trimmed during the Hawaiian hoary bat breeding season (June 1 to September 15). Additionally, barbed wire should not be used for fencing as part of the proposed action.

Report: No woody plants have been removed or trimmed and no barbed wire has been placed.

Blackburn's sphinx moth: A qualified biologist should survey areas of proposed construction activities for Blackburn's sphinx moth and its host plants prior to initiation during the wettest portion of the year (usually November to April or several weeks after a significant rain) and immediately prior to construction. Any host plants with eggs, larvae and signs of larvae feeding should not be cut or disturbed.

Report: In December 2021 Robert Hobdy did a biological survey of an adjacent parcel and reported the following. "These moths and their larvae were looked for during the survey but not found. But without their specific host plants, none of which were present, there was almost no chance that these moths would be attracted to this project area, and thus no recommendations are necessary."

Hawaiian waterbirds and Hawaiian goose: To minimize adverse impacts such as predation and reduced reproductive success, the project should occur outside of the Hawaiian stilt breeding season (February through August). If the breeding period cannot be avoided, consultation with USFWS is recommended to develop measures to avoid impacts to listed species.

Report: Construction of the Organics Facility has occurred away from the stormwater basin to minimize impacts to Hawaiian waterbirds and geese.

Condition 19: Within one year of approval of this Fourth Amendment, the County shall identify County-owned agricultural property of similar land properties and equivalent acreage on Maui and submit a request to have it designated as IAL to compensate for

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the loss of the 22 acres of IAL associated with the CML Facilities Project.

Report: For the June 19, 2024 hearing a draft Petition for Declaratory Order to Designate Important Agricultural Lands was transmitted to the Land Use Commission on June 4, 2024. After comments are received from and addressed to the Hawaii Office of Planning and Sustainable Development, County Planning Department, State Department of Agriculture and County Department of Agriculture, the Petition will be finalized and transmitted to the Land Use Commission.

Condition 20: Upon restoration of closed phases of the CML and where safe and practicable to do so and if still designated as agriculture at that time, the County shall seek to make such lands available for future appropriate agricultural use in accordance with applicable state and federal guidelines and requirements.

Report: Future appropriate agricultural uses and designations will be included in any Master Plan for the Central Maui Landfill.

Condition 21: That the Applicant shall submit a petition for Declaratory Ruling to the LUC to withdraw the 22 acres of IAL from the IAL designation within one year of the LUC's Decision and Order for the Applicant's Fourth Amendment Request.

Report: For the June 19, 2024 hearing a draft Petition for Declaratory Order to Withdraw Important Agricultural Lands was transmitted to the Land Use Commission on June 4, 2024. After comments are received from and addressed to the Hawaii Office of Planning and Sustainable Development, County Planning Department, State Department of Agriculture and County Department of Agriculture, the Petition will be finalized and transmitted to the Land Use Commission.

Condition 22: That the Applicant shall instruct the construction employees during the pre-construction meeting or similar circumstance of the possibility of discovering funerary objects and burials during construction. Further, should burials be found, the Applicant shall consult with the SHPD and cultural and lineal descendants of the area to develop a reinternment plan and cultural preservation plan for proper cultural protocol, curation, and long-term maintenance.

Report: As a part of the grading permit application process and/or building permit process the Division submits project plans to SHPD for review and approval. No work commences without this approval; additionally, construction employees are informed of proper procedures in case any burials should be discovered.

Condition 23: That the Applicant shall commence the process to seek a district boundary amendment with the LUC for the approximately 95.659 acres of the total permitted area of the CML within five years of the LUC's Decision and Order for the Applicant's Fourth Amendment Request.

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Report: The County has issued a Notice to Proceed dated December 1, 2023 to Munekiyo Hiraga to begin the work. Mapping, coordinating preliminary work, revising narratives and plans have been the focus for FY2024.

CoM-DEM and CoM-Planning on August 19, 2021 presented the status, goals and requirements of the CML Special Permit and forthcoming DBA to the Maui County Council Infrastructure and Transportation Committee for the satisfaction of this condition.