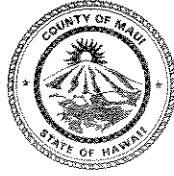


ALAN M. ARAKAWA  
Mayor

MICHAEL W. FOLEY  
Director

WAYNE A. BOTEILHO  
Deputy Director



COUNTY OF MAUI  
**DEPARTMENT OF PLANNING**

August 8, 2006

Ms. Genevieve Salmonson, Director  
Office of Environmental Quality Control  
235 South Beretania Street, Suite 702  
Honolulu, Hawaii 96813

RECEIVED  
08 AUG 10 P2:14  
OFFICE OF ENVIRONMENTAL  
QUALITY CONTROL

Dear Ms. Salmonson:

RE: Final Environmental Assessment (DEA) for the Proposed Heavy Industrial Uses in the Central Maui Baseyard located at Puunene, Island of Maui, Hawaii, TMK 3-8-005: portions of 001 and 019, Puunene, Island of Maui, Hawaii (EA 2005/0009) (CIZ 2005/0005) (CPA 2005/0006)

The Maui Planning Commission at its regular meeting on August 8, 2006, accepted the Final Environmental Assessment (FEA) for the subject project, and issued a Finding of No Significant Impact (FONSI). Please publish the FEA in the **August 23, 2006**, Office of Environmental Quality Control (OEQC) Environmental Notice.

We have enclosed a completed OEQC Publication Form and four (4) copies of the FEA. If you have any questions, please call Ms. Kivette Caigoy, Environmental Planner, of our office at 270-7735.

Sincerely,

For KIVETTE CAIGOY  
MICHAEL W. FOLEY  
Planning Director

MWF:KAC:kac

Enclosures

c: Robyn Loudermilk, Staff Planner  
Glenn Tadaki, Chris Hart & Partners  
EA Project File  
General File  
K:\WP\_DOCS\PLANNING\EA\2005\0009\_CentralMauiBaseyard\OEQCTransmitFEA.wpd

2006-08-08-MA-FEA CENTRAL MAUI BASEYARD HEAVY INDUSTRIAL  
AREAS AUG 23 2006

# SUPPLEMENTAL FINAL ENVIRONMENTAL ASSESSMENT

Prepared in Support of a Community Plan Amendment and

Change in Zoning for

## **PROPOSED HEAVY INDUSTRIAL AREAS AT THE CENTRAL MAUI BASEYARD**

TMK: 3-8-05: portions of 01 and 19

Puunene, Maui, Hawaii



OFFICE OF ENVIRONMENTAL  
QUALITY CONTROL

06 AUG 10 P2:14

RECEIVED

July 2006

**SUPPLEMENTAL FINAL  
ENVIRONMENTAL ASSESSMENT**

**Prepared in Support of a Community Plan Amendment and  
Change in Zoning  
for**

**PROPOSED  
HEAVY INDUSTRIAL AREAS  
AT THE  
CENTRAL MAUI BASEYARD**

TMK: 3-8-05: portions of 01 and 19  
Puunene, Maui, Hawaii



Prepared for:  
S&F LAND COMPANY  
P.O. Box 806  
PUUNENE, HAWAII 96784

July 2006

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Appendix R	Solid Waste Management Permit
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## I. PROJECT INFORMATION

### A. Overview of the Request

The Applicant, S&F Land Company, is requesting a Community Plan Amendment (CPA) and a Change in Zoning (CIZ) to accommodate pre-existing, proposed, and future heavy industrial uses on approximately 12 acres of land located in the Central Maui Baseyard at Puunene, Maui. The land underlying the Central Maui Baseyard is owned by A&B Hawaii, Inc. and is leased to S&F Land Company, who manages, maintains, and subleases all of the lots in the Baseyard.

Based on consultation with the County of Maui, the proposed action will establish heavy industrial areas at three separate locations within the Central Maui Baseyard. Based on the maps and metes and bounds descriptions that have been prepared for the CPA and CIZ, Lot 1C (9.811 acres) and Lot 221 (1.006 acre) comprise portions of TMK 3-8-05: 01, while Lot 59 (1.334 acre) encompasses portions of TMK 3-8-05: 01 and 19. For purposes of this request, Lots 1C, 59, and 221 are collectively referred to herein as the subject property or subject parcels. The CPA involves a request to change the community plan land use designation for the subject parcels from Light Industrial to Heavy Industrial, while the CIZ involves a request to change the zoning of Lot 1C from Agricultural to M-2, Heavy Industrial and from M-1, Light Industrial to M-2, Heavy Industrial for Lots 59 and 221.

The Central Maui Baseyard is located on the eastside of Mokulele Highway, approximately 2.5 miles south of Kahului and 4 miles north of Kihei. Lot 1C was formerly planted with sugar cane and is presently vacant and undeveloped.

Since the publication of the Supplemental Draft Environmental Assessment (SDEA), industrial accidents have led to the closure of Maui Auto Wrecking's

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(permitted) vehicle processing operations on Lot 59. Lot 221 is still being used by Maui Tow & Transport to store abandoned vehicles for the County of Maui. In addition, the site and operations plan for the proposed metal recycling facility has been modified in response to interim and long-term operational requirements. Notable changes include reducing the area of the site from 3.0 to 2.6 acres and consolidating the facility's internal operations into one new pre-engineered building (9,600 sq. ft.) instead of the two separate pre-processing and processing buildings (totaling 8,125 sq. ft.) that were originally proposed. The movable office trailer (200 sq. ft.) that was also proposed in the SDEA will be used to support recycling operations as needed. Other modifications include conducting interim operations while the pre-engineered building is being constructed and relocating the drainage basin from an area by the southwest corner of the site to a point just beyond the northwest corner of the site. On November 21, 2005, the State Department of Health (DOH), the government agency which regulates the construction and operation of facilities that recover, collect, store, and treat recyclable material, approved the Solid Waste Management Permit (SWMP) for the proposed recycling facility. More recently, on May 20, 2006, the DOH approved modifications to the SWMP to provide for the interim operation of the recycling facility and to allow the facility to conduct long-term operations within a smaller footprint.

The granting of the proposed request will establish appropriate areas for heavy industrial uses within the Baseyard, as well as contribute to the limited inventory of vacant land that is currently available for heavy industrial activities.

Pursuant to Chapter 19.26, Maui County Code, land uses permitted within the M-2, Heavy Industrial District covers any use permitted in the M-1, Light Industrial District; B-3 Central Business District; B-2, Community Business District; and B-1, Neighborhood Business District. However, while business uses are permissible under heavy industrial zoning, the proposed heavy industrial areas will be used to accommodate purely industrial activities such



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as the pre-existing heavy industrial uses on Lots 59 and 221, the development of a proposed metal recycling facility on part of Lot 1C, and space for future industrial land uses on the balance of Lot 1C. The metal recycling facility, which is proposed near the south end of Lot 1C will process derelict vehicles, white goods (discarded appliances), and loose scrap metal for shipment to domestic and foreign markets.

It should be noted that an Environmental Assessment (EA) was prepared in support of the original CPA (from Agricultural to Light Industrial) for the Central Maui Baseyard, which was formerly referred to as the Mokulele Baseyard by the Office of Environmental Quality Control (OEQC). In addition to discussing light industrial uses, the EA examined potential impacts to the environment and mitigation measures for the Baseyard's entire 52 acres, including Lots 1C, 59, and 221. The Final EA and a Finding of No Significant Impact (FONSI) were published in the November 23, 1997 edition of the Environmental Notice. See Appendix A, Mokulele Baseyard – Final EA/FONSI Publication Notice.

As the physical environment, public services, and infrastructure were previously evaluated by the Final EA in 1997, this Supplemental Environmental Assessment examines potential impacts the incremental change in use (from light to heavy industrial) may have on the natural and manmade environment and discusses appropriate measures to minimize harm to the environment.

## **B. Project Profile**

District:	Puunene District, Island of Maui
Tax Map Keys:	3-8-05: por. 01(Lots 1C and 221, and portion of Lot 59) and 3-8-05 por. 19 (portion of Lot 59)
Project Name:	Proposed Heavy Industrial Areas at the Central Maui Baseyard

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**Location:** Lot 1C abuts Mokulele Highway; Lots 59 and 221 lie within developed areas of the Baseyard

**Site Area:** 12.151 acres

**Applicant/Developer:** S&F Land Company  
P.O. Box 806  
Puunene, HI 96784  
Phone: (808) 877-3329  
Fax: (808) 877-0648  
Contact: Earl Stoner, Jr.

**Landowner:** A&B Hawaii, Inc.  
P.O. Box 3440  
Honolulu, HI 96801

**Planning Consultant:** Chris Hart & Partners, Inc.  
1955 Main Street, Suite 200  
Wailuku, Maui, HI 96793  
Phone: (808) 242-1955  
Fax: (808) 242-1956  
Contact: Glenn Tadaki

**Current Land Use Designations:** State Land Use Classification – Lot 1C (Urban); Lots 59 and 221 (Urban)  
  
Kihei-Makena Community Plan – Lots 1, 59 and 221 (Light Industrial)  
  
County Zoning – Lot 1C (Agricultural); Lots 59 and 221 (M-1, Light Industrial)  
  
Federal Flood Insurance Rate Map - Zone C, areas of minimal flooding

**Existing Land Uses:** Lot 1C (former sugar cane field); Lot 59 (currently unoccupied; previously used for vehicle processing operations); Lot 221 (abandoned vehicle storage)

**Proposed Land Use:** Heavy industrial uses on Lots 1C, 59 and 221

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Access: Available from Mokulele Highway via Old Waiko Road

**C. Chapter 343, HRS Accepting Agency**

Agency: Maui Planning Commission  
c/o Department of Planning  
County of Maui  
250 S. High Street  
Wailuku, Maui, HI 96793  
Phone: (808) 270-7735  
Fax: (808) 270-7634

**D. Required Permits and Approvals**

The following permits and approvals will be needed prior to the implementation of the proposed action.

1. National Pollutant Discharge Elimination System Permit (for site grading) from the State Department of Health (DOH), Clean Water Branch.
2. Solid Waste Management Permit (for a salvage/recycling facility) from the DOH, Solid and Hazardous Waste Branch.
3. Approval for an Individual Wastewater System from the DOH, Wastewater Branch.
4. Approval of a Community Plan Amendment from the Maui County Council.
5. Approval of a Change in Zoning from the Maui County Council.
6. Grading, Building, Plumbing, Electrical Permits from the Maui Department of Public Works and Environmental Management.

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## E. Pre-Consultation

On March 29, 2005, letters summarizing the proposed action were mailed to the following parties for review and comment in connection with early consultation process for the preparation of the Supplemental Draft EA (SDEA).

### CONSULTED PARTIES

#### Federal Agencies

1. Department of the Army, Corp of Engineers

#### State Agencies

1. *State Historic Preservation Division*
2. Department of Health – Maui District Health Office
3. Department of Health – Solid & Hazardous Waste Branch
4. Department of Transportation – Maui Highways Division

#### County Agencies

1. Department of Planning
2. Department of Water Supply
3. Department of Housing and Human Concerns
4. Department of Public Works and Environmental Management

#### Others

1. Hawaiian Commercial & Sugar Company

A copy of the pre-consultation letter and correspondence related to this process are included in this document. See Appendix N, Pre-Consultation Comments and Responses.

## F. Public Comment Period

In connection with the land use and environmental review processes, the Maui Planning Department distributed copies of the Supplemental Draft Environmental Assessment (SDEA) to the following parties for review and comment. The notice of availability for the SDEA was published in the Environmental Notice on October 8, 2005. The public comment period for the SDEA expired on November 7, 2005.

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REVIEWING PARTIES

Federal Agencies

1. Dept. of Agriculture, Natural Resources Conservation Service
2. Dept. of the Army, Corp of Engineers
3. Dept. of the Interior, Fish and Wildlife Service

State Agencies

1. Dept. of Agriculture
2. Dept. of Business Economic Development & Tourism –  
Office of State Planning
3. Dept. of Education – Office of Business Services
4. Dept. of Health – Maui District Health Office
5. Dept. of Land & Natural Resources
6. Office of Hawaiian Affairs
7. State Historic Preservation Division
8. Dept. of Transportation – Statewide Planning Office
9. University of Hawaii – Environmental Center

County Agencies

1. Civil Defense
2. Dept. of Housing & Human Concerns
3. Dept. of Parks & Recreation
4. Dept. of Public Works & Environmental Management
5. Dept. of Water Supply
6. Maui Fire Department
7. Maui Police Department

Others

1. Maui Electric Company

Letters received during and after the 30-day public comment period, and responses to substantive comments are included in Appendix O, Supplemental Draft EA Comments and Responses.

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## II. DESCRIPTION OF THE PROPERTY AND PROPOSED ACTION

### A. PROPERTY LOCATION

Situated in the Puunene area of Central Maui, Lot 1C is located in the southwestern portion of the Central Maui Baseyard (TMK 3-8-05: por. 01). Lots 59 and 221 are situated within the existing developed part of the Baseyard (TMK 3-8-05: por. 19). Access to the Baseyard is provided by Old Waiko Road, which forms a cross intersection with Mokulele Highway. The town of Kahului lies approximately 2.5 miles to the north of the site, while the community of Kihei is about 4 miles to the south. See: Figure 1, Regional Location Map and Figure 2, Project Vicinity Map.

### B. EXISTING SITE CONDITIONS AND LAND USES

Lot 1C was formerly planted with sugar cane and is now covered by various grasses and weeds. Lot 59 is presently unoccupied; industrial accidents have led to the closure of Maui Auto Wrecking's (permitted) vehicle processing operations. Maui Tow & Transport is the current tenant of Lot 221. See Figure 3, Site Location Map and Figure 4, Site Photographs.

State Land Use Classification:	Urban (became effective upon the filing and processing of the CIZ request for Heavy Industrial zoning)
Kihei-Makena Community Plan:	Light Industrial
Maui County Zoning:	Agricultural District
Existing Land Use:	Lot 1C (former sugar cane field); Lot 59 (currently unoccupied; previously used for vehicle processing operations); Lot 221 (abandoned vehicle storage)

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## C. BACKGROUND

### 1. Land Use History

During World War II, the land underlying the existing Central Maui Baseyard was used to store military vehicles and supplies that were used in the war effort. After the war, and prior to 1954, the site was used for waste material storage. To support its agricultural operations, Hawaiian Commercial & Sugar Company, (HC&S) established a concrete batch plant on the site in 1954 to construct reinforced concrete irrigation flumes and to cast concrete members. Prior to 1960, A&B Commercial Company (an affiliate of HC&S) took over batch plant operations and expanded its services to include block and pipe manufacturing and the fabrication of concrete products for outside sales and company use. During A&B Commercial's tenure, most of the additional buildings on the site were constructed and approximately 20 acres to the rear of and adjacent to the site was used to store manufactured materials until they were able to be delivered.

In 1965, A&B Commercial discontinued batch plant operations. Later, in January 1966, Ameron HC&D relocated their concrete batch plant operations to an area east of the former A&B Commercial batch plant site. Since the former batch plant site was abandoned and no longer being used, the land was subleased to Maui Hardwoods for sawmill and logging activities, which was authorized by a State Land Use Commission Special Permit (SP69-64). Subsequently in 1972, Honolulu Wood Treating purchased an adjacent 1.2-acre parcel (TMK 3-8-05: 22) and received a State Land Use Commission Special Permit (SP72-127) to kiln dry and treat lumber on the site.

For approximately 10 years, Maui Hardwoods and Honolulu Wood Treating continued to operate at this location. In 1983, Maui Hardwoods closed after bankruptcy proceedings. Its site was leased to

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S&F Land Company and a State Land Use Commission (SLUC) Special Permit (SP83-358) was granted to the new lessee for storage purposes. Honolulu Wood Treating continued its operations until 1985 when it too went bankrupt. During their tenure, the sawmill and offices of Maui Hardwoods and Honolulu Wood Treating were located along Mokulele Highway, while the storage of finished materials, equipment, and other related activities occurred on the adjacent 20 acres to the east. With the exception of Lot 1C, which was used for sugar cane cultivation until December 2004, the land underlying the existing Baseyard has not been used for agricultural activities since World War II.

Since 1984, the Central Maui Baseyard has functioned as a support facility for the construction industry. Today, this facility consists of baseyards, storage areas, and office buildings which provide leasehold, industrial space for 99 local businesses, including contractors, sub-contractors, and other building and service-related construction enterprises.

To date, the Central Maui Baseyard has been developed in substantial compliance with the development time frame that was outlined in the Applicant's 1996 request for District Boundary Amendment approval. Pursuant to this schedule, Lot 1C, which is the only remaining and undeveloped parcel in the Baseyard, is programmed for development from 2005 to 2007.

It is noted that parcels in the Central Maui Baseyard, including Lots 1C, 59, and 221, are not subdivided lots or parcels although they are referred to in those terms to reflect their demised sublease areas. Because of this flexibility, the Applicant is able to increase or decrease the size of sublease areas to meet the individual needs of Baseyard tenants without being encumbered by the limitations of fixed lot lines.



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It is also noted that the roads, water, and drainage systems within the Baseyard are privately owned and maintained and have, and will continue to be, designed in accordance with all applicable regulatory standards.

## **2. Land Use Permits**

The Central Maui Baseyard has been permitted for baseyard and light industrial uses for over 21 years. Beginning on February 13, 1984, a SLUC Special Permit (SP83-358) was granted to S&F Land Company to use 17.5 acres of land for storage purposes. On August 13, 1989, the SLUC granted a 5-year time extension of the Special Permit subject to specific terms such as Condition No. 3, which requires filing an application for a Community Plan Amendment (CPA) from Agricultural to Light Industrial – and submitting a request for a District Boundary Amendment (DBA) – from Agricultural to Urban. The Applicant subsequently submitted a new request for a time extension on August 23, 1994, which due to processing delays, extended the Special Permit only until August 30, 1997. It is noted that the Applicant was ready to file a CPA in accordance with Condition No. 3 but was advised by the Planning Director at the time to allow the amendment to be adopted through the community plan update process. However, as this comprehensive review was taking more time than anticipated, the Maui Planning Department then advised the Applicant to file applications for a CPA and Change in Zoning (CIZ).

On June 15, 1995, the Applicant filed a request for a CPA (95/CPA-3) with the Maui Planning Department. Later, on April 16, 1996, an application for a DBA – A96-717 – was submitted to the State Land Use Commission (SLUC). Subsequently, a request for a CIZ (96/CIZ-8) was filed with the Planning Department on July 2, 1996.

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On November 13, 1996, the SLUC granted incremental DBA approval – from Agricultural to Urban – for approximately 41 of the Baseyard's 52 acres subject to certain conditions. . See Appendix B, Decision and Order – November 13, 1996. Since the DBA for the Baseyard was granted in 1996, the Applicant has submitted annual compliance reports to the State Land Use Commission, (SLUC), Office of Planning, and the Maui Planning Department and has satisfactorily complied with the conditions of the Decision and Order. See Appendix C, Annual Compliance Report for 2004.

As stipulated by Condition No. 20 of the SLUC's Decision and Order, the remaining area of approximately 11 acres – also known as Lot 1C – would be automatically reclassified (to Urban) upon the substantial completion of improvements for the initial 41 acres and the filing and acceptance of a CIZ request – from agricultural to light industrial – for Lot 1C. More recently, an amendment to Condition No. 20 was granted to allow the Applicant to file a request for heavy industrial zoning for Lot 1C. See Appendix D, Decision and Order – June 13, 2005. In connection with these proceedings, the County of Maui and Office of Planning stated that they had no objections to this request. In addition, the County noted that it needs land that is suitable for heavy industrial uses. Later, in a letter dated August 23, 2005, the SLUC noted that the Maui Planning Department was in receipt of the Applicant's CIZ for Lot 1C and that the department deemed the application complete. As such, the SLUC determined that the Applicant was in compliance with Condition No. 20 and approved the incremental redistricting of Lot 1C (from Agricultural to Urban). See Appendix P, State Land Use Commission Compliance Letter.

On March 6, 1998, the updated Kihei-Makena Community Plan, which established Light Industrial land uses for the Baseyard's entire 52 acres

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(including Lot 1C), went into effect through the adoption of Ordinance No. 2641. It should be noted that an Environmental Assessment (EA) – 95/EA-7 – was prepared in support of the CPA for the Central Maui Baseyard (fka, Mokulele Baseyard). The EA encompassed the Baseyard's entire 52 acres, including Lots 1C, 59, and 221. The Final EA and Finding of No Significant Impact (FONSI) were published in the November 23, 1997 edition of the Environmental Notice. See Appendix A, Mokulele Baseyard – Final EA/FONSI Publication Notice.

On December 8, 1999, Ordinance No. 2815 established conditional M-1, Light Industrial District zoning for the same 41 acres encompassed by the DBA. See Appendix E, Ordinance No 2815. As indicated by the Applicant, the Central Maui Baseyard has been developed in accordance with the three conditions of its Change in Zoning (CIZ) approval.

- 1) Land uses within the Baseyard are industrial in nature, or accessory to the principal industrial use, and do not include any pure retail or commercial activities.
- 2) Updated traffic impact assessment reports have been submitted to the State Department of Transportation (DOT) for review and approval prior to the expansion of the Baseyard beyond its original 17.5 acres.
- 3) Before expanding its limits beyond the original 17.5 acres, the landscaping plan for the Baseyard was submitted to and approved by the Maui Planning Department.

In connection with the development of the proposed metal recycling facility, a consolidated application for a SLUC Special Permit and County Special Use Permit (CSUP) was filed with the Planning

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Department in May 2005 to provide for the construction and operation of the proposed metal recycling facility until such time that the CPA and CIZ are approved. Typically, a SLUC Special Permit would address both State and County permit requirements for special uses on agricultural-designated lands that are less than 15 acres. However, once the SLUC approved the incremental redistricting of Lot 1C (from Agricultural to Urban), the need for a Special Permit was negated. While a metal recycling facility is a permitted use in the State Urban District, a CSUP is required since the recycling facility is considered a special use in the County's Agricultural Zoning District. Subsequently, the Maui Planning Commission approved the Applicant's request for a CSUP at its regular meeting on September 27, 2005. See Appendix Q, County Special Use Permit.

On November 21, 2005, the State Department of Health (DOH) issued a Solid Waste Management Permit (SWMP) for the proposed metal recycling facility. See Appendix R, Solid Waste Management Permit. More recently, on May 24, 2006, the DOH approved changes to the SWMP to allow the facility to operate on a smaller footprint and to conduct interim outdoor operations until the pre-engineered, processing building is completed and operational (estimated August 31, 2006). See Appendix S, Approved Modifications to Solid Waste Management Permit. To ensure that interim and long-term operations will not have an adverse effect upon the environment, the development and operation of the facility will comply with the standard and project-specific conditions of its SWMP and modified SWMP approvals.

Over the past 21 years, the Applicant has and will continue to develop and operate the Central Maui Baseyard in accordance with the terms and conditions of its various land use approvals.

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#### D. REASONS JUSTIFYING THE REQUEST

On the island of Maui, there are approximately 489 acres of land that are zoned for M-2, Heavy Industrial District uses by the County of Maui. Of this acreage, approximately 18 acres are in Maalaea – the Maui Electric Company (MECO) power generation plant – and about 29 acres are in Lahaina – the former Pioneer sugar mill. Except for the HC&S sugar mill at Puunene (40 acres) and MECO's future Waena power generation plant (65 acres), the remaining 337 acres are located in Wailuku and Kahului.

In Wailuku, lands zoned for heavy industrial uses lie in the Millyard Subdivision – an approximately 10-acre area formerly occupied by the Wailuku sugar mill. (County of Maui, Department of Management, June 3, 2005).

In Kahului, lands zoned for heavy industrial uses include the area bounded by Kane Street and Wakea, Kaahumanu, and Kamehameha Avenues (Queen Kaahumanu Shopping Center, Maui Pineapple cannery, MECO office/baseyard complex); the Cutter car dealership at the corner of Kaahumanu Avenue and Kahului Beach Road and the adjacent, abandoned Brewer Environmental Industries site; the Airport Industrial Subdivision (Costco, K-Mart, Triangle Square); and the former HC&S Central Power Plant along Haleakala Highway by Costco. Other heavy industrial-zoned areas in Kahului include the Maui Mall Shopping Center and the land *makai* of the Mall; the various industrial-zoned subdivisions bounded by Hana Highway, Dairy Road, Hukilike Street, and Kamehameha Avenue; and the Kahului Harbor area including, but not limited to, the MECO power generation plant, the Matson and Young Brothers freight terminals, and the various petroleum storage and distribution facilities (County of Maui, Department of Management, June 3, 2005).

As reflected by Chapter 19.26, Maui County Code, land uses permitted within the M-2, Heavy Industrial District encompass a wide range of activities. See Appendix F, Use Regulations for the M-2, Heavy Industrial District. Generally,

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permissible uses within this zoning district involve the manufacture or treatment of goods from raw materials, including activities such as automobile wrecking (if conducted within a building) and establishments used for storing, depositing, or keeping junk or similar goods for business purposes. The M-2, Heavy Industrial District also allows any uses permitted in the light industrial, central business, community business, and neighborhood business districts. See Appendix F, Use Regulations for the M-2, Heavy Industrial District.

Generally, the M-1, Light Industrial District is designed to contain mostly warehousing and distribution types of activities, while the B-3, Central Business District permits general business enterprises, particularly financial governmental, commercial, and professional activities. The B-2, Community Business District basically provides all types of goods and services for the community but at a lower intensity than the central business district, while the B-1, Neighborhood Business District is one wherein retail businesses or service establishments supply commodities or perform services to meet the daily needs of the neighborhood.

With the exception of the purely heavy industrial uses in the Kahului Harbor area, the MECO power plant at Maalaea, the HC&S sugar mill at Puunene, and the Maui Pineapple cannery and MECO office/baseyard complex in Kahului, it is estimated that most of the land that is zoned for heavy industrial purposes in Central Maui is presently being used for light industrial and retail/commercial activities. As such, there is scarcity of vacant land that is available solely for heavy industrial activities, including those uses proposed by the Applicant.

This shortage is further amplified since there is only one existing metal recycling facility on the island that can legally process derelict cars, white goods, and scrap metal. On March 18, 2005, Maui Scrap Metals, the island's only full-service scrapyards shut down since it did not have a Solid Waste Management Permit from the State Department of Health to dispose of

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vehicles and appliances (Maui News, March 17, 2005). Later, on March 26, 2005, Maui Auto Wrecking, the only permitted vehicle-recycling facility on Maui, closed its doors due to industrial accidents, which resulted in the termination of its operations (Maui News, April 7, 2005). In September 2006, Kitagawa Towing and Transport opened a facility in Kahului to process derelict vehicles and white goods. According to owner Mike Kitagawa, "As far as I'm concerned, I've got my hands full right now. Another company coming in is OK with me." (Maui News, January 27, 2006).

The locations of the proposed heavy industrial areas in the Baseyard were based upon the Applicant's discussions with County of Maui officials, including the Office of the Mayor. These sites were deemed appropriate given the historical (industrial) uses of the underlying land, the purely industrial nature of surrounding Baseyard activities, their central location and proximity to shipping facilities at Kahului Harbor, the completion and infill development of the remaining undeveloped acreage in the Baseyard, and the scarcity of vacant land that is available solely for heavy industrial purposes.

The benefits that would accrue to the public from the granting of the proposed request would be immeasurable given the limited supply of vacant heavy industrial-zoned land and the absence of a full-service metal recycling facility that would serve the community.

The granting of the proposed request will accommodate the pre-existing heavy industrial uses on Lots 59 and 221, enable the development of the proposed metal recycling facility, and provide space for purely industrial land uses in the future. The proposed action is also deemed appropriate and compatible with its environs.

#### **E. DESCRIPTION OF THE PROPOSED ACTION**

The Applicant is seeking a Community Plan Amendment for Lots 1C, 59, and 221 (from Light to Heavy Industrial) and a Change in Zoning for Lot 1C (from

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Agricultural to M-2, Heavy Industrial) and for Lots 59 and 221 (from M-1, Light Industrial to M-2, Heavy Industrial) in order to accommodate and provide for heavy industrial-type uses within these areas in the long term.

No change in past or present land use for Lot 59 (vehicle processing) and Lot 221 (abandoned vehicle storage) are contemplated, as the proposed request will accommodate these types of heavy industrial activities on these parcels. Lot 1C contains approximately 9.811 acres of land area. With the exception of the proposed metal recycling facility, which will be located on approximately 2.6 acres of land at the south end of this parcel, the balance of Lot 1C will be used to accommodate *future industrial land uses* which are unknown at this time. Any new or future heavy industrial development on the remaining portion of Lot 1C or on Lots 59 and 221 (should tenants change in the future), will comply with all applicable Federal, State, and County permitting requirements and will be the responsibility of the sub-lessees.

The proposed metal recycling facility will be a self-contained operation which will incorporate state-of-the-art technology to handle activities ranging from the receipt of processed and unprocessed vehicles and metal waste, to the containerized shipment of the recycled material to foreign or domestic markets. This new facility, which will be operated by SOS Metals, a California-based firm with over 20 years experience, will handle various metal items which have been discarded such as abandoned vehicles, non-functional white goods (refrigerators, freezers, washers, dryers), construction materials and loose waste. The facility will accept these items from a diverse range of sources such as derelict cars hauled under County contract, self-hauled derelict vehicles and commercial scrap, vehicles salvaged for parts from local junk yards, County and commercially-hauled white goods, commercial scrap (self-hauled or contract-hauled), contract hauling for recyclable construction and demolition waste materials represent the diverse sources of these materials.



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Since the publication of the Supplemental Draft Environmental Assessment (SDEA) in October 2005, the site and operations plan for the proposed metal recycling facility has been revised in response to operational requirements. Important changes include reducing the area of the site from 3.0 to 2.6 acres and consolidating the facility's internal operations into one new pre-engineered building (9,600 sq. ft.) instead of the two separate pre-processing and processing buildings (totaling 8,125 sq. ft.) that were originally proposed. The movable office trailer (200 sq. ft.) that was also proposed in the SDEA is now planned to support both interim and/or long-term operation as needed. Other modifications include conducting interim operations while the pre-engineered building is being constructed and relocating the drainage basin from an area by the southwest corner of the site to a point just beyond the northwest corner of the site. See Figure 5, Preliminary Site Plan for Metal Recycling Facility for the site plan that was included in the SDEA.

The proposed metal recycling facility will be operated in accordance with the terms of its Solid Waste Management Permit (SWMP) which was approved by the State Department of Health (DOH) on November 21, 2005. See Appendix R, Solid Waste Management Permit. Similarly, interim operations, which recently commenced, will be conducted in accordance with the conditions of its modified SWMP approval which was granted by the DOH on May 24, 2006 to allow the facility to operate on a smaller footprint and to conduct interim outdoor operations until the pre-engineered, processing building is completed and operational. See Appendix S, Approved Modifications to Solid Waste Management Permit. To ensure that interim and long-term operations will not have an adverse effect upon the environment, the development and operation of the recycling facility will comply with the standard and project-specific conditions of its SWMP and modified SWMP approvals.

The interim operations plan will allow processing activities to be conducted on a portion of a 21,250 sq. ft. concrete slab until the new pre-engineered building is completed. See Figure 5A, Interim Operations Site Plan. During

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the interim, processing equipment such as the Enviro-Rack (for removing fluids, tires, batteries, etc.) and Sierra 6000 Baler/Logger (for crushing and baling) has been temporarily placed on the concrete slab, which will ultimately be used to permanently store incoming and outgoing material. Similarly, the Enviro-Rack has been placed under a canvas tent to help minimize the possibility of fluid releases. The concrete slab has been sloped to direct any runoff to an oil/water separator which is located within a grated catch basin (sump) near the center of the concrete slab. The oil/water separator, which is used to collect and contain any fluids released during both interim and permanent operations, is checked daily and pumped as often as necessary. The removed material is stored separately and managed in accordance with applicable secondary containment measures. The water that has been treated by the oil/water separator is channeled from the sump to the drainage basin by an 8-inch underground drainline. The balance of the concrete slab is used to store incoming (clean) scrap and processed material.

The long-term operations plan for the proposed metal recycling facility covers an area of approximately 2.6 acres. See Figure 5B, Long-Term Operations Site Plan (the numbers in [ ] correspond to the locations of the following features). The new facility will include a 64-ft. x 150-ft. pre-engineered metal building [1] for pre-processing (fluid, battery, tire removal, etc.) incoming (derelict) vehicles and for the final processing and baling of all scrap metal prior to shipment. In addition, this 9,600 sq. ft. structure will provide secure storage for equipment and high-value non-ferrous scrap metal. Offices, restrooms, showers, and an operations center will be located in a mezzanine (3,000 sq. ft.) within the building [2]. As previously noted, the movable 200 sq. ft. office trailer that was also proposed in the SDEA may still be implemented if additional space is needed.

The pre-engineered building will contain the Enviro Rack which will remove (pre-process) all fluids, batteries, tires, etc. from vehicles prior to processing. All removed fluids will be stored in appropriate containers and picked up on a

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regular basis by a qualified fluid/solvent removal service such as Unitek. The building will also contain the Sierra 6000 Baler/Logger, which is capable of crushing and baling anywhere from 12 to 20 vehicles per hour. The finished bales, which are about 18-inches high, 48-inches wide, and of various lengths (depending on their original lengths), will be scaled, tagged, and placed in an outbound storage area before being loaded into containers for shipment. Each 40-ft. container can hold 22 tons or the baled equivalent of 11 vehicles. The facility will be able to manage between 1,500 and 2,000 tons of various types of scrap metal per month. All processed scrap will be regularly shipped for sale to foreign or domestic markets. Except for small quantities of non-ferrous materials (less than one container load), no processed material will be stored on site for longer than 90 days. All non-recyclable residuals will be hauled to the Central Maui Landfill weekly.

The initial receipt and processing of materials will be handled by the operations center, which will overlook a truck scale and control all traffic. All incoming material will be visually screened and non-acceptable material rejected. The incoming material will be received and documented either as individual units (vehicles, white goods) or by weight (bulk scrap). Once processed and baled, each bale will be weighed and automatically entered into a computer tracking system. The facility will have an 80-ft. truck scale and a 10,000 lb. platform scale. The truck scale will be used to determine the weights of incoming scrap and outgoing material shipped by container or truckload. The platform scale will be used to weigh outgoing material shipped in smaller containers.

Refuse or non-scrap recyclables will not be accepted at the site except as incidental to incoming scrap. Non-hazardous materials will be segregated during the various processing phases for disposal at the Central Maui Landfill. Hazardous materials or other materials which are banned from landfill disposal (batteries, fluids, tires, etc.) will not be accepted at the facility except as incidental to incoming scrap. Any hazardous waste which is separated out

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during processing will be managed in accordance with State and Federal regulations.

Incoming vehicles, white goods, and other material which require the removal of fluids and other potential contaminants will be routed to the pre-processing storage area [3]. Clean scrap metal will be directed to the main storage area [4]. Once the receiving and pre-processing phase has been completed, the various types and grades of scrap metal will be directed to temporary storage areas [5]. The truck scales will weigh all bulk material entering the site, as well as all scrap metal leaving the site.

Any processing that could potentially result in the release of fluids or other contaminants will be carried out in the pre-engineered metal building [1]. The building will contain concrete curbs and entry grates to control any fluids that are accidentally released during processing. Recovered materials which could pose an environmental concern (e.g., fluids, freon, batteries, etc.) will be stored in an adjacent secure containment building [6] which will have the capacity to store 1,000 gallons of various fluids. In addition to a temperature-activated alarm, this building will have a sealed floor with a containment capacity for 200% of the largest storage container (55 gallon drum).

In addition to the preceding improvements, other related improvements for the proposed metal recycling facility include the following

The site will be completely enclosed by a 6-ft. high chain link fence with automatic entry gates at its two entry points. A paved road extending south from Nakeke Place will provide access to the facility, while a paved perimeter road will provide internal circulation within the site. A secondary access (emergency use only) will be provided and will span the existing irrigation ditch to the east of the site.

The Baseyard's water system has been extended to the approximately 2.6-acre site and appropriate service lateral, water meter, and waterline

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installations have been made to provide water to the site for domestic, fire flow, and irrigation purposes. The design of this water system complies with the Rules and Regulations of the Department of Water Supply.

Wastewater generated by the recycling facility will be handled by an individual wastewater system (septic tank and leach field), which will conform to the applicable provisions of Chapter 11-62, Hawaii Administrative Rules, regarding Wastewater Systems.

The drainage scheme has been slightly modified since the publication of the SDEA. The drainage basin that was originally proposed at the southwest corner of the site was relocated to an area by the northwest corner of the site. Runoff from the concrete (work/storage) slab will now be treated by an oil/water separator which will convey the runoff from a grated catch basin to the drainage basin via an 8-inch underground drainline. Following the existing drainage pattern, any overflow from this basin will be subject to controlled release and will flow toward a low-lying area along Mokulele Highway near the middle of Lot 1C where it will enter an existing 30-inch culvert and flow onto the sugar cane fields on the other side of the highway. In addition, an earthwork feature, which operates like a sump, has been constructed just inside the fence of the recycling facility to control on- and offsite runoff. The common detention basin that was described in the SDEA and proposed to accommodate the future runoff from the balance of Lot 1C has been deleted. Accordingly, site-specific drainage schemes will be formulated as future land uses are proposed on the balance of Lot 1C. Due to the reduction in land area for the metal recycling facility (from 3.0 to 2.6-acres), post-development runoff will be less than the 9.98 cubic feet per second (cfs) calculated in the SDEA. The design of the modified drainage system will comply with the Rules for the Design of Storm Drainage Facilities in the County of Maui.

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Power and phone lines will be extended to the facility via connection to existing overhead utility poles in the area and will be coordinated with MECO and Hawaiian Telcom.

Along its boundary with Mokulele Highway on the west and Pulehu Gulch to the south, *bestill* trees were recently planted and will eventually help screen the view of the facility from the highway. After reaching maturity, this landscape buffer will help supplement the existing row of *wiliwili* trees adjacent to the highway which has been recently plagued by the gull wasp whose embryos feed on its leaves. The landscaping of onsite areas next to Baseyard roadways will comply with the landscape master plan for the Central Maui Baseyard.

It is anticipated that seven full-time employees will staff the new metal recycling facility which will be open on weekdays from 8:00 a.m. to 5:00 p.m. and on Saturdays from 8:00 a.m. to 12:00 noon.

The estimated construction cost for the proposed metal recycling facility and related improvements is approximately \$1.5 million. The recycling facility commenced interim operations in mid-June 2006. Construction of the pre-engineered building is expected to commence upon delivery of the materials by the manufacturer. While the transition from interim to permanent operations is anticipated by September 2006, additional time may be needed to complete the pre-engineered building due to possible manufacturing, shipping, and permitting delays. Should this occur, SOS Metals will submit a request for a time extension to the State Department of Health (DOH). Should future conditions necessitate changes to the facility's long-term operations and site plan, a request for modifications (to the SWMP) will be submitted to the DOH for review and approval.

To the extent possible, sustainable building design concepts will be incorporated into the design of any new and future facilities within the

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proposed heavy industrial areas. In addition to the aforementioned permits and approvals, grading, building, plumbing, and electrical permits for the proposed metal recycling facility will be secured from the Maui Department of Public Works and Environmental Management. National Pollutant Discharge Elimination System (NPDES) general permit coverage will be obtained from the State Department of Health, Clean Water Branch for construction-related activities if required,

## F. ALTERNATIVES

### 1. No Action

**Analysis.** As previously noted, the State Land Use Commission (SLUC) approved the incremental redistricting of Lot 1C (from Agricultural to Urban). See Appendix P, State Land Use Commission Compliance Letter. Lot 1C is also designated for Light Industrial and Agricultural District uses by the Kihei-Makena Community Plan and Maui County zoning, respectively. Lots 59 and 221 are both in the State Urban District and are designated for light industrial uses by both the community plan and zoning.

Under the "no action" alternative, the existing land use classifications of these parcels would be retained. By maintaining these designations, there would be inconsistencies between the pre-existing heavy industrial land uses on Lots 59 and 221 versus the light industrial land uses that are authorized by the community plan and zoning. In addition, there would be conflicting land uses for Lot 1C as well since the agricultural uses under its current County land use designation would be inconsistent with its light industrial community plan classification. As the pre-existing heavy industrial uses on Lots 59 and 221 would not be addressed and since the highest and best use potential for Lot 1C would not be attained, this alternative was not deemed a viable alternative.

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2. Deferred Action

**Analysis.** This option would have a similar consequence as the “no action” alternative as the inconsistencies between land use designations would not be immediately addressed but would be deferred until some point in the future. However, future socio-economic conditions have the potential to affect the timing and feasibility of development projects. For example, an economic recession, high interest loan rates, and marked increases in material and labor costs would affect the feasibility and timing of developing a project. As such, *the “deferred action” alternative was dropped from consideration in light of current, favorable socio-economic conditions.*

3. Alternative Site Plans

**Analysis.** No significant change from past or current land uses is envisioned for Lot 59 (formerly vehicle processing) and Lot 221 (presently abandoned vehicle storage) since the proposed request will accommodate these types of heavy industrial-type activities. Several site plans were prepared and evaluated during the conceptual planning phase for the proposed metal recycling facility on Lot 1C. With the exception of very minor modifications, one of these plans – See Figure 6, Earlier Conceptual Site Plan – is very similar to the site plan shown in the Supplemental Draft Environmental Assessment (SDEA) – See Figure 5, Preliminary Site Plan. However, since the publication of the SDEA, an assessment of interim and long-term operational requirements led to changes which resulted in the interim operations site plan and the long-term operations site plan that are now discussed in this document.

The site planning process for the proposed metal recycling facility considered existing topography, soils, drainage patterns, and



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infrastructure, as well as manmade and physical features such as the concrete irrigation ditches and Pulehu Gulch. Spatial relationships and adjacencies, infrastructure requirements, lot size and configuration, and engineering requirements for access and utilities were examined during this process as well. While there are other site layouts that can be examined, the proposed site plan for the metal recycling facility was deemed the most appropriate in terms of fulfilling the Applicant's objectives of a functional and well designed plan.

4. Alternative Land Uses

**Analysis.** While it may be possible to amend the land use designations of the subject parcels to provide for a different type of land uses or a combination of other land uses, such a change would alter the present industrial character of the subject property and, depending on the nature of the change, may require a District Boundary Amendment, Community Plan Amendment, and a Change in Zoning. In light of the foregoing, re-classifying the subject property for a different land use or a combination of different land uses was not deemed feasible by the Applicant.

5. Alternative Locations

**Analysis.** There is a very limited inventory of vacant land that is currently available for heavy industrial activities. The vast majority of property that is zoned for such uses is currently utilized for light industrial and retail and commercial activities. There are existing heavy industrial-zoned areas at Kahului Harbor, the Maui Electric Company (MECO) power plant at Maalaea, the HC&S sugar mill at Puunene, and the Maui Pineapple cannery and the MECO office and baseyard complex in Kahului. Except for the Central Maui Baseyard, there are no

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other locations that have vacant and/or available land that can adequately accommodate purely heavy industrial uses.

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### III. DESCRIPTION OF THE EXISTING ENVIRONMENT, POTENTIAL IMPACTS AND MITIGATION MEASURES

#### A. PHYSICAL ENVIRONMENT

##### 1. Surrounding Land Uses

*Existing Conditions.* Lot 1C was formerly planted with sugar cane and is currently vacant and undeveloped. Mokulele Highway borders Lot 1C on the west, while Pulehu Gulch abuts it to the south. In addition to a Maui Electric Company substation to the north, another concrete irrigation ditch abuts Lot 1C on the east. Lot 59 is currently unoccupied and is going through "clean closure" procedures due to the termination of Maui Auto Wrecking's vehicle processing operations as a result of industrial accidents. Maui Tow & Transport continues to sublease Lot 221 to store abandoned vehicles for the County of Maui.

Land uses within the Baseyard are characterized by pre-existing light industrial uses. Developed Baseyard lots surround Lots 59 and 221 and lie to the north and east of Lot 1C.

The lands beyond the Central Maui Baseyard are currently utilized for sugar cane cultivation. The nearest residential area is located in Kahului, approximately 2.5 miles to the north of the site.

*Potential Impacts and Mitigation Measures.* From a long-term perspective, the incremental change in land use (from light to heavy industrial) is not expected to have an adverse impact upon surrounding land uses. The Central Maui Baseyard is an appropriate site for the proposed heavy industrial areas given its past and present (industrial) land uses, the purely industrial nature of its activities, and its location and proximity to the freight terminals at Kahului Harbor. In addition, the

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locations of the proposed heavy industrial areas were based upon the Applicant's discussions with the County of Maui and are compatible with the pre-existing uses within the Baseyard and surrounding area.

## 2. Topography and Soils

**Existing Conditions.** The landform of the subject parcels and surrounding area has been extensively modified by past sugar cane cultivation, as well as by past and present Baseyard uses and development.

Lots 59 and 221 are developed parcels that are flat and slope in an east to west direction. Lot 1C, which is vacant and undeveloped, slopes in an easterly to westerly direction, with an average slope of approximately 1.2 percent. Elevations on Lot 1C range from 120 feet above mean sea level (amsl) at its southeast corner to 116 feet amsl at its southwest corner.

According to the Soil Survey of the Islands of Kauai, Oahu, Maui, Molokai, and Lanai, State of Hawaii, April 1972, prepared by the United States Department of Agriculture, the following soil series underlie the subject parcels. See Figure 7, Soils Map.

- Alae cobbly sandy loam, 0 to 3 percent slopes (AcA) occurs on smooth alluvial fans. Its permeability is rapid, runoff is slow, and erosion hazard is no more than slight. This soil is used for sugar cane and pasture.
- Pulehu silt loam, 0 to 3 percent slopes (PpA) can be found on alluvial fans, stream terraces, and basins. It has moderate permeability, slow runoff, and a no more than slight erosion hazard. This soil is used for sugar cane although small acreages are used for home sites.

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According to a 1992 re-evaluation by the United States Geological Service, the seismic hazard for Maui County is classified as Zone 2B, indicating that in any given year within a 50-year period (average building life span), there is a 10 percent chance that 1/5 the force of gravity (ground acceleration) during an earthquake will be exceeded.

**Potential Impacts and Mitigation Measures.** The present topography of Lots 59 and 221 will be maintained and no site modifications will be undertaken. Site work for Lot 1C will involve minimal grubbing and grading. Modifications to its existing landform will unavoidably occur as a result of this work; however, these alterations will not significantly impact its existing topography. To the extent possible, earthwork will be kept to a minimum and cut and fill quantities will be balanced to reduce site work costs and maintain existing drainage patterns. In addition, erosion control measures and Best Management Practices prepared in accordance with the Maui County grading ordinance (Chapter 20.08) will be implemented during construction activities to minimize soil loss and sedimentation.

Overall, the incremental change in land use (from light to heavy industrial) is not expected to have any long-term adverse impacts upon topography and soil conditions. Any new or future heavy industrial development on the subject parcels will comply with all applicable Federal, State, and County permitting requirements and will be the responsibility of the sub-lessees.

### **3. Flood and Tsunami Hazards**

**Existing Conditions.** The Federal Emergency Management Agency's flood insurance rate map for this part of the island (Panel Number 150003/0255B, 6/1/81) reveals that the subject property lies within Zone "C", an area of minimal flooding. See Figure 8, Flood Hazard

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Map. A manmade concrete irrigation ditch and Pulehu Gulch, an intermittent drainageway, border Lot 1C to the south, while another concrete irrigation ditch abuts it on the east.

***Potential Impacts and Mitigation Measures.*** From a long-term perspective, the incremental change in land use (from light to heavy industrial) will not involve any work or construction within Pulehu Gulch or along its banks nor will it be affected by tsunami inundation due to its higher elevation and distance from the ocean. In addition, no adverse impacts from stream flooding are anticipated. As indicated by the Applicant, at no time has Baseyard construction or activities impacted Pulehu Gulch and its surrounding vegetation.

#### **4. Flora and Fauna**

***Existing Conditions.*** Lots 59 and 221 do not provide habitats for any plant or animal life, as they are developed parcels, which are used for vehicle processing and abandoned car storage purposes, respectively. Lot 1C was formerly planted with sugar cane. In December 2004, Hawaiian Commercial & Sugar Company (HC&S), a subsidiary of the landowner A&B Hawaii, Inc., informed the Applicant that it was terminating all sugar cane cultivation on the site. Since then, various grasses and weeds have dominated plant life on the site.

Mammals that are common to the area include feral cats, dogs, rodents, and mongoose. Wild deer, goats, and pigs have also been observed in the greater area. Avifauna that is commonly found in the area includes mynahs and several species of dove, cardinal, house finch and house sparrow.

There are no known rare, threatened or endangered species of flora and fauna located on the subject parcels nor are there any important wildlife habitats or streams and/or wetlands.

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**Potential Impacts and Mitigation Measures.** The incremental change in land use (from light to heavy industrial) is not expected to have any short- or long-term adverse impacts upon plant and animal life or important wildlife habitats.

## **5. Noise Characteristics**

**Existing Conditions.** The level of ambient noise is an important indicator of environmental quality. In an urban setting, industrial and construction activities, as well as aircraft and automotive traffic can result in adverse noise impacts. In a rural environment, traffic noise, surrounding land uses, and construction activities can impact noise levels based on their proximity to noise-sensitive receptors. Chronically high noise levels can impact personal health and the ambience and aesthetic appeal of an area.

Noise in the project area is attributable to traffic traveling along Mokulele Highway, activities within the Central Maui Baseyard, and sugar cane planting and harvesting operations on nearby lands in the vicinity.

**Potential Impacts and Mitigation Measures.** No adverse traffic-related noise impacts are anticipated as a result of the proposed action.

The pre-existing heavy industrial uses on Lots 59 and 221 will be maintained and are not expected to result in adverse noise impacts. For the proposed metal recycling facility, as well as any new or future industrial development on the subject parcels, construction activities will temporarily increase noise levels during the building phase. Noise from construction vehicles and equipment, such as tractor-trailers, front-end loaders, excavators, bulldozers, dump trucks, graders, generators, jackhammers, and power tools would be the dominant source of noise during the construction phase. To minimize noise impacts during the

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construction, construction activities will be limited to normal daylight hours. Should noise from construction activities and/or industrial operations exceed permissible sound levels (70 dBA) for lands zoned for agricultural and industrial use, Community Noise Permits will be obtained from the State Department of Health (DOH) in accordance with the applicable provisions of Chapter 11-46, Hawaii Administrative Rules (HAR) regarding Community Noise Control.

The incremental change in land use (from light to heavy industrial) is not expected to result in significant long-term noise impacts, as the proposed action is deemed compatible with the pre-existing industrial and agricultural uses in the Baseyard and the surrounding area.

## **6. Air Quality**

***Existing Conditions.*** Air quality refers to the presence or absence of pollutants in the atmosphere. It is the combined result of natural conditions (e.g. dust from wind erosion) and emissions from a variety of pollution sources (e.g. automobiles, power-generating plants).

Generally, the impact of a development upon air quality depends upon the type of project (e.g., residential, commercial, industrial) and its stage of progress (e.g., site preparation, infrastructure development, building construction).

The air quality in the Kihei-Makena region is relatively good and is region is currently in attainment of all Federal and State air quality standards. Non-point source vehicle emissions do not generate a significant or high concentration of pollutants, as prevailing winds help to disperse emissions quickly.

***Potential Impacts and Mitigation Measures.*** Short-term air quality impacts related to the proposed action include dust generated by site work (grubbing, grading) and construction activities. Dust control



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measures that comply with Chapter 11-60, HAR pertaining to Air Pollution Control will be implemented during all phases of construction to minimize the effects of fugitive dust. Examples of such measures include but are not limited to the following:

- Providing an adequate water source prior to start-up of construction for use in dust control.
- Landscaping and rapid covering of bare areas, including slopes, beginning with the initial grubbing and grading phase.
- Controlling of dust from shoulders, project entrances and other access roads.
- Providing adequate dust control measures during weekends, after hours and prior to daily start-up of construction activities.
- Controlling of dust from debris hauled away from the site.

To the extent possible, non-potable water will be used for dust control purposes during construction activities.

As the pre-existing heavy industrial uses on Lots 59 and 221 will be maintained, no adverse air quality impacts are anticipated in the long term. The development of the proposed metal recycling facility and any new or future industrial uses on the subject parcels will comply with all applicable Federal, State, and County standards for the control of air pollution, including the provisions of Chapter 11-60, HAR.

## **7. Archaeological/Cultural Resources**

**Existing Conditions.** In commenting on the previous land use requests for the Central Maui Baseyard, the State Historic Preservation Division (SHPD) noted that the 52-acre site includes a baseyard, which was heavily modified for industrial and commercial use, as well as surrounding sugar cane fields. As indicated by the SHPD, the baseyard area consists of steel frame buildings, paved parking and storage

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areas, and additional structural features. The SHPD also noted that no historic features were observed within the baseyard area and that it was unlikely that undisturbed remains or features were present beneath the sugar cane plow zone or beneath the existing concrete. In addition, the SHPD noted that there was no evidence of historic sites, including World War II-era structures and features, either within the baseyard or in the surrounding sugar cane fields. See Appendix G, State Historic Preservation Division Letters. Limited excavation has occurred during the construction of Baseyard facilities; however, no human burials or cultural deposits were encountered.

According to the Applicant, and based upon a recent field inspection of the Baseyard (including the subject parcels), there are no known traditional beach and mountain access trails on the property nor is there any evidence of such trails. During the State Land Use Commission proceedings for the Central Maui Baseyard in 1996, the Applicant and representatives of the County of Maui and the Office of Planning indicated that they were not aware of any traditional gathering or native Hawaiian practices and beliefs occurring within the Baseyard site.

***Potential Impacts and Mitigation Measures.*** The proposed action will not have an adverse impact upon archaeological and cultural resources. In its review of the original community plan amendment and Change in Zoning requests for the Baseyard, the State Historic Preservation Division (SHPD) indicated that it has no record of historic sites in the area nor is it likely that any sites are still present. The SHPD also stated that the proposed action would have "no effect" on significant historic sites. See Appendix G, State Historic Preservation Division Letters.

The pre-existing heavy industrial uses on Lots 59 and 221 will be maintained and will not impact historical or cultural resources. If

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required, a qualified archaeologist will be present to monitor all subsurface, ground-altering activities during the construction of the proposed metal recycling facility and any new or future industrial facilities on the subject parcels. The archaeologist will have the authority to halt excavation in the event archaeological features or cultural deposits are identified during monitoring. Should this occur, the SHPD would be consulted to determine an acceptable course of action. If human remains are located, work will cease in the vicinity of the find and the find protected from further disturbance. The SHPD and the Maui/Lana'i Islands Burial Council will be promptly notified and procedures for the treatment of the remains will be implemented in accordance with Chapter 6E-43, Hawaii Revised Statutes (HRS).

## 8. Visual Resources

**Existing Conditions.** The subject parcels are not located within a scenic view corridor nor do they contain any features of visual importance. As viewed from Mokulele Highway, Haleakala can be seen to the east, while the West Maui Mountains can be observed to the west. Lots 59 and 221 are located in the interior of the Baseyard and are not visible from the highway. Along its boundary with Mokulele Highway, an existing row of tall *wiliwili* trees partially screens Lot 1C from traffic traveling along the highway. In a letter dated March 7, 2002, the Maui Planning Department approved the Parking and Landscape Master Plan for the Central Maui Baseyard. Later, in correspondence dated November 20, 2003, the Planning Department indicated that any changes to the approved plan should be submitted to the department for review and approval. See Appendix H, Department of Planning Letters.



*Potential Impacts and Mitigation Measures.* The pre-existing heavy industrial uses on Lots 59 and 221 will be maintained and will not alter the surrounding visual landscape.

While the new pre-engineered building will alter the present appearance of Lot 1C, its 30-ft. building height is considerably less than the 6-story height limit for buildings or structures that is allowable in the M-2, Heavy Industrial (except for chimneys or smokestacks). Maui Scrap Metals, which was shut down by the State Department of Health (DOH) in May 2005 because it did not have a Solid Waste Management Permit (SWMP) for processing vehicles and white goods, stacked vehicles at significant heights which resulted in adverse visual impacts.

Condition No. 17c of the SWMP for the proposed metal recycling facility prohibits the stacking of any unprocessed vehicles and white goods. Condition No. 21 permits the stacking of ferrous and non-ferrous scrap metals provided that the stacked height does not cause the pile to collapse or result in injuries to workers. Condition No. 22 allows processed vehicles and white goods to be stacked as long as there is no release of residual fluids and provided that its height does not produce worker injuries or trigger the collapse of the pile. In addition, Condition No. 12 requires that "Suitable means shall be employed to control nuisances and minimize odors and vectors (such as rodents and insects). *The facility shall maintain a neat and orderly appearance and must be screened and buffered to minimize nuisances to neighboring properties.*" All incoming vehicles, white goods, and scrap metals at the proposed recycling facility will be properly, promptly, and efficiently processed for outgoing shipment.

Along its boundary with Mokulele Highway on the west and Pulehu Gulch to the south, *bestill* trees were recently planted to eventually help screen the view of the facility from the highway. After reaching

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maturity, this landscape buffer will help supplement the existing row of *wiliwili* trees adjacent to the highway which has been recently plagued by the gull wasp whose embryos feed on its leaves. The landscaping of onsite areas next to Baseyard roadways will comply with the landscape master plan for the Central Maui Baseyard. Modifications to the Parking and Landscape Master Plan for the Baseyard will be submitted to the Planning Department for review and approval when Lot 1C development is completed in the future.

## 9. Agriculture

**Existing Conditions.** The island of Maui encompasses a total land area of 465,800 acres. Of this total area, lands in the State Agricultural District comprise 245,783 acres (Maui County Data Book, 2002). As previously stated, Lots 59 and 221 are pre-existing, developed parcels, while the land underlying Lot 1C is currently vacant and undeveloped.

The "Detailed Land Classification – Island of Maui" contains productivity ratings for land, which were prepared by the University of Hawaii's Land Study Bureau (LSB). According to this document, the land underlying the project site has an overall productivity rating of "A7li" – properties that are characteristic of very productive agricultural land provided it is irrigated. On the LSB ratings scale, the letter "A" represents the class of highest productivity, while "E" indicates the lowest. See Figure 9, Land Study Bureau Classifications.

The State of Hawaii has established three (3) classes of agriculturally important lands to the State: 1) Prime Agricultural Land, 2) Unique Agricultural Land, and 3) Other Important Agricultural Land. Prime Agricultural Land is land best suited for the production of food, feed, forage, and fiber crops. Unique Agricultural Land is land other than Prime Agricultural Land and is used for the production of specific high-value food crops. Other Important Agricultural Land is land other




than Prime Agricultural Land or Unique Agricultural Land that is of Statewide or local importance for the production of food, feed, fiber, and forage crops. As indicated by the map that depicts Agricultural Lands of Importance to the State of Hawaii (ALISH), the project site contains Prime Agricultural Land. See Figure 10, ALISH Map.

Herbicides and pesticides that HC&S has used for past agricultural operations include the following (PBR Hawaii, December 2004).

- Aatrex 90 (*active component - atrazine; use - weed control*)
- Amine 4 (*active component - 2, 4-D; use - weed control*)
- Aqua Master (*active component - glyphosate; use - weed control*)
- Banvel (*active component - dimethylamine salt of dicamba; use - weed control*)
- Ethrel (*active component - ethephon; use - tassel control*)
- Evkik 80 W (*active component - ametryn; use - weed control*)
- GB-1111 (*active component - petroleum oil; use - mosquito control*)
- Karmex (*active component - diuron; use - weed control*)
- Pentagon 60 WDG (*active component - pendimethalin; use - weed control*)
- Polado L (*active component - glyphosate; use - plant growth regulator*)
- Roundup Ultra (*active component - glyphosate; use - weed control*)
- Vecto Bac (*type - nonchemical biological agent; use - mosquito control*)
- Velpar (*active component - hexazinone; use - weed control*)

Fertilizers used by HC&S for its sugar cane cultivation activities include the following (PBR Hawaii, December 2004).

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- Urea (*use* - source of nitrogen)
  - Potash solution (*use* - source of potassium)

Since World War II, Lots 59 and 221 have been primarily used for construction baseyard and storage purposes. More recently, Lot 59 has been used for auto processing, while Lot 221 is being used to store derelict vehicles for the County of Maui.

The use of chemicals and fertilizers will be limited to the establishment of landscaping on Lot 1C and the maintenance of the pre-existing plantings around Lots 59 and 221. Pesticides will be used minimally for treatment purposes and not as a preventative measure. In addition to aesthetics, the selection of landscaping for Lot 1C will be based upon aesthetics, hardiness, drought tolerance, and resistance to pests. Fertilizers with a mixture of nitrogen, phosphorus, and potash would be applied to grassed areas, ground cover, and flowering shrubbery. By employing appropriate irrigation techniques, any leaching of fertilizers would be negligible.

In response to a letter from the State Department of Health (DOH) dated April 15, 2005, Lot 1C was tested for arsenic contamination since it was formerly utilized for sugar cane cultivation. See Appendix N, Pre-Consultation Letters and Appendix I, Soil Assessment. Near-surface soil samples (from 0 to 3 inches deep) were taken from five widely spaced locations throughout the site and submitted to Oceanic Analytical Laboratory for arsenic testing. The test results did not detect arsenic in any of the soil samples. The reporting limit for the analyses was 5 milligrams of arsenic per kilogram of soil. The DOH has informally adopted a soil screening level for arsenic of 22 milligrams per kilogram, which is about the level that naturally occurs in some volcanic soils in Hawaii.



**Potential Impacts and Mitigation Measures.** At the present time, only Lot 1C is zoned for agricultural activities as Lots 59 and 221 are zoned for light industrial uses. Lot 1C occupies a gross area of 10.714 acres, which represents only 0.00004 percent of the land in the State Agricultural District. During the processing of the District Boundary Amendment for the Baseyard in 1996, Lot 1C was deemed expendable by the landowner since its real estate holdings in the area were approximately 36,000 acres. Subsequently, in December 2004, Hawaiian Commercial & Sugar Company (HC&S), a subsidiary of the landowner A&B Hawaii, Inc., informed the Applicant that it was terminating all sugar cane cultivation on Lot 1C.

As agricultural features such as irrigation ditches and cane haul roads surround the Central Maui Baseyard on three sides, the Applicant and HC&S has and will continue to work with each other as they have during the past, to ensure that agricultural activities are not affected by Baseyard activities.

It should also be noted that the Applicant, pursuant to its master and subtenant leases, has and will continue to inform tenants of the potential effects of surrounding agricultural activities and that the Hawaii Right-to-Farm Act limits the circumstances under which pre-existing farming operations may be deemed a nuisance.

Based on the foregoing, the proposed action will not have a significant impact upon the total acreage and inventory of lands that are available for agricultural uses.

## **B. SOCIO-ECONOMIC ENVIRONMENT**

**Existing Conditions.** The island of Maui experienced relatively strong population growth during the past decade with the 2000 resident population reaching 117,644, a 29 percent increase over the 1990





population of 91,361. Population growth is expected to continue as the resident population for the year 2020 is projected to reach 160,090, an increase of 36 percent (SMS Research and Marketing Services, Inc., June 2002).

From 1990 to 2000, the Kihei-Makena region experienced a similar growth rate as evidenced by a 49 percent increase in its resident population. During this period, the population increased from 15,365 in 1990 to 22,870 in 2000. For the year 2020, the resident population in the region is projected to increase to 31,576, a 38 percent gain over the 2000 population (SMS Research and Marketing Services, Inc., June 2002).

The hospitality industry is a major component of the island's economy and a dominant force in South Maui. Tourist-oriented accommodations, businesses, and facilities can be found in the coastal areas of Maalaea, Kihei, Wailea, and Makena. The world renown Wailea and Makena Resorts are popular South Maui visitor destinations.

***Potential Impacts and Mitigation Measures.*** The reclassification of Lots 59 and 221 will not impact current socio-economic conditions, as the pre-existing heavy industrial uses on these parcels will be maintained. The development of new and future industrial uses on Lot 1C, including the proposed metal recycling facility, is not expected to result in inconsistent population growth or any disproportionate impacts upon housing and employment markets.

On a short-term basis, the proposed action will support the economy via direct and indirect construction-related employment, as well as through the purchase of construction materials and building-related services. In the long term, the proposed action will contribute to the economy



through the payment of sales, property, and income taxes and the purchase of goods and services from local businesses.

## **C. PUBLIC SERVICES AND FACILITIES**

### **1. Recreational Facilities**

*Existing Conditions.* The Maui Department of Parks and Recreation (DPR) operates and maintains a total of 16 parks in the South Maui region, including community and recreational facilities such as the Kihei Community Center and the Kihei Aquatic Center. In addition to the Elleair Maui Golf Club in Kihei, privately owned golf courses and tennis courts at the Makena and Wailea Resorts are open to the public.

*Potential Impacts and Mitigation Measures.* The incremental change in land use (from light to heavy industrial) will not have a significant impact upon recreational facilities.

### **2. Police and Fire Protection**

*Existing Conditions.* The Maui Department of Police is responsible for the preservation of the public peace, prevention of crime, and protection of life and property. The department's Kihei Patrol District is one of six (6) such districts in Maui County. In addition to regular patrol duties, the Kihei Patrol District has a substation across from the Kihei Town Center, as well as programs for visitor and community oriented policing, and citizen patrols.

The mandate of the Maui Department of Fire and Public Safety is to protect life, property, and the environment from fires, hazardous material releases and other life-threatening emergencies. The department has 14 stations throughout the County including ten (10)



stations on the island of Maui. In South Maui, the department has two (2) stations, one in Kihei and another at Wailea.

***Potential Impacts and Mitigation Measures.*** A new fireflow line, as well as hydrants, and related appurtenances for the Lot 1C area were recently completed by the Applicant.

From a long-term perspective, there will be no increase in the service area limits for police and fire protection as a result of the proposed action. Any new or future heavy industrial development on the remaining portion of Lot 1C or on Lots 59 and 221 will comply with Maui County fire code standards.

Potential impacts resulting from the use of materials that are combustible in nature include fire, smoke, and explosions. Because fire generates smoke, and explosions often involve fires, basic fire prevention measures include the following.

- Keep work areas free of dust and place all waste paper in appropriate containers.
- Check all incoming items for observable leaks and report them immediately.
- Cleanup any spills and releases immediately.
- Keep combustible material away from heat and ignition sources.
- Replace electrical cords and wires that are frayed and have worn insulation.
- Do not overload circuits, motors, fuses, and outlets.
- Make sure that all equipment is properly grounded.
- No smoking allowed except in designated areas.
- Store all recovered liquids immediately and properly.



To safeguard against possible occurrences, a Fire Prevention and Response Plan (FPRP) will be implemented for the proposed recycling facility in accordance with requirements of the SWMP, the Occupational Safety and Hazards Act (OSHA), and its County Special Use Permit (CSUP). The FPRP will deal with the following topics:

- Identification of potential fire hazards in the workplace and proper handling and storage measures to reduce any possible occurrence.
- Recognizing potential (fire) ignition sources and procedures for fire control and response.
- The type, location, and use of fire suppression equipment and systems for controlling various kinds of fires.
- Selection of a safety officer who will be responsible for implementing the plan, maintaining fire control equipment and systems, and notifying fire, police, and Baseyard personnel.
- Educate employees about fire hazards, prevention, and containment, as well as procedures for evacuations and reporting fires and other emergencies.

In accordance with its CSUP approval, a FPRP will be submitted to the Department of Fire and Public Safety for review and approval during the processing of the Certificate of Occupancy for the proposed recycling facility. Baseyard tenants are responsible for obtaining all necessary permits and approvals for their sites and activities. As such, tenants of other heavy industrial-zoned areas in the Baseyard will be responsible for submitting their own FPRPs to the department for review and approval.



### 3. Schools

**Existing Conditions.** The State Department of Education (DOE) is operates two (2) elementary schools (Kihei and Kamali'i) and an intermediate school (Lokelani) in the South Maui region. Students in grades 9 to 12 attend Maui High School in Kahului. In addition, Montessori's privately operated Hale O Keiki serves Kihei children from pre-Kindergarten to Grade 4.

**Potential Impacts and Mitigation Measures.** The proposed action does not represent an action (such as a residential housing project) that would have a significant impact upon existing educational facilities.

### 4. Medical Facilities

**Existing Conditions.** Located in Wailuku, the approximately 200-bed Maui Memorial Medical Center provides acute and emergency health care services for the County of Maui. Various private care physicians and clinics in the West Maui region also provide medical care and out patient services. In addition, American Medical Response (AMR) provides 24-hour emergency medical service through ten (10) ambulance facilities stationed throughout the County, including eight (8) facilities on the island of Maui and two (2) facilities in Kihei.

**Potential Impacts and Mitigation Measures.** The proposed action is not expected to generate a significant demand for new or additional health care facilities or services and therefore, will not have an adverse impact upon existing medical facilities. In addition, the proposed action will not adversely impact the ability of ambulances to respond to medical emergencies.



## 5. Solid Waste and Hazardous Materials

**Existing Conditions.** The Solid Waste Division of the Maui Department of Public Works and Environmental Management is responsible for the collection and disposal of single-family residential refuse on the island of Maui. County landfills located in Hana, Central Maui, Lanai, and Molokai accept residential and commercial solid waste for disposal. In addition to the disposal of solid waste, the Central Maui Landfill, which is located near Puunene, contains recycling, and composting facilities and also accepts green waste and used motor oil. The Maui Demolition and Construction Landfill, a commercial facility near Maalaea, accepts construction and demolition waste for disposal.

**Potential Impacts and Mitigation Measures.** During site work on Lot 1C, cleared and grubbed material may be used as mulch or transported to the County's green waste recycling facility at the Central Maui Landfill for disposal. Construction waste will be hauled to the Maui Demolition and Construction Landfill for disposal. After completion, refuse collection and disposal will be handled by a private waste disposal service. The refuse generated by the proposed metal recycling facility and any new or future industrial uses on the subject parcels is not expected to have an adverse effect upon solid waste collection and disposal services and facilities.

Pursuant to Chapter 58.1, Hawaii Administrative Rules (HAR), regarding Solid Waste Management Control, all solid waste storage, handling, and processing facilities, including those for the recovery, collection, storage, and treatment of recyclable material, are regulated by the State Department of Health (DOH) and must be designed and operated in accordance with Section 58.1-32, HAR regarding Recycling and Materials Recovery Facilities. As such, the proposed metal recycling facility will be operated in accordance with the terms of its

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Solid Waste Management Permit (SWMP) which was issued by the State Department of Health (DOH) on November 21, 2005, and the conditions of its modified SWMP approval which was granted on May 24, 2006. See Appendix R, Solid Waste Management Permit and Appendix S, Approved Modifications to Solid Waste Management Permit.

In context of the proposed metal recycling facility, examples of hazardous materials typically associated with auto processing and recycling activities include: antifreeze, brake fluid, fuel (gas, diesel), lead-acid batteries, mercury switches, parts washer solvent, refrigerant, solvents, sump sludge, tires, transmission filters and fluids, used oil, and used oil filters.

The SWMP contains special conditions regarding the use of Best Management Practices (BMPs), engineering controls, and design features for the proposed metal recycling facility. See Appendix R, Solid Waste Management Permit. Procedures and requirements for addressing potential environment impacts, including hazardous materials, are also included in the SWMP. In addition, examples of specific BMPs for auto processing operations and other similar or related industrial activities are listed below.

- Drain radiators before flushing, use drip pans under vehicles, and recycle used oils, waste antifreeze, and other fluids.
- Inspect containers for leaks on a weekly basis, keep waste containers in a separate, sheltered floor area with no floor drain, and use secondary containment systems (e.g., impermeable concrete surface with a concrete curb around its perimeter) to contain any substances that may leak or spill.



- Wash engines and parts only if absolutely necessary and use a secondary containment system.
- Use drip pans to prevent spills from reaching the floor and put parts to be cleaned on a drip pan and not on the floor.
- Do not use solvents near drains, store solvents in accordance with fire and building codes, and keep solvent containers closed at all times when not in use.
- Recycle cleaning solvents and store usable and waste solvent in an area with a secondary containment system.
- To avoid the need to wash, use dry sweeping compounds to keep floors clean and reuse sweeping compounds as long as they remain absorbent
- Clean spills immediately, keep spill control supplies and equipment readily available, and train employees on procedures for responding to different types of spills.

Should a potentially hazardous material be accidentally released, all work in the vicinity of the spill will halt immediately and the area will be vacated. Facility managers, first responders (i.e., fire, police, and ambulance personnel), and appropriate government agencies (DOH) will be promptly notified and the affected area will be cordoned off. The release will then be contained and dealt with in accordance with applicable Federal and State regulations. A Hazardous Waste Response Plan will be prepared to address such occurrences.

It is noted that all lessees are required to implement BMPs in accordance with Condition Nos. 8 and 9 of the 1996 D & O (See Appendix B) in order to minimize subsurface and ground water contamination from activities involving the delivery, removal, storage, use, and handing of industrial agents on tenant or common areas of the



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Basyeard. See Appendix J, Central Maui Baseyard - Rules and Regulations and Appendix K, Tenant Lease Conditions for Hazardous Materials Use. To monitor conformity with the preceding standards, an Annual Environmental Compliance Review is conducted for the Applicant by GeoEngineers, an environmental consulting firm. Any BMP violations or potential hazards are detailed in an inspection report and tenants are required to take corrective action within 30 days of written notification. Non-compliance with environmental hazard laws would result in the immediate termination of a tenant's lease.

Given the recent closures of Maui Scrap Metals and Maui Auto Wrecking, and when considering the limited inventory of vacant, heavy industrial-zoned land on the island, and the lack of any permitted metal recycling facilities on Maui, the proposed action would accommodate the pre-existing heavy industrial uses on Lots 59 and 221, benefit the community by providing a much needed, full-service metal recycling facility, and provide space for new and future industrial land uses in locations that are appropriate and compatible with its environs. In the long term, the incremental change in land use (from light to heavy industrial) is not expected to have any adverse impacts upon solid waste facilities and services. Any new or future heavy industrial development on the subject parcels will comply with all applicable Federal, State, and County permitting requirements for solid waste disposal and hazardous materials compliance.

## D. INFRASTRUCTURE

### 1. Water

*Existing Conditions.* Water for domestic and fire flow use in the Kihei area is provided by a public water system that is operated and maintained by the Maui Department of Water Supply (DWS).



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The project area is served by the department's Central Maui system. The main sources for this system include the Waihee aquifer, the Iao Tunnel, the Iao-Waikapu Ditch, and the Iao Aquifer, which was designated as a protected water source in 2003 by the State Commission on Water Resource Management,

While the Central Maui Baseyard connects to the County water system, its (onsite) water system improvements are privately owned and maintained. In the late 1980s, the Applicant constructed offsite and onsite fire protection system improvements for the Central Maui Baseyard. Offsite improvements included approximately 2,000 linear feet (LF) of 12-inch waterline along Mehamaha Loop (from the County's 36-inch water main to Mokulele Highway), while onsite improvements included approximately 2,900 LF of 8-inch waterline with hydrants spaced at intervals of approximately 250 ft. This portion of the off- and onsite improvements was approved by the DWS on December 22, 1989. Subsequently, the Applicant installed approximately 1,700 LF of 8-inch waterline within the Baseyard together with hydrants at approximately 250-ft. intervals. While these improvements were designed in accordance with the department's standards, DWS approval was not required since the installation involved a private system. Later, during 2001-2002, the Applicant completed the installation of approximately 4,600 LF of waterline along Mokulele Highway along with 4 hydrants at 250-ft. intervals where the waterline fronts the Baseyard. An upgraded detector check valve assembly together with 2-inch potable water meters for the Baseyard's potable water service was concurrently installed. The offsite water system improvements that have been completed by the Applicant were approved by the DWS. See Appendix L, Department of Water Supply Letters. More recently, a new fireflow line, hydrants, and related appurtenances for the Lot 1C area were installed by the Applicant.

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***Potential Impacts and Mitigation Measures.*** The Applicant acknowledges that potable water for the proposed heavy industrial areas is subject to the availability of water.

The pre-existing uses on Lots 59 (vehicle processing; used and rebuilt auto part supplies) and Lot 221 (abandoned vehicle storage) will be maintained. As a result, no change in water use will occur on these parcels and water system improvements are not warranted. The water distribution system for the proposed metal recycling facility and any new or future industrial uses on the subject parcels will connect to the existing private system in the Central Maui Baseyard and appropriate service lateral, water meter, and waterline installations will be made to provide water service to the site for domestic, fire flow, and irrigation purposes. The proposed water system improvements will be designed to comply with the Rules and Regulations of the Department of Water Supply.

Using State of Hawaii, Water System Standards (1985), the average daily potable water demand for the proposed metal recycling facility is conservatively estimated to be approximately 18,000 gallons per day (gpd). Detailed domestic, fire flow, and irrigation calculations will be submitted to the DWS as part of the building permit review and approval process for the proposed metal recycling facility as well as for any new or future industrial uses on the subject parcels.

As previously stated, in order to minimize subsurface and ground water contamination from industrial activities, all lessees are required to implement Best Management Practices for the delivery, removal, storage, use, and handing of industrial agents on tenant or common areas of the Baseyard. See Appendix J, Central Maui Baseyard - Rules and Regulations and Appendix K, Tenant Lease Conditions for Hazardous Materials Use. An Annual Environmental Compliance

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Review is also conducted to monitor the fulfillment of these requirements. Non-compliance with environmental hazard laws would result in the immediate termination of a tenant's lease.

The incremental change in land use (from light to heavy industrial) is not expected to result in significant long-term impacts upon the County's public water system.

## **2. Wastewater**

**Existing Conditions.** The Maui Department of Public Works and Environmental Management. (DPWEM) is responsible for a public wastewater system that handles the collection, transmission, treatment, and disposal of sewage in most areas of Central, South, and West Maui. In the Kihei-Makena region, the department operates and maintains a network of sewer lines and pump stations that conveys sewage to the Kihei Wastewater Treatment Facility (KWTF) for treatment and disposal. R-1 effluent, a by-product of the facility's treatment process, is available for non-potable use (e.g., dust control, landscape irrigation) in certain parts of Kihei.

Since the project area is located beyond the service limits of public wastewater treatment facilities in Kihei and Kahului, chemical toilets and septic tank systems accommodate flows generated by the Central Maui Baseyard.

**Potential Impacts and Mitigation Measures.** In accordance with Condition No. 6 of the Decision and Order (D & O) for the 1996 District Boundary Amendment approval for the Central Maui Baseyard, all tenants in the Baseyard must comply with Chapter 11-62, Hawaii Administrative Rules (HAR), pertaining to Wastewater Systems. HAR 11-62 ensures that the disposal of wastewater (including graywater)

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does not contaminate or pollute water resources, create a public nuisance, and does not pose a hazard or potential hazard to public health, safety, and welfare. Since the Baseyard is not served by a public or private sewer system, wastewater generated by tenants has been accommodated by chemical toilets and individual wastewater systems. Since the industrial-type uses on Lots 59 and 221 will be maintained, no new or additional wastewater disposal system improvements are required at this time.

As noted in HAR 11-62-07.1, the disposal of wastewater from agricultural, commercial or industrial activities is reviewed on a case-by-case basis by the DOH, Wastewater Branch which is responsible for the review and approval of all new wastewater systems (including septic tanks) and the monitoring of all existing wastewater systems (including cesspools). To minimize impacts to the environment, any new wastewater disposal system and addition or modification to an existing system is subject to DOH review and approval.

The Applicant has and will continue to ensure that all tenant wastewater disposal systems are in compliance with HAR 11-62. As such, wastewater system disposal plans and construction drawings for the proposed recycling facility will be provided to the DOH for review and approval in connection with processing of its building permit application. Similar submittals will be made for any new facilities within the proposed heavy industrial areas. It should be noted that wastewater discharge points will be determined during detailed engineering and design for the construction plans for the proposed recycling facility.

The incremental change in land use (from light industrial to heavy industrial) is not expected to result in significant long-term impacts to the County's public water system nor will it have an adverse impact upon County wastewater collection systems and treatment facilities.

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### 3. Drainage

**Existing Conditions.** Lots 59 and 221 are flat, developed parcels which slope in an east to west direction. Lot 1C is undeveloped and slopes in an east to west direction, with an average slope of about 1.2 percent. Elevations on Lot 1C range from 120 feet above mean sea level (amsl) at its southeast corner to 116 feet amsl at its southwest corner.

Runoff within the Central Maui Baseyard, including Lots 59 and 221, sheet flows along paved roadways into onsite drainage basins. Overflow from the basins flow into Pulehu Gulch. An existing concrete irrigation ditch borders the project site on the east and south, while an existing 6-ft. chain-link fence defines the border between the Central Maui Baseyard and Pulehu Gulch.

Surface runoff from the area east of Lot 1C sheet flows toward the west toward the existing irrigation ditch. Immediately east of this ditch is Nakeke Place, an industrial road that provides access to Lot 1C and other adjoining Baseyard parcels. See Figure 3, Site Location Map. Nakeke Place slopes in a west to east direction. Along the east side of the road, grated inlet catch basins collect runoff and convey it through the irrigation ditch (via 4-inch PVC drainlines) and onto Lot 1C. The runoff then sheet flows toward Mokulele Highway, where a 1.5-mile segment fronting Lot 1C was recently completed as part of the State's ongoing project to widen the highway from Puunene to North Kihei. See Appendix M, Preliminary Drainage Report.

As part of the highway-widening project, the grade of the new roadway section was raised above the elevation of the Baseyard. The runoff from Lot 1C ponds along the east side of Mokulele Highway until it reaches a height which allows it to enter a 30-inch drainage culvert that was installed as part of the highway-widening project. The drainage

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culvert is located around the midpoint of Lot 1C. The runoff entering the culvert discharges into the sugar cane fields on the west side of the highway.

Based on a 50-year, 1-hour storm, runoff currently generated by Lot 1C is 10.66 cubic feet per second (cfs), with 3.26 cfs attributable to the 3-acres that was formerly proposed for the metal recycling facility (the site is now 2.6 acres) and the remaining 7.40 cfs for the balance of Lot 1C.

***Potential Impacts and Mitigation Measures.*** Lots 59 and 221 will not experience an increase in runoff, as there will be no change in the pre-existing use of these parcels. Accordingly, the runoff generated by these lots will continue to sheet flow into existing drainage facilities as it is presently doing.

The offsite runoff collected by the existing grated catch basins along Nakeke Place, which is discharged onto Lot 1C by the 4-inch PVC drainlines, will be collected by a swale that will run parallel to the existing concrete irrigation ditch. The swale will be built on the west side of the irrigation ditch and will route runoff toward a low-lying area along the east side of Mokulele Highway near the middle of Lot 1C where it will evaporate or percolate into the ground. Heavy or extended rainfall events will create ponding in this area until it enters the 30-inch culvert where it is conveyed onto the sugar cane fields on the west side of the highway. The common detention basin that was described in the Supplemental Draft Environmental Assessment (SDEA) and proposed to accommodate the future runoff from the balance of Lot 1C has been deleted. As such, site-specific drainage schemes will be prepared as future land uses are proposed on the balance of Lot 1C.

Since the publication of the SDEA, a modified drainage system will now be used to control runoff from the proposed metal recycling facility. An



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earthwork feature which functions like a sump has been constructed just inside the fence of the recycling facility to keep onsite runoff from leaving the site and offsite runoff from entering. Runoff from the concrete (work/storage) slab will now go through an oil/water separator which will convey the runoff from a sump (grated inlet catch basin) to a relocated drainage basin by the northwest corner of the site via an 8-inch underground drainline (the SDEA called for the basin to be near the southwest corner of the site). Following the existing drainage pattern, any overflow from the drainage basin will be subject to controlled release and will flow toward the existing 30-inch culvert under Mokulele Highway. Runoff entering the culvert will discharge onto the sugar cane fields on the west side of the highway.

Based on a 50-year, 1-hour storm, runoff currently generated by Lot 1C is 10.66 cubic feet per second (cfs), with 3.26 cfs attributable to the 3-acres that was formerly proposed for the metal recycling facility (the site is now 2.6 acres) and the remaining 7.40 cfs for the balance of Lot 1C. At the time the SDEA was published, the runoff generated by the then 3-acre site for the recycling facility was estimated to be 13.24 cfs, a 9.98 cfs difference over the pre-development condition. In addition, the runoff from the remainder of Lot 1C was estimated to be 30.05 cfs, an increase of 22.65 cfs. The calculations for the post-development runoff were based on a 50-year, 1-hour storm. As a result in the reduction in land area for the metal recycling facility (from 3.0 to 2.6-acres), post-development runoff will be less than the 9.98 cfs that was calculated in the SDEA. The drainage system modifications will be designed to have no adverse effect on adjoining or downstream properties.

Spilled fluids or accidental releases could accumulate over time if work areas are not properly cleaned and regularly maintained. In outdoor areas, these fluids could be transported offsite (Pulehu Gulch, sugar cane fields, Kealia Pond) during heavy rainfall if there are no mitigation

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measures in place. To minimize impacts to downstream and adjacent properties, the removal, handling, storage, and disposal of these fluids and hazardous materials will be conducted in accordance with the terms of the SWMP. The operation of the recycling facility must also comply with the terms of the State Land Use Commission's 1996 Decision and Order (D & O) for the Baseyard as it pertains to hazardous materials and ground and subsurface water contamination. (See Appendix B, Decision and Order – November 13, 1996).

The D & O conditions regarding the management of hazardous materials and measures for minimizing subsurface and ground water contamination are listed below.

- Condition No. 7 calls for the use of appropriate measures to contain spills and prevent materials from leaching or draining into surface or subsurface areas, as well as the implementation of Best Management Practices (BMPs) to minimize non-point source pollutants.
- Condition Nos. 8 and 9 are identical. All tenants must implement BMPs to minimize surface and ground water contamination from onsite activities, including the delivery, removal, storage, use, and handling of industrial products on tenant or common areas.
- Condition No. 11 states that the onsite storage and/or disposal of hazardous wastes must be approved by the applicable Federal, State, and/or County agencies prior to commencement.

In accordance with the conditions of the D & O, all tenant subleases include provisions for the implementation of Best Management Practices (BMPs) in order to minimize subsurface and ground water contamination from onsite activities, including the delivery, removal, storage, use, and handling of industrial products. In addition to the

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State Department of Health (DOH), which conducts frequent inspections of the Baseyard, an Annual Environmental Compliance Review is conducted for the Applicant, by GeoEngineers, an environmental consulting firm. Any BMP violations or potential hazards are detailed in an inspection report and tenants are required to take corrective action within 30 days of written notification. Any continued violation of environmental hazard laws would result in the immediate termination of a tenant's lease. In addition, the Applicant will be implementing stricter lease controls for tenants that have or will require land use (e.g., County Special Use Permit) and/or regulatory (e.g., Solid Waste Management Permit) approvals for their operations. In addition, tenants with SWMPs shall have an approved closure plan and must have closure permit insurance.

The modified drainage scheme will be designed in accordance with the Rules for the Design of Storm Drainage Facilities in the County of Maui. For construction-related activities, a grading permit will be obtained from the Maui Department of Public Works and of Maui, and National Pollutant Discharge Elimination System (NPDES) general permit coverage will be secured from the DOH, Clean Water Branch. As previously indicated by the Applicant, at no time has Baseyard construction or activities impacted Pulehu Gulch and its surrounding vegetation.

#### **4. Roadways**

***Existing Conditions*** Access to the Central Maui Baseyard including the project site, is provided via Mokulele Highway and the Old Waiko Road. Mokulele Highway, a State arterial, falls under the jurisdiction of the State Department of Transportation (DOT), while Old Waiko Road is a private street.

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In the project area, Old Waiko Road is privately owned and maintained by A&B Hawaii, Inc. Similarly, the internal roadway system for the Central Maui Baseyard is privately owned and maintained by S&F Land Company. Street tree plantings and employee parking areas within the Central Maui Baseyard have been provided by the Applicant in accordance with the parking and landscape master plan for the Baseyard.

The State Department of Transportation (DOT), Highways Division is currently in the process of widening Mokulele Highway to four lanes from Puunene in Central Maui to Uwapo Road in North Kihei. This highway-widening project consists of five phases, of which two adjoining phases have been completed. Phase 2A, a one-mile segment, which extends south from Puunene, was the first phase to be completed. In May 2005, work was completed on Phase 2B, a 1-1/2 mile segment which fronts the Central Maui Baseyard and continues further south, from the Puunene cane haul road to the Maui Humane Society facility at the north end of Mehameha Loop. In accordance with Condition No. 3 of the 1996 Decision and Order, the Applicant's landlord, A&B HAWAII, INC, provided road-widening strips for the Mokulele Highway Widening Project. In addition, the Applicant has continued to work with the DOT to ensure that Baseyard improvements do not impact the pedestrian and bike path improvements that are part of the highway-widening project.

As part of Phase 2B, traffic signals were installed at the Mokulele Highway intersections with Old Waiko Road and Mehameha Loop. In addition to improving the long-term traffic circulation in the region, these signals would also serve to accommodate the full build-out of Central Maui Baseyard, which is approximately 75 to 80 percent developed and occupied. Also, as part of Phase 2B, limited secondary access to the

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Baseyard– for right-turn in movements only – has been provided to facilitate access to the Maui Electric substation.

**Potential Impacts and Mitigation Measures.** No roadway improvements are required for Lots 59 and Lot 221, as their pre-existing uses will be maintained. On Lot 1C, a new driveway extending from Nakeke Place will provide access to the proposed metal recycling facility site, while a paved perimeter (loop) road will provide one-way traffic flow for vehicles entering and leaving the site.

A traffic control plan will be implemented during construction of the proposed metal recycling facility and any new or future industrial uses on the subject parcels (if warranted), in order to safely and effectively manage vehicle and pedestrian traffic in the construction area. The traffic control plan would be included in all construction plans, which will be submitted to the County as part of the building permit review and approval process.

As noted by the Applicant, through traffic on Mokulele Highway seems to be the heaviest between the hours of 7:00 to 9:00 am and 3:30 to 5:30 pm. This time frame also coincides with peak traffic volumes on other local and regional roadways.

It should be noted that the traffic signal that was installed at the Mokulele Highway and Old Waiko Road intersection is a *demand*-type signal. The stop light for Mokulele Highway traffic is activated when side street traffic turning onto the highway trips pressure sensors in the Old Waiko Road pavement and triggers the signal.

Pursuant to discussions between the Applicant and the State Department of Transportation (DOT) Highways Division, the signal was installed for safety purposes in order to allow large and slow-moving vehicles to execute side street turning movements onto Mokulele

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Highway without the risk of potential accidents. In light of the recent highway widening improvements, the DOT Highways Division has recently advised the Applicant that a Traffic Impact Assessment Report will not be required for any expansion of the Central Maui Baseyard. The recently completed Phase 2B improvements, which include the traffic signals at the intersections of Mokulele Highway with Old Waiko Road and Mehameha Loop, and the secondary northbound right-turn in/out access into the Baseyard, are expected to adequately accommodate the traffic resulting from the development of the remainder of the Baseyard, including the proposed metal recycling facility.

In its letter dated October 25, 2005, the DOT indicated that the Applicant has complied with the department's transportation requirements for the area at this time. See Appendix O, Supplemental Draft EA Comments and Responses.

In light of the foregoing, the proposed action is not expected to have an adverse impact upon local and regional traffic conditions.

## **5. Electrical and Telephone Systems**

**Existing Conditions.** Maui Electric Company (MECO), Hawaiian Telcom (fka, Verizon Hawaii), and Oceanic Time Warner Cable provide electrical, telephone, and cable television (CATV) service for the South Maui region. Existing power and phone systems in the Central Maui Baseyard are placed on overhead utility poles within roadway rights-of-way in the Baseyard.

**Potential Impacts and Mitigation Measures.** Since the pre-existing uses on Lots 59 and Lot 221 will be maintained, no telephone and electrical system improvements will be required for these parcels. New

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phone and power lines will be extended to Lot 1C to provide service to the site, including the proposed metal recycling facility. The design and construction of the phone and power systems will be coordinated with the utility companies to ensure that these systems meet applicable design and operational criteria. Exterior lighting will utilize fully shielded fixtures (as necessary) for safety, security, and parking.

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## IV. RELATIONSHIP TO GOVERNMENTAL PLANS, POLICIES AND CONTROLS

### A. STATE LAND USE LAW

Chapter 205, Hawaii Revised Statutes (HRS), pertaining to the State Land Use Commission (SLUC), establishes four land use districts into which all lands in the State are placed. These districts are classified as Urban, Rural, Agricultural, and Conservation.

Lots 59 and 221 are in the State Urban District, while Lot 1C lies in the State Agricultural District. See Figure 11, State Land Use District Designations. As previously stated, the SLUC granted incremental District Boundary Amendment approval (from Agricultural to Urban) for 41 of the Central Maui Baseyard's 52 acres. The remaining land – the area roughly comprised by Lot 1C – would be subject to automatic reclassification (from Agricultural to Urban) upon substantial completion of the improvements for the initial 41 acres and the filing and acceptance of the Applicant's request for a Change in Zoning (CIZ) for Lot 1C (from Agricultural to M-2, Heavy Industrial).

Subsequently, in a letter dated August 23, 2005, the SLUC stated that the Maui Planning Department received the Applicant's request for the CIZ for Lot 1C and that the department deemed the application complete. Therefore, the SLUC determined that the Applicant was in compliance with Condition No. 20 and approved the automatic, incremental redistricting of Lot 1C (from Agricultural to Urban). See Appendix P, State Land Use Commission Compliance Letter.



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**B. GENERAL PLAN OF THE COUNTY**

The General Plan of the County of Maui (1990 Update) provides long-term goals, objectives, and policies directed toward improving living conditions in the County. As stated in the Maui County Charter:

*"The purpose of the General Plan is to recognize and state major problems and opportunities concerning the needs and the development of the County and the social, economic and environmental effects of such development and set forth the desired sequence, patterns and characteristics of future development."*

The proposed action is consistent with the following General Plan objectives and policies.

**B. Land Use**

Objective

2. To use the land within the County for the social and economic benefit of all the County's residents.

Policies

- 1b. Provide and maintain a range of land use districts sufficient to meet the social, physical, environmental, and economic needs of the community.
- 1d. Formulate a directed growth strategy, which will encourage the redevelopment and infill of existing communities allowing for mixed land uses, where appropriate.

**IV. E. Public Utilities and Facilities**

Objectives

1. To anticipate and provide public utilities, which will meet community needs in a timely manner.
2. To improve the quality and availability of public facilities.

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### C. KIHEI-MAKENA COMMUNITY PLAN

Maui County has adopted nine (9) community plans. Each community plan examines the conditions and needs of the planning region and outlines objectives, policies, planning standards and implementing actions to guide future growth and development in accordance with the Maui County General Plan. Each community plan serves as a relatively detailed agenda for implementing the broad General Plan themes, objectives and policies.

The locations and land use categories shown on the community plan map serve to guide growth and future development in South Maui. As depicted by this map, the Central Maui Baseyard, which includes the subject parcels, is designated for light industrial uses. See Figure 12, Kihei-Makena Community Plan Map. The Kihei-Makena Community Plan, which was first adopted by Ordinance No. 1490 in 1985, was updated in 1997 as part of the County's decennial review of the various community plans. The updated Kihei-Makena Community Plan was adopted by Ordinance No. 2641 and went into effect on March 6, 1998.

In addition to providing consistency with the pre-existing land uses on Lots 59 and 221, the granting of the Community Plan Amendment (from light to heavy industrial) will provide appropriate areas for heavy industrial uses within the Central Maui Baseyard. The proposed action is in consonance with the following community plan objectives, policies, and standards:

#### LAND USE

##### Goal

A well-planned community with land use and development patterns designed to achieve the efficient and timely provision of infrastructural and community needs while preserving and enhancing the unique character of Maalaea, Kihei, Wailea, and Makena, as well as the

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region's natural environment, marine resources, and traditional shoreline areas.

Objectives and Policies

- k. . . Provide for moderate expansion of services in the Central Maui Baseyard. These areas should not be used for retail businesses or commercial activities. These actions will place industrial use near existing and proposed transportation arteries for the efficient movement of goods.
- r. Allow special permits in the State Agricultural Districts to accommodate unusual yet reasonable uses . .

**ECONOMIC ACTIVITY**

Goal

A diversified and stable economic base, which serves resident and visitor needs while providing long-term resident employment.

Objectives and Policies

- a. Establish a sustainable rate of economic development consistent with concurrent provision of needed transportation, utilities, and public facilities improvements.

**PHYSICAL AND SOCIAL INFRASTRUCTURE**

Goal

Provision of facility systems, public services, and capital improvement projects in an efficient, reliable, cost effective, and environmentally sensitive manner which accommodates the needs of the Kihei-Makena community, and fully support present and planned land uses, especially in the case of project district implementation.

**Liquid and Solid Waste**

Objectives and Policies

- b. Provide efficient, safe, and environmentally sound systems for the reuse, recycling, and disposal of liquid and solid wastes.

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## Energy and Public Utilities

### Objectives and Policies

- g. Encourage the provision of public utilities, which will meet community needs in a timely manner.

## GOVERNMENT

### Goal

Efficient, effective, and responsive government services in the Kihei-Makena region.

### Objectives and Policies

- b. Continue to streamline the permit process, where appropriate, through means such as consolidated public hearings and concurrent processing of applications.
- c. Continue to expedite the review and approval process for projects, which will result in public benefit by "*fast tracking*" and the assignment of permit expeditors.

## D. MAUI COUNTY ZONING

Ordinance No. 2815 was adopted on December 8, 1999 and established conditional M-1, Light Industrial District zoning for 41 of the Baseyard's entire 52 acres, including Lots 59 and 221. Generally, light industrial district zoning encompasses warehousing and distribution types of activities although it permits most activities involving compounding, assembly, and the treatment of articles or materials with the exception of heavy manufacturing and processing of raw materials. Any uses permitted in the B-3, Central Business District; B-2, Community Business District, and B-1, Neighborhood Business District are also allowed in the M-1 Light Industrial District.

Lot 1C is currently zoned for Agricultural District uses. Pursuant to Chapter 19.30A, Maui County Code, principal permitted uses in the

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Agricultural District basically include: agriculture, agricultural land conservation, agricultural parks, animal and livestock raising, and minor utility facilities, while permitted accessory uses include two farm dwellings and one farm labor dwelling (per five acres of lot area). On May 5, 2005, the State Land Use Commission (SLUC) approved an amendment to the 1996 Decision and Order (for the District Boundary Amendment) to allow the Applicant to file a request for heavy industrial zoning for Lot 1C. See Appendix D, Decision and Order – May 5, 2005. During the amendment proceedings, the County of Maui and Office of Planning stated that they had no objections to this request. The County also noted that it needs land that is suitable for heavy industrial uses.

At its regular meeting on September 27, 2005, the Maui Planning Commission approved a County Special Use Permit (CSUP) for the construction and operation of the proposed metal recycling facility until such time that the Community Plan Amendment and Change in Zoning are approved. See Appendix Q, County Special Use Permit.

Generally, a SLUC Special Permit would satisfy both State and County permit requirements for special uses on agricultural-designated lands that are less than 15 acres. However, since the SLUC approved the incremental redistricting of Lot 1C (from Agricultural to Urban), the need for a SLUC Special Permit was negated. Although a metal recycling facility is a permitted use in the State Urban District, a CSUP was required since the recycling facility is considered a special use in the County's Agricultural Zoning District.

The granting of the Change in Zoning request would allow M-2, Heavy Industrial District uses on Lots 1C, 59, and 221. Generally, permissible uses within the heavy industrial district include the manufacture or treatment of goods from raw materials, including activities such as automobile wrecking (if conducted within a building) and establishments used for storing, depositing, or keeping junk or similar goods for

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business purposes. The M-2, Heavy Industrial District also allows any uses permitted in the light industrial district and business zoning districts. See Appendix F, Use Regulations for the M-2, Heavy Industrial District.

It is the Applicant's desire that Lots 1C, 59, and 221 be utilized for purely heavy and light industrial activities and that their use is consistent with Ordinance 2185, which states, "That uses on the Property shall be industrial in nature or accessory to the principal industrial use such as an office for a construction baseyard. No pure retail or commercial activity such as a store or a restaurant should be conducted on the Property."

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## V. CHAPTER 343, HRS SIGNIFICANCE CRITERIA

As background, a Final Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for the Central Maui Baseyard (fka, Mokulele Baseyard) were published in the November 23, 1997 edition of the Environmental Notice in connection with the Applicant's original Community Plan Amendment request in 1995. See Appendix A, Mokulele Baseyard – Final EA/FONSI Publication Notice.

Subsequently, Supplemental Draft and Final EAs have been prepared for the Community Plan Amendment (CPA) and Change in Zoning (CIZ) for the proposed heavy industrial areas in the Central Maui Baseyard. Since the environmental impacts of the Baseyard were previously evaluated in the 1997 Final EA, both the Supplemental Draft and Final EAs examine the potential impacts the incremental change in use (from light to heavy industrial) may have on the natural and manmade environment and discuss appropriate measures to minimize harm to the environment. Because the proposed action involves a CPA, the preparation of an EA is required. Based on this evaluation, a FONSI is appropriate and an environmental impact statement will not be required for the proposed action. This FONSI determination has been made in accordance with the following significance criteria specified in Section 11-200-12 of the Department of Health rules relating to Environmental Impact Statements:

- A. *Involves an irrevocable commitment to loss or destruction of any natural or cultural resource.*

As documented in this report, the proposed action will not result in the loss or destruction of any natural or cultural resources.

- B. *Curtails the range of beneficial uses of the environment.*

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The range of beneficial uses of the environment will not be curtailed by the proposed action. The proposed action is a permissible land use, which will provide opportunities for heavy industrial land uses.

- C. *Conflicts with the state's long-term environmental policies or goals and guidelines as expressed in Chapter 344, HRS, and any revisions thereof and amendments thereto, court decisions, or executive orders.*

The proposed action is not contrary to the State's long-term environmental policies or goals. As documented in this report, mitigation measures will be implemented to minimize potentially adverse impacts to the environment.

- D. *Substantially affects the economic or social welfare of the community or State.*

Beneficial economic effects will accrue to the community from the proposed action. Tenants will contribute to the economic well being of the community through the purchase of goods and services and the payment of sales and real property taxes. The social welfare of the community will also be improved as the full-service, self-contained metal recycling facility will incorporate state-of-the-art technology to handle activities ranging from the receipt of processed and unprocessed vehicles and metal waste, to the containerized shipment of the recycled material to domestic or foreign markets. As documented in this report, the proposed action is not expected to result in any significant adverse impacts to the socio-economic environment.

- E. *Substantially affects public health.*

The proposed action does not involve any circumstances or conditions that will adversely affect public health. To ensure that the interim and long-term operations of the proposed metal recycling facility will not have an adverse effect upon the environment, the development and operation of the facility will comply with the standard and project-specific conditions of its Solid Waste Management Permit (SWMP) and modified SWMP approvals. In addition, the operation of the facility and all land uses within the proposed heavy industrial areas must comply with the terms of the State Land Use Commission's 1996 Decision and Order (D & O) for the Baseyard.

- F. *Involves substantial secondary impacts, such as population changes or effects on public facilities.*

Based upon the findings in this report, including an assessment of the proposed action and socio-economic factors and resources such as



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population, housing, employment, and public services, the proposed action is not expected to result in any adverse secondary impacts. Beneficial secondary effects generated by the proposed action include providing a critical, full-service metal recycling facility that will serve the long term needs of the community, and increasing the inventory of vacant land that is available for heavy industrial purposes.

G. *Involves a substantial degradation of environmental quality.*

Mitigation measures to minimize degradation of environmental quality will be implemented to minimize short-term construction-related impacts such as soil erosion and sedimentation, non-point source pollution, and fugitive dust. The drainage system for the proposed metal recycling facility and any new or future industrial uses on the subject parcels has been designed to effectively manage stormwater runoff and to ensure that runoff will not have an adverse impact upon adjacent and downstream properties.

H. *Is individually limited but cumulatively has considerable effect upon the environment or involves a commitment for larger actions.*

The proposed action is not expected to individually result in long-term adverse impacts which are not capable of being mitigated. Best Management Practices and mitigation measures, as well as compliance with the conditions of the 1996 Decision and Order for the Baseyard and the Solid Waste Management Permit (SWMP) and modified SWMP approvals are compliance measures which will help minimize impacts to the environment.

On a broader scale, in the geographic area between Kahului and Kihei, water quality, land use, population, public services, and infrastructure represent environmental resources, which would be affected by cumulative impacts that are potentially adverse, but are capable of being mitigated.

Water quality will be impacted if the cumulative effects of surface runoff and other non-point source pollutants are not mitigated. Construction activities, including clearing, grading, and excavation, that involves one or more acres, are subject to the National Pollutant and Discharge Elimination System (NPDES) permit process, which requires that Best Management Practices (BMPs) be implemented to control soil erosion and sedimentation. New developments projects are subject to the regulatory review and approval process in which potentially adverse impacts are identified and evaluated, and appropriate mitigation measures are prescribed. Specific compliance standards may also be established depending on the potential severity of the impacts. While

# CORRECTION

THE PRECEDING DOCUMENT(S) HAS  
BEEN REPHOTOGRAPHED TO ASSURE  
LEGIBILITY  
SEE FRAME(S)  
IMMEDIATELY FOLLOWING

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population, housing, employment, and public services, the proposed action is not expected to result in any adverse secondary impacts. Beneficial secondary effects generated by the proposed action include providing a critical, full-service metal recycling facility that will serve the long term needs of the community, and increasing the inventory of vacant land that is available for heavy industrial purposes.

G. *Involves a substantial degradation of environmental quality.*

Mitigation measures to minimize degradation of environmental quality will be implemented to minimize short-term construction-related impacts such as soil erosion and sedimentation, non-point source pollution, and fugitive dust. The drainage system for the proposed metal recycling facility and any new or future industrial uses on the subject parcels has been designed to effectively manage stormwater runoff and to ensure that runoff will not have an adverse impact upon adjacent and downstream properties.

H. *Is individually limited but cumulatively has considerable effect upon the environment or involves a commitment for larger actions.*

The proposed action is not expected to individually result in long-term adverse impacts which are not capable of being mitigated. Best Management Practices and mitigation measures, as well as compliance with the conditions of the 1996 Decision and Order for the Baseyard and the Solid Waste Management Permit (SWMP) and modified SWMP approvals are compliance measures which will help minimize impacts to the environment.

On a broader scale, in the geographic area between Kahului and Kihei, water quality, land use, population, public services, and infrastructure represent environmental resources, which would be affected by cumulative impacts that are potentially adverse, but are capable of being mitigated.

Water quality will be impacted if the cumulative effects of surface runoff and other non-point source pollutants are not mitigated. Construction activities, including clearing, grading, and excavation, that involves one or more acres, are subject to the National Pollutant and Discharge Elimination System (NPDES) permit process, which requires that Best Management Practices (BMPs) be implemented to control soil erosion and sedimentation. New developments projects are subject to the regulatory review and approval process in which potentially adverse impacts are identified and evaluated, and appropriate mitigation measures are prescribed. Specific compliance standards may also be established depending on the potential severity of the impacts. While

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development projects have the potential to impact water quality, the preceding measures can minimize the effects of non-point source pollution.

The cumulative effect of development upon public services is evidenced by the need for additional personnel, equipment, and/or facilities in order to maintain adequate service levels for police/fire protection and solid waste disposal. Depending on the degree of population growth, public park and school systems will need to be upgraded as well. Impacts to public services can be mitigated through the dedication of land and/or the payment of assessment fees. If public services were deemed inadequate, new or additional services would have to be provided concurrent with or prior to the implementation of new development projects. If public services cannot be provided in a timely manner, the implementation of new projects would be delayed.

New development projects will create additional infrastructure demands for public water, sewer, roadway, and drainage improvements unless they are privately constructed and maintained. As with public services, if infrastructure is deemed inadequate, upgrading and expanding the necessary systems would be required prior to or concurrent with new development. If infrastructure cannot be provided on a timely manner, the implementation of new projects would be delayed. Land use patterns also affect transportation behavior, as well as the planning, phasing, and budgeting of infrastructure development projects. As such, new development projects proposed by private entities must be fully coordinated with all appropriate government agencies.

- I. *Substantially affects a rare, threatened, or endangered species, or its habitat.*

The incremental change in land use (from light to heavy industrial) is not expected to have any short- or long-term adverse impacts upon plant and animal life or important wildlife habitats.

- J. *Detrimentially affects air or water quality or ambient noise levels.*

Short-term impacts upon air and water quality and ambient noise levels will occur during construction. These effects, however, will be minimized through the use of Best Management Practices and mitigation measures, as well as compliance with the conditions of the 1996 Decision and Order for the Baseyard and the terms of the Solid Waste Management Permit (SWMP) and modified SWMP approvals for the proposed metal recycling facility. Adverse long-term impacts to these environmental components are not anticipated.

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- K. *Affects or is likely to suffer damage by being located in an environmentally sensitive area such as a flood plain, tsunami zone, beach, erosion prone area, geologically hazardous land, estuary, fresh water, or coastal waters.*

The subject property lies within Zone "C", an area of minimal flooding. The incremental change in land use (from light to heavy industrial) will not involve any work or construction within Pulehu Gulch or along its banks nor will it be affected by tsunami inundation due to its higher elevation and distance from the ocean. In addition, no adverse impacts from stream flooding are anticipated.

- L. *Substantially affects scenic vistas and view planes identified in county or state plans or studies.*

The subject parcels are not located within a scenic view corridor nor do they contain any features of visual importance. The pre-existing heavy industrial uses on Lots 59 and 221 will be maintained and will not alter the surrounding visual landscape. While the new pre-engineered building at the metal recycling facility will alter the present appearance of Lot 1C, its 30-ft. building height is considerably less than the 6-story height limit for buildings or structures that is allowable in the M-2, Heavy Industrial District is 6 stories. To buffer views of the facility from traffic along Mokulele Highway, new landscape planting will be used to supplement the existing row of *wiliwili* trees along the highway and will also be placed along its boundary with Pulehu Gulch.

- M. *Requires substantial energy consumption.*

The incremental change in land use (from light to heavy industrial) is not expected to have any short- or long-term adverse impacts upon energy consumption.

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## VI. CONCLUSIONS

This Supplemental Final Environmental Assessment has been prepared in accordance with Chapter 343, HRS.

The proposed action involves a request to establish appropriate areas for pre-existing, proposed, and future heavy industrial uses on approximately 12 acres of land located in the Central Maui Baseyard at Puunene, Maui.

As discussed in Chapter III of this document, the proposed action will not adversely affect the existing environment and socio-economic conditions as the proposed recycling facility will be designed, constructed, operated, and maintained in accordance with all applicable Federal, State, and County rules and regulations pertaining to these activities. The proposed action will not burden government agencies with the responsibility of providing or improving public services and infrastructure as these resources can adequately accommodate the recycling facility and will not be adversely affected by the project.

In light of the foregoing, a Finding of No Significant Impact (FONSI) is warranted as the proposed action is not expected to result in any significant environmental impacts.

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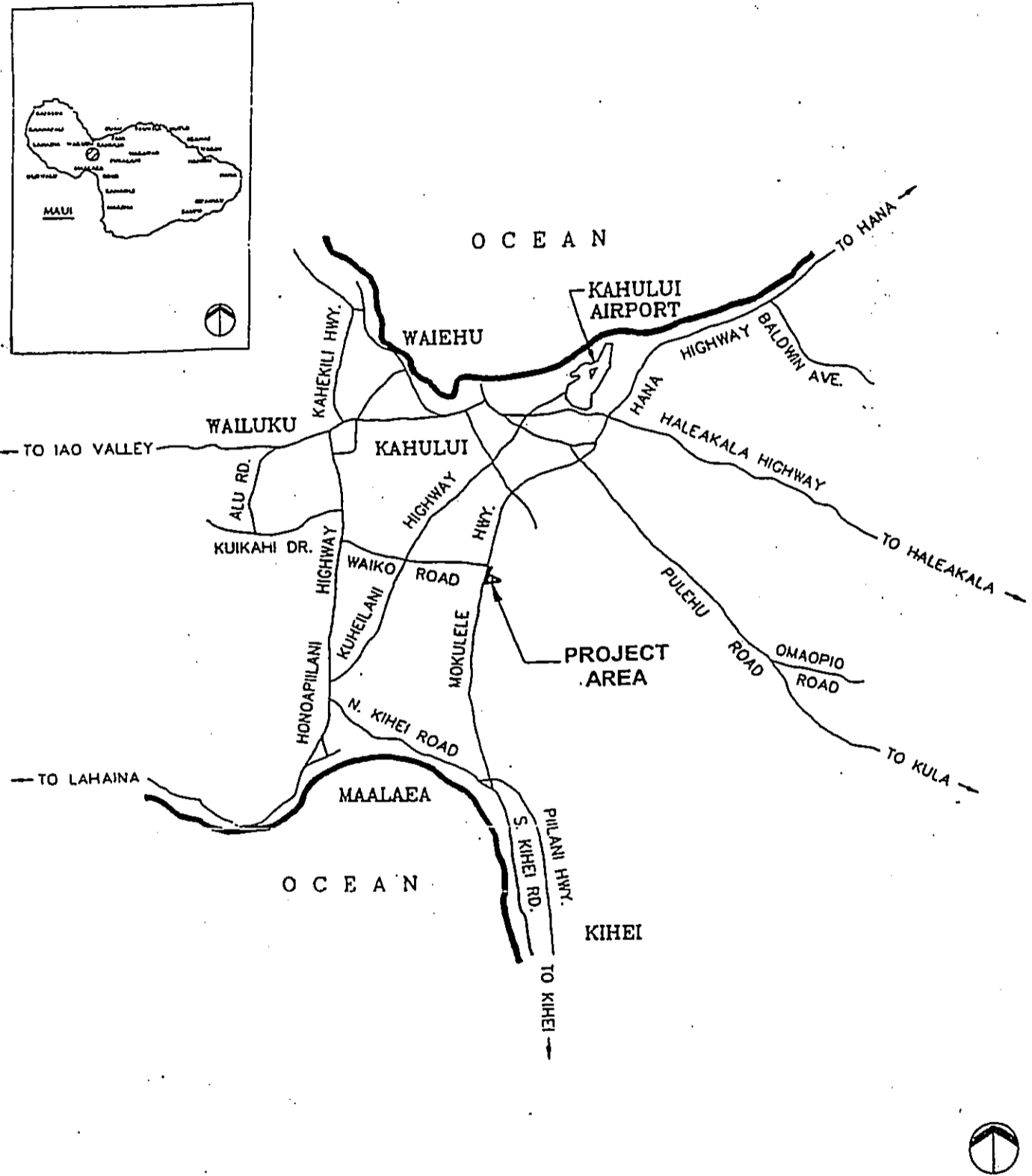
S&F Land Company. *Application for Change in Zoning, Mokulele Highway Baseyard.* June 1995.

University of Hawaii, Department of Geography. *Atlas of Hawaii.* Second Edition. 1983.

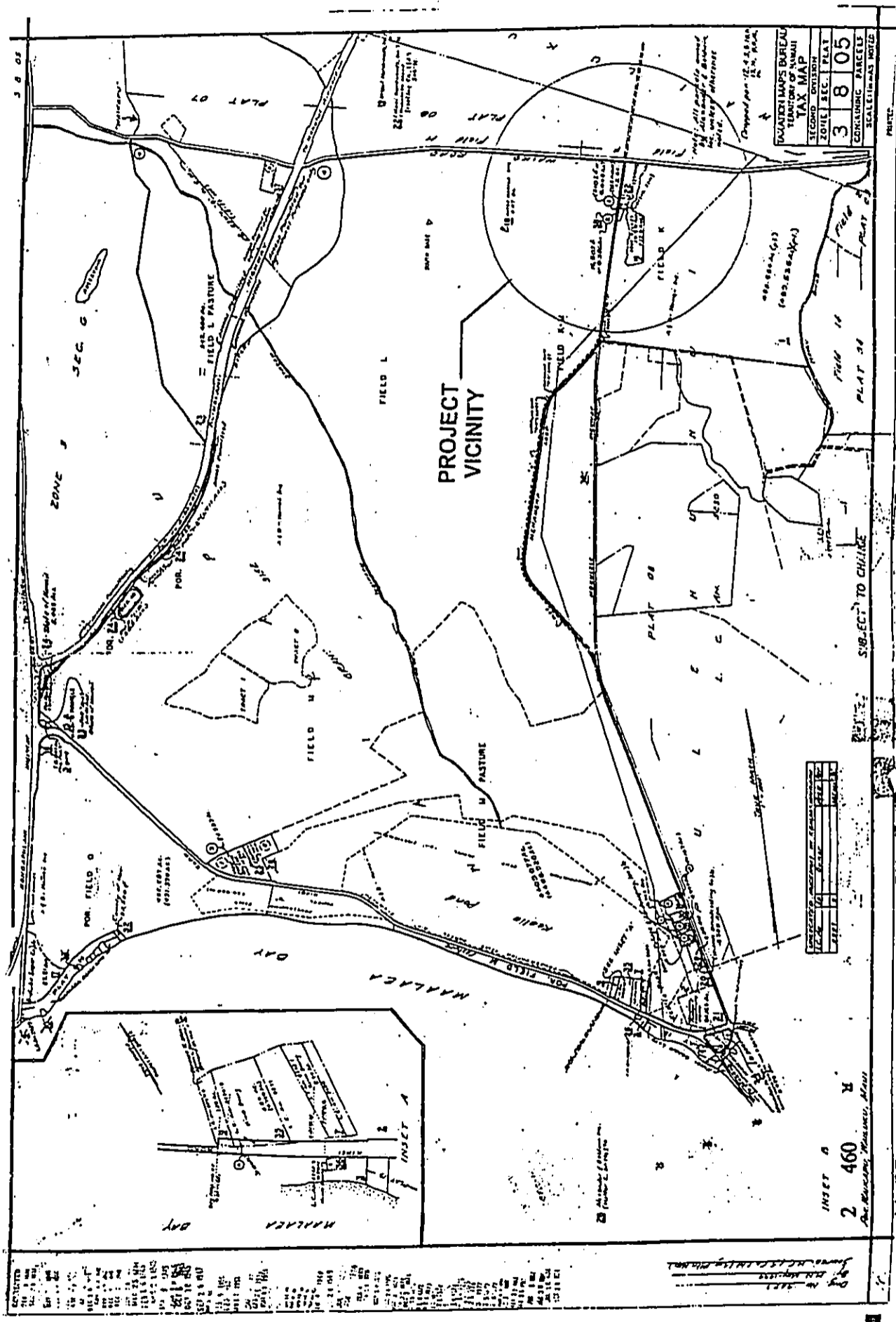
U.S. Department of Agriculture, Soil Conservation Service in Cooperation with the University of Hawaii, Agricultural Experiment Station. *Soil Survey of the Islands of Kauai, Oahu, Maui, Molokai, and Lanai, State of Hawaii.* 1972.



**FIGURES**



**FIGURE 1**  
Regional Location Map



**FIGURE 2**  
Project Vicinity Map



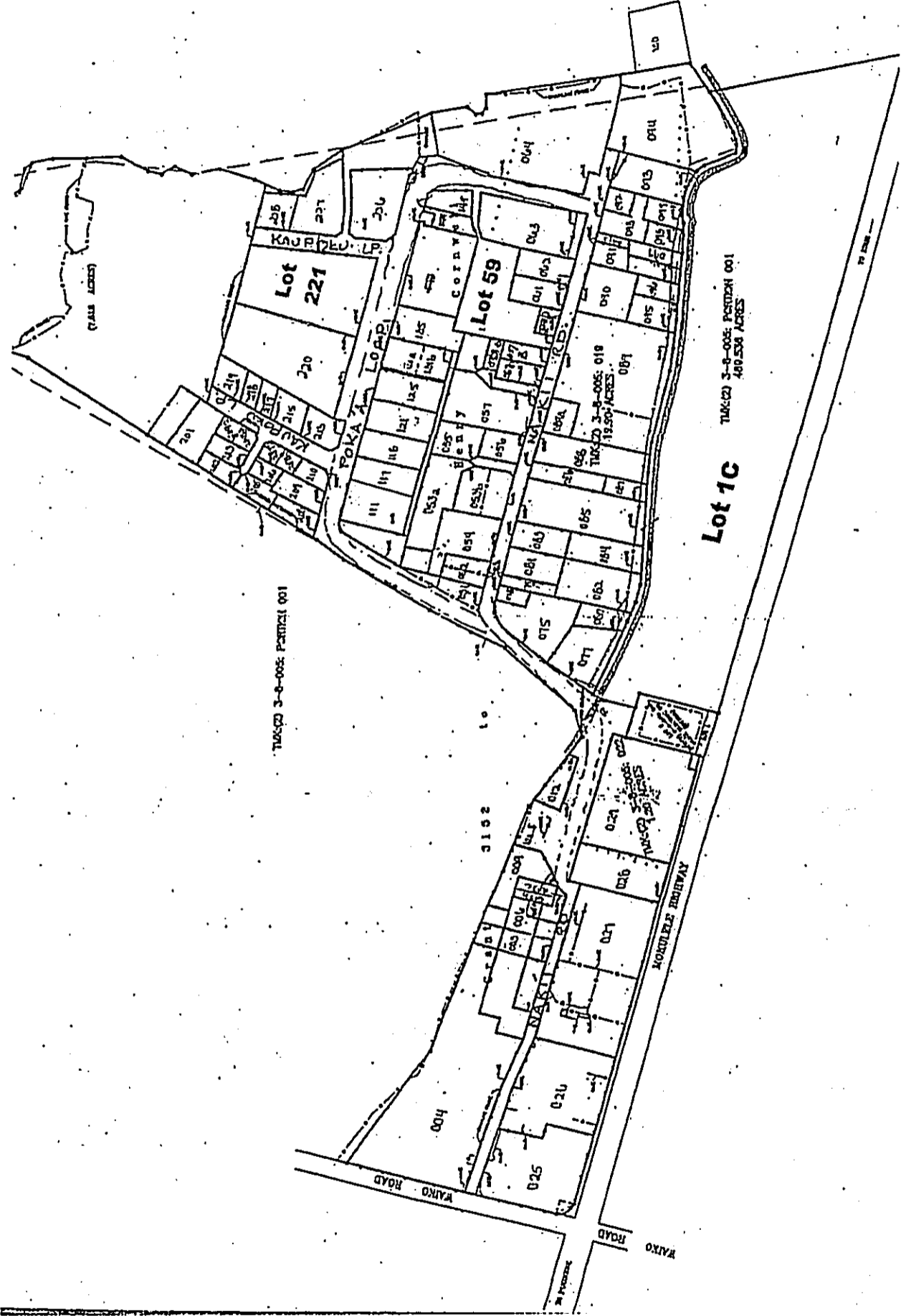
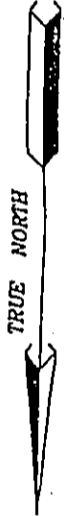


FIGURE 3  
Site Location Map

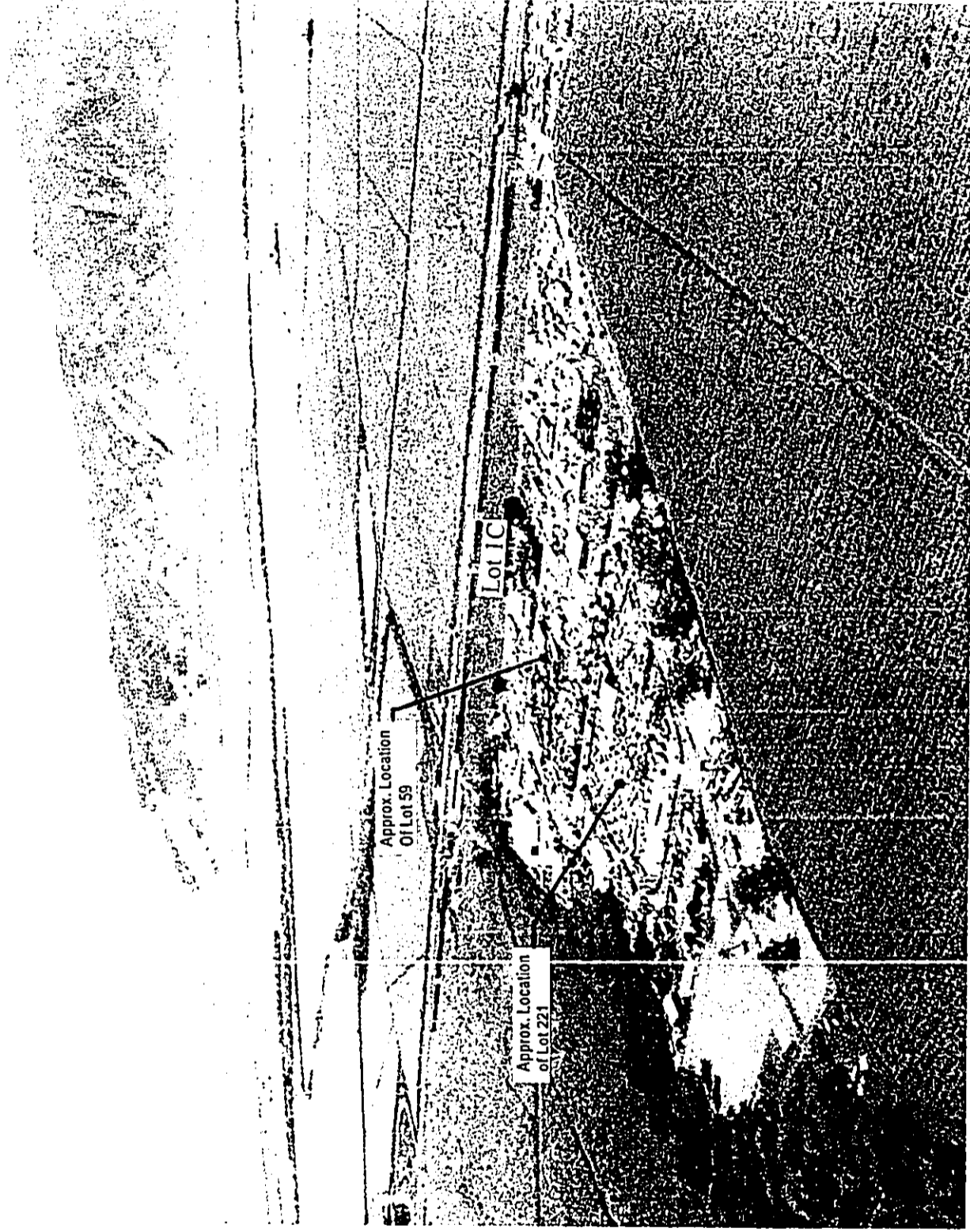
**FIGURE 4**  
**Site Photographs**

Photo 1



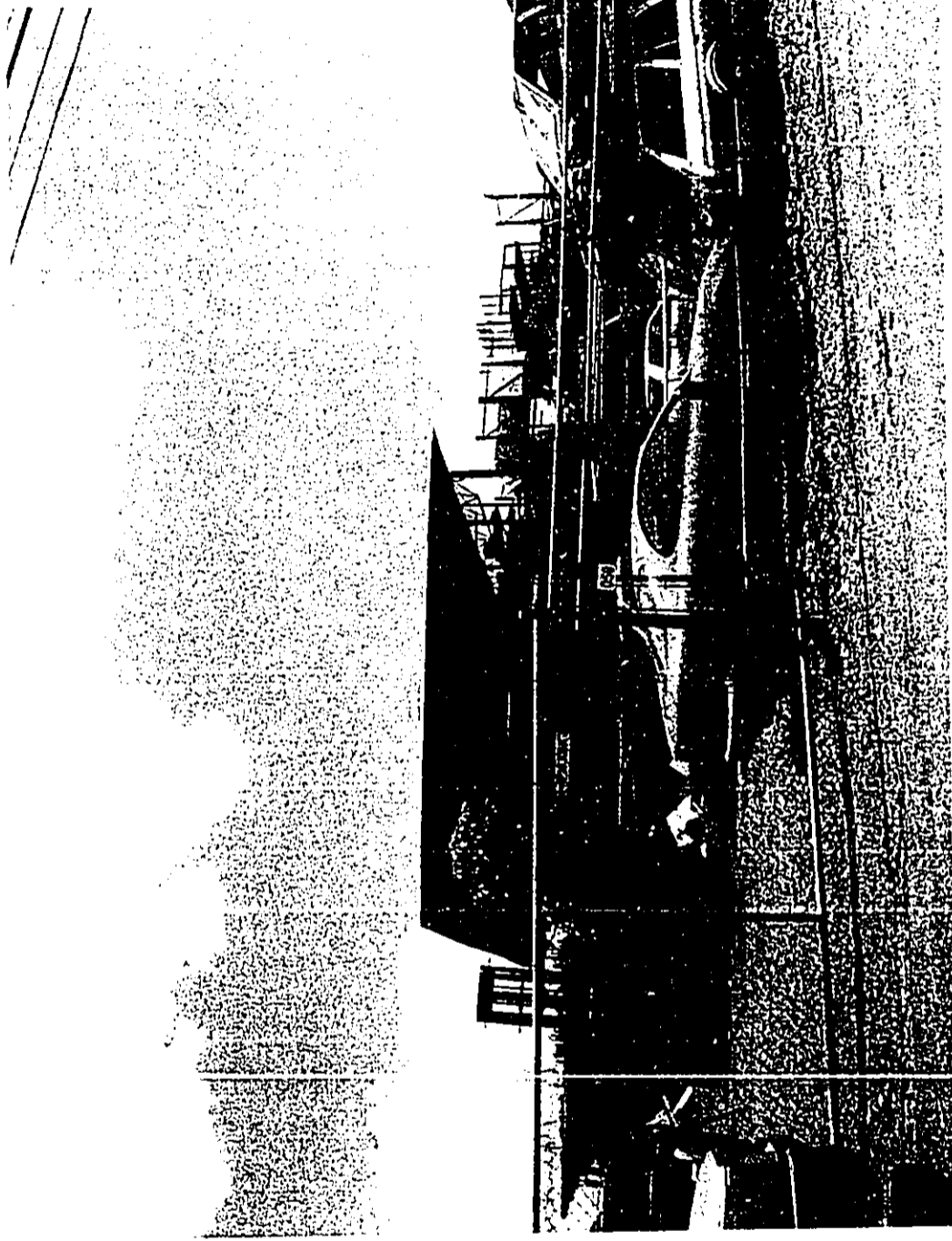
Aerial View of Central Maui Baseyard  
(camera facing south)

Photo 2



Partial Aerial View of Central Maui Baseyard  
(camera facing west)

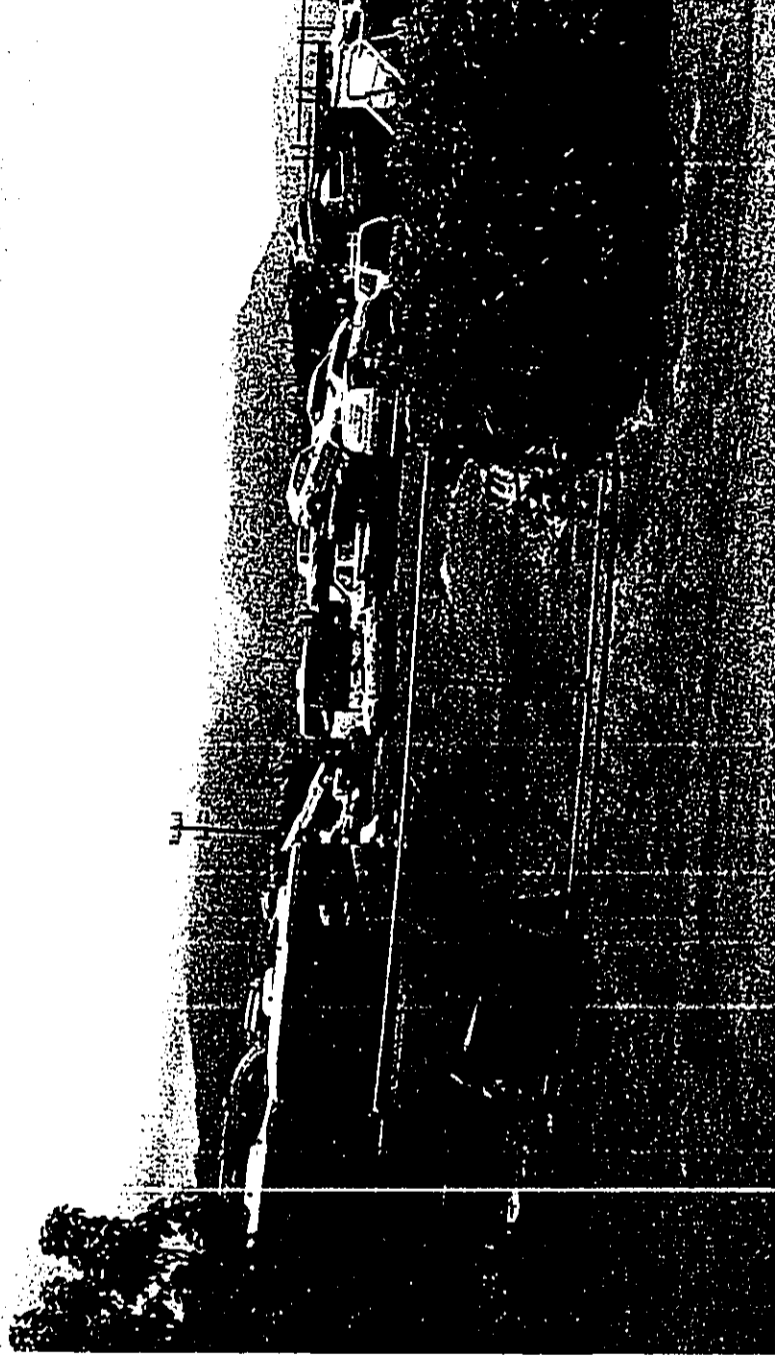
Photo 3



View of Lot 59 – Maui Auto Wrecking  
(camera facing east)



Photo 4



View of Lot 59 – Maui Auto Wrecking  
(camera facing west)

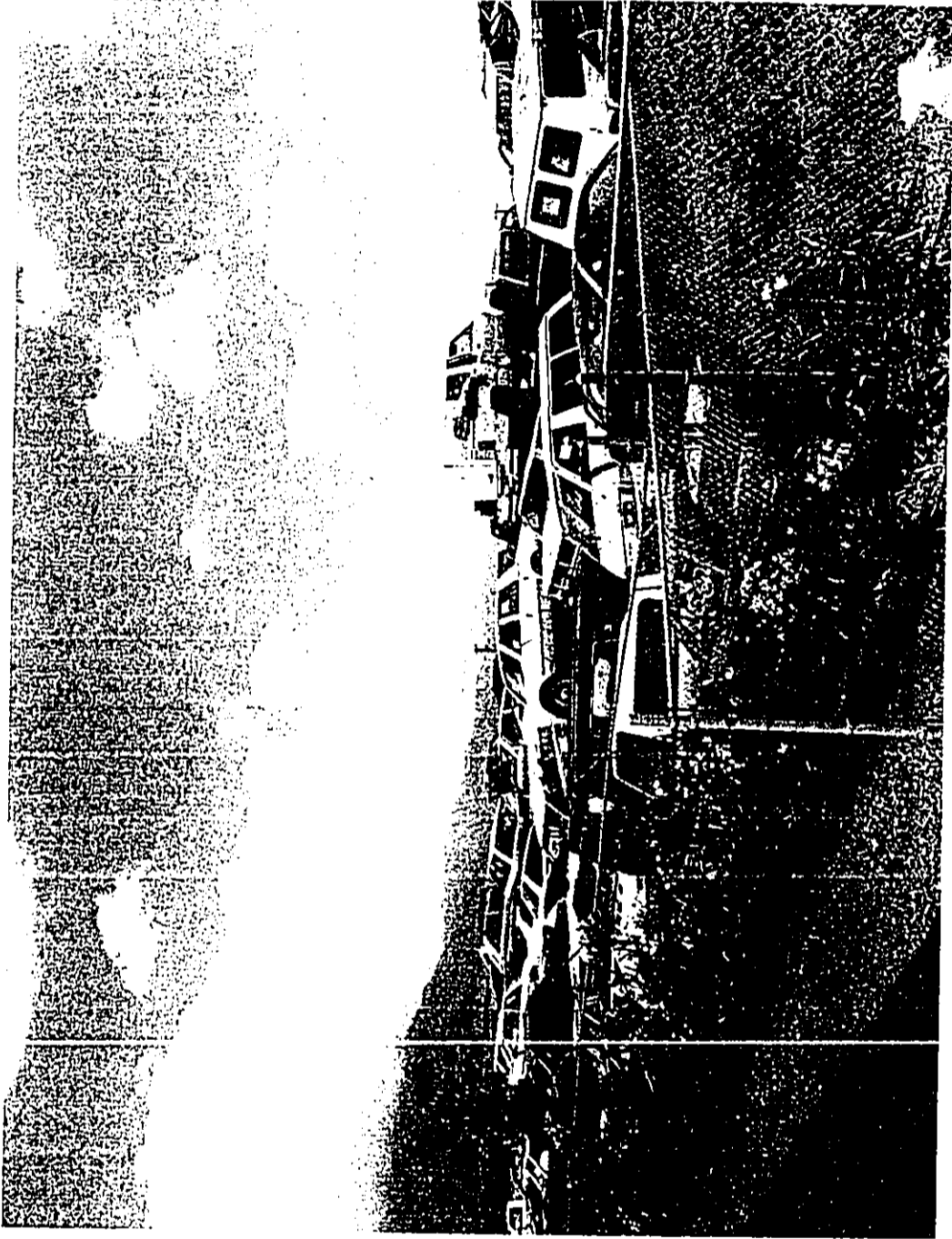
Photo 5



View of Lot 221 – County of Maui, Abandoned Vehicle Storage Yard  
(camera facing east)

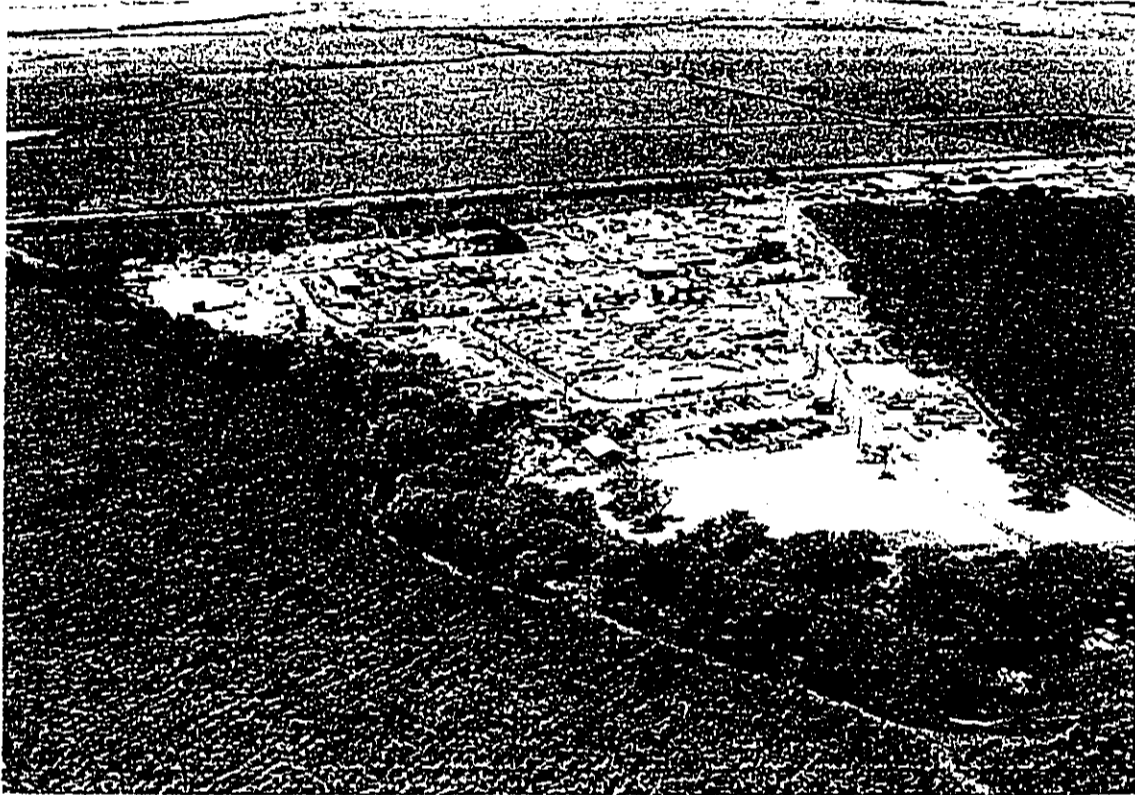
1 3 1 1 1 1 1

Photo 6



View of Lot 221 - County of Maui, Abandoned Vehicle Storage Yard  
(camera facing west)

Photo 7



Undisturbed buffer of kiawe and vegetative cover at Pulehu  
Stream.

Sugar Cane cultivation surrounds the Baseyard on all sides.

Photo 8



New four lane highway and signalized entry for  
Central Maui Baseyard (toward Kihei)

Photo 9

Photo 10



Roadway, parking, fire hydrant and landscape improvements  
within Central Maui Baseyard

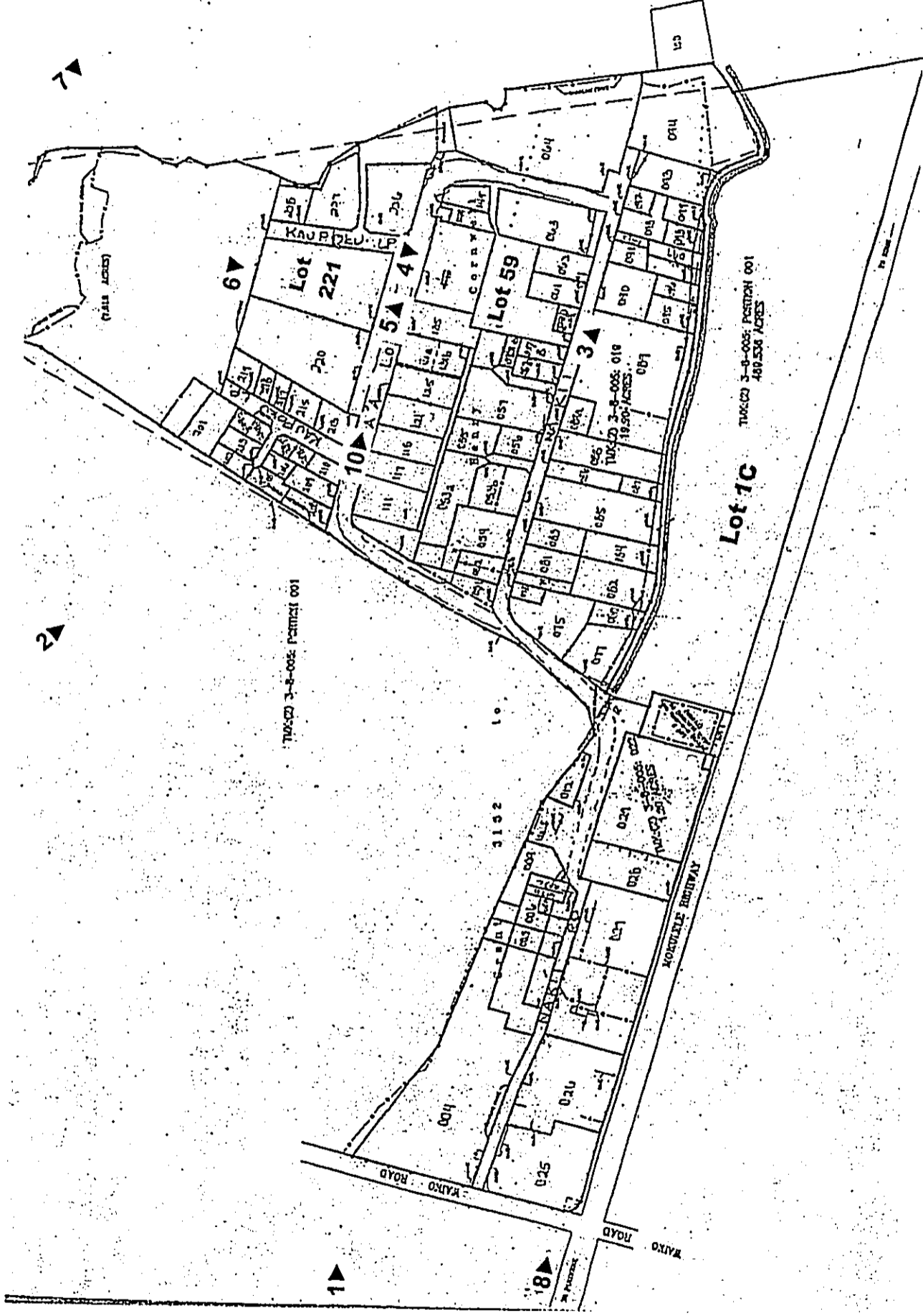
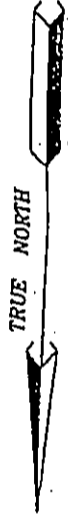


Photo Reference Map



Photo A: Preliminary Interim Operations



Photo B: Preliminary Interim Operations



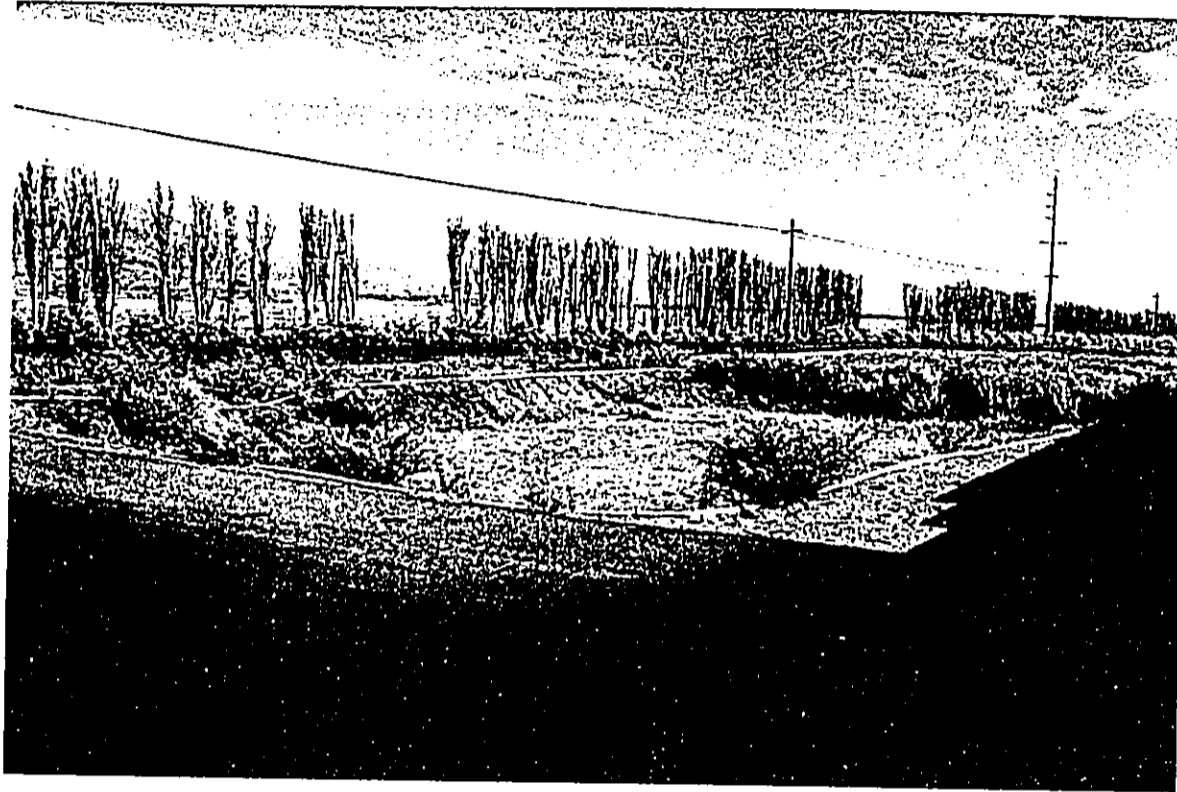


Photo C: Drainage Basin

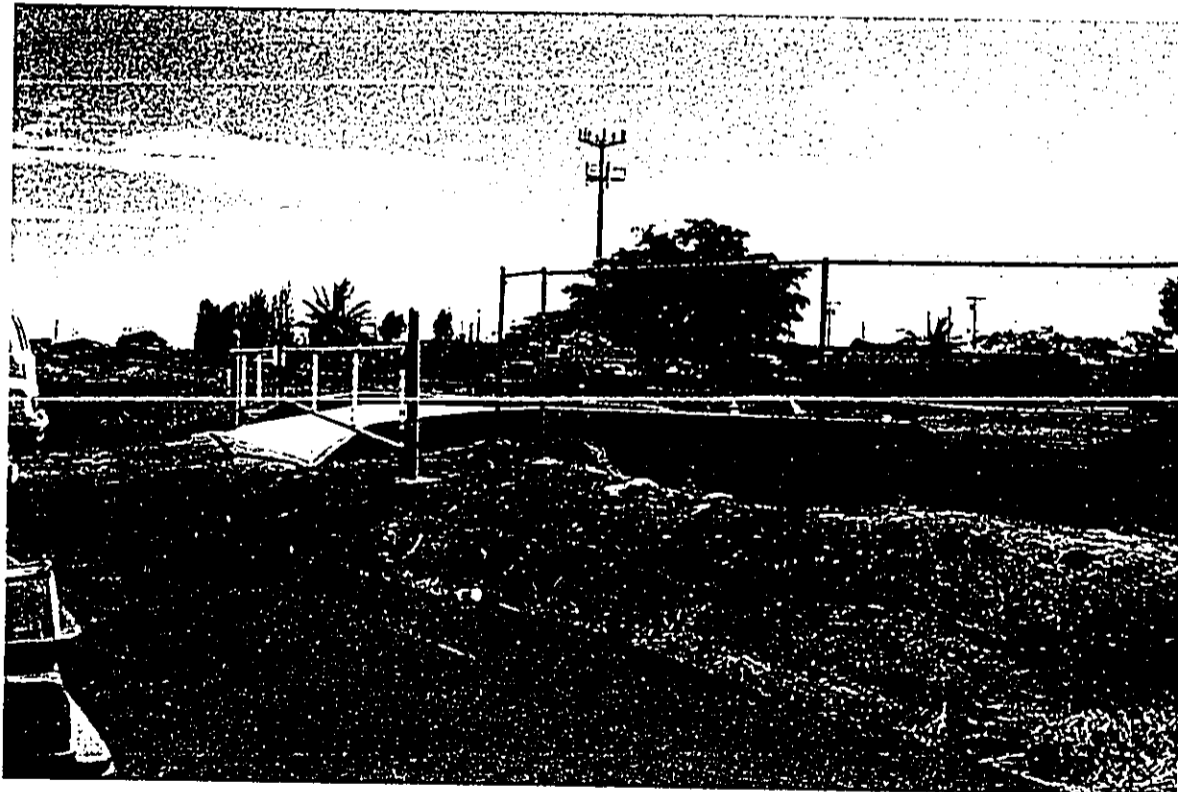


Photo D: Secondary Access



Photo E: Bestill Plantings and Primary Access Road

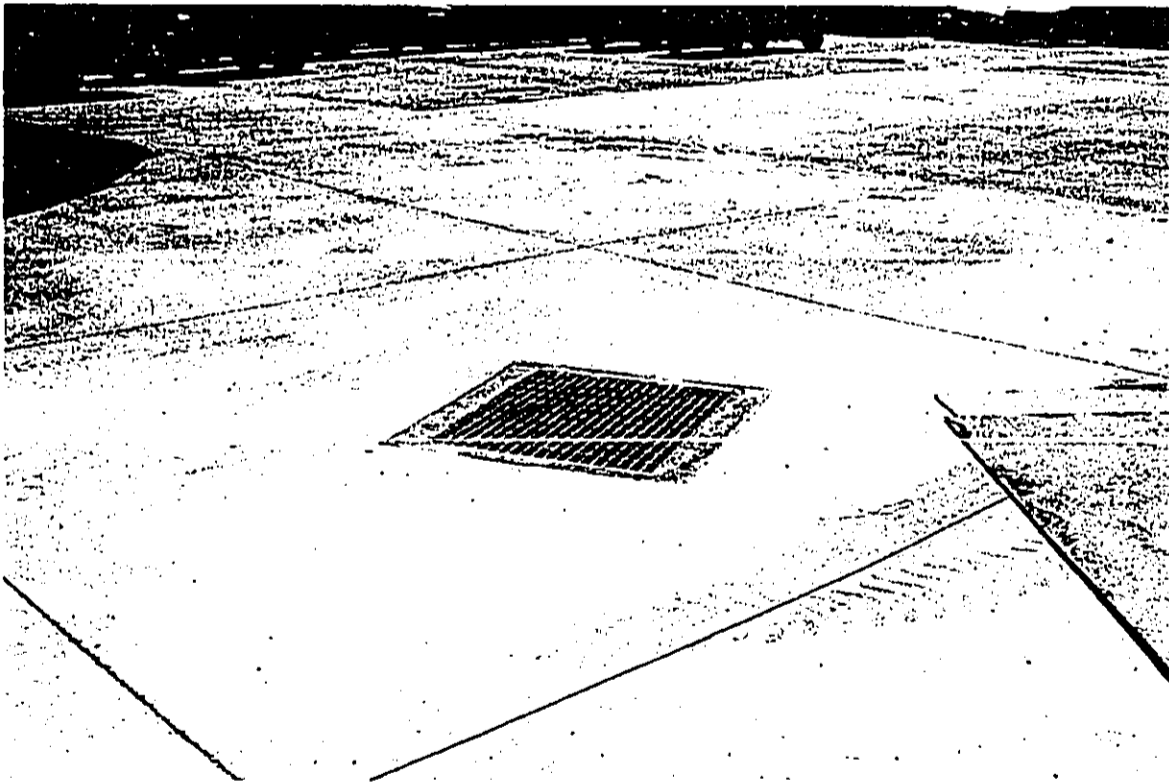
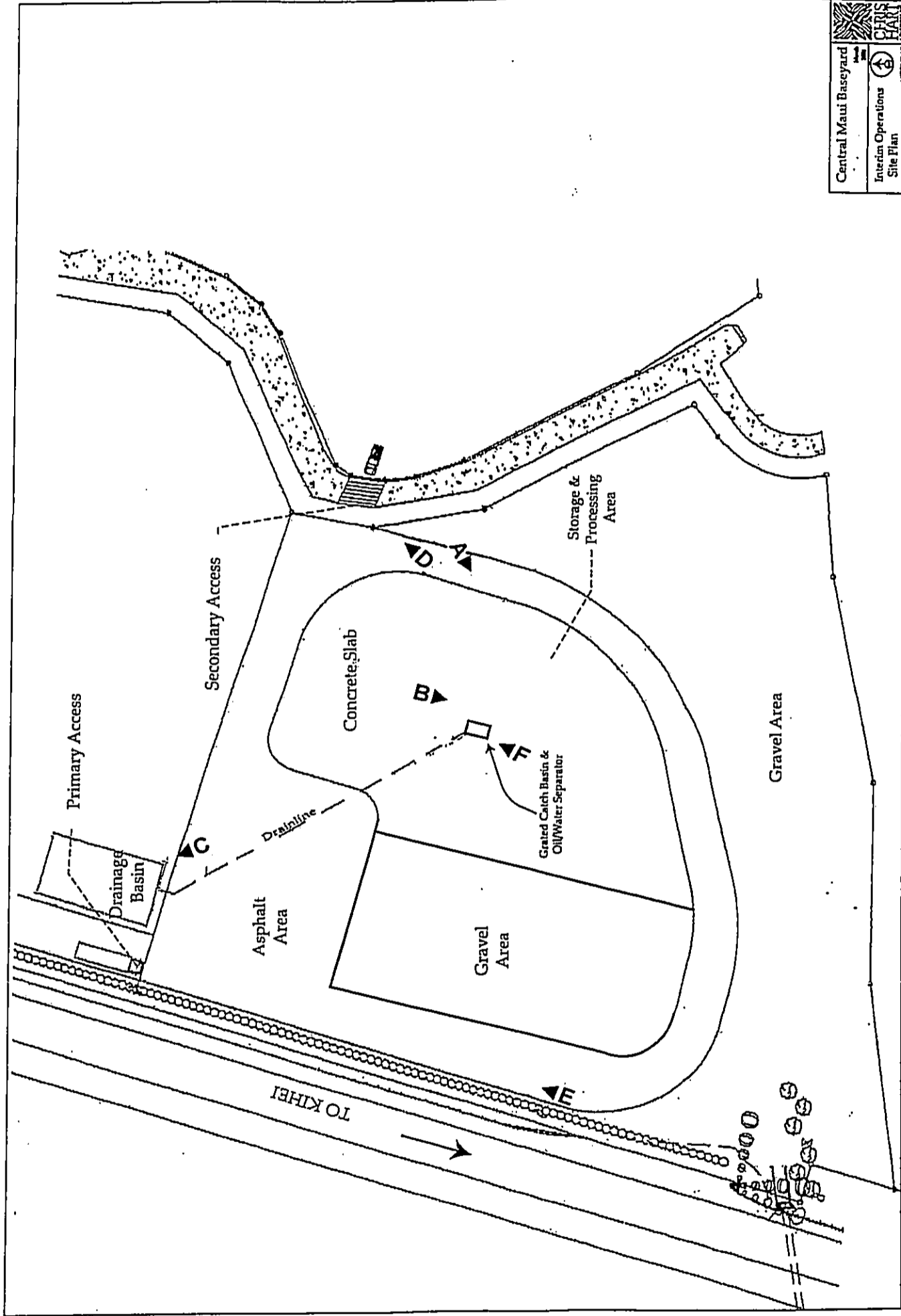


Photo F: Grated Catch Basin with Oil/Water Separator

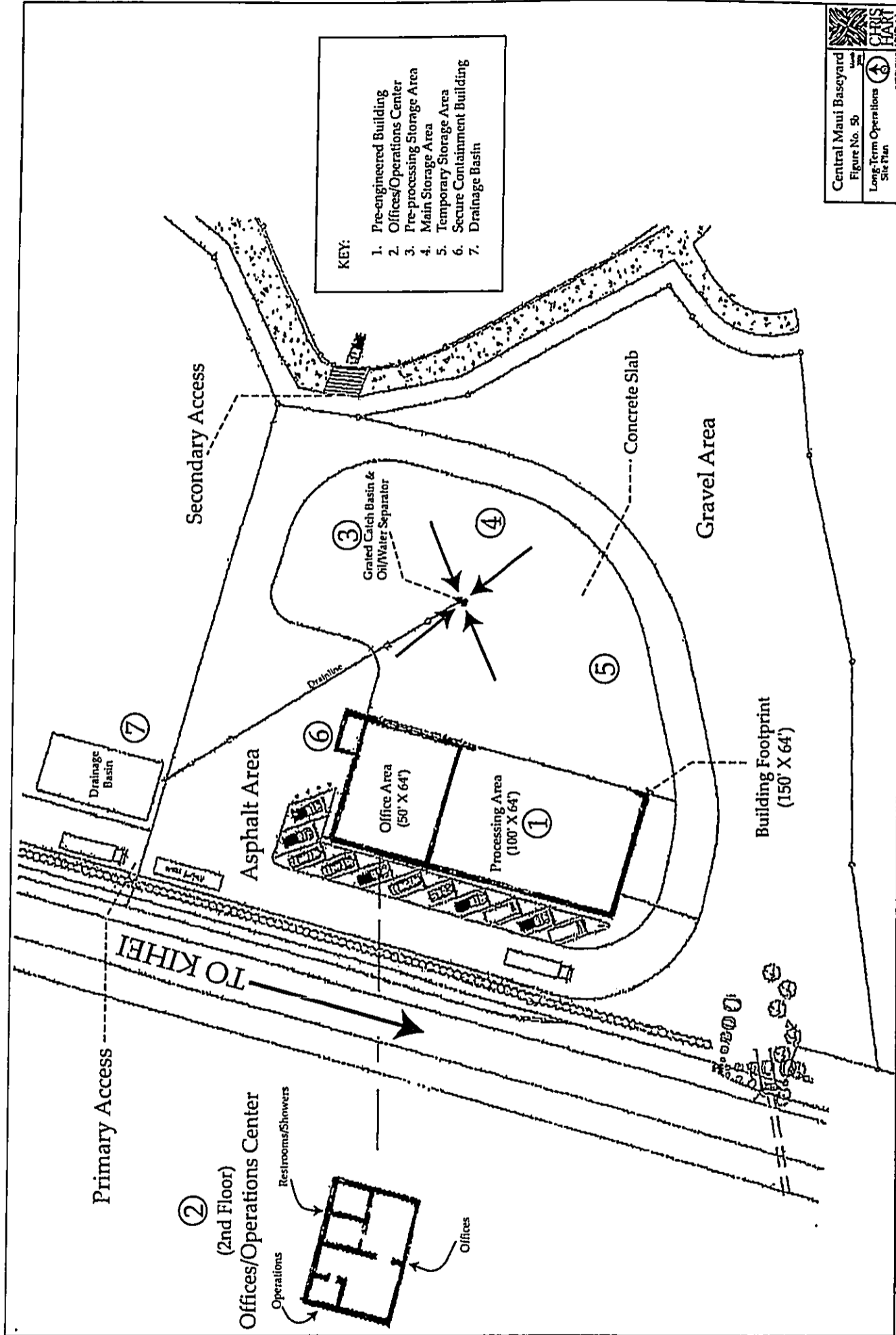


Central Maui Baseyard  
 Interim Operations  
 Site Plan

Supplemental Photo Reference Map





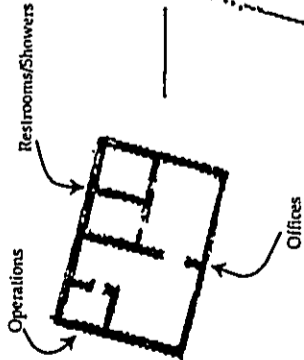


Central Maui Baseyard  
 Figure No. 5b  
 Long-Term Operations  
 Site Plan

- KEY:
1. Pre-engineered Building
  2. Offices/Operations Center
  3. Pre-processing Storage Area
  4. Main Storage Area
  5. Temporary Storage Area
  6. Secure Containment Building
  7. Drainage Basin

Primary Access

②  
 (2nd Floor)  
 Offices/Operations Center



Asphalt Area

③  
 Grated Catch Basin &  
 Oil/Water Separator

④  
 Office Area  
 (50' X 64')

①  
 Processing Area  
 (100' X 64')

⑤

Concrete Slab

Gravel Area

Building Footprint  
 (150' X 64')

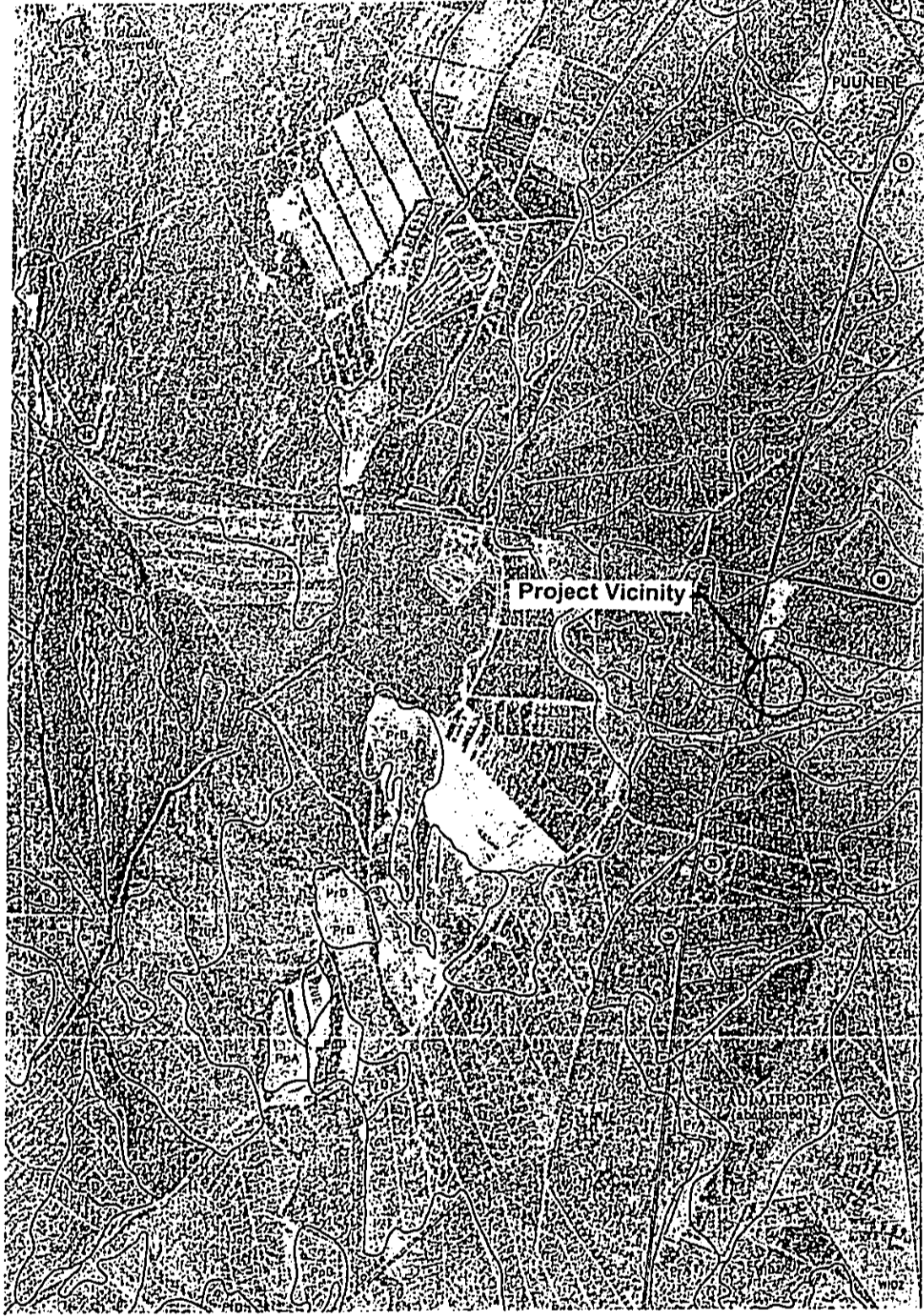
TO KIHUI

Secondary Access

⑦  
 Drainage Basin

Drainage

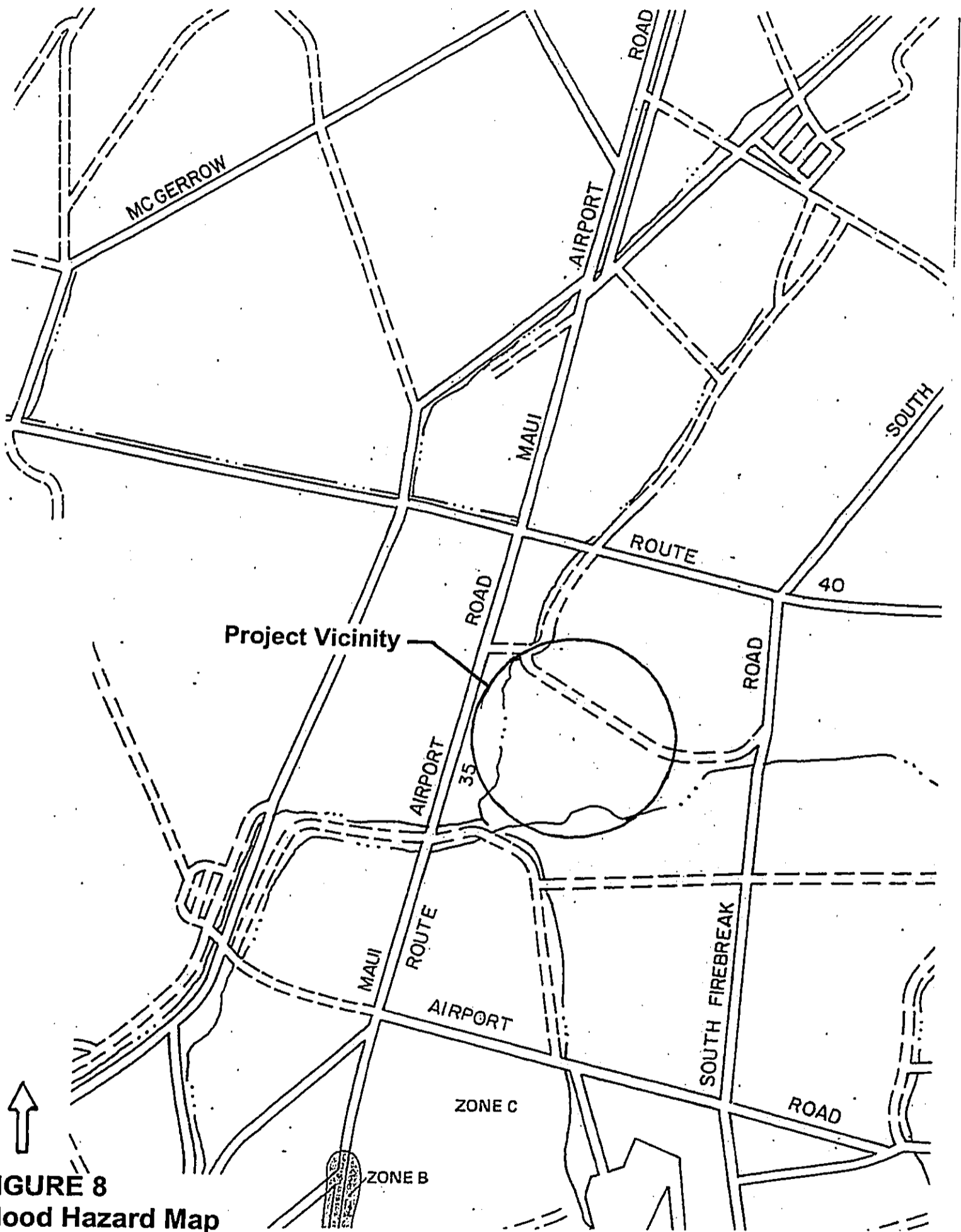




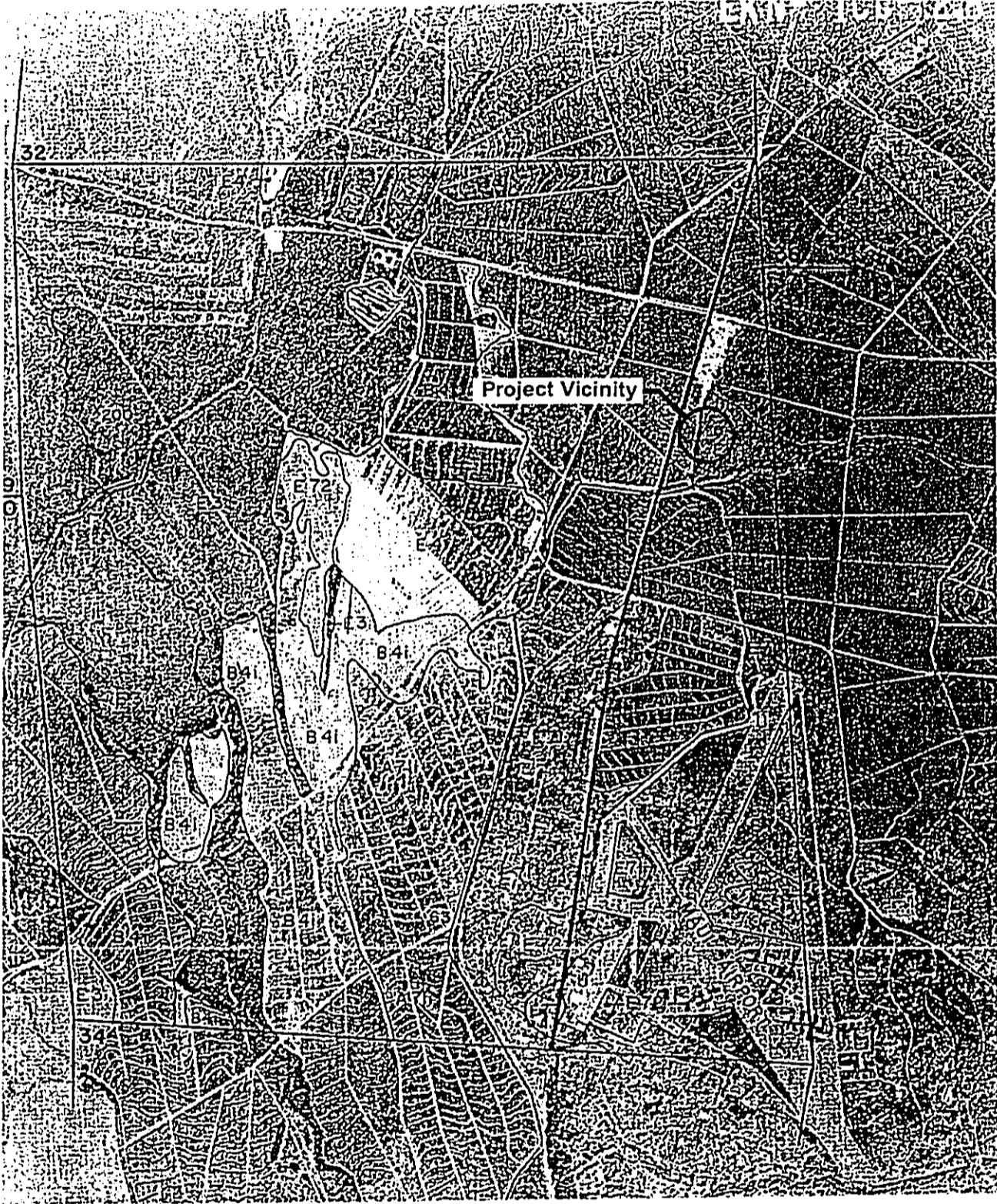
**FIGURE 7**  
**Soils Map**







**FIGURE 8**  
**Flood Hazard Map**



**FIGURE 9**  
**Land Study Bureau Classifications**







**FIGURE 11**  
State Land Use District Designations



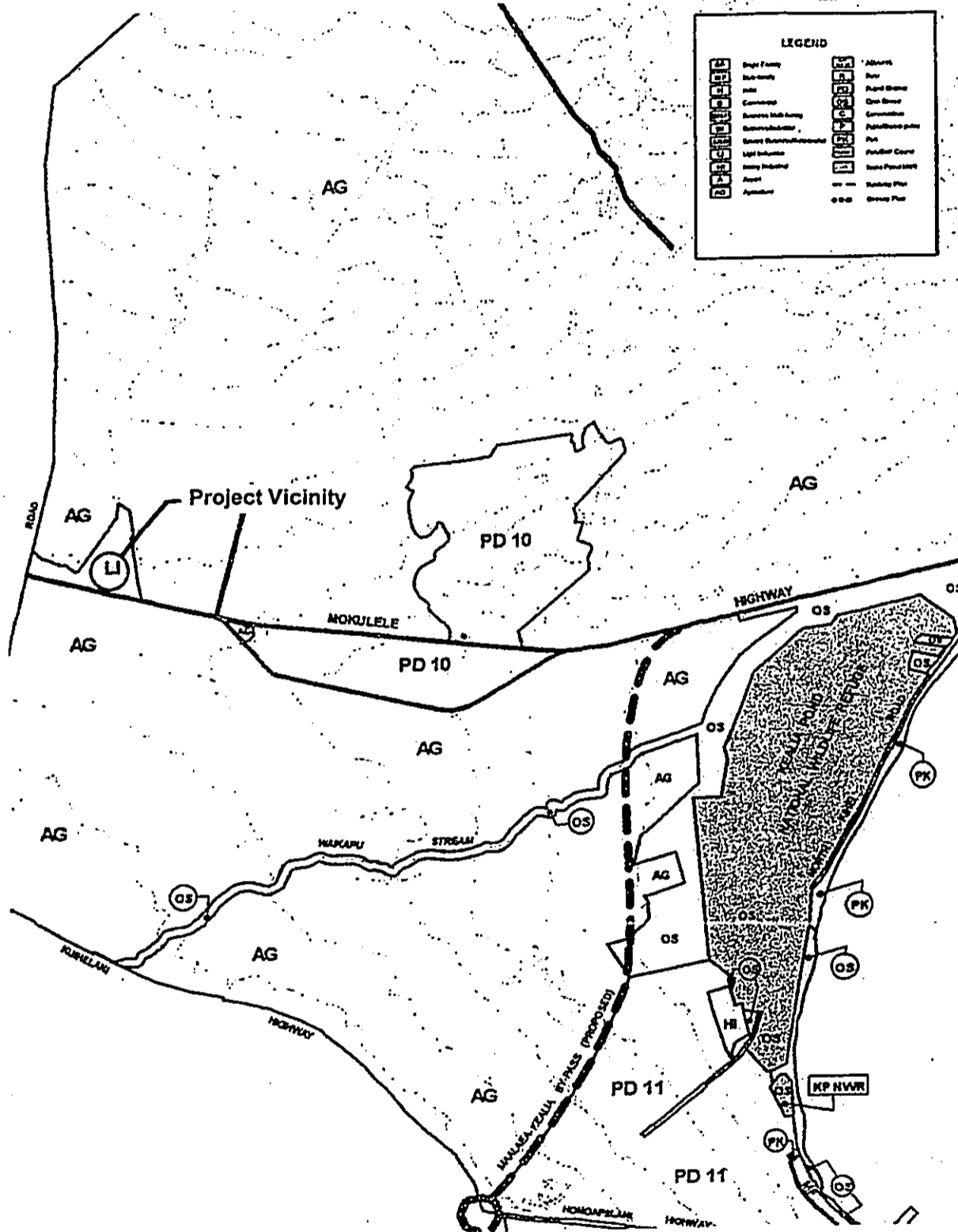


FIGURE 12  
Kihei-Makena Community Plan Land Use Map

## APPENDICES

## **APPENDICES**

Appendix A	Mokulele Baseyard – Final EA/FONSI Publication Notice
Appendix B	Decision and Order – November 13, 1996
Appendix C	Annual Compliance Report for 2004
Appendix D	Decision and Order – May 5, 2005
Appendix E	Ordinance No. 2815
Appendix F	Use Regulations for the M-2, Heavy Industrial District
Appendix G	State Historic Preservation Division Letters
Appendix H	Department of Planning Letters
Appendix I	Soil Assessment
Appendix J	Central Maui Baseyard – Rules and Regulations
Appendix K	Tenant Lease Conditions for Hazardous Materials Use
Appendix L	Department of Water Supply Letters
Appendix M	Preliminary Drainage Report
Appendix N	Pre-Consultation Comments and Responses
Appendix O	Supplemental Draft EA Comments and Responses
Appendix P	State Land Use Commission Compliance Letter
Appendix Q	County Special Use Permit
Appendix R	Solid Waste Management Permit
Appendix S	Approved Modifications to Solid Waste Management Permit

**APPENDIX A**  
**Mokulele Highway –**  
**Final EA/FONSI**  
**Publication Notice**



# Maui Notices

NOVEMBER 23, 1997

Consultant: Munekiyo & Arakawa, Inc.  
305 High Street, Suite 104  
Wailuku, Hawaii 96793  
Contact: Milton Arakawa (244-2015)

## Public Challenge

Deadline: December 23, 1997  
Status: FEA/FONSI issued, project may proceed.  
Permits: Amendment to Chapter 201E, HRS  
Required: approval

Big Brothers/Big Sisters of Maui, a local non-profit corporation, is proposing to develop and construct a Mentoring Center on Waiale Road in Wailuku. The facility will house programs which address issues of school drop out, juvenile delinquency, substance abuse and teenage pregnancy prevention. Mentoring programs provide services to youth five (5) to sixteen (16) years of age and their families.

The Mentoring Center will be constructed in a home-like atmosphere. A single story structure comprising approximately 4,630 square feet in floor area and approximately 18 feet in height is proposed.

This "large home" will consist of three (3) large living rooms for the mentoring programs, with movable partitions to allow for group mentoring, large group meetings and weekly training sessions. The living rooms will open on to a large lanai area which can be used for its programs. One (1) room of the "home" will be the computer room where kiosks and study carousels with computers, printers, reference material, and other resource materials will be available. In addition, the "home" will have a recreational room intended to facilitate inter-personal and group activities. The surrounding yard area will be incorporated into activities for the participants. Adjacent to the Mentoring Center is the Waiale Park which will provide additional recreation and activity space.

Funding for construction of the project is primarily with Community Development Block Grant funds. Construction is anticipated to begin in January 1998, with completion targeted for April 1998. Approximate construction cost is \$750,000.

## (3) Mokulele Baseyard/Storage Community Plan Amendment

District: Wailuku  
TMK: 3-8-05:1 (por.), 19, 22, and 38  
Applicant: S & F Land Company, Inc.  
P. O. Box 806  
Puunene, Hawaii 96784  
Contact: C. Earl Stoner, Jr. (877-3329)

## Approving Agency/Accepting

Authority: County of Maui, Planning Department  
250 S. High Street  
Wailuku, Hawaii 96793  
Contact: Clayton Yoshida (243-7735)

## Public Challenge

Deadline: December 23, 1997  
Status: FEA/FONSI issued, project may proceed.  
Permits: Community Plan Amendment; zoning  
Required: change; grading permits

S and F Land Company, Inc. proposes to change the Kihei-Makena Community Plan designation of 51.946 acres of land from Agriculture to Light Industrial. The subject property is located at the intersection of Waiko Road and Mokulele Highway in Puunene.

S and F Land Company, Inc. had a special permit, Docket SP83-358 to operate a construction baseyard for storage of materials and equipment, household goods, and storage and limited fabrication on 17.52 acres of land in the State Agricultural District. S and F Land Company, Inc. proposes that the remainder of the 52-acre property would remain in similar industrial only type uses as those presently on the property. In November 1996, the State Land Use Commission granted the boundary amendment for the reclassification of the 52-acres from State Agricultural District to State Urban District, Docket No. A96-717.

The proposed development is to expand the area presently providing contractor baseyards and related facilities for the short, medium and long-term use by contractors, and similar light industrial users for baseyards, equipment and material storage, the maintenance of equipment and assembly of goods and materials utilized in their off site activities in construction and related industries together with ancillary offices and storage buildings.

**APPENDIX B**  
**Decision and Order –**  
**November 13, 1996**

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Petition of ) DOCKET NO. A96-717  
C. EARL STONER, JR. ON BEHALF OF )  
S & F LAND COMPANY, INC. ) FINDINGS OF FACT,  
 ) CONCLUSIONS OF LAW, AND  
 ) DECISION AND ORDER  
To Amend the Agricultural Land Use )  
District Boundary for approximately )  
51.946 Acres into the Urban Land )  
Use District at Waikapu, Wailuku, )  
Maui, State of Hawaii, Tax Map )  
Key: 3-8-05: por. 1, 19, 22, and 38 )

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

C. Earl Stoner, Jr. On Behalf of S & F Land Company, Inc. ("Petitioner"), filed an Application For Land Use District Boundary Change Reclassification on April 16, 1996, pursuant to Hawaii Revised Statutes ("HRS") section 205-4, and Hawaii Administrative Rules ("HAR") chapter 15-15, to amend the State land use district boundaries by reclassifying approximately 51.946 acres of land situated at Waikapu, Wailuku, Maui, State of Hawaii, identified as Tax Map Key No. 3-8-05: por. 1, 19, 22, and 38 ("Property" or "Petition Area"), from the State Land Use Agricultural District to the State Land Use Urban District for development and expansion of an existing industrial baseyard and other related uses.

The Land Use Commission of the State of Hawaii ("Commission"), having heard and examined the testimony, evidence, and argument of the parties, both written and oral;

Petitioner's Proposed Findings of Fact, Conclusions of Law, and Decision and Order; the Office of Planning's ("Op") Proposed Findings of Fact, Conclusions of Law, and Decision and Order; Reply of Petitioner, S & F Land Company to Office of State Planning's Response to Petitioner's Proposed Findings of Fact, Conclusions of Law and Decision and Order; and the entire record of this docket, hereby makes the following findings of fact, conclusions of law, and decision and order:

FINDINGS OF FACT

PROCEDURALS MATTERS

1. On April 16, 1996, Petitioner filed an Application For District Boundary Change Reclassification ("Petition") with the Commission. The Petition was accepted as a complete filing on May 22, 1996.
2. On July 5, 1996, a prehearing conference was conducted in Hearing Room 204, Leiopapa A Kamehameha Building, 235 S. Beretania Street, Honolulu, Oahu with the Petitioner and representatives from the County of Maui Planning Department ("County") and the OP.
3. On July 26, 1996, the Commission conducted a hearing on the Petition, pursuant to notice published on June 6, 1996 in the Maui News and the Honolulu Advertiser.
4. No written or oral public testimony was received.
5. No request for intervention were filed.
6. On July 26, 1996, the hearing on the Petition was closed.

DESCRIPTION OF THE PROPERTY

7. Petitioner is the president of S & F Land Company, Inc., a Hawaii corporation, whose principal place of business is 333 Dairy Road, Suite 202, Kahului, Maui, Hawaii 96793. A&B-Hawaii, Inc. is the fee owner of Tax Map Key parcel 1; A&B Properties, Inc., a wholly owned subsidiary of A&B-Hawaii, is the fee owner of Tax Map Key Parcels 19 and 22. Maui Electric Company, Limited is the fee owner of Tax Map Key Parcel 38. The Petitioner holds a twenty-year lease with a ten-year option for approximately 17.5 acres of Tax Map Key Parcel 19, executed with Alexander & Baldwin in 1984. Petitioner also holds a license agreement for five acres of the same parcel. Petitioner is negotiating a lease and license agreement for the remainder of the Property owned by A&B-Hawaii or its subsidiary, A&B Properties, Inc.
8. The respective fee owners of the lands within the Petition Area have authorized Petitioner to file the Petition with the Commission.
9. The Property is located in Punnene, approximately one mile south of the HC&S Sugar Mill. It is bounded on the west by Hokuilele Highway, on the north by Waiko Road, and on the south and east by Pulehu Gulch. The Property is entirely surrounded by sugar cane fields, cane haul roads and appurtenant structures.
10. The Property consists of three parcels. Parcel IB, comprised of a portion of Tax Map Key Parcel 1 and Parcels 19 and 22, is approximately 26.562 acres and is occupied by the existing Central Maui Baseyard, which licenses space to primarily

- construction-related contractors and subcontractors. Central Maui Baseyard has been operated by the Petitioner since 1983 under State Land Use Commission Special Permit Docket No. SP83-358. It has served as a baseyard or in a similar capacity since World War II, when it was used for military vehicle and materials storage, and thereafter, as a facility for plantation concrete batching and fabrication, logging and saw mill activity, and kiln drying and wood treatment. Tax Map Key Parcel 22, consisting of approximately 1.2 acres, is the site of a former wood treatment facility which is the subject of an ongoing Department of Health/U.S. Environmental Protection Agency hazardous waste facility closure.
11. Parcel IA, a portion of Tax Map Key Parcel 1, consists of approximately 14.328 acres and is currently undeveloped. The parcel is covered by kiawe and grass scrubland with a small agricultural sub-tenant at the easternmost end of the parcel. Parcel IC, consisting of approximately 11.056 acres, is comprised of a portion of Tax Map Key Parcel 1 and Parcel 38. Tax Map Key Parcel 38, consisting of approximately 16,800 square feet, serves as an electrical substation. The remainder of Parcel IC is in sugar cane cultivation, irrigation ditch, and service roads.
12. The course of Pulehu Gulch, an intermittent stream bed, runs from the flanks of Haleakala on the east toward the area of Kealia Pond, a U.S. National Wildlife Refuge, to the southwest. A major concrete-lined irrigation ditch transects Parcel IB, transporting irrigation water to fields north of the

Property. Another irrigation ditch transects Parcel IC parallel to Pulehu Gulch, carrying water from the north-south irrigation ditch to fields west of Mokulele Highway. Pulehu Gulch and the irrigation ditch which serves fields west of the Property connect and intersect with other irrigation ditches and natural gulches cutting through the southern Central Maui isthmus. This system of ditches and gulches eventually drain into Kealia Pond.

13. The Property is generally flat to gently sloping. The soils on the Property include Pulehu silty loams (PPA), Pulehu cobbly silt loams (PrA), and Alae cobbly sandy loams (AcA), with 0 to 3 percent slope. These are generally well-drained to excessively-drained soils occurring on alluvial fans or stream terraces. Annual rainfall ranges from 10 to 30 inches. Permeability is rapid to moderate, runoff is slow, and the erosion hazard is slight. There are only slight limitations for septic tank filter fields. The Pulehu soil series are also subject to flooding in low areas.

14. The land study bureau classification for lands west of the irrigation channel which divides the Property approximately in half is "A" while the lands east of the irrigation channel is classified "E".

15. The Agricultural Land of Importance to the State of Hawaii system (ALISH) classification for the entire Petition Area is "prime" agricultural land.

16. The entire Petition Area is classified Zone C (area of minimal flooding) on the National Flood Insurance Rate Map (FIRM).

#### PROPOSAL FOR RECLASSIFICATION

17. Petitioner proposes continued operation and expansion of the single-lot light industrial baseyard, offering land and basic road, water, and utility services for construction and construction-related operations, including equipment and materials storage, ancillary offices, storage of trucks and heavy construction equipment, and household moving and storage activities ("Project"). Site development will consist of improvements to the off-site water line and expansion of internal roadways and utilities. Chain link fencing, grading, and surfacing of tenant yards with crushed rock or paving materials such as asphalt or concrete would be done on an as-needed basis. Tenants will be responsible for structural improvements and will occupy space on the Property under term license agreements.

18. Petitioner proposes to expand upon the existing baseyard in two increments. Parcels IB and IA would be developed within the five years following County of Maui zoning approval. Petitioner expects that Parcel IC would be developed in the period from five to ten years following County of Maui zoning. PETITIONER'S FINANCIAL CAPABILITY TO UNDERTAKE THE PROPOSED DEVELOPMENT

19. Petitioner's Balance Sheet as of July 31, 1995 indicates total assets of \$2,928,911, which includes tenant contracts, leasehold improvements, plant, and equipment, and other assets. The Balance Sheet also lists liabilities and stockholders equity of \$2,928,911, which includes accounts payable, long-term loans and notes due, and stockholder equity.

Petitioner represented that total improvement costs over a ten-year period could be in the \$3-3.5 million range. Initial site development costs are estimated at \$2 million.

NEED FOR THE PROPOSED DEVELOPMENT

20. The Property is centrally located on the island of Maui, with ready access to business and commercial centers in Kahului and Wailuku approximately 2.5 miles to the northwest. The Property is likewise conveniently located with respect to shipping and freight facilities at Kahului Harbor and Kahului Airport.

21. The Project proposes to satisfy a need for low-cost light industrial space which could accommodate fluctuations in the County of Maui's construction and affiliated industries. These construction and affiliated industries utilize large areas of land with limited efficiency due to the need to store large items of equipment or material for intermittent use or individual use on projects from time to time.

22. The existing Central Maui Baseyard has exhibited an overall pattern of growth and demand for tenant space, but has fluctuated in area and tenant use during periods of low economic activity. The Project's provision of low cost land for intermittent use by contractor and subcontractor groups has allowed many of them to continue operations which would otherwise be curtailed due to the high cost of industrial land elsewhere. This results in a continuing employment base for workers within the industries serviced.

23. A number of Land Use District Boundary amendments and Special Permits have been approved for urban light industrial uses in the Kahului/Wailuku and Kihei areas in recent years. No market study has been provided in this docket to determine what effect these actions have had on the demand for baseyard or light industrial space on Maui. Notwithstanding the lack of a market study, there appears to be a serious problem with retail and commercial activities inflating lease rents and displacing construction baseyard and similar operations from industrial areas on Maui, as a result of retail and commercial uses being permitted in the County of Maui's M-1 Light Industrial district. Petitioner has represented that it will restrict uses on the Property to light industrial uses only and to prohibit retail and commercial activities on-site.

STATE AND COUNTY PLANS AND PROGRAMS

24. The Property is located within the State Land Use Agricultural District, as reflected on the Official Land Use District Boundary Map M-5 (Wailuku).

25. The Kihei/Makena Community Plan, of which the Property is a part, has a present designation of Agricultural for the Property. However, the current Kihei/Makena Community Plan proposal as completed by the Citizens Advisory Committee and presently before the Maui County Planning Department for review by the Maui Planning Commission and Maui County Council reflects a proposed designation of light industrial for approximately 50 acres of the Property.

26. The Maui County Zoning designation for the Property is currently Agricultural.

27. Petitioner has filed a Change in Zone request with the County for approximately 40 acres of the Property. Parcel IA and IB are included in the Change in Zone request. Parcel IC was not made a part of the request as Petitioner felt that Parcel IC could be left in agricultural use and sugar use until such time that it is necessary for expansion of the Central Maui Baseyard.

28. Although the Property is within the Coastal Zone Management Area, it is not located within the Special Management Area as established by the County of Maui pursuant to HRS Chapter 205A. The Petition is in general compliance with HRS Chapter 205A.

#### ECONOMIC IMPACTS

29. The existing Central Maui Baseyard has exhibited an overall pattern of growth and demand for tenant space, but has fluctuated in area and tenant use during periods of low economic activity. Its provision of low cost land for intermittent use by contractor and subcontractor groups has allowed many of them to continue operations which would otherwise be curtailed due to the high cost of industrial land elsewhere. This results in a continuing employment base for workers within the industries serviced.

#### IMPACTS UPON THE RESOURCES OF THE AREA

30. The Property's history of long-term industrial use and its location away from recreational, scenic, and cultural resources, as well as coastal areas, results in no significant

impact on flora and fauna, archaeological and historical resources, recreational, scenic and cultural resources or coastal and aquatic resources.

#### Agricultural Resources

31. The small portion of sugar land on Parcel IC has been deemed expendable by the area's primary agricultural user and fee owner of the Property, A&B Hawaii, Inc. Archaeological/Historical/Cultural Resources

32. The State Historic Preservation Division ("SHPD") of the Department of Land and Natural Resources has concluded that the Project will have "no effect" on significant historic sites. SHPD has represented that their review of the Project and their conclusions thereto is evidence of compliance with HRS Section 6E-42.

33. There are no indications of historic features within the existing baseyard area, and it appears unlikely that undisturbed remains or features are present beneath the cane plow zone or beneath the existing concrete. No evidence of unmodified or intact WWII structural remains were observed. Petitioner and representatives of the County and the OP are not aware of any active or non-active gathering or traditional Hawaiian cultural practices within the Petition Area.

#### Flora and Fauna

34. The Petition does not provide documentation of any flora and fauna studies conducted on the Property. Petitioner affirmed the sighting of a pueo at the Property during an OP staff site visit on July 3, 1996; the pueo was flushed from kiawe

trees in Pulehu Gulch on the southern border of the Property. OP requested that Department of Land and Natural Resources staff conduct a field inspection of the Property to ascertain its habitat value and to provide any recommendations as to mitigative measures to ensure continued use by native birds. Petitioner has represented that it will maintain a kiawe and vegetative buffer along Pulehu Gulch for the purpose of a mitigative measure to ensure continued use of Pulehu Gulch by native birds.

#### Groundwater Resources

35. Typical activities associated with industrial areas are such that subsurface and groundwater contamination resulting from daily operations, is possible. The soils on the Property are highly permeable. The Property is subject to ponding during lengthy periods of inclement weather, but ponding is limited and dries up quickly after such storms. To minimize the possibility of contamination, the State Department of Health ("DOH") recommended that the developer confine all maintenance and manufacturing activities which involve industrial agents to appropriately designed concrete floored areas to ensure that all spills can be contained and recovered, and intentional discharges will be discouraged.

#### Recreational/Scenic Resources

36. The Property fronts Mokulele Highway, a major highway used by visitors and residents. Trees and shrubs have been planted along Mokulele Highway to screen the existing baseyard operation from the highway. Additional landscaping or vegetative buffers along the perimeter of the Property may be

needed to fully mitigate the visual impact of light industrial activity in the middle of agricultural vistas.

37. The use of the Property, as represented in the Petition, is not anticipated to generate a need for additional recreational facilities or services. The project will provide a cost effective location for construction and related companies to continue to operate.

#### ENVIRONMENTAL QUALITY

##### Noise

38. The Project has no significant noise impacts. The Project is used primarily for storage and limited fabrication of construction materials, with no heavy manufacturing or continuous heavy construction activity. If necessary, construction mitigation measures such as limiting construction activities to particular hours and providing set backs from construction areas may be placed into effect.

##### Air Quality

39. Petitioner has previously provided dust control measures during construction within the existing Central Maui Baseyard and will continue to do so during any expansion of the baseyard.

##### Water Quality

40. The Project will have no significant impacts on water quality.



ADEQUACY OF PUBLIC SERVICES AND FACILITIES

Highway and Road Facilities

41. The Property fronts Mokulele Highway, a two-lane State highway, with access to the Property from Waiko Road. Petitioner installed a left turn lane on Mokulele Highway at Waiko Road as required by a condition of approval of the Petitioner's Special Permit (LUC Docket No. SP83-358). The State Department of Transportation (DOT) has plans to widen Mokulele Highway from two to four lanes. Additional right-of-way or setbacks may be required at the time of widening. The DOT recommended that a Traffic Impact Analysis Report (TIAR) that identifies the impacts and mitigative measures attributable to the Project be submitted for their review and approval.

42. Roadways within the existing baseyard are 25-foot paved roadways without curbs, gutters or sidewalks. The County of Maui Department of Public Works and Waste Management is requiring that all roadways within the developed urban area shall have a minimum of 56-foot wide rights-of-way, with a minimum 40-foot wide pavement measured curb-to-curb.

Water Service

43. Existing water use and anticipated water demand are not quantified in the Petition. The Property is served by water lines connecting to the Central Maui System, whose source, the Iao Aquifer, is currently in a designation process as a ground water management area. The County of Maui must meet the Commission on Water Resource Management's (CWRM) timeframes for establishing new water sources to reduce withdrawal from the Iao

Aquifer to avoid designation. CWRM is recommending that the Petitioner work with the County of Maui to incorporate this project in the County of Maui's Water Use and Development Plan to ensure that water for urban expansion on the Property is available.

44. An old six-inch water line serves the Property's internal system of domestic and fire protection lines. This line connects to a 12-inch transmission line which terminates approximately 4,400 feet from the Property on Mokulele Highway. The 12-inch line, which connects to the County of Maui's 36-inch high pressure main between Kahului and Kihei, was put in by the Petitioner.

45. The existing fire protection system lacks adequate water flow for conventional light industrial development. The Petitioner represented that current fire flow has been tested between 570-760 gallons per minute (gpm); and that light industrial development at Wailuku or Kahului Industrial Parks is required to have fire flows of approximately 1,500 gpm. A new 12-inch transmission line is proposed to replace the six-inch line serving the site. These off-site water improvements are proposed to be done in the first phase of development activities for the subject Property.

46. Petitioner has agreed to complete this water improvement at the time expansion of the Project begins.

47. Petitioner has executed three agreements with the County of Maui indemnifying the County of Maui from any damages from fire for buildings exceeding the existing fire flow

restrictions for development on the Property. The Petitioner agrees to indemnify both the State and County of Maui with respect to fire damages to facilities until such time as the installation of the new 12-inch water line is completed.

Wastewater Disposal

48. Present wastewater disposal includes septic tank and chemical toilet facilities. Petitioner has represented that it will work with state and county agencies to assure that expansion of the Project meets state, federal and county wastewater requirements.

49. The County of Maui Department of Public Works and Waste Management commented that there are long range plans (10-15 years) to construct a new wastewater reclamation facility within the old Puunene Airport area. If and when this facility is constructed, the Petitioner may be required to connect to the wastewater system.

Drainage

50. No provisions are proposed to collect or control stormwater drainage from the Property to avoid potential runoff into the irrigation ditches on the Property or Pulehu Gulch. The Petition indicates that the Property drains well, with Pulehu Gulch and adjacent fields serving as additional drainage areas for major storm events. The Petition also represents that "the Property is...bounded on its entire south border by a dry stream bed which provides satisfactory drainage for the entire parcel." Petitioner has represented that a berm approximately 6-8 feet

high and 25-50 feet wide runs along the built-up portions of the Property abutting Pulehu Gulch.

51. The County of Maui Department of Public Works and Waste Management will be requiring a drainage and erosion control report upon further development of the Property.

52. Intermittent streams like Pulehu Gulch are classified as State waters. Discharges into State waters are regulated by the DOH. Should the Project involve any of the following types of discharges, a National Pollutant Discharge Elimination System (NPDES) general permit will be required for each activity, i.e., discharge of storm water runoff associated with construction activities, including clearing, grading, and excavation that result in disturbance of equal to or greater than five (5) acres of total land area; construction dewatering effluent; non-contact cooling water; hydrotesting water; and treated contaminated groundwater from underground storage tank remedial activity. If any type of process wastewater from the facility is proposed for discharge, the Petitioner or facility operator may be required to apply for an Individual NPDES permit.

53. Petitioner has represented that it will work with the agencies vested with responsibility for drainage controls to assure that expansion does not negatively impact adjacent lands or environmentally sensitive areas.

Solid Waste Disposal

54. The DOH commented that tenants of the Property may generate regulated hazardous wastes, such as solvents, oils, acids/bases, paints, and heavy metals. These potential hazardous

waste generators will be subject to State hazardous waste requirements found in HAR Chapters 11-260 to 11-280. Additional measures may be needed to ensure that regulated hazardous wastes are handled and disposed of properly.

55. The Property is served by a dump site on Pulehu Road, approximately two miles from the Property. The County of Maui Department of Public Works and Waste Management has commented that refuse collection shall be done by a private collector.

56. Solid waste disposal is accomplished by three private contractors, presently operating on the Island of Maui. Petitioner anticipates that tenants of the baseyard will continue to use such private solid waste disposal companies, and will urge all tenants to utilize recycling measures for solid waste disposal as they are available on island.

#### Schools

57. The Project will have no impact on schools.

#### Police and Fire Protection

58. Adequate police and fire protection personnel are provided by the main police station in Waiuku (about 2.5 miles from the Property) and the Dairy Road fire station (approximately 1.25 miles from the Property).

59. The State Civil Defense (SCD) commented that the location of the Property is beyond the coverage of any existing outdoor warning siren. The SCD recommended that the Petitioner purchase and install one 115 Db omnidirectional solar powered siren and siren support infrastructure. The recommended siren

requires a 100-foot radius buffer zone in which no residential buildings are located. Determination of the exact location and coverage should be made with SCD. A complete siren installation consists of the siren, a siren pole and appropriate grounding.

60. The SCD also commented that the Property is located in an area that is vulnerable to a variety of natural hazards other than just floods and tsunamis. As the Project develops, SCD recommends the following items be addressed:

a. The impact of tropical cyclone/hurricane force winds (to include terrain amplification), possible flooding from torrential rainfall associated with the previous phenomena and earthquakes.

b. Design and construction of facilities to mitigate and better withstand the above hazards.

c. Emergency ingress and egress of vehicles.

#### Electric and Telephone Service

61. Electrical and telephone service are presently available on site and will be expanded to provide service available to all future tenants.

#### COMMITMENT OF STATE FUNDS AND RESOURCES

62. The Project has no commitment of State funds and does not anticipate any. It will have no significant affect on State funds and resources.

#### CONFORMANCE TO APPLICABLE DISTRICT STANDARDS

63. The existing baseyard is proposed to continue as contractor and storage baseyard facilities, providing low cost land for the storage of construction materials and equipment,

household goods and related items. It is a low cost alternative to light industrial/commercial areas more closely related to the urban core areas of Kahului, Wailuku, and Kihei.

64. The existing baseyard has been operating for approximately 13 years as a limited industrial facility, providing yard space for contractors and household goods storage users. Its expansion within this use will continue to provide a firm economic base for much of Maui's construction and supporting industry.

65. The proposed Project is consistent with the proposed urban designation in the Kihei/Makana Community Plan amendment filed by the Petitioner with the County and the Planning Director and Maui Planning Commission light industrial/urban designation for the recommended update of the Kihei/Makana Community Plan.

66. Public services exist or may be expanded to satisfactorily accommodate the needs of the expanded Central Maui Baseyard.

CONFORMANCE WITH THE GOALS, OBJECTIVES, AND POLICIES OF THE HAWAII STATE PLAN; RELATIONSHIP WITH APPLICABLE PRIORITY GUIDELINES AND FUNCTIONAL PLANS.

67. The existing Central Maui Baseyard and its proposed expansion supports and is consistent with the applicable objectives, policies, and prior guidelines of the Hawaii State Plan, and the State Functional Plans.

68. HRS sections 226-6(a)(1) and 226-6(a)(2), provide that:

(a) Planning for the State's economy in general shall be directed toward achievement of the following objectives:

(1) Increased and diversified employment opportunities to achieve full employment, increased income and job choice, and improved living standards for Hawaii's people.

(2) A steadily growing and diversified economic base that is not overly dependent on a few industries, and includes the development and expansion of industries on the neighbor islands.

The Project, by providing space for construction industry users and related businesses, contributes to increased and diversified employment opportunities and assists in providing a steadily growing and diversified economic base that is not overly dependent on a few industries.

69. HRS sections 226-6(b)(6) and 226-6(b)(8), provide that:

(b) To achieve the general economic objectives, it shall be the policy of this State to:

\* \* \*

(6) Strive to achieve a level of construction activity responsive to, and consistent with, state growth objectives.

\* \* \*

(8) Encourage labor-intensive activities that are economically satisfying and which offer opportunities for upward mobility.

\* \* \*

The Project supports the construction industry by providing reasonable cost space for the operation of a variety of construction activity. The Project also provides the construction and related industries with space to conduct labor

intensive activities which offer continuing growth within the Maui region.

70. HRS section 226-104(b)(2), provides that:  
(b) Priority guidelines for regional growth distribution and land resource utilization:

\* \* \*

- (2) Make available marginal or nonessential agricultural lands for appropriate urban uses while maintaining agricultural lands of importance in the agricultural district.

\* \* \*

The Project would develop a largely marginal or nonessential agricultural area for appropriate urban use while not disturbing adjacent agricultural lands of importance.

CONFORMANCE WITH COASTAL ZONE MANAGEMENT OBJECTIVES AND POLICIES

71. Although the Property is within the Coastal Zone Management Area, it is not located within the Special Management Area as established by the County of Maui pursuant to HRS Chapter 205A. The Petition is in general compliance with HRS Chapter 205A.

INCREMENTAL DISTRICTING

72. Petitioner proposes to develop the Project in two increments. Petitioner's first increment, consisting of Parcels IB and IA, are anticipated to be developed within five years following County of Maui zoning approval. Petitioner anticipates that its second increment, consisting of Parcel IC, would be developed in the period from five to ten years following County of Maui zoning.

RULING ON PROPOSED FINDINGS OF FACT

Any of the proposed findings of fact submitted by Petitioner or the other parties not already ruled upon by the Commission by adoption herein, or rejected by clearly contrary findings of fact herein, are hereby denied and rejected.

Any conclusions of law herein improperly designated as a finding of fact should be deemed or construed as a conclusion of law; any findings of fact herein improperly designated as a conclusion of law shall be deemed or construed as a finding of fact.

CONCLUSIONS OF LAW

Pursuant to HRS chapter 205, and the Hawaii Land Use Commission Rules under HAR chapter 15-15, and upon consideration of the Land Use Commission decision-making criteria under HRS section 205-17, this Commission finds upon a clear preponderance of the evidence that the reclassification of the Property consisting of approximately 51.946 acres of land in the State Land Use Agricultural District, situate at Waikapu, Wailuku, Maui, State of Hawai'i, Tax Map Key Nos.: 3-8-05: por. 1, 19, 22, and 38, to the State Land Use Urban District, for the continued operation and expansion of the Central Maui Baseyard, and subject to the conditions in the Order below, is reasonable, non-violative of HRS section 205-2, and is consistent with the Hawai'i State Plan as set forth in HRS chapter 226, and the Coastal Zone Management Program as set forth in HRS chapter 205A.

DECISION AND ORDER

IT IS HEREBY ORDERED that the Property, being the subject of this Docket No. A96-717, consisting of approximately 51.946 acres of land in the State Land Use Agricultural District situate at Waikapu, Wailuku, Maui, State of Hawai'i, identified as Tax Map Key Nos.: 3-8-05: por. 1, 19, 22, and 38, and approximately shown on Exhibit "A", attached hereto and incorporated by reference herein, shall be and is hereby reclassified to the State Land Use Urban District, and the State Land Use District Boundaries shall be amended accordingly, subject to the following conditions:

1. Petitioner shall obtain a Community Plan Amendment and a Change in Zoning from the County of Maui.
2. Petitioner shall cause to be verified that areas adjoining the former wood treatment facility site Tax Map Key No. 3-8-05: 22, are free of soil contamination due to migration of contaminants from wood treatment activities. Petitioner and/or landowner shall ensure that future use of the wood treatment facility site complies with the hazardous waste facility closure and postclosure plans for the site as approved by the State Department of Health or such other agencies as may be responsible for such approval.
3. Petitioner shall consult with the State Department of Transportation (DOT) during the processing of zoning and subdivision requests for the Property. Landowner may be required to provide dedication of land for rights of way or setbacks for

the widening of Mokuale Highway, subject to the requirements of the Department of Transportation.

4. Petitioner shall quantify existing water use and project future demand, and shall work with the County of Water Supply to incorporate this project in the County Water Use and Development Plan.
5. Petitioner shall design and construct necessary on-and off-site improvements to the project's fire protection system to meet County Department of Water Supply standards during the planned expansion of the project.
6. Petitioner shall consult with the State Department of Health and if necessary, prepare a wastewater plan which shall conform to the State Department of Health's Administrative Rules, Chapter 11-62, "Wastewater Systems". Such plan will be subject to review and approval by the Department of Health.
7. Petitioner shall require its tenants who utilize such materials to establish appropriate systems to contain spills and prevent materials associated with light industrial uses (such as petroleum products, chemicals or other pollutants) from leaching or draining into above ground or subsurface storm drainage collection areas. Petitioner will use and/or cause to be used best management practices to minimize non-point source pollution into the irrigation ditches and Pulehu Gulch. Petitioner shall consult with the State Department of Health and County of Public Works and Waste Management and obtain any permits required or construct improvements required for storm water discharge on the Property.

8. Petitioner shall require all tenants of the property to implement best management practices to minimize possible subsurface and ground water contamination from activities on the Property. This shall include all activity including delivery, removal, storage, use and handling of industrial agents on tenant or common areas of the Property.

9. Petitioner shall require all tenants of the property to implement best management practices to minimize possible subsurface and ground water contamination from activities on the Property. This shall include all activity including delivery, removal, storage, use and handling of industrial agents on tenant or common areas of the Property.

10. Petitioner and/or landowner shall limit disturbance of the natural drainage features of Pulehu Gulch, and shall consult with the Army Corps of Engineers should any activity be proposed that would impact Pulehu Gulch.

11. Storage and/or disposal of hazardous wastes shall be approved by the applicable Federal, State, and/or County agencies prior to their establishment on the Property.

12. Petitioner shall maintain a buffer of undisturbed kiawe and vegetative cover on the Property along Pulehu Gulch to minimize disturbance to native bird habitat provided by Pulehu Gulch.

13. Petitioner shall fund and construct adequate civil defense measures as may be required by the State Civil Defense and County civil defense agency.

14. Petitioner shall cooperate with the State Department of Health and the County Department of Public Works and Waste Management to conform to the program goals and objectives of the Integrated Solid Waste Management Act, Chapter 342G, Hawaii Revised Statutes.

15. Petitioner shall participate in an air quality monitoring program as determined by the State Department of Health.

16. Petitioner shall ensure that the proposed project will not negatively impact the use of cane haul roads and irrigation ditches or otherwise interfere with continued agricultural operation of adjoining sugar cane cultivation areas.

17. Should any human burials or any historic artifacts, such as charcoal deposits, stone platforms, pavings or walls be found, Petitioner shall stop work in the immediate vicinity and contact the State Historic Preservation Division (SHPD). The significance of these finds shall then be determined and approved by the SHPD, and an acceptable mitigation plan shall be approved by the SHPD. The SHPD must verify that the fieldwork portion of the mitigation plan has been successfully executed prior to work proceeding in the immediate vicinity of the find. Burials must be treated under specific provisions of Chapter 6E, HRS.

18. Petitioner shall implement effective soil erosion and dust control methods during and after construction in compliance with the rules and regulations of the State Department of Health and the County of Maui.

19. Petitioner shall inform prospective tenants and shall include in all tenant license agreements language informing tenants of possible odor, noise, and dust pollution resulting from surrounding Agricultural District lands, and the Hawai'i Right-To-Farm Act, chapter 165, Hawai'i Revised Statutes, limits the circumstances under which pre-existing farming activities may be deemed a nuisance.

20. The property subject of the Petition will be subject to incremental redistricting and Parcel 1C totaling 11.056 acres more or less shall be withheld from formal redistricting until (a) substantial completion of improvements for parcels 1A and 1B; (b) submittal by Petitioner to Maui County for a Zoning Change from agricultural to light industrial for Parcel 1C; and (c) approval from the County Department of Land Use and Codes for processing of said zoning change by the Planning Department.

21. Petitioner and/or landowner shall develop the Property in substantial compliance with the representations made to the Commission and the conditions imposed herein by the Commission. Failure to so develop the Property may result in reversion of the Property to its former classification, or change to a more appropriate classification.

22. Petitioner shall give notice to the Land Use Commission of any intent to sell, lease, assign, place in trust or otherwise voluntarily alter its interest in the Property covered by the approved Petition, prior to development of the Property.

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23. Petitioner shall provide without any prior notice, annual reports to the Commission, the Office of Planning, and the County of Maui Planning Department in connection with the status of the subject Project and Petitioner's progress in complying with the conditions imposed herein. The annual report shall include any supporting documentation from State and/or County agencies related to progress in complying with said conditions. The annual report shall be submitted in a form prescribed by the Executive Officer of the Commission.

24. Within seven (7) days of the issuance of the Commission's Decision and Order for the subject reclassification, Petitioner and/or landowner shall (a) record with the Bureau of Conveyances a statement that the Property is subject to conditions imposed herein by the Land Use Commission in the reclassification of the Property; and (b) shall file a copy of such recorded statement with the Commission.

25. Petitioner and/or landowner shall record the conditions imposed herein by the Commission with the Land Court of the State of Hawai'i and/or the Bureau of Conveyances, as applicable, pursuant to Hawai'i Administrative Rules section 15-15-92.

26. The Commission may fully or partially release these conditions as to all or any portion of the Property upon timely motion and upon the provisions of adequate assurance of satisfaction of these conditions by the Petitioner and/or landowner.

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BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII


In the Matter of the Petition of )  
C. EARL STONER, JR. ON BEHALF OF ) DOCKET NO. A96-717  
S & F LAND COMPANY, INC. ) CERTIFICATE OF SERVICE  
To Amend the Agricultural Land Use )  
District Boundary for approximately )  
51.946 Acres Into the Urban Land )  
Use District at Waikapu, Maui, )  
Maui, State of Hawaii, Tax Map )  
Key: 3-8-05: por. 1, 19, 22, and 38 )

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. RICK EGGED, Director  
Office of Planning  
P. O. Box 3540  
Honolulu, Hawaii 96811-3540
- CERT. DAVID W. BLANE, Director of Planning  
Planning Department, County of Maui  
250 South High Street  
Wailuku, Hawaii 96793
- CERT. JEFFREY SCHMIDT, ESQ.  
Corporation Counsel  
Office of the Corporation Counsel  
County of Maui  
200 South High Street  
Wailuku, Hawaii 96793
- CERT. C. EARL STONER, JR., Petitioner  
S & F Land Company, Inc.  
P. O. Box 806  
Puunene, Hawaii 96784

DATED: Honolulu, Hawaii, this 13th day of November 1996.

  
ESTHER UEDA  
Executive Officer

**APPENDIX C**  
**Annual Compliance**  
**Report for 2004**

SECTION 1

Report on General Progress of S & F Land Company, Inc.  
On Docket #A96-717 for Calendar 2004

During the calendar year 2004 we continued the improvement of property comprising lots 1A and 1B from the docket. These areas were described as totaling 44 acres in our 2003 report, however we have now been able to finalize actual lines of demarcation between sugar cane operations and our facility and this should now read as approximately 41 acres overall. The acreage along Mokuale Highway described as lot 1-C is now estimated at approximately 11 acres and final survey of that lot is taking place at this time. It remained in sugar cane use up until late 2004. This lot has now been accepted as part of our development as HC&S stopped sugar cane cultivation on this site at that time. A zoning change and associated documents will be submitted to Maui County no later than mid 2005 for this property.

The second segment of Mokuale Highway expansion is near complete at this time and our signalized intersection has been improved and should be operational no later than May 2005. This second phase of the highway expansion will also provide the four lane, all weather elevated divided highway described in our 2003 report for the entire frontage of Central Maui Baseyard and beyond for a distance of approximately 1 mile to the south.

Landscaping and parking improvements have been further expanded throughout the Baseyard and we continue to work on the back lot areas which are now fully improved with rock base and are being fenced. With the exception of one short run of fire protection 8" line all utilities are in and roads are completed except for the area to be paved over the waterline extension.

Approved easements from the Department of Water Supply for the offsite waterline installed by us in 2001 were finally received in late 2004 and submitted for recordation. They were recorded in early 2005.

We presently are providing space to 99 light industrial users including contractors, sub contractors, and related businesses. As indicated above, the improved project area now comprises all of lots 1A and 1B. Vacant space including partially and fully improved areas totals less than 3 acres with 1/4 acres of that area spoken for by the County of Maui for its Material Recycling Facility parcel.

This constitutes general progress on the subject docket during calendar year 2004.

SECTION 2

Specific Conditions of Docket #A96-717 and Progress on Said  
Conditions During calendar year 2004

1. Petitioner shall obtain a Community Plan Amendment and a Change in Zoning from the County of Maui. Please see paragraph #20 for additional information.

As reported the Petitioner has previously received approval of both Community Plan Amendment and Zoning Changes from the appropriate agencies of the County of Maui.

2. Petitioner shall cause to be verified that areas adjoining the former wood treatment facility site Tax Map Key 3-8-05:22, are free of soil contamination due to migration of contaminants from wood treatment activities. Petitioner and/or landowner shall ensure that future use of the wood treatment facility site complies with the hazardous waste facility closure and post closure plans for the site as approved by the State Department of Health or such other agencies as may be responsible for such approval.

As reported EPA's clean closure of this site was completed in 1998.

3. Petitioner shall consult with the State Department of Transportation (DOT) during the processing of zoning and subdivision requests for the Property. Landowner may be required to provide dedication of land for rights of way or setbacks for the widening of the Mokuale Highway, subject to the requirements of the Department of Transportation.

The second phase of Mokuale Highway expansion is near complete at this time with completion scheduled for May 2005. This will complete the four lane elevated divided highway fronting the project together with a signalized intersection at the entry gate access road. We've worked closely with the Department of Transportation during this expansion of the highway and have mutually worked out cost savings for the Department by utilizing improvements that we have installed for the Baseyard. These include replacement of highway boundary fencing along the Central Maui Baseyard frontage with our own installed 6' chain link fence and the deletion of a road way service strip which was not needed for access to the Baseyard.

4. Petitioner shall quantify existing water use and project future demand, and shall work with the County Department of Water Supply to incorporate this project in the County Water Use and Development Plan.

All offsite water improvements and onsite improvements necessary to provide for service to the project were completed in calendar years 2001 and 2 in accordance with information requested and approved by the Department of Water Supply. A small extension of fire service internally for the final rear lot area consisting of approximately

250 lineal feet of 8" pipe and one hydrant remains to be done. This will be completed in mid 2005. All services have been developed in accordance with Department of Water Supply requirements for the project.

5. Petitioner shall design and construct necessary on and offsite improvements to the baseyards fire protection system to meet County Department of Water Supply standards during the planned expansion of the project.

The offsite water improvements include approximately 1 1/2 miles of 12" cast iron transmission line, and hydrants fronting the project which meet the requirements of the Department of Water Supply for fire protection for the entire project. The onsite improvements include 8" cast iron fire line with hydrants at necessary intervals to meet County requirements.

6. Petitioner shall consult with the State Department of Health and if necessary prepare a waste water plan which shall conform to the State Department of Health's Administrative Rules, Chapter 11-62, "Wastewater Systems". Such plan will be subject to review and approval by the Department of Health.

As previously reported the Petitioner has completed septic systems as necessary for improvements which it controls. All tenants are required to provide septic systems if they install facilities requiring sewerage on their individual tenant spaces.

7. Petitioner shall require its tenants who utilize such materials to establish appropriate systems to contain spills and prevent materials associated with light industrial usage (such as petroleum products, chemicals or other pollutants) from leaching or draining into above ground or subsurface storm drainage collection areas. Petitioner will use and/or cause to be used best management practices to minimize non-point source pollution into the irrigation ditches and Pulehu Gulch. Petitioner shall consult with the State Department of Health and County of Maui, Public Works and Waste Management and obtain any permits required or construct improvements required for storm water discharge on the property.

Petitioner has completed all surface drainage facilities described through their 2003 report. It is anticipated that continuing expansion of the Baseyard will require two additional drainage catchment areas, one at the rear of lot 1A and one at the south end of lot 1C when it is developed. These will be constructed similar to those presently existing onsite.

8. Petitioner shall require all tenants of the property to implement best management practices to minimize possible subsurface and ground water contamination from activities on the property. This shall include all activity including delivery, removal, storage, use and handling of industrial agents on tenant or common areas of the property.

As noted in previous reports Petitioner's lease agreements with tenants control the activity by tenants as to all industrial agents and/or hazardous materials onsite. Annual

environmental audits continue and each tenant is subjected to follow up reports as to any possible improper use of hazardous materials at any time. Tenants who may use hazardous materials in their day-to-day operations must provide such information to Petitioner's environmental auditor and show compliance to all governmental requirements.

9. Petitioner shall require all tenants of the property to implement best management practices to minimize possible subsurface and ground water contamination from activities on the property. This shall include all activity including delivery, removal, storage, use and handling of industrial agents on tenant or common areas of the property.

Please see comments for #8. This requirement is identical to item #8.

10. Petitioner and/or landowner shall limit disturbance of the natural drainage features of Pulehu Gulch, and shall consult with the Army Corps of Engineers should any activity be proposed that would impact Pulehu Gulch.

To the extent that Central Maui Baseyard fronts on Pulehu Gulch the areas that have been completed for expansion are either fenced with total perimeter fencing or blocked off with major physical obstructions to limit any tenant or visitor ability to enter into or in any way modify the gulch from the Central Maui Baseyard area. Petitioner will continue with perimeter fencing and blockading to assure that the gulch is not disturbed.

11. Storage and/or disposal of hazardous waste shall be approved by the applicable Federal, State, and/or County agencies prior to their establishment on the property.

No tenants at Central Maui Baseyard are allowed to store or dispose of hazardous waste onsite with the exception of automotive fluids such as motor oil, hydraulic fluid, expired batteries, etc. In accordance with the present laws affecting such storage and disposal tenants are required to store any hazardous materials or the waste from such materials i.e. used motor oil in appropriate storage containers and remove them offsite for disposal under controlled conditions through the use of third parties who are in the business of such disposal activity.

12. Petitioner shall maintain a buffer of undisturbed kiawe and vegetative cover on the property along Pulehu Gulch to minimize disturbance to native bird habitat provided by Pulehu Gulch.

Please see item #10 above. The perimeter fencing and blockading of Pulehu Gulch on the side occupied by Central Maui Baseyard protects the natural environment of the gulch.

13. Petitioner shall fund and construct adequate civil defense measures as may be required by the State Civil Defense and County Civil Defense Agencies.

Our inquiries with these Departments indicated that no action is required.

14. Petitioner shall cooperate with the State Department of Health and the County Department of Public Works and Waste Management to conform to the program goals and objectives of the Integrated Solid Waste Management Act, Chapter 342G, Hawaii Revised Statutes.

All tenants at Central Maui Baseyard who require Solid Waste permits in the course of their activities are required to provide evidence of submittal of permit requests and receipt of Solid Waste permits from the State Department of Health. If they are unable to obtain such permits within the statutory time provided therefore tenants are requested to curtail any activities requiring such permit or vacate the premises. We presently have four tenants with Solid Waste Permits and in three cases those tenants are modifying or updating their permits to comply with State Department of Health requirements. As master lessee, we are copied on any communication between the DOH and permittees which allows us advance time to monitor any operations which may in any way be considered in violation of permit requirements. Please see paragraph 20.

15. Petitioner shall participate in an air quality-monitoring program as determined by the State Department of Health.

There have been no problems with air quality or any requirement by DOH to monitor air quality at Central Maui Baseyard and we do not anticipate future problems of that type.

16. Petitioner shall ensure that the proposed project will not negatively impact the use of cane haul roads and irrigation ditches or otherwise interfere with continued agricultural operation of adjoining sugar cane cultivation areas.

Petitioner's lease from fee landowner as well as its sub leases to tenants require the project not negatively impact on any agricultural activities in the surrounding area.

17. Should any human burials or any historic artifacts, such as charcoal deposits, stone platforms, paving or walls be found, Petitioner shall stop work in the immediate vicinity and contact the State Historic Preservation Division (SHPD). The significance of these finds shall then be determined and approved by the SHPD, and an acceptable mitigation plan shall be approved by the SHPD. The SHPD must verify that the fieldwork portion of the mitigation plan has been successfully executed prior to work proceeding in the immediate vicinity of the find. Burials must be treated under specific provisions of Chapter 6E, HRS.

Virtually the entire area presently occupied by Central Maui Baseyard and its expansion area has been actively graded or disturbed during prior operations dating back to the mid 20<sup>th</sup> century or before. Central Maui Baseyard improvements have been accomplished with minimal, if any, surface grading. No indication of any burials or historical artifacts have occurred during the construction activities by Petitioner. Due to other construction by petitioner at other project locations we are thoroughly aware of the procedures with DLNR should any burials, artifacts, or items of similar nature be encountered.

18. Petitioner shall implement effective soil erosion and dust control methods during and after construction in compliance with the rules and regulations of the State Department of Health and the County of Maui.

Petitioner has done limited if any site construction which involves excavation which would in any way cause potential soil or erosion problems. As grading materials and dust palliatives have been installed, water trucks and compaction equipment have been utilized to minimize dust problems and no soil erosion has occurred at any of these locations. The direction of progress at the Baseyard for construction improvements has been in a north to south direction thereby assuring that even minor dust which may be raised during construction activities blows over non-occupied areas presently in kiawe, vegetation, or sugar cane.

19. Petitioner shall inform prospective tenants and shall include in all tenant license agreements language informing tenants of possible odor, noise, and dust pollution resulting from surrounding Agricultural District lands, and the Hawaii Right-to-Farm Act, Chapter 165, Hawaii Revised Statutes, limits the circumstances under which pre-existing farming activities may be deemed a nuisance.

Petitioners lease from the fee landowner as well as its leases to tenants makes it very clear both to the Petitioner and to all of the Petitioner's tenants that adjacent farming activities by the sugar industry may operate freely without being deemed a nuisance by Petitioner or its tenants.

20. The property subject of the Petition will be subject to incremental redistricting and Parcel 1C totaling 11,056 acres more or less shall be withheld from formal redistricting until (a) substantial completion of improvements for parcels 1A and 1B; (b) submittal by Petitioner to Maui County for Zoning Change from agricultural to light industrial for parcel 1C; and (c) approval from the County Department of Land Use and Codes for processing of said change by the Planning Department.

In December of 2004 HC&S advised Petitioner that they were giving up sugarcane operations on lot 1C. Concurrently we received word that one and possibly two of the operations at Central Maui Baseyard required up zoning to M2, Heavy Industrial, to legitimize Solid Waste permits for those properties. In at least one case a Solid Waste permit had been requested and approved by the State Department of Health and the County of Maui for an automobile processor on a portion of parcel 1B which we were later advised required M2 zoning to continue operation.

We were also approached by an automobile processing entity with several operations on the West Coast proposing to install an auto processing plant to help resolve the County abandoned and wrecked car problem by installing a state of the art processing facility on approximately 3 acres of lot 1C. At that time we anticipated filing a Change in Zoning, a Change in Community Plan and Environmental Assessment which procedure we believed

would take approximately 1 year to complete and would provide up zoning for both the existing users on parcels 1A and B as well as the 3 acre portion of parcel 1C.

Because of extenuating circumstances, specifically the County's difficulty in contracting for auto processing on sites with M2 zoning on island satisfactory for such processing, we have decided to accelerate the hoped for zoning of 3 acres of parcel 1C in an effort to provide for an auto processing facility at the earliest possible date. This will take the form of a Conditional or Special Use Permit. The County has advised us that they will support M2 zoning for the entire area of parcel 1C due to the need for such zoning on island for other contemplated heavy industrial uses. We will concurrently pursue the EA, CZJ, and C/CP described above.

21. Petitioner and/or landowner shall develop the property in substantial compliance with the representations made to the Commission and the Conditions imposed herein by the Commission. Failure to so develop the property may result in reversion of the property to its former classification, or change to a more appropriate classification.

The Petitioner has continued to expand facilities at Central Maui Baseyard as originally provided in the docket. Parcels 1A and 1B are now substantially complete with a vacancy factor of less than 8% overall. Present lease negotiations under way would reduce this vacancy factor to less than 3% by May of 2005. The "all industrial" development desired by Commissioners during the testimony for the docket has been met entirely with the facility having no retail/commercial activities with the exception of limited activities associated with the construction and related industrial/tenants onsite.

22. Petitioner shall give notice to the Land Use Commission of any intent to sell, lease, assign, place in trust or otherwise voluntarily alter its interest in the property covered by the approved petition prior to development of the property.

There has been no change in the fee ownership or leasing entity of the property and none is contemplated at this time. We are presently over 80% developed.

23. Petitioner shall provide without any prior notice, annual reports to the Commission, the Office of Planning, and the County of Maui Planning Department in connection with the status of the subject Project and Petitioner's progress in complying with the conditions imposed herein. The annual report shall include any supporting documentation from State and/or County agencies relating to progress in complying with said conditions. The annual report shall be submitted in a form prescribed by the Executive Officer of the Commission.

This is the annual report for the calendar year 2004.

24. Within seven (7) days of the issuance of the Commission's Decision and Order for the subject reclassification, Petitioner and/or landowner shall (a) record with the Bureau of Conveyances a statement that the use, that the property is subject to conditions

imposed herein by the Land Use Commission in the reclassification of the property, and (b) shall file a copy of such recorded statement with the Commission.

Petitioner has previously complied in full with this condition.

25. Petitioner and/or landowner shall record the conditions imposed herein by the Commission with the Land Court of the State of Hawaii and/or the Bureau of Conveyances, as applicable, pursuant to Hawaii Administrative Rules section 15-15-92.

Petitioner has previously complied in full with this condition.

26. The Commission may fully or partially release these conditions as to all or any portion of the property upon timely motion, and upon the provisions of adequate assurance of satisfaction of these conditions by the Petitioner and/or landowner.

Because Petitioner has recently received the final property area comprising the Central Maui Baseyard project as originally presented we have elected to hold our request for release of conditions at least for the forthcoming year.

This completes section 2.

**APPENDIX D**  
**Decision and Order –**  
**May 5, 2005**



BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

RECEIVED  
JUN 15 2005

In the matter of the Petition ) DOCKET NO. A96-717 )  
of )  
C. Earl Stoner, Jr., on behalf of S & F ) DECISION AND ORDER )  
Land Company, Inc. ) APPROVING APPLICATION FOR )  
 ) INCREMENT II FOR )  
 ) INCREMENTAL REDISTRICTING )  
 ) FROM AGRICULTURAL TO )  
 ) URBAN CLASSIFICATION; and )  
 ) ORDER AMENDING CONDITION )  
 ) No. 20 OF THE DECISION AND )  
 ) ORDER DATED NOVEMBER 13, )  
 ) 1996 )

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the matter of the Petition ) DOCKET NO. A96-717 )  
of )  
C. Earl Stoner, Jr., on behalf of S & F ) DECISION AND ORDER )  
Land Company, Inc. ) APPROVING APPLICATION FOR )  
 ) INCREMENT II FOR )  
 ) INCREMENTAL REDISTRICTING )  
 ) FROM AGRICULTURAL TO )  
 ) URBAN CLASSIFICATION; and )  
 ) ORDER AMENDING CONDITION )  
 ) No. 20 OF THE DECISION AND )  
 ) ORDER DATED NOVEMBER 13, )  
 ) 1996 )

DECISION AND ORDER APPROVING APPLICATION FOR INCREMENT II  
FOR INCREMENTAL REDISTRICTING FROM AGRICULTURAL TO  
URBAN CLASSIFICATION; and ORDER AMENDING CONDITION No. 20  
OF THE DECISION AND ORDER DATED NOVEMBER 13, 1996

DECISION AND ORDER APPROVING APPLICATION FOR INCREMENT II FOR  
INCREMENTAL REDISTRICTING FROM AGRICULTURAL TO URBAN  
CLASSIFICATION; and ORDER AMENDING CONDITION No. 20 OF THE  
DECISION AND ORDER DATED NOVEMBER 13, 1996

C. Earl Stoner Jr., on behalf of S & F Land Company ("Petitioner") filed its

Application to Approve Incremental Redistricting from Agricultural to Urban

Classification (the "Application") and Motion to Amend Condition No 20 of the

Commission's Decision and Order (the "Motion"); Verification; Exhibits A-C; Affidavit

of Publication for Notice of Hearing; and Certificate of Service, on April 11, 2005,

pursuant to § 15-15-78, Hawaii Administrative Rules ("HAR"). The Application

requested the incremental redistricting of the State Land Use District Boundaries for

This is to certify that this is a true and correct  
copy of the document on file in the office of the  
State Land Use Commission, Honolulu, Hawaii.

JUN 13 2005 by *[Signature]*  
Date Executive Officer

approximately 11.056 acres of land situated at Waikapu, Wailuku, Island of Maui, State of Hawaii, and designated by Tax Map Key No.: 3-8-005; portion of 019, as specified on the metes and bounds map received by the Commission on April 19, 2005 ("Increment II"). The Motion requested a modification to the requirement that Petitioner request a zoning change to light industrial to a requirement that Petitioner request a zoning change to heavy industrial.

#### PROCEDURAL MATTERS

#### INCREMENTAL REDISTRICTING

On April 16, 1996, Petitioner filed an Application For District Boundary Change Reclassification of 51.946 acres of land from the Agricultural District to the Urban District ("Petition"), designated by Tax Map Key Nos.: 3-8-005; por. 1, 19, 22 and 38 ("Petition Area") with the Commission. The Petition was accepted as a complete filing on May 22, 1996.

On July 26, 1996, the Commission conducted a hearing on the Petition, pursuant to notice published on June 6, 1996 in the Maui News and Honolulu Advertiser. No written or oral public testimony was received. No request for intervention was filed. On July 26, 1996, the hearing on the Petition was closed.

On November 13, 1996, the Commission filed its Findings of Fact, Conclusions of Law, and Decision and Order on Docket No. A96-717 (the "Decision and Order"). The

Decision and Order imposed 26 Conditions of Approval. Of said Conditions of Approval, Condition No. 20 provides as follows:

"20. The property subject of the Petition will be subject to incremental redistricting and Parcel 1C totaling 11.056 acres more or less shall be withheld from formal redistricting until (a) substantial completion of improvements for parcels 1A and 1B; (b) submittal by Petitioner to Maui County for Zoning Change from agricultural to light industrial for parcel 1C; and (c) approval from the County Department of Land Use and Codes for processing of said change by the Planning Department."

On April 11, 2005, Petitioner filed its Application, which requested the incremental redistricting from the Agricultural District to the Urban District for parcel 1C, consisting of 11.056 acres.

On April 14, 2005, a prehearing conference was held of the Application. In attendance were Petitioner, the County of Maui Department of Planning ("County") (both via teleconference) and the Office of Planning, Department of Business Economic Development & Tourism ("OP").

On April 19, 2005, Petitioner filed a full-sized metes and bounds map of the Petition Area signed and stamped by Bruce R. Lee, licensed professional land surveyor. The metes and bounds map further clarified Increment II as being 10.714 total acres of land (consisting of 9.811 acres of useable land and 0.903 acres of a ditch maintenance easement), designated by Tax Map Key No.: 3-8-005; portion of 19.

On April 27, 2005, Petitioner filed its Exhibit D.

On April 29, 2005, County filed its Testimony in support of the Applicant, Certificate of Service, List of Witnesses, and List of Exhibits.

On May 3, 2005, OP filed its Testimony in support of the Applicant, Certificate of Service, Exhibit 2, List of Witnesses, and List of Exhibits.

On May 5, 2005, the Commission conducted a hearing on the Application in Makena, Maui, Hawaii, pursuant to notice published on April 5, 2005 in the Maui News and Honolulu Star-Bulletin. No written or oral public testimony was received. No request for intervention was filed.

On May 5, 2005, Petitioner filed its Exhibits E and F.

During the hearing, the Petitioner stated that the Commission should favorably consider the Application given the presentation of prima facie evidence of the completion of onsite and offsite improvements as specified in the Decision and Order. Petitioner through the Application, Exhibits A-F, and oral testimony, described the completion of the following improvements:

- In May 2005, the Petitioner completed the widening of a segment of Mokulele Highway to four lanes fronting the Petition Area and completed the signalization of the intersection at the entry gate access road. Petitioner has also replaced the fencing along the Petition Area's frontage on Mokulele Highway with a 6-foot tall chain link fence and removed a

roadway service strip, which was not needed for access to the Petition Area.

- All offsite water improvements and onsite improvements necessary to service the Petition Area were completed in 2001 and 2002, in accordance with the County Department of Water Supply. Petitioner recently completed the remaining small extension of fire service transmission infrastructure for the final rear lot area consisting of approximately 250 lineal feet of 8-inch pipe and one hydrant.
- All offsite water improvements to include approximately 1-1/2 miles of 12-inch cast iron transmission line and hydrants fronting the Petition Area were completed in April 2005. All onsite improvements, including 8-inch cast iron fire line with hydrants at necessary intervals to meet County requirements, were completed in April 2005.
- All septic systems necessary for improvements to the Petition Area were completed in May 2002.
- All surface drainage facilities were completed in March 2003.
- Petitioner has fenced or blocked-off by physical obstructions any access to the gulch from the Petition Area.

After receiving an oral affirmation from the Petitioner that the Petitioner had no objections to the County's written testimony and position regarding Condition No. 20, County stated no objections to Petitioner's Application and Motion.

After questioning the Petitioner on matters regarding Conditions Nos. 3, 7, and 13, OP stated no objections to Petitioner's Application and Motion.

After discussion and deliberation by the Commissioners, a motion was made and seconded to accept Petitioner's Application to approve incremental redistricting.

There being a vote tally of 6 ayes, 0 nays, and 3 absent, the motion carried.

On May 5, 2005, the hearing on the Application was closed.

On May 17, 2005, Petitioner filed its proposed Findings of Fact, Conclusions of Law, and Decision and Order.

#### MOTION TO AMEND CONDITION NUMBER 20

On May 5, 2005, Petitioner's Motion came on for hearing before this Commission in Makena, Maui, Hawaii, with appearances by the Petitioner, the County and OP.

The Motion requested that Condition No. 20 of the Decision and Order be amended to read as follows:

"20. The property subject of the Petition will be subject to incremental redistricting and Parcel 1C totaling 11,056 acres more or less shall be withheld from formal redistricting until (a) substantial completion of improvements for parcels 1A and 1B; (b) submittal by Petitioner to Maui County for Zoning Change from agricultural to heavy industrial for parcel 1C; and (c) approval from the County Department of Land Use and Codes for processing of said change by the Planning Department."

Decret No. A96-717 C. Earl Stoner, Jr., on behalf of S & F Land Company, Inc.  
Decision And Order Approving Application For Increment II For Incremental Redistricting From Agricultural To Urban Classification,  
and Order Amending Condition No. 20 Of The Decision And Order Dated November 11, 1996

Page 6

The County stated no objections to the Motion and noted that Maui County is in need of lands suitable for heavy industrial uses. OP stated no objections to the Motion.

After discussion and deliberation by the Commissioners, a motion was made and seconded to amend Condition Number 20 to read as follows:

"20. The property subject of the Petition will be subject to incremental redistricting and Parcel 1C totaling 11,056 acres more or less shall be withheld from formal redistricting until (a) substantial completion of improvements for parcels 1A and 1B; (b) written verification from the County of Maui Planning Department is received by the Land Use Commission confirming that the Petitioner has submitted an application for a change in zoning from Agricultural to Heavy Industrial for parcel 1C; (c) written verification from the County of Maui Planning Department is received by the Land Use Commission that the aforementioned change in zoning application is deemed complete by the County of Maui Planning Department.

There being a vote tally of 6 ayes, 0 nays, and 3 absent, the motion carried.

The LUC, having considered the entire record on this matter, hereby makes the following decision and order.

#### DECISION AND ORDER

IT IS HEREBY ORDERED that Increment II being the subject of LUC Docket No.

A96-717, filed by Petitioner, C. Earl Stoner Jr., on behalf of S & F Land Company, Inc., consisting of approximately 10,714 acres of land in the State Land Use Agricultural District at Wakapu, Wailuku, County of Maui, State of Hawaii, identified as Tax Map Key No.: 3-8-005: portion 019 (refer to Exhibit A), is hereby reclassified into the State

Decret No. A96-717 C. Earl Stoner, Jr., on behalf of S & F Land Company, Inc.  
Decision And Order Approving Application For Increment II For Incremental Redistricting From Agricultural To Urban Classification,  
and Order Amending Condition No. 20 Of The Decision And Order Dated November 11, 1996

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Land Use Urban District, and the State Land Use District Boundaries are amended accordingly, subject to the conditions of approval set forth herein.

Having duly considered Petitioner's Motion, the oral and written arguments presented by the parties, and further representations made during the hearing, and a motion having been made and seconded at a hearing on May 5, 2005, in Makena, Maui, Hawaii, and the motion having received the affirmative votes required by section 15-15-13, HAR, this Commission hereby ORDERS that Condition No. 20 of the Decision and Order dated November 13, 1996, be amended to read as follows:

"20. The property subject of the Petition will be subject to incremental redistricting and Parcel 1C totaling 11.056 acres more or less shall be withheld from formal redistricting until (a) substantial completion of improvements for parcels 1A and 1B; (b) written verification from the County of Maui Planning Department is received by the Land Use Commission confirming that the Petitioner has submitted an application for a change in zoning from Agricultural to Heavy Industrial for parcel 1C; (c) written verification from the County of Maui Planning Department is received by the Land Use Commission that the aforementioned change in zoning application is deemed complete by the County of Maui Planning Department.

All other conditions of the Decision and Order dated November 13, 1996, shall remain in full force and effect.

#### ADOPTION OF ORDER

The undersigned Commissioners, being familiar with the record and proceedings, hereby adopt and approve the foregoing ORDER this 13th day of June, 2005. This ORDER and its ADOPTION shall take effect upon the date this ORDER is certified and filed by this Commission.

Done at Honolulu, Hawaii, this 13th day of June, 2005, per motion on May 5, 2005.

APPROVED AS TO FORM

Miauel Jackson  
Deputy Attorney General

LAND USE COMMISSION  
STATE OF HAWAII

By [Signature]  
P. ROY CATALANI  
Chairperson and Commissioner

By [Signature]  
RANDALL SAKUMOTO  
Vice-Chairperson and Commissioner

By (absent)  
STEVEN LEE MONTGOMERY  
Vice Chairperson and Commissioner

BEFORE THE LAND USE COMMISSION  
OF THE STATE OF HAWAII

In the matter of the Petition ) DOCKET NO. A96-717  
of ) CERTIFICATE OF SERVICE

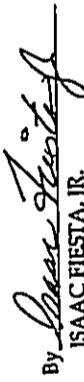
C. Earl Stoner, Jr., on behalf of S & F  
Land Company, Inc.  
To Amend the Land Use District  
Boundary of Approximately 51.946 acres  
of land in the Agricultural District to the  
Urban District at Waikapu, Wailuku,  
Island of Maui, State of Hawaii, Tax  
Map Key Nos.: 3-8-005: 019 and 038.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the Decision and Order Approving  
Application for Increment II for Incremental Redistricting from Agricultural to Urban  
Classification; and Order Amending Condition No. 20 of the Decision and Order dated  
November 13, 1996 was served upon the following by either hand delivery or  
depositing the same in the U. S. Postal Service by regular or certified mail as noted:

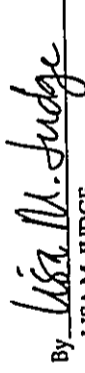
DEL. LAURA THIELEN, Director  
Office of Planning  
P. O. Box 2359  
Honolulu, Hawaii 96804-2359  
JOHN CHANG, Esq.  
Deputy Attorney General  
Hale Auhau, Third Floor  
425 Queen Street  
Honolulu, Hawaii 96813

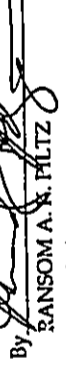
Docket No. A96-717 C. Earl Stoner, Jr., on behalf of S & F Land Company, Inc.  
Decision And Order Approving Application For Increment II For Incremental Redistricting From Agricultural To Urban Classification,  
and Order Amending Condition No. 20 Of The Decision And Order Dated November 13, 1996  
Page 11

By   
ISAAC FIESTA, JR.  
Commissioner

By   
MICHAEL D. FORMBY  
Commissioner

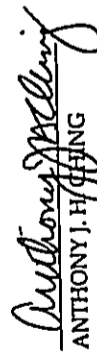
By \_\_\_\_\_ (absent)  
KYONG SUJIM  
Commissioner

By   
LISA M. JUDGE  
Commissioner

By   
RANSOM A. N. PILTZ  
Commissioner

Filed and effective on  
JUN 13 2003

Certified by:

  
ANTHONY J. HOFFING  
By \_\_\_\_\_ (absent)  
PETER YUKIMURA  
Commissioner

Docket No. A96-717 C. Earl Stoner, Jr., on behalf of S & F Land Company, Inc.  
Decision And Order Approving Application For Increment II For Incremental Redistricting From Agricultural To Urban Classification,  
and Order Amending Condition No. 20 Of The Decision And Order Dated November 13, 1996  
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**APPENDIX E**  
**Ordinance No. 2815**

TOGETHER WITH THE DEPT. OF PLANNING AND ZONING, COUNTY OF MAUI, HAWAII

ORDINANCE NO. 2815  
Effective Date: Dec. 8, 1999

DEC 14 2 57 PM '99  
DEPT OF PLANNING BILL NO. 70 (1999)  
COUNTY OF MAUI RECEIVED

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM COUNTY AGRICULTURAL DISTRICT TO M-1 LIGHT INDUSTRIAL DISTRICT (CONDITIONAL ZONING) FOR PROPERTIES SITUATED AT WAIKAPU, WAILUKU, MAUI, HAWAII

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Pursuant to Chapters 19.30 and 19.510, Maui County Code, a change in zoning from County Agricultural District to M-1 Light Industrial District (conditional zoning) is hereby granted for properties situated at Waikapu, Wailuku, Maui, Hawaii, and identified by Tax Map Key Numbers: 3-8-05:22, Portions of 1 and Portions of 19, together comprised of approximately 40 acres of land, and more particularly described in Exhibits "A" (Parcel 1-a) and "B" (Parcel 1-b), attached hereto and by this reference made a part hereof, and in Land Zoning Map No. 570, which is on file in the Office of the County Clerk of the County of Maui and which is by this reference made a part hereof.

SECTION 2. Pursuant to Section 19.510.050, Maui County Code, the zoning established by this ordinance is subject to the conditions set forth in Exhibit "C", attached hereto and by this reference made a part hereof, and the Unilateral Agreement and Declaration for Conditional Zoning, attached hereto as Exhibit "D" and by this reference made a part hereof.

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:

*Kelly A. Cairns*  
KELLY A. CAIRNS  
Deputy Corporation Counsel  
County of Maui  
HONOLULU, HAWAII

EXHIBIT "A"

DESCRIPTION  
PARCEL 1-A  
COMMUNITY PLAN AMENDMENT  
TAX MAP KEY: (2) 3-8-005, PORTION 001

All of that certain parcel of land, being Parcel 1-A (Community Plan Amendment), being a portion of Parcel 1 of Tax Map Key: (2) 3-8-005, being also a portion of Grant 3152 to H. Cornwell, situated at Waikapu, Wailuku, Island and County of Maui, State of Hawaii, and being more particularly described as follows:

Beginning at the Southwest corner of this parcel of land, said point being also the Southeast corner of Parcel 1-B (Community Plan Amendment), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

- 15,194.79 feet South
  - 11,970.83 feet East
- and running by azimuths measured clockwise from true South:
1. 193° 10' 20" 923.07 feet along said Parcel 1-B (Community Plan Amendment) and along the remainder of said Grant 3152 to H. Cornwell;
  2. 300° 10' 00" 903.53 feet along the remainder of said Grant 3152 to H. Cornwell;
  3. 276° 00' 00" 310.00 feet along same;
  4. 31° 20' 00" 315.00 feet along same;
  5. 79° 40' 00" 450.00 feet along same;
  6. 96° 00' 00" 221.81 feet along same;
  7. 79° 30' 00" 481.22 feet along same to the point of beginning and containing an area of 14.328 Acres, more or less.



EXHIBIT "B"

DESCRIPTION  
PARCEL 1-B  
COMMUNITY PLAN AMENDMENT  
TAX MAP EBY(2) 3-8-005.019, 021 AND PORTION 001

All of that certain parcel of land, being Parcel 1-B (Community Plan Amendment), being all of Parcels 19 and 22 and portion of Parcel 1 of Tax Map Key (2) 3-8-005, being also a portion of Grant 3152 to H. Cornwell, situated at Waikapu, Maui, Island and County of Maui, State of Hawaii and being more particularly described as follows:

Beginning at the Southeast corner of this parcel of land, said point being also the Southwest corner of Parcel 1-A (Community Plan Amendment), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

13,194.79 feet South  
11,970.83 feet East

and running by azimuths measured clockwise from true South:

1. 79° 30' 00" 236.48 feet along the remainder of said Grant 3152 to H. Cornwell;
2. 80° 37' 00" 404.69 feet along same to at the Southeast corner of Parcel 1-C (Community Plan Amendment);
3. 154° 00' 00" 150.63 feet along said Parcel 1-C (Community Plan Amendment) and along the remainder of said Grant 3152 to H. Cornwell;
4. 248° 30' 00" 110.00 feet along same;
5. 185° 40' 00" 400.00 feet along same;
6. 190° 29' 00" 203.00 feet along same;
7. 185° 17' 00" 402.00 feet along same;

22. 13° 10' 20" 925.07 feet along said Parcel 1-A (Community Plan Amendment) and along the remainder of said Grant 3152 to H. Cornwell to the point of beginning and containing an area of 26.562 Acres, more or less.

Prepared by:  
NEWCOMER-LEE  
LAND SURVEYORS, INC., a Hawaii Corporation



This description was prepared by me or under my direct supervision.

*Bruce R. Lee*  
BRUCE R. LEE  
Licensed Professional Land  
Surveyor Certificate No. 5983-LS

6/2/95  
S&F LAND  
File 93-3629  
H/M/P-H/n

Exhibit "C"

1. That uses on the Property shall be industrial in nature or accessory to the principal industrial use such as an office for a construction baseyard. No pure retail or commercial activity such as a store or a restaurant should be conducted on the Property.
2. That the applicant shall submit a Traffic Impact Assessment Report (TIAR) to the State Department of Transportation for review and approval prior to the expansion of the project area beyond the current 17.52 acres. The landowner may be required to provide dedication of land for rights of way or setbacks for the widening of Mokuale Highway, subject to the requirements of the Department of Transportation.
3. That the applicant shall submit a landscaping plan to the Planning Department for review and approval prior to the expansion of the project beyond the current 17.52 acres. Said plan shall address the need to provide additional landscaping or vegetative buffers along the perimeter of the Property to fully mitigate the visual impact of light industrial activity in the middle of agricultural vistas.

(S:\a\m\c\syton\36cisz7.b)

THE OFFICIAL OF THE DOCUMENT  
 RECEIVED AS FOLLOWS:  
 STATE OF HAWAII  
 BUREAU OF CONVEYANCES  
 DATE: NOV 13 1998 FILE: 80  
 DOCUMENT NO.: 11-184166

LAND COURT SYSTEM  
 After recordation, return to:  
 Office of the County Clerk  
 County of Maui  
 200 South High Street  
 Wailuku, HI 96793

REGULAR SYSTEM  
 RETURN BY MAIL

TITLE OF DOCUMENT:

UNILATERAL AGREEMENT AND DECLARATION FOR CONDITIONAL ZONING

PARTIES TO DOCUMENT:

Declarant: S & F Land Company, Inc.  
 P O Box 806  
 Puunene, HI 96784

County of Maui: County of Maui  
 200 South High Street  
 Wailuku, HI 96793

Affects Tax Map Key: 3-8-05:19, 22, 01 (port) Total Number of Pages: 10

UNILATERAL AGREEMENT AND DECLARATION FOR CONDITIONAL ZONING

THIS INDENTURE, made this 25<sup>th</sup> day of October, 1992, by S & F Land Company, Inc., whose address is P O Box 806, Puunene, HI 96784 (hereinafter referred to as "Declarant"), and who is the lessee of that certain parcel of land located at Puunene, Maui, Hawaii, comprised of approximately 40 acres, and identified for real property tax purposes by Tax Map Keys No. 3-8-05:19, 22, 01 (port) hereinafter referred to as "PARCEL".

EXHIBIT "D"

EXHIBIT 1, 5 pages

DESCRIPTION: 1-A

PARCEL

TAX MAP KEY: (2) 3-8-003, PORTION 001

herein, shall be construed to mean the singular or the plural, the masculine or feminine, or the neuter, and vice versa, and shall include any corporation, and shall be held to mean and include the "Declarant", the Declarant's heirs, devisees, executors, administrators, personal representatives, successors and assigns;

5. That the Declaration shall become fully effective on the effective date of the zoning ordinance approving the establishment of M-1 Light Industrial District Zoning and this Declaration shall be recorded in the Bureau of Conveyances or Land Court of the State of Hawaii;

6. That the Declarant agrees to develop said Parcel in conformance with the conditions set forth in Exhibit "2", which is attached hereto and made a part hereof and which shall be made a part of the zoning ordinance;

7. That the conditions imposed are reasonable and rationally relate to the objective of preserving the public health, safety and general welfare and such conditions fulfill the need for the public service demands created by the proposed use.

AND IT IS EXPRESSLY UNDERSTOOD AND AGREED that until released in writing by the County, the conditions imposed in this Declaration shall run with the land identified hereinabove and shall bind and constitute notice to all subsequent lessees, grantees, assignees, mortgagees, lienors and any other persons who claim an interest in said land, and the County of Maui shall have the right to enforce this Declaration by appropriate action at law or suit in equity against all such persons, provided that the Declarant or its successors and assigns may at any time file a petition for the removal of the conditions and terminate this Unilateral Agreement, such petition to be processed in the same manner as petitions for change in zoning.

IN WITNESS WHEREOF, the undersigned has executed this Declaration the day and year first above written.

DECLARANT: S & F Land Company, Inc

*[Signature]*  
By its President  
C. Earl Stotter, Jr.

APPROVED AS TO FORM AND LEGALITY:

*Kulya Ch...*  
Deputy Corporation Counsel, County of Maui

All of that certain parcel of land, being Parcel 1-A (Community Plan Amendment), being a portion of Parcel 1 of Tax Map Key (2) 3-8-003, being also a portion of Grant 3152 to H. Cornwell, situated at Waikapu, Wailuku, Island and County of Maui, State of Hawaii and being more particularly described as follows:

Beginning at the Southwest corner of this parcel of land, said point being also the Southeast corner of Parcel 1-B (Community Plan Amendment), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

13,194.79 feet South  
11,970.83 feet East

and running by azimuths measured clockwise from true South:

1. 193° 10' 20" 923.07 feet along said Parcel 1-B (Community Plan Amendment) and along the remainder of said Grant 3152 to H. Cornwell;
2. 300° 10' 00" 903.33 feet along the remainder of said Grant 3152 to H. Cornwell;
3. 276° 00' 00" 310.00 feet along same;
4. 31° 20' 00" 315.00 feet along same;
5. 79° 40' 00" 450.00 feet along same;
6. 96° 00' 00" 221.81 feet along same;
7. 79° 30' 00" 481.22 feet along same to the point of beginning and containing an area of 14.328 Acres, more or less.

DESCRIPTION  
PARCEL 1-B

TAX MAP KEY:(2) 3-8-005,019, 022 AND PORTION 001

All of that certain parcel of land, being Parcel 1-B (Community Plan Amendment), being all of Parcels 19 and 22 and portion of Parcel 1 of Tax Map Key:(2) 3-8-005, being also a portion of Grant 3152 to H. Cornwell, situated at Waialeale, Kauai, Island and County of Hawaii, State of Hawaii, and being more particularly described as follows:

Beginning at the Southeast corner of this parcel of land, said point being also the Southwest corner of Parcel 1-A (Community Plan Amendment), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

15,194.79 feet South  
11,970.83 feet East

and running by azimuths measured clockwise from true South:

1. 79° 30' 00" 236.48 feet along the remainder of said Grant 3152 to H. Cornwell;
2. 80° 37' 00" 404.69 feet along same to at the Southeast corner of Parcel 1-C (Community Plan Amendment);
3. 154° 00' 00" 150.63 feet along said Parcel 1-C (Community Plan Amendment) and along the remainder of said Grant 3152 to H. Cornwell;
4. 248° 30' 00" 110.00 feet along same;
5. 185° 40' 00" 400.00 feet along same;
6. 190° 29' 00" 203.00 feet along same;
7. 185° 17' 00" 402.00 feet along same;

22. 13° 10' 20" 925.07 feet along said Parcel 1-A (Community Plan Amendment) and along the remainder of said Grant 3152 to H. Cornwell to the point of beginning and containing an area of 26.562 Acres, more or less.

Prepared by:

NEWCOMER-LEE  
LAND SURVEYORS, INC., a Hawaii Corporation



This description was prepared by me or under my direct supervision.

*Bruce R. Lee*  
BRUCE R. LEE  
Licensed Professional Land Surveyor Certificate No. 5983-LS

6/2/95  
S&F LAND  
File 95-3629  
dlr:dlr


WE HEREBY CERTIFY that the foregoing BILL NO. 70 (1999)

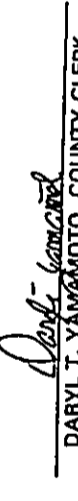
1. Passed FINAL READING at the meeting of the Council of the County of Maui, State of Hawaii, held on the 3rd day of December, 1999, by the following votes:

Member Name	Vote	Member Name	Vote	Member Name	Vote	Member Name	Vote
Richard L. KAWANO	Aye	John Wayne DUBOQUE	Excused	G. Mai HOKAMA	Aye	Warren L. RISHI	Aye
Chair		J. Kalani ENGLISH	Aye	David Y. HAKAMURA	Aye	Chenene TAVARES	Aye
		Michael A. DAVIS	Aye				
		Don P. KAHE	Aye				
		Vernon					

2. Was transmitted to the Mayor of the County of Maui, State of Hawaii, on the 6th day of December, 1999.

DATED AT WAILUKU, MAUI, HAWAII, this 6th day of December, 1999.


  
 PATRICK S. KAWANO, CHAIR  
 Council of the County of Maui

  
 DARYL T. YAMAMOTO, COUNTY CLERK  
 County of Maui

THE FOREGOING BILL IS HEREBY APPROVED THIS 8<sup>th</sup> DAY OF DECEMBER, 1999.

  
 JAMES H. APANA JR., MAYOR  
 County of Maui

I HEREBY CERTIFY that upon approval of the foregoing BILL by the Mayor of the County of Maui, the said BILL was designated as ORDINANCE NO. 2815 of the County of Maui, State of Hawaii.

  
 DARYL T. YAMAMOTO, COUNTY CLERK  
 County of Maui

Passed First Reading on November 5, 1999.  
 Effective date of Ordinance December 8, 1999.

I HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 2815, the original of which is on file in the Office of the County Clerk, County of Maui, State of Hawaii.  
 Dated at Wailuku, Hawaii, on

\_\_\_\_\_  
 County Clerk, County of Maui

**APPENDIX F**  
**Use Regulations for the**  
**M-2, Heavy Industrial**  
**District**

Title 19. Zoning

**Chapter 19.26 M-2 HEAVY INDUSTRIAL DISTRICT**

**19.26.010 Generally.**

**19.26.020 Use regulations.**

**19.26.030 Height regulations.**

**19.26.040 Area regulations.**

**19.26.050 Yards.**

**19.26.010 Generally.**

Those uses which include the manufacture or treatment of goods from raw materials are permitted in the M-2 heavy industrial district. Those uses which are listed under subsection 28 of Section 19.26.020 cannot be automatically included in the heavy industrial district because of their hazardous or offensive nature. Provision is made whereby the location and conduct of these uses is subject to review and approval of the commission and council of the county of Maui as conforming to the intent of this title. (Prior code § 8-1.13(a))

**19.26.020 Use regulations.**

Within the M-2 district, no building, structure or premises shall be used and no building or structure hereafter erected, structurally altered, replaced, or enlarged except for one or more of the following uses:

1. Any use permitted in the B-1, B-2 and B-3 business districts and M-1 district; provided, however, that no building, structure or portion thereof shall be hereafter erected, converted, or moved onto any lot in an M-2 district for dwelling purposes, including hotels and motels, except living quarters used by watchman or custodians of industrially used property.
2. Alcohol manufacture;
3. Automobile wrecking, if conducted within a building;
4. Brick, tile or terra cotta manufacture;
5. Boiler and steel works;
6. Canneries, except fish canneries;
7. Chemical manufacture;
8. Concrete or cement products manufacture;
9. Factories;
10. Foundries;
11. Freight classification yard (railroad);
12. Junk establishment used for storing, depositing, or keeping junk or similar goods for business purposes, provided such establishment shall not be nearer than eight feet from any other property line for the storage of the junk or similar goods except in buildings entirely enclosed with walls;
13. Lime kilns which do not emit noxious and offensive fumes;
14. Lumber yard;
15. Machine shops;
16. Oil storage plants;
17. Oilcloth or linoleum manufacture;
18. Paint, oil (including linseed), shellac, turpentine, lacquer, or varnish manufacture;
19. Petroleum products manufacture or wholesale storage of petroleum;
20. Planing mill;
21. Plastic manufacture;
22. Railroad repair shops;
23. Rolling mills;
24. Ship works;
25. Soap manufacture;
26. Sugar mills and refineries;

27. In general those uses which may be obnoxious or offensive by reason of emission of odor, dust, smoke, gas, noise, vibration and the like and not allowed in any other district; provided, however, that any use not specified in this section shall be approved by the commission as conforming to the intent of this title;

28. All of the following uses are declared to be special uses and a use permit shall be obtained from the commission with approval of the council of the county for the location and operation thereof in the M-2 district:

- a. Acetylene gas manufacture or bulk storage,
- b. Acid manufacture,
- c. Ammonia, bleaching powder or chlorine manufacture,
- d. Asphalt manufacture of refueling and asphaltic concrete plant,
- e. Blast furnace or coke oven,
- f. Cement, lime, gypsum, or plaster of paris manufacture,
- g. Crematories,
- h. Creosote treatment plants,
- i. Explosives manufacture or storage,
- j. Fertilizer manufacture,
- k. Fish canneries,
- l. Garbage, offal or dead animals reduction or dumping,
- m. Gas manufacture,
- n. Glue manufacture,
- o. Quarry or stone mill,
- p. Rock, sand or gravel or earth excavation, crushing or distribution,
- q. Petroleum refinery,
- r. Saw mill,
- s. Slaughter of animals,
- t. Stock yard or deeding pens,
- u. Tannery or the curing or storage of raw hides.

(Prior code § 8-1.13(b))

**19.26.030 Height regulations.**

No building or structure, and no enlargement of any building or structure, except smoke stacks or chimneys, shall be hereafter erected or maintained so as to exceed six stories. (Prior code § 8-1.13(c))

**19.26.040 Area regulations.**

Every lot within an M-2 district shall have a minimum lot area of not less than ten thousand square feet with a minimum lot width of seventy-five feet. (Prior code § 8-1.13(d))

**19.26.050 Yards.**

A. Front Yard. There shall be a front yard of not less than ten feet from any setback line for street widening purposes; and if no such line exists, then from the main street or front boundary.

B. Side Yard.

1. Where the side or rear of the lot in an M-2 district abuts upon the side or rear of a lot of any residential, duplex, apartment, hotel, agricultural or farming districts, there shall be a side yard of ten feet.

2. In all other cases, a side yard for a heavy industrial building shall not be required.

C. Rear yard.

No rear yard spacing shall be required except where the M-2 district abuts upon an agricultural, farming, residential, duplex, apartment or hotel district, in which case there shall be a rear yard of not less than fifteen feet. (Prior code § 8-1.12(e))

**Title 19, Zoning**

**Chapter 19.24 M-1 LIGHT INDUSTRIAL DISTRICT**

**19.24.010 Generally.**

**19.24.020 Use regulations.**

**19.24.030 Height regulations.**

**19.24.040 Area regulations.**

**19.24.050 Yards.**

**19.24.010 Generally.**

The M-1 light industrial district is designed to contain mostly warehousing and distribution types of activity, and permits most compounding, assembly, or treatment of articles or materials with the exception of heavy manufacturing and processing of raw materials. Residential uses are excluded from this district. (Prior code § 8-1.12(a))

**19.24.020 Use regulations.**

- A. Within the M-1 district, no building, structure or premises shall be used and no building or structure hereafter erected, structurally altered, replaced, or enlarged except for one or more of the following uses:
1. Any use permitted in a B-1, B-2, or B-3 district, provided, however, that no building, structure or portion thereof shall be hereafter erected, converted, or moved onto any lot in an M-1 district for dwelling purposes, including hotels and motels, except living quarters used by watchmen or custodians of industrially used property.
  2. Animal kennels;
  3. Carpet cleaning plants;
  4. Cold storage plants;
  5. Commercial laundries;
  6. Craft, cabinet and furniture manufacturing;
  7. Assembly of electrical appliances, radios and phonographs including the manufacture of small parts such as coils, condensers, crystal holders and the like;
  8. Farm implement sales and service;
  9. General food, fruit and vegetable processing and manufacturing plants;
  10. Ice cream and milk producing, manufacturing and storage;
  11. Laboratories--experimental, photo or motion picture, film or testing;
  12. Light and heavy equipment and product display rooms, storage and service;
  13. Machine shop or other metal working shop;
  14. The manufacture, compounding or treatment of articles or merchandise from the following previously prepared materials: aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt, fibre, fur, glass, hair, horn, leather, plastics, precious or semi-precious metals or stones, shell, tobacco and wood;
  15. The manufacture, compounding, processing, packing or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceutical, toiletries, and food products except the rendering or refining of fats and oils;
  16. The manufacture, dyeing and printing of cloth fabrics and wearing apparel;
  17. The manufacture of musical instruments, toys, novelties and rubber and metal stamps;
  18. Manufacture of pottery and figurines or other similar ceramic products;
  19. Milk bottling or central distribution stations;
  20. Plumbing shops having more than five employees;
  21. Poultry or rabbit slaughter incidental to a retail business on the same premises;
  22. Radio transmitting and television stations; provided, that towers are of the self-sustaining type without guys;
  23. Replating shop;
  24. Retail lumber yard including mill and sash work, except that mill and sash work shall be conducted within a completely enclosed building;
  25. Small boat building;

26. Soda water and soft drink bottling and distribution plants;
  27. Tire repair operation including recapping and retreading;
  28. Vocational and trade schools giving general instruction as prescribed by the State Department of Education;
  29. Warehouse, storage and loft buildings;
  30. Wearing apparel manufacturing;
  31. Wholesale business, storage buildings, nonexplosive goods and warehouses;
  32. Apartment houses.
- B. The above uses are to be conducted wholly within a completely enclosed building, or within an area enclosed on all sides except the front of the lot, by a solid fence or wall or cyclone fence at least six feet in height. (Prior code § 8-1.12(b))

**19.24.030 Height regulations.**

No building or structure nor the enlargement of any building or structure shall be erected or maintained to exceed four stories or forty-eight feet in height; provided, however, that the height of such building or structure shall not exceed one and one-half times the width of the widest street which it fronts. (Prior code § 8-1.12(c))

**19.24.040 Area regulations.**

Every lot within an M-1 district shall have a minimum lot area of not less than seven thousand five hundred square feet, having an average lot width of sixty-five feet. (Prior code § 8-1.12(d))

**19.24.050 Yards.**

- A. Front Yard
1. Where all the frontage between intersecting streets is located within business districts or industrial districts, no front yard shall be required.
  2. Where the frontage is located abutting the residential district, there shall be a front yard of not less than ten feet from any setback line for street widening purposes; and if no such line exists, then from the main street or front boundary.
- B. Side Yard
1. Where the side of a lot in an M-1 district abuts upon the side or rear of a lot in an agricultural, farming, hotel, apartment, duplex or any type of residential district, there shall be a side yard of not less than ten feet.
  2. In all other cases a side yard for light industrial building shall not be required.
- C. Rear Yard
1. In the case where the rear lot in an M-1 district abuts upon the side or rear of a lot in any residential, agricultural, farming, hotel, apartment or duplex district, there shall be a rear yard of not less than ten feet.
  2. In all other cases a rear yard for M-1 building shall not be required.
  3. No accessory building or buildings shall be allowed in the required rear yard of any lot occupied by any building containing light industrial business use except for off-street parking purposes. (Prior code § 8-1.12(e))



house or hotel district, respectively, and provided further, that any apartment, apartment-hotel or hotel shall provide yard space in accordance with the requirements of apartment and hotel districts. (Prior code § 8-1.10(e))

Title 19. Zoning

Chapter 19.20 B-3 CENTRAL BUSINESS DISTRICT

19.20.010 Generally.

19.20.020 Permitted uses.

19.20.030 Area regulations.

19.20.040 Height regulations.

19.20.050 Yards.

19.20.010 Generally.

This district is applied to the central business district and permits general business enterprises, particularly financial, governmental, commercial and professional activities. Its distinguishing feature is the greater height limit permitted in the area. Manufacturing and nuisance industries are excluded from the zone. (Prior code § 8-1.10(a))

19.20.020 Permitted uses.

Within the B-3 district, there shall be permitted any use permitted in a B-1 district and B-2 community business district, with the following exceptions:

- A. Living or sleeping quarters in any detached accessory building or structure on the same lot;
- B. Automobile repair shops and garages;
- C. Automobile painting or steam cleaning;
- D. Automobile upholstery shops;
- E. Awning or canvas stores;
- F. Equipment rental and sales yards;
- G. Hatcheries;
- H. Lumber yards;
- I. Machine shops;
- J. Plumbing shops;
- K. Storage buildings and warehouses (separate from main building);
- L. Storage yards;
- M. Trucking and truck storage;
- N. Used car lots. (Prior code § 8-1.10(b))

19.20.030 Area regulations.

The minimum lot area shall be six thousand square feet and the minimum lot frontage shall be sixty feet. (Prior code § 8-1.10(c))

19.20.040 Height regulations.

The maximum height of any building in B-3 district shall be limited by the total floor area which shall not exceed in square feet three hundred percent of the total lot area upon which the building is to be built; and provided further, that no building shall be more than twelve stories in height. (Prior code § 8-1.10(d))

19.20.050 Yards.

No yard spacing shall be required, except such areas that shall be required for off-street parking, with the exception that where the side or rear of a lot in a B-3 district abuts a lot in any residential, apartment house or hotel district, the abutting side or rear yard shall have the same yard spacing as that required in the abutting residential, apartment

Title 19, Zoning

Chapter 19.18 B-2 COMMUNITY BUSINESS DISTRICT

19.18.010 Generally.

19.18.020 Permitted uses.

19.18.030 Area regulations.

19.18.040 Height regulations.

19.18.050 Yards.

19.18.010 Generally.

A community business district is intended to provide all types of goods and services for the community, with the exception of those uses more generally associated with industrial district, but at a lower intensity of use than in the central business district. (Prior code § 8-1.9(a))

19.18.020 Permitted uses.

Within the B-2 district, the following uses shall be permitted:

1. Any use permitted in a B-1 neighborhood business district; however, no living or sleeping quarters shall be permitted in any detached accessory building or structure on the same lot;
2. Amusement enterprises, including billiard or pool halls;
3. Antique shops;
4. Apartments;
5. Art galleries;
6. Auctioneer establishments;
7. Auditoriums and theaters;
8. Automobile parking lots and/or buildings;
9. Automobile parts stores;
10. Automobile service stations, with or without auto repairing; provided all auto repairing operations are conducted in enclosed buildings; and provided further, that tire rebuilding or battery manufacturing shall not be permitted within this district;
11. Automobile upholstery shops;
12. Awning or canvas shops;
13. Banks;
14. Baseball or football stadiums and other sport activities and amusements;
15. Bath houses, commercial (plunge);
16. Baths, Turkish and the like, including massours;
17. Block-printing establishments;
18. Bowling alleys;
19. Business offices and agencies;
20. Catering establishments employing not more than five persons;
21. Charity relief organizations;
22. Clinics, medical or dental;
23. Custom dressmaking or millinery shops;
24. Dancehalls;
25. Dancing and hula studios;
26. Dressmaking shops;
27. Dry goods and/or department stores;
28. Equipment rental and sales yards;
29. Feed stores;
30. Gymnasiums;
31. Haberdasheries and women's apparel shops;

32. Hardware and garden supply stores;
33. Ice cream and milk manufacturing plants employing not more than twenty-five persons;
34. Jewelry stores or fine art shops, including interior decorating;
35. Libraries;
36. Marinas;
37. Miniature golf courses;
38. Museums;
39. Music conservatories or music studios;
40. News and magazine stands;
41. Nurseries (flower or plants); provided, that all incidental equipment and supplies, including fertilizers and empty cans, are kept within enclosed buildings;
42. Nursing and convalescent homes;
43. Parcel delivery stations;
44. Pet shops, not involving the treatment or boarding of animals;
45. Photo studios;
46. Physical culture studios;
47. Plumbing shops within wholly enclosed buildings and employing not more than five persons;
48. Printing, lithography or publishing shops;
49. Private clubs or fraternal organizations;
50. Private schools or business colleges;
51. Professional and financial buildings;
52. Public parking areas;
53. Radio and television stations;
54. Religious, benevolent, and philanthropic societies;
55. Restaurants, cafes or bars, including drive-ins;
56. Sanitariums;
57. Shoe stores;
58. Sign-painting shops within wholly enclosed buildings and employing not more than five persons;
59. Skating shops;
60. Tailor shops;
61. Trade schools;
62. Used car lots; provided all repair and maintenance is conducted within a wholly enclosed building;
63. Mortuaries, subject to the approval of the commission;
64. Warehouses and yards which are adjunct to, and part of, the operation of the permitted uses listed above may be permitted by the commission, provided such uses are determined to conform to the intent of this article, and subject to such terms and conditions as may be warranted. Such uses shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by a solid fence or wall at least six feet in height; and provided, that no goods, materials, or objects shall be stacked higher than the fence or walls so erected;
65. Bed and breakfast homes, subject to the restrictions and standards of section 19.64.030 of this title;
66. Any other retail businesses or commercial enterprises which are similar in character of rendering sales of commodities or performance of services to the community and not detrimental to the welfare of the surrounding area; provided, however, that such uses shall be approved by the commission as conforming to the intent of this article. (Ord. 2609 § 6, 1997; Ord. 1960 § 1, 1990; prior code § 8-1.9(b))

19.18.030 Area regulations.

The minimum lot area shall be six thousand square feet and the minimum lot frontage shall be sixty feet. (Prior code § 8-1.9(c))

19.18.040 Height regulations.

The maximum height of any building shall be limited by the total floor area which shall not exceed in square feet two hundred percent of the total lot area; and provided further, that no building be more than six stories in height. (Prior code § 8-1.9(d))

19.18.050 Yards.

No yard spacing shall be required, except such areas that shall be required for off-street parking; with the exception that where the side or rear of a lot in a B-2 community business district abuts a lot in any residential, apartment house or hotel district, the abutting side or rear yard shall have the same yard spacing as that required in the abutting residential, apartment house or hotel district, respectively; and provided further, that any apartment shall provide yard space in accordance with the requirements of the apartment district. (Ord. 1960 § 2, 1990; prior code § 8-1.9(e))

Title 19, Zoning

**Chapter 19.16 B-1 NEIGHBORHOOD BUSINESS DISTRICT**

19.16.010 Generally.

19.16.020 Permitted uses.

19.16.030 Required conditions.

19.16.040 Area regulations.

19.16.050 Height regulations.

19.16.060 Yards.

**19.16.040 Area regulations.**

The minimum lot area shall be six thousand square feet and the minimum lot frontage shall be sixty feet. (Prior code § 8-1.8(d))

**19.16.050 Height regulations.**

No building shall exceed two stories and thirty feet in height. (Prior code § 8-1.8(e))

**19.16.060 Yards.**

There shall be a front yard of fifteen feet, side yard of six feet, and a rear yard of six feet, except that for any two-story building, a side yard of ten feet, and a rear yard of ten feet shall be required. (Prior code § 8-1.8(f))

**19.16.010 Generally.**

A neighborhood business district is one wherein retail businesses or service establishments supply commodities or perform services to meet the daily needs of the neighborhood. (Prior code § 8-1.8(a))

**19.16.020 Permitted uses.**

Within the B-1 district, the following uses shall be permitted:

- A. Barber or beauty shops;
- B. Baker goods stores;
- C. Book, stationery or gift stores;
- D. Candy stores;
- E. Churches;
- F. Day care centers and nurseries;
- G. Delicatessen stores;
- H. Drugstores;
- I. Florist shops;
- J. Grocery stores and meat markets;
- K. Ice cream or snack counters;
- L. Laundromats;
- M. Liquor stores (package only);
- N. Gasoline relating, provided it is owned and operated as an adjunct to a neighborhood store, and provided further, that no servicing, repairing, storing, washing, or maintenance of vehicles will be permitted on the premises;
- O. Other similar retail businesses or service establishments which supply commodities or perform services primarily for residents of the surrounding neighborhood; provided, however, such uses shall be approved by the commission as conforming to the intent of this title;
- P. One single-family dwelling per lot, provided the lot is sufficiently large to provide a lot area six thousand square feet for the dwelling after the area for the business, parking and other accessory areas for the business have been subtracted; or living and sleeping quarters for a single family constructed above the ground floor of the business building;
- Q. Bed and breakfast homes, subject to the restrictions and standards of section 19.64.030 of this title. (Ord. 2609 § 5, 1997; prior code § 8-1.8(b))

**19.16.030 Required conditions.**

- A. All business, services, or processing shall be conducted wholly within completely enclosed buildings, except for day care centers, nurseries, automobile parking, and/or off-street loading.
- B. All goods produced on the premises, whether primary or incidental, shall be sold at retail and only on the premises where produced. (Prior code § 8-1.8(c))

**APPENDIX G**  
**State Historic**  
**Preservation Division**  
**Letters**

WILLIAM J. CATLAND  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION  
31 SOUTH KING STREET, 8TH FLOOR  
HONOLULU, HAWAII 96813

September 6, 1995

Mr. C. Earl Stoner, Jr.  
S & F Land Company, Inc.  
P.O. Box 806  
Punene, Hawaii 96784

Dear Mr. Stoner:

Subject: Historic Preservation Review of a Change in Zoning  
Application - Central Maui Baseyard, Punene, Maui  
TMK: 3-8-05: 1 (por.) 19, 22, and 38

This letter is in response to your request for an updated review and comments regarding a proposed change in zoning for the Central Maui Baseyard. The C. 52 acre project area is located along the east side of Mokulele Highway at Waiko Road. The application is for a change in zoning from agricultural to light industrial.

In a previous review of a Special Use permit application (1989), our office indicated that the proposed uses would have "no effect" on historic sites or properties. More recently, the project area was briefly examined by State Historic Preservation Division staff. The baseyard area consists of existing steel frame buildings, paved parking and storage areas, and additional structural features. The surrounding lands consist of active sugar cane fields.

No indications of historic features were observed within the baseyard area, and it appears unlikely that undisturbed remains or features are present beneath the cane plow zone or beneath the existing concrete. No evidence of unmodified or intact WWII structural remains were observed. Our previous comments regarding this area are therefore still applicable.

We believe that a change in zoning for the Central Maui Baseyard will have "no effect" on historic sites.

Please contact Ms. Theresa K. Donham at 243-5169 if you have any questions.

Sincerely,

Don Hibbard, Administrator  
State Historic Preservation Division

XD:jen



WILLIAM J. CATLAND  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION  
31 SOUTH KING STREET, 8TH FLOOR  
HONOLULU, HAWAII 96813

LOG NO: 15422  
DOC NO: 9509KD02

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S & F Land Company, Inc.  
P.O. Box 806  
Punene, Hawaii 96784

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No indications of historic features were observed within the baseyard area, and it appears unlikely that undisturbed remains or features are present beneath the cane plow zone or beneath the existing concrete. No evidence of unmodified or intact WWII structural remains were observed. Our previous comments regarding this area are therefore still applicable.

We believe that a change in zoning for the Central Maui Baseyard will have "no effect" on historic sites.

Please contact Ms. Theresa K. Donham at 243-5169 if you have any questions.

Sincerely,

Don Hibbard, Administrator  
State Historic Preservation Division

XD:jen

WILLIAM J. CATLAND  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES

STATE HISTORIC PRESERVATION DIVISION  
31 SOUTH KING STREET, 8TH FLOOR  
HONOLULU, HAWAII 96813

LOG NO: 17839  
DOC NO: 9608SC07

Mr. David W. Blane, Director  
Planning Department, County of Maui  
250 S. High Street  
Wailuku, Maui, Hawaii 96793

Dear Mr. Blane:

Subject: (I.D. 95/EA-7, 95/CPA-3, 96/CIZ-008) Chapter 6E-42 Historic Preservation Review  
of an Environmental Assessment, Proposed Community Plan Amendment and  
Change-in-Zoning Request for the Mokulele Baseyard  
Wailuku, Wailuku District, Maui  
TMK: 3-8-05: por. 1, 19, 22 & 38

Thank you for the opportunity to comment on the environmental assessment, and proposed Community Plan Amendment (CPA) and Change-in-Zoning (CIZ) for the Mokulele Baseyard property in Wailuku, Maui. Our review is based on historic reports, maps, and aerial photographs maintained at the State Historic Preservation Division. In addition, Ms. Theresa Donham, of our Maui office, made a brief field inspection of the subject area in 1995.

We have no record of historic sites on this parcel. Currently, the subject area includes a baseyard, which has been heavily modified for industrial and commercial use, and surrounding sugar cane fields. Ms. Donham did not observe any indications of historic sites, including WW II structures and features, either within the baseyard or in the surrounding sugar cane fields.

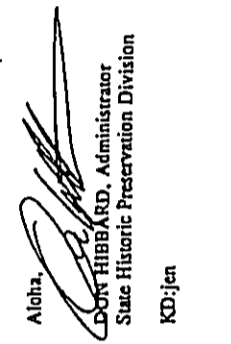
In view of this history of land use and modification, it seems unlikely that any significant historic sites are still present. Therefore, we believe that the proposed CPA and CIZ applications, if approved, will have "no effect" on significant historic sites. This correspondence constitutes our concurrence letter under Chapter 6E-42, Hawaii Revised Statutes.

Should you have any questions, please feel free to call Sara Collins at 587-0013.

Aloha,

Don Hibbard, Administrator  
State Historic Preservation Division

XD:jen



**APPENDIX H**  
**Department of**  
**Planning Letters**

ALAN M. ARAKAWA  
Mayor  
MICHAEL W. FOLEY  
Director  
MYRE A. BOTEILHO  
Deputy Director



COUNTY OF MAUI  
DEPARTMENT OF PLANNING

November 20, 2003

RECEIVED  
NOV 25 2003

Mr. Earl Stoner  
S&F Land Company  
P. O. Box 806  
Puunene, Hawaii 96784

Dear Mr. Stoner:

RE: REVISED Central Maui Baseyard Parking Stall Waiver for Property  
Zoned M-1 Light Industrial Located at 2000 Mokulele Highway at Maui  
Tax Map Key 3-8-005:019, Puunene, Maui, Hawaii (ISP 2003/0002)

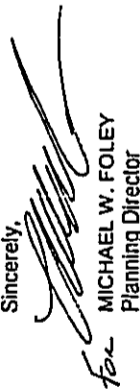
The Maui Planning Department (Department) has reviewed your letters of June 9, August 20, and October 8, 2003 supporting your request for a reduction in parking stalls from 741 to 510 for warehouses and storage facilities, as allowed for in Section 19.36.010(28).

The Department approves the request for a reduction in parking.

The Department notes that Landscape Planning Approval (LPA) was granted for the project on March 7, 2002 (LPA 2002/0007). Further expansion of the project shall conform with the approved plan. Any proposed modifications to the LPA should be submitted to the Department for review and approval. To assist in a comprehensive review of the LPA, please include a parking plan. Should further parking reductions be required, it should also be requested at that time.

Thank you for your cooperation in this matter. Should you require additional clarification, please contact Ms. Robyn Loudermilk, Staff Planner, at this office at 270-7735.

Sincerely,

  
MICHAEL W. FOLEY  
Planning Director

Mr. Earl Stoner  
November 20, 2003  
Page 2

MWF:RL:lar

c: Wayne A. Boteilho, Deputy Planning Director  
Clayton I. Yoshida, AICP, Planning Program Administrator  
Aaron H. Shinmolo, PE, Planning Program Administrator (2)  
DSA (2)  
Robyn L. Loudermilk, Staff Planner  
Ann T. Cua, Staff Planner  
General File  
Project File  
Project Landscape and Parking File  
K:\WP\_Docs\PLAN\N\GIS\2003\0002\_CentralMauiBaseYard\revisedapproval.wpd

JAMES "KUMU" APANA  
Mayor  
JOHN E. MIN  
Director  
LAYTON I. YOSHIDA  
Deputy Director



COUNTY OF MAUI  
DEPARTMENT OF PLANNING

March 7, 2002

Mr. C. Earl Stoner, Jr.  
S & F Land Company  
P. O. Box 806  
Piunene, Maui, Hawaii 96784

REC'D MAR 11 2002

Dear Mr. Stoner:

RE: Approval of Conceptual Landscape and Irrigation Plan for the  
Central Maui Baseyard, TMK: 3-8-05:19, 22, and Por. of 01  
(LPA 2002/0007)

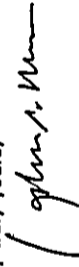
The Maui Planning Department (Department) has reviewed the conceptual landscape and irrigation plan dated March 5, 2002. The plan provides an overall planting scheme for the subdivision within existing improved areas, existing roadways, and future parking areas. Essentially, the plan meets the intent of Chapter 19.36, Off-Street Parking and Loading Ordinance, Maui County Code.

In order to maintain a current landscape plan, parking, and irrigation plan, we understand that annual updates to the plan will be submitted to the Department. Said plan will specify completed improvements, status of outstanding improvements and plan modifications.

The Department hereby approves the March 5, 2002 Parking and Landscape Master Plan and is prepared to sign off on a number of outstanding building permits for this subdivision.

Thank you for your cooperation in this matter. If additional clarification is required, please contact Ms. Ann Cua, Staff Planner, of this office at 270-7735.

Very truly yours,

  
JOHN E. MIN  
Planning Director

250 SOUTH HIGH STREET, WAILUKU, MAUI, HAWAII 96793  
PLANNING DIVISION (808) 270-7735; ZONING DIVISION (808) 270-7253; FACSIMILE (808) 270-7634  
Quality Seamless Service - Now and for the Future

51

Mr. C. Earl Stoner, Jr.  
March 7, 2002  
Page 2

JEM:ATC:cmb  
c: Clayton I. Yoshida, AICP, Deputy Planning Director  
Aaron Shimoto, Planning Program Administrator (2) (w/plans)  
LUCA (2) (w/plans)  
Ann T. Cua, Staff Planner  
Project File (w/plans)  
General File  
(s:\h\ann\LPAlcentralmauibaseyard\lpa2002.app)

52




**APPENDIX I**  
**Soil Assessment**

**SOIL ASSESSMENT  
CENTRAL MAUI BASEYARD  
MOKULELE HIGHWAY  
PU'UNĒNĒ, MAUI, HAWAI'I**

**JUNE 14, 2005**

**FOR  
S&F LAND COMPANY, INC.**

**GEOENGINEERS** 

*File No. 11292-002-00*

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SAMPLING AND TESTING .....	1
ANALYTICAL RESULTS .....	1
LIMITATIONS .....	2

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APPENDIX B – REPORT LIMITATIONS AND GUIDELINES FOR USE.....	B-1

**SOIL ASSESSMENT  
CENTRAL MAUI BASEYARD  
MOKULELE HIGHWAY  
PU'UNĒNĒ, MAUI, HAWAI'I**

**FOR  
S&F LAND COMPANY, INC.**

**INTRODUCTION**

This report presents the results of GeoEngineers' assessment of soil at a new increment to Central Maui Baseyard in Pu'unēnē, Maui. The new increment covers approximately ten acres between a portion of the baseyard and Mokulele Highway. The site was formerly used for cane cultivation and was recently cleared. The Hawai'i Department of Health (DOH) has expressed concerns about arsenic in the soil of former cane plantation lands.

**PURPOSE AND SCOPE OF SERVICES**

The purpose of the assessment was to investigate the concentrations of arsenic in soil at the site. GeoEngineers' scope of services included collecting five samples of near-surface (0 to 3 inches deep) soil from widely spaced locations throughout the site and submitting them to Oceanic Analytical Laboratory for arsenic testing. The results are presented herein.

**SAMPLING AND TESTING**

Our geologist collected samples from selected locations on the site on May 26, 2005. The samples were collected in jars provided by the analytical laboratory, Oceanic Analytical Laboratory of 'Aiea Hawai'i. Disposable latex gloves were worn and disposable non-metallic utensils were used to fill the sample jars so as to prevent cross-contamination of the samples. Samples were labeled in the field and kept in a cooler with frozen Blue Ice® until delivered to the laboratory for testing. Geographic coordinates were obtained for each location with a Geographic Positioning System device. The geographic coordinates of sampling locations in decimal degree units based on the North American Datum of 1983 (NAD 83) are listed in Table 1. The sampling locations are shown on Figure 1.

**ANALYTICAL RESULTS**

Arsenic was not detected in any of the samples. The reporting limit for the analyses was 5 milligrams of arsenic per kilogram of soil. The laboratory's report is included in Appendix A. The DOH has informally adopted a soil screening level for arsenic of 22 milligrams per kilogram, which is approximately the level that occurs naturally in some soils of volcanic origin in Hawai'i.

**Table 1**  
**Sample Locations and Chemical Analytical Data.**

Sample Number	Collection Data	Geographic Location <sup>1</sup>		Arsenic Concentration
		Latitude Degrees North	Longitude Degrees West	In Soil Samples In Milligrams Per Kilogram
CMB01	5/26/05	20.83852	156.46353	Not detected <sup>2</sup>
CMB02	5/26/05	20.83946	156.46361	Not detected
CMB03	5/26/05	20.84039	156.46318	Not detected
CMB04	5/26/05	20.84175	156.46283	Not detected
CMB05	5/26/05	20.84094	156.46321	Not detected

**LIMITATIONS**

We prepared this report for the exclusive use of the S&F Land Company, Inc. Within the limitations of scope, schedule and budget, our services have been executed in accordance with generally accepted environmental science practices in this area at the time this report was prepared. No warranty or other conditions, express or implied, should be understood.

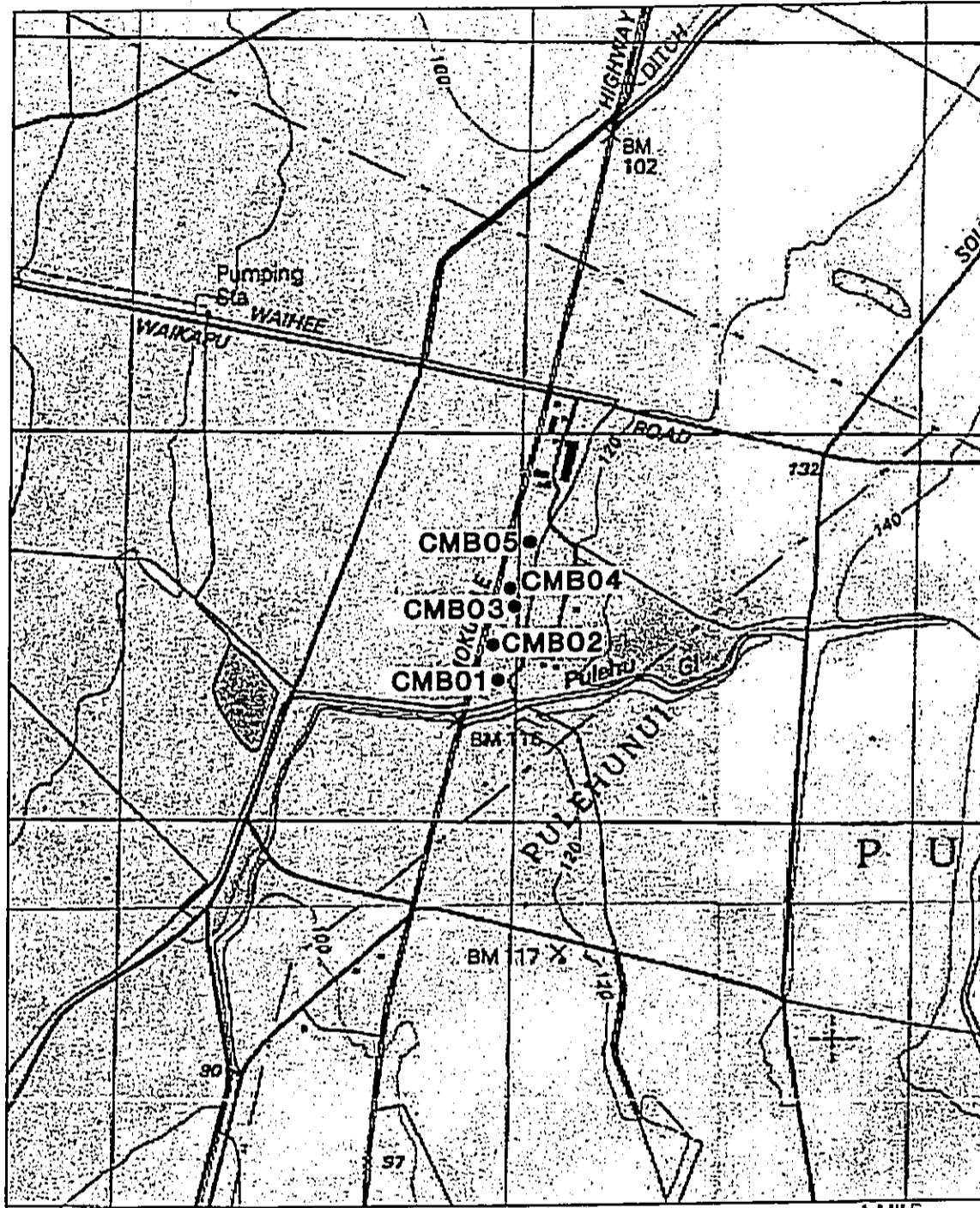
Any electronic form, facsimile or hard copy of the original document (email, text, table, and/or figure), if provided, and any attachments are only a copy of the original document. The original document is stored by GeoEngineers, Inc. and will serve as the official document of record.

Please refer to Appendix B titled "Report Limitations and Guidelines for Use" for additional information pertaining to use of this report.

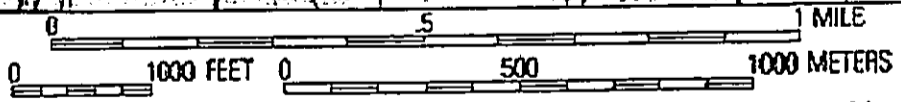
<sup>1</sup> Geographic coordinates in decimal degrees are based on the North American Datum of 1983 (NAD 83).  
<sup>2</sup> Reporting limit is 5.00 milligrams per kilogram.



H:\11\11292002\00\Cad\1129200200Figure1.dwg RLS:MWJ 06/10/05



TN MN  
10°



Map created with TOPO!® ©2003 National Geographic (www.nationalgeographic.com/topo)

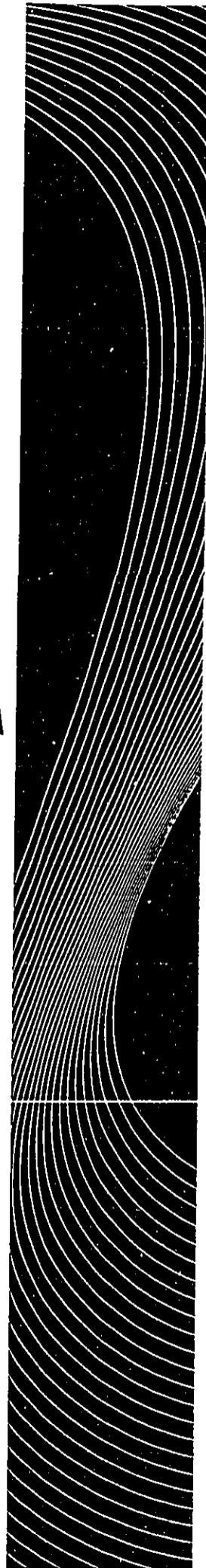
**GEOENGINEERS** 

**SOIL SAMPLE LOCATIONS  
CENTRAL MAUI BASEYARD, PU'UNENE, HAWAII**

**FIGURE 1**



*APPENDIX A*  
ANALYTICAL LABORATORY REPORT





June 06, 2005

Ronald Soroos  
GeoEngineers, Inc  
733 Bishop Street, Suite 1770  
Makai Tower  
Honolulu, HI 96813  
TEL: (808) 524-6687  
FAX

GeoEngineers

JUN 9 2005

Routing \_\_\_\_\_  
File \_\_\_\_\_

RE: Central Maui Baseyard, 1127200200

Work Order No.: 0505177

Dear Ronald Soroos:

Oceanic Analytical Laboratory, Inc. received/relogged 5 samples on 5/26/2005 04:35 PM for the analyses presented in the following report.

The total number of pages in the report including this Coverletter, Sample Summary, Case Narrative, Result Summary, QC Summary, Chain of Custody Form(s), Re-log Request Form and/or any attachment(s) 12.

All data presented in the following report are relevant only to the samples as received and to the items tested by the laboratory. All data are calculated based on wet weight except where noted in the reporting unit. The report meets all applicable NELAP standards and shall not be reproduced except in full, without the written approval of the laboratory.

There were no problems with the analyses and all data for associated QC met laboratory specifications except where noted in the Case Narrative.

Applicable samples will be stored at no extra charge for a period of 30 days following the final report. Samples will be properly disposed of after 30 days, unless notified otherwise in writing.

If you have any questions regarding these tests results, please feel free to call.

Very truly yours,  
OCEANIC ANALYTICAL LABORATORY, INC.



Aidan Scott  
Laboratory Director

Oceanic Analytical Laboratory, Inc.

Date: Jun 06, 2005

Work Order Sample Summary

---

Client:	GeoEngineers, Inc
Project:	Central Maui Baseyard, 1127200200
Work Order:	0505177
Date Received:	5/26/2005

---

Analytical Report for Samples

---

Lab Sample ID	Client Sample ID	Collection Date	Sample On Hold
0505177-01A	CMB 01	05/26/2005 00:00	<input type="checkbox"/>
0505177-02A	CMB 02	05/26/2005 00:00	<input type="checkbox"/>
0505177-03A	CMB 03	05/26/2005 00:00	<input type="checkbox"/>
0505177-04A	CMB 04	05/26/2005 00:00	<input type="checkbox"/>
0505177-05A	CMB 05	05/26/2005 00:00	<input type="checkbox"/>

---

**Oceanic Analytical Laboratory, Inc.**

Date: Jun 06, 2005

**Case Narrative**

---

Client:	GeoEngineers, Inc
Project:	Central Maui Baseyard, 1127200200
Work Order:	0505177

---

Samples were analyzed using the methods outlined in the following references:

Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW846, 3rd Edition.

Methods for Chemical Analysis of Water and Wastes.

Standard Methods for the Examination of Water and Wastewater, 20th Edition, 1998.

All method blanks, laboratory spikes, and/or matrix spikes met quality assurance objectives.

Oceanic Analytical Laboratory, Inc.

Date: Jun 06, 2005

Result Summary

Client:	GeoEngineers, Inc	Client Sample ID:	CMB 01
Work Order:	0505177	Tag Number:	
Project:	Central Maui Baseyard, 1127200200	Collection Date:	05/26/2005 0:00
Lab ID:	0505177-01A	Matrix:	SOIL

Analyses	Result	Reporting Limit	Units	Dilution Factor	Date Prepared	Date Analyze	Batch ID	Qual Notes
ICP METALS-RCRA, TOTAL					SW3050A	SW6010B		
Arsenic	ND	5.00	mg/Kg	1	6/1/05	6/2/2005 2:53:19 PM	11900	

Qualifiers

- ND - Not Detected at the Reporting Limit
- J - Analyte detected below quantitation limits
- B - Analyte detected in the associated Method Blank
- \* - Value exceeds Maximum Contaminant Level
- S - Spike Recovery outside accepted recovery limits
- R - RPD outside accepted recovery limits
- E - Value above quantitation range

Oceanic Analytical Laboratory, Inc.

Date: Jun 06, 2005

Result Summary

Client:	GeoEngineers, Inc	Client Sample ID:	CMB 02
Work Order:	0505177	Tag Number:	
Project:	Central Maui Baseyard, 1127200200	Collection Date:	05/26/2005 0:00
Lab ID:	0505177-02A	Matrix:	SOIL

Analyses	Result	Reporting Limit	Units	Dilution Factor	Date Prepared	Date Analyze	Batch ID	Qual Notes
ICP METALS-RCRA, TOTAL								
Arsenic	ND	5.00	mg/Kg	1	6/1/05	6/2/2005 2:59:03 PM	11900	

Qualifiers ND - Not Detected at the Reporting Limit S - Spike Recovery outside accepted recovery limits  
 J - Analyte detected below quantitation limits R - RPD outside accepted recovery limits  
 B - Analyte detected in the associated Method Blank E - Value above quantitation range  
 \* - Value exceeds Maximum Contaminant Level

Result Summary

Client:	GeoEngineers, Inc	Client Sample ID:	CMB 03
Work Order:	0505177	Tag Number:	
Project:	Central Maui Baseyard, 1127200200	Collection Date:	05/26/2005 0:00
Lab ID:	0505177-03A	Matrix:	SOIL

Analyses	Result	Reporting		Units	Dilution Factor	Date Prepared	Date Analyze	Batch ID	Qual Notes
		Limit	Units						
ICP METALS-RCRA, TOTAL									
Arsenic	ND	5.00	mg/Kg	1	6/1/05	6/2/2005 3:04:46 PM		11900	

Qualifiers ND - Not Detected at the Reporting Limit S - Spike Recovery outside accepted recovery limits  
 J - Analyte detected below quantitation limits R - RPD outside accepted recovery limits  
 B - Analyte detected in the associated Method Blank E - Value above quantitation range  
 \* - Value exceeds Maximum Contaminant Level

Oceanic Analytical Laboratory, Inc.

Date: Jun 06, 2005

Result Summary

Client:	GeoEngineers, Inc	Client Sample ID:	CMB 04
Work Order:	0505177	Tag Number:	
Project:	Central Maui Baseyard, 1127200200	Collection Date:	05/26/2005 0:00
Lab ID:	0505177-04A	Matrix:	SOIL

Analyses	Result	Reporting Limit	Units	Dilution Factor	Date Prepared	Date Analyze	Batch ID	Qual Notes
ICP METALS-RCRA, TOTAL				SW3050A		SW6010B		
Arsenic	ND	5.00	mg/Kg	1	6/1/05	6/2/2005 3:10:29 PM	11900	

Qualifiers	ND - Not Detected at the Reporting Limit	S - Spike Recovery outside accepted recovery limits
	J - Analyte detected below quantitation limits	R - RPD outside accepted recovery limits
	B - Analyte detected in the associated Method Blank	E - Value above quantitation range
	* - Value exceeds Maximum Contaminant Level	

Oceanic Analytical Laboratory, Inc.

Date: Jun 06, 2005

Result Summary

Client:	GeoEngineers, Inc	Client Sample ID:	CMB 05
Work Order:	0505177	Tag Number:	
Project:	Central Maui Baseyard, 1127200200	Collection Date:	05/26/2005 0:00
Lab ID:	0505177-05A	Matrix:	SOIL

Analyses	Result	Reporting Limit	Units	Dilution Date		Date Analyze	Batch ID	Qual Notes
				Factor	Prepared			
ICP METALS-RCRA, TOTAL				SW3050A	SW6010B			
Arsenic	ND	5.00	mg/Kg	1	6/1/05	6/2/2005 3:16:13 PM	11900	

Qualifiers	ND - Not Detected at the Reporting Limit	S - Spike Recovery outside accepted recovery limits
	J - Analyte detected below quantitation limits	R - RPD outside accepted recovery limits
	B - Analyte detected in the associated Method Blank	E - Value above quantitation range
	* - Value exceeds Maximum Contaminant Level	



Oceanic Analytical Laboratory, Inc.

Date: Jun 06, 2005

QC Summary  
Method Blank

Client: GeoEngineers, Inc  
Work Order: 0505177  
Project: Central Maui Baseyard, 1127200200

Sample ID: MB-11900      Batch ID: 11900      Test Code: SW6010B      Prep Date: 6/1/2005      Units: mg/Kg  
Client ID:      Run ID: ICP1\_050601B      Analysis Date: 6/1/2005      Notes:

Analyte	Result	PQL	DF	Spike Value	Spike Ref Val	%REC	%REC Limits	RPD Ref Val	RPD Limit	Qual	Note
Arsenic	ND	5.0	1								

Qualifiers      ND - Not Detected at the Reporting Limit      S - Spike Recovery outside established recovery limit  
                     J - Analyte detected below quantitation limits      R - RPD outside established recovery limits  
                     B - Analyte detected in the associated Method Blank      DF - Dilution Factor  
                     %REC - % Recovery      RPD - Relative Percent Difference

Oceanic Analytical Laboratory, Inc.

Date: Jun 06, 2005

QC Summary  
Sample Matrix Spike

Client: GeoEngineers, Inc  
Work Order: 0505177  
Project: Central Maui Baseyard, 1127200200

Sample ID: 0505176-01AMS Batch ID: 11900 Test Code: SW6010B Prep Date: 6/1/2005 Units: mg/Kg  
Client ID: Run ID: ICP1\_050601B Analysis Date: 6/1/2005 Notes:

Analyte	Result	PQL	DF	Spike Value	Spike Ref Val	%REC	%REC Limits	RPD Ref Val	RPD RPD Limit	Qual	Note
Arsenic	84.12	5.0	1	100	5.128	79	80 120	0		S	Q02

Sample ID: 0505176-01AMSD Batch ID: 11900 Test Code: SW6010B Prep Date: 6/1/2005 Units: mg/Kg  
Client ID: Run ID: ICP1\_050601B Analysis Date: 6/1/2005 Notes:

Analyte	Result	PQL	DF	Spike Value	Spike Ref Val	%REC	%REC Limits	RPD Ref Val	RPD RPD Limit	Qual	Note
Arsenic	85.88	5.0	1	100	5.128	80.8	80 120	84.12	2.07 20		

Qualifiers

ND - Not Detected at the Reporting Limit  
J - Analyte detected below quantitation limits  
B - Analyte detected in the associated Method Blank  
%REC - % Recovery

S - Spike Recovery outside established recovery limit  
R - RPD outside established recovery limits  
DF - Dilution Factor  
RPD - Relative Percent Difference

Oceanic Analytical Laboratory, Inc.

Date: Jun 06, 2005

QC Summary  
Laboratory Control Spike

Client: GeoEngineers, Inc  
Work Order: 0505177  
Project: Central Maui Baseyard, 1127200200

Sample ID: LCS-11900 Batch ID: 11900 Test Code: SW6010B Prep Date: 6/1/2005 Units: mg/Kg  
Client ID: Run ID: ICP1\_050601B Analysis Date: 6/1/2005 Notes:

Analyte	Result	PQL	DF	Spike Value	Spike Ref Val	%REC	%REC Limits	RPD Ref Val	RPD RPD Limit	Qual	Note
Arsenic	92.92	5.0	1	100	0	92.9	80 120	0			

Qualifiers ND - Not Detected at the Reporting Limit S - Spike Recovery outside established recovery limit  
J - Analyte detected below quantitation limits R - RPD outside established recovery limits  
B - Analyte detected in the associated Method Blank DF - Dilution Factor  
%REC - % Recovery RPD - Relative Percent Difference



**Oceanic Analytical Laboratory, Inc.**

99-193 Alca Heights Drive, Suite 121 Alca, Hawaii 96701-3900  
 Telephone: (808)486-LABS (5227) Fax: (808)486-2456 E-mail: info@oceanic-labs.com

LABORATORY USE ONLY  
 LAB JOB NO. 0505177  
 LOCATION \_\_\_\_\_  
 CONTAINERS \_\_\_\_\_

**Chain of Custody / Analysis Request Form**

Item No.	Client Sample I.D.	COMP	GRAB	Water	Soil	Wastewater	Matrix						Delivery Method	Received by (Print/Signature)	Date / Time Released	Date / Time Received	Company / Agency Affiliation	Condition Noted
							Drinking water	Sludge	Liquid	Solid	Oil	Other						
1	CMB 01	X	X	X										5/26/05			X	0505177-0
2	CMB 02	X	X	X													X	-02
3	CMB 03	X	X	X													X	-03
4	CMB 04	X	X	X													X	-04
5	CMB 05	X	X	X													X	-05
6																		
7																		
8																		
9																		
10																		

Indicate Analysis Requested: As

Project Identification: Control Main Baynard

Job Name: \_\_\_\_\_  
 Job Number: 11272 Qd 2 00  
 P.O Number: \_\_\_\_\_  
 Date of Sample Shipment: 5/26/05  
 Date Reqs. Needed: Normal TAT

Report To: Ronald L. Sorens  
 Company Name: Geo Engineers  
 Address: 733 Bishop St, Ste 1770  
 City: Honolulu State: HI ZIP: 96813  
 Phone: 529 6687 Fax: \_\_\_\_\_  
 Sampler: RLS # of Samples in Shipment: 5

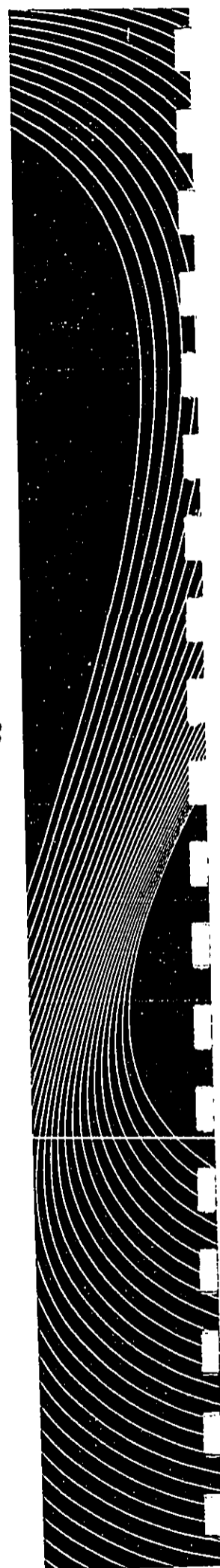
Released by (Print/Signature): [Signature] Date / Time Released: 5/26/05 10:50  
 Delivery Method: Hand  
 Received by (Print/Signature): Kelley Lovgren/Kelly Lovgren  
 Date / Time Received: 5/26/05 16:35  
 Company / Agency Affiliation: OAC  
 Condition Noted: Intact / 14-19°C

Comments: \_\_\_\_\_

Please Check Box  
 Dispose by Lab  
 Return to Client  
 Archive



**APPENDIX B**  
**REPORT LIMITATIONS AND GUIDELINES FOR USE**



## APPENDIX B

### REPORT LIMITATIONS AND GUIDELINES FOR USE<sup>3</sup>

This appendix provides information to help you manage your risks with respect to the use of this report.

#### ENVIRONMENTAL SERVICES ARE PERFORMED FOR SPECIFIC PURPOSES, PERSONS AND PROJECTS

GeoEngineers has performed this soil assessment of land belonging to S&F Land Company, Inc. in general accordance with the scope and limitations of our proposal dated May 6, 2005. This report was prepared for use by S&F Land Company, Inc. This report is not intended for use by others, and the information contained herein is not applicable to other sites.

GeoEngineers structures our services to meet the specific needs of our clients. For example, an environmental site assessment study conducted for a property owner may not fulfill the needs of a prospective purchaser of the same property. Because each environmental study is unique, each environmental report is unique, prepared solely for the specific client and project site. No one except S&F Land Company, Inc. may rely on this environmental report without our agreement in advance to such reliance in writing. This report should not be applied for any purpose or project except the one originally contemplated.

#### THIS ENVIRONMENTAL REPORT IS BASED ON A UNIQUE SET OF PROJECT-SPECIFIC FACTORS

This report was prepared for the lands of S&F Land Company, Inc. in the vicinity of Pu'unē, Maui. GeoEngineers considered a number of unique, project-specific factors when establishing the scope of services for this project and report. Unless GeoEngineers specifically indicates otherwise, do not rely on this report if it was:

- not prepared for you,
- not prepared for your project,
- not prepared for the specific site explored, or
- completed before important project changes were made.

If important changes are made to the project or site after the date of this report, GeoEngineers should be retained to review our interpretations and recommendations and to provide written modifications or confirmation, as appropriate.

#### RELIANCE CONDITIONS FOR THIRD PARTIES

Our report is prepared for the exclusive use of S&F Land Company, Inc. No other party may rely on the product of our services unless we agree in advance to such reliance in writing. This is to provide our firm with reasonable protection against open-ended liability claims by third parties with whom there would otherwise be no contractual limits to their actions. Within the limitations of scope, schedule and budget, our services were executed in accordance with our Agreement with S&F Land Company, Inc. and generally accepted environmental practices in this area at the time this report was prepared.

---

<sup>3</sup> Developed based on material provided by ASFE, Professional Firms Practicing in the Geosciences; [www.asfe.org](http://www.asfe.org).

### **HISTORICAL INFORMATION PROVIDED BY OTHERS**

GeoEngineers makes no warranties or guarantees regarding the accuracy or completeness of information provided or compiled by others. The information presented in this report is partially based on research and on recollections of prior events by the owner and his staff. GeoEngineers has relied upon information provided by others for selection of places to explore. The available data does not provide definitive information with regard to all past uses, operations or incidents at the site or adjacent properties.

### **ENVIRONMENTAL REGULATIONS ARE ALWAYS EVOLVING**

Some substances may be present in the site vicinity in quantities or under conditions that may have led, or may lead, to contamination of the subject site, but are not included in current local, state or federal regulatory definitions of hazardous substances or do not otherwise present current potential liability. GeoEngineers cannot be responsible if the standards for appropriate inquiry, or regulatory definitions of hazardous substance, change or if more stringent environmental standards are developed in the future.

### **SITE CONDITIONS CAN CHANGE**

This environmental report is based on conditions that existed at the time the study was performed. The findings and conclusions of this report may be affected by the passage of time, by events such as a change in property use or occupancy, or by natural events, such as floods, earthquakes, slope instability or groundwater fluctuations. Always contact GeoEngineers before applying this report so that GeoEngineers may evaluate reliability of the report to changed conditions.

### **READ THESE PROVISIONS CLOSELY**

Some clients, design professionals, and contractors may not recognize that the geoscience practices (geotechnical engineering, geology, and environmental science) are far less exact than other engineering and natural science disciplines. This lack of understanding can create unrealistic expectations that could lead to disappointments, claims and disputes. GeoEngineers includes these explanatory "limitations" provisions in our reports to help reduce such risks. Please confer with GeoEngineers if you are unclear how these "Report Limitations and Guidelines for Use" apply to your project or site.

### **BIOLOGICAL POLLUTANTS**

GeoEngineers' Scope of Work specifically excludes the investigation, detection, or assessment of the presence of Biological Compounds, which are Pollutants in or around any structure. Accordingly, this report includes no interpretations, recommendations, findings, or conclusions for the purpose of detecting, assessing, or abating Biological Pollutants. The term "Biological Pollutants" includes, but is not limited to, molds, fungi, spores, bacteria, and viruses, and/or any of their byproducts.

**APPENDIX J**  
**Central Maui Baseyard –**  
**Rules and Regulations**



**RULES AND REGULATIONS  
CENTRAL MAUI BASEYARD**

1. Parking for Lessees and their employees shall be permitted only on the Lease premises and at no time will parking be allowed on the access roadway or other common areas. Lessor may from time to time set forth common area parking areas designated for specific lease properties and will advise Lessees if such parking is made available for them. Lessee or employee cars, which are parked illegally, will be towed with all costs being the responsibility of the Offender.
2. Loading and unloading of vehicles and trucks shall take place only within the Lease Premises and not on the main access roadway, secondary roadways or other common areas. The service road shall be used for access and egress only and shall at no time be used for loading or unloading of trucks or the parking of service or employee vehicles or equipment.
3. Trash/Storage: All trash, garbage, and waste materials shall be stored within lease premises and shall be neatly stacked or stored in appropriate trash containers as necessary. Each Lessee is responsible for the timely removal of such waste materials for disposal offsite and maintenance of such materials to assure that they in no way affect the common areas or adjacent lease spaces.
4. Signage: No signs of any kind will be installed by Lessees without prior approval of the Lessor. No signs will be installed on Lease Premises facing Mokulele Highway and signs may only be used for identification of Tenants facing the internal roadways.
5. Use, Storage and Disposal of Hazardous Materials: Lessees who use industrial agents such as gasoline, diesel fuel, solvent, motor oil, simple pesticides and other items consider hazardous materials will practice best management techniques in use of such agents. This will include use of these agents only in concrete floored areas which are designed to contain drips and allow recovery of spilled fluids. Employees will be trained to collect and/or

contain and prevent any spills on bare ground areas. Barrels for the collection of used industrial agents such as motor oil and related items and other industrial liquids will be kept on concrete surfaces or pallets and sheltered from the weather. Used batteries and related items will be stored on pallets and all such industrial agents will be timely removed from site and disposed of under environmentally acceptable conditions by organizations licensed for such disposal.

6. No use or practice, which shall be a nuisance, menace or detriment in the Lessor's opinion to the Lessor or other Lessees shall be permitted.
7. All Lessees and employees are to observe a speed limit of 15 miles per hour within the service roads of Central Maui Baseyard and to observe all traffic signs and rights of way within all common area roadways.
8. No living quarters are allowed on site except in those cases where Lessee employs a bonafied watchman on Premise.
9. All Lease Premises are to be maintained free of weed growth and/or the storage of any materials which by nature of their storage or makeup may in any way cause a potentially flammable, injurious or life-threatening situation.

**APPENDIX K**  
**Tenant Lease Conditions**  
**for Hazardous Materials Use**

**TENANT LEASE CONDITIONS  
FOR HAZARDOUS MATERIALS USE**

11. Hazardous Materials.

Except for Hazardous Materials (as defined below) which are necessary to and customarily used in the normal operations of Tenant and Tenant's approved assignees or subtenants and provided with such Hazardous Materials are use, handled and disposed of in accordance with all applicable Hazardous Materials laws (as defined below), the Tenant shall at all times keep the Unit Premises (and improvements thereon) free of any and all flammable explosives, radioactive materials, asbestos, organic compounds known as polychlorinated biphenyls, chemicals known to cause cancer or reproductive toxicity, pollutants, contaminants, hazardous wastes, toxic substances or related materials, including, without limitation, any substances defined as or included in the definition of "hazardous substances", "hazardous wastes", "hazardous materials", or "toxic substances" (collectively, "Hazardous Materials") under any federal, state or local laws, ordinances or regulations, now or hereinafter in effect, relating to environmental conditions, industrial hygiene or Hazardous Materials on, under or about the Unit Premises and improvements thereon, including, without limitation, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended, 47 U.S.C. Section 9601, et seq., the Resource Conservation and Recovery Act, 42 U.S.C. Section 6901, et seq., the Hazardous Materials Transportation Act, 49 U.S.C. Section 6901, et seq., the Clean Water Act, 33 U.S.C. Section 1251, et seq., the Clean Air Act, 42 U.S.C. Section 7401, et seq., the Toxic Substances Control Act, 15 U.S.C. Sections 2601 through 2629, the Safe Drinking Water Act, 42 U.S.C. Sections 300f through 300j, and any state and local laws and ordinances and the regulations now or hereafter adopted, published and or promulgated with respect to Hazardous Materials (collectively, the "Hazardous Materials Laws"). The Tenant shall keep and maintain the Unit Premises and all improvements thereon, including, without limitation, the ground water on or under the Unit Premises, in compliance with, and shall not cause or permit the Unit Premises and improvements thereon to be in violation of, any Hazardous Materials Laws. The Tenant shall not use, generate, manufacture, treat, handle, refine, produce, process, store, discharge, release, dispose of or allow to exist on, under or above the Unit Premises and improvements thereon, any Hazardous Materials.

If, at any time of the term of this Lease, any measures or actions are required to be taken by the Tenant so as to render the improvements constructed, or to be constructed, upon the Unit Premises, and the Tenant's use of the Unit Premises, in compliance with any applicable Hazardous Materials Laws, the Tenant shall, promptly after discovering that such measures or actions must be taken, deliver to the Landlord a written statement signed by the Tenant, in reasonable detail, describing (a) all measures and actions required to be taken by the Tenant so as to render the improvements to be constructed upon the Unit Premises, and the Tenant's use of the Unit Premises, in compliance with all applicable Hazardous Materials Laws, including, without limitation, all filings or registrations required to be made by the Tenant with any government agency, (b) the specific Hazardous Material Law and section thereof, which requires such measures of actions to be taken, and (c) the date by which the Tenant intends to take or implement such measure or action. Upon the Landlord's request, the Tenant shall promptly provide the Landlord with satisfactory proof that the Tenant has taken all measures and actions required under any applicable Hazardous Materials Laws. The Tenant shall promptly deliver to the Landlord a true, correct and complete copy of all filings or registrations made with any government agency pursuant to any Hazardous Materials Laws, all responses to or comments made by such agency with respect to such filings or registrations, and all amendments made by the Tenant to such filings or registrations. If the Tenant fails to comply with any Hazardous Materials Laws, the Landlord shall have the right (but shall be under no duty or obligation whatsoever) to enter upon the Unit Premises and take all actions necessary to achieve such compliance without being liable for trespass or damages. The Tenant shall pay to the Landlord, promptly upon the Landlord's demand, all costs and expenses incurred by the Landlord in undertaking such compliance, together with interest at the rate of one percent (1%) per month on the amounts incurred by the Landlord. The foregoing shall be in addition to the Landlord's right to declare a default under this Lease and to exercise all of the Landlord's rights and remedies under this Lease.

The Tenant shall immediately advise the Landlord in writing of (a) any and all enforcement, clean up, removal, mitigation, or other governmental or regulatory action instituted, contemplated or threatened pursuant to any Hazardous Materials Laws

affecting the Unit Premises or improvements thereon, (b) all claims made or threatened by any third party against the Tenant, the Landlord or the Unit Premises or improvements thereon relating to damage, contribution, cost, recovery, compensation, loss or injury resulting from any Hazardous Materials or violation of or compliance with any Hazardous Materials Laws, and (c) the Tenant's discovery of any occurrence or condition on the Unit Premises or improvements thereon or any real property adjoining or in the vicinity of the Unit Premises which could subject the Landlord, the Tenant or the Unit Premises or improvements thereon to any restrictions on ownership, occupancy, transferability or use of the Unit Premises or improvements thereon under any Hazardous Materials Laws.

Except for Hazardous Materials which exist on the Unit Premises prior to this Lease, the Tenant shall indemnify and hold harmless the Landlord, its directors, officers, employees, agents, successors and assigns from and against, any loss, damage, cost, expense or liability directly or indirectly arising out of or attributable to the use, generation, manufacture, treatment, handling, refining, production, processing, storage, release, threatened release, discharge, disposal, or presence of Hazardous Materials on, under or about the Unit Premises or any improvements thereon, including, without limitation: (i) all foreseeable and unforeseeable consequential damages; (ii) all fines which may be imposed and all costs of any required or necessary repair, clean up or detoxification of the Unit Premises or improvements thereon, and the preparation and implementation of any closure, remedial or other required plans; and (iii) all reasonable costs and expenses incurred by the Landlord in connection with clauses (i) and (ii) including, without limitation, reasonable attorneys fees.

Prior to the surrender, expiration or termination of this Lease, the Tenant, at its expense shall (A) remove from the Unit Premises all storage tanks (above ground or underground) installed or in use and all Hazardous Materials which were introduced to the Unit Premises during the term of this Lease and any prior license agreements between Landlord and Tenant for the Unit Premises and any improvements thereon, (B) restore the Unit Premises to a good and orderly condition, even-grade and to substantially the same condition the Unit Premises were in as of the date of this Lease, and fill all areas from which underground storage tanks were removed in a manner reasonably satisfactory

to the Landlord, (C) remediate and clean-up any contamination, spills and leakages upon the Unit Premises or any improvements thereon so as to render the Unit Premises and improvements in compliance with all applicable Hazardous Materials Laws, and (D) provide the Landlord with a written certification (dated no earlier than the date the Tenant fully vacates the Unit Premises) from an independent licensed engineer or other environmental expert approved by the Landlord that clause (A) and (C) have been satisfied and that there exists no violation of any Hazardous Materials Laws pertaining to the Unit Premises or any improvements thereon.

All of the agreements and obligations of the Tenant under this paragraph shall survive, and shall continue to be binding upon the Tenant notwithstanding, the termination, expiration or surrender of this Lease.

12. Periodic Environmental Inspection.

The Landlord shall at six month intervals engage an environmental consultant, who is approved by the Prime Lessor, to perform an environmental inspection and evaluation of the Entire Premises, including the Unit Premises. Tenant, by the payment to Landlord of Unit Premises Common Area Expense Share, shall reimburse Landlord for the Tenant's share of the cost and expense for such environmental inspection and evaluation of the Entire Premises. If the report prepared by such environmental consultant identifies either any violations of applicable Hazardous Materials Laws or any concerns regarding the use or condition of the Unit Premises, the Landlord shall deliver a copy of such report to the Tenant, and the Tenant shall promptly take such remedial action with respect to the Unit Premises so identified by such report.

13. Unit Premises Alterations.

Tenant shall not commence any Tenant's Alterations without first obtaining the approval of the Landlord. If the Tenant wants to obtain such Landlord approval for Tenant's Alterations, the Tenant shall prepare and submit to Landlord for its approval Tenant's Construction Plans. Landlord shall not unreasonably withhold its approval of the Tenant's Construction Plans. If Landlord does not approve the Tenant's Construction Plans, Landlord shall give Tenant written notice of its disapproval, and its grounds for such disapproval, within thirty (30) days after Tenant's submission of the Tenant's Construction Plans to the Landlord. If Tenant fails to receive such written

APPENDIX L  
Department of Water  
Supply Letters

ALAN M. ARAKAWA  
Mayor



DEPARTMENT OF WATER SUPPLY  
COUNTY OF MAUI  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793-2155  
www.mauiwater.org

GEORGE Y. TENGAN  
Director  
JEFFREY T. PEARSON, P.E.  
Deputy Director

April 19, 2005

Development Services Administration  
Department of Public Works  
County of Maui  
Wailuku, Maui, Hawaii

Gentlemen:

Subject: Central Maui Baseyard Offsite Waterline  
TMK 3-8-05:019

Water system improvements for the subject project have been completed, passed final inspection and are hereby accepted. All other requirements of the Department of Water Supply have also been satisfied.

Sincerely,

George Y. Tengan, Director

MF/ln  
xc: Earl Stoner

RECEIVED  
APR 22 2005

"By Water All Things Find Life"

(PA)



DEPARTMENT OF WATER SUPPLY  
COUNTY OF MAUI  
P.O. BOX 1109  
WAILUKU, MAUI, HAWAII 96793

December 22, 1989

RECEIVED  
DEC 27 1989  
EARL STONER, JR.

Land Use and Codes Administration  
Department of Public Works  
County of Maui  
Wailuku, HI 96793

Gentlemen:

Subject: Mehamaha Loop Waterline  
Puunene, Maui TMK 3-8-05:2, 19 & 22

Water improvements for the subject development/subdivision have been completed, passed final inspection and hereby accepted. All other requirements for final approval have also been met.

Sincerely,

Vince G. Bagyo, Jr., Director

cc: Fiscal w/cost list & affidavit  
Karen  
CO File  
Baseyard  
Developer (via agent)  
Engineering Division

FILE  
CMPS, TE  
OFFICE

"By Water All Things Find Life"

**APPENDIX M**  
**Preliminary Drainage**  
**Report**

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I. INTRODUCTION  
II. SITE LOCATION AND PROJECT DESCRIPTION  
III. EXISTING TOPOGRAPHY AND SOIL CONDITIONS  
IV. EXISTING DRAINAGE CONDITIONS  
V. FLOOD AND TSUNAMI ZONE  
VI. PROPOSED DRAINAGE PLAN  
VII. HYDROLOGIC CALCULATIONS  
VIII. CONCLUSION  
IX. REFERENCES

EXHIBITS

- 1 Location Map
- 2 Vicinity Map
- 3 Soil Survey Map
- 4 Flood Insurance Rate Map

APPENDICES

- A Hydrologic and Hydraulic Calculations

**PRELIMINARY DRAINAGE REPORT**

**FOR**

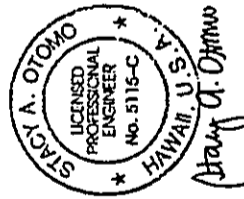
**PROPOSED HEAVY INDUSTRIAL AREAS  
AT THE CENTRAL MAUI BASEYARD**

Waikapu, Wailuku, Maui, Hawaii

T.M.K.: (2) 3-8-005: portion of 001 & 019

Prepared for:

S & F Land Company  
P.O. Box 806  
Puunene, Maui, Hawaii 96784



Prepared by:



CORPORATE CIVIL ENGINEER  
305 SOUTH HIGH STREET, SUITE 102  
WAILUKU, MAUI, HAWAII 96793  
PHONE: (808) 242-0032  
FAX: (808) 242-9779

May 2005



**PRELIMINARY DRAINAGE REPORT  
FOR  
PROPOSED HEAVY INDUSTRIAL AREAS  
AT THE CENTRAL MAUI BASEYARD  
Waikapu, Waikapu, Maui, Hawaii**

Lots 59 and 221 also slope in an east to west direction and are flat. According to the "Soil Survey of Islands of Kauai, Oahu, Maui, Molokai, and Lanai, State of Hawaii (August, 1972)," prepared by the United States Department of Agriculture Soil Conservation Service, the soils within the project site are classified as Alae cobbly sandy loam (AcA) and Pulehu silt loam (PpA). Alae cobbly sandy loam is characterized as having rapid permeability, slow runoff and an erosion hazard of no more than slight. Pulehu silt loam is characterized as having moderate permeability, slow runoff and an erosion hazard of no more than slight.

**I. INTRODUCTION**

The purpose of this report is to examine both the existing drainage conditions and the proposed drainage improvements for the proposed project.

**II. SITE LOCATION AND PROJECT DESCRIPTION**

The subject parcels are identified as T.M.K.: (2) 3-8-005: portion of 001 and 019. Until recently, existing Lot 59 in the Central Maui Baseyard was being used by Maui Auto Wrecking for recovering and processing parts from wrecked and derelict vehicles. Existing Lot 221 is presently being used as an abandoned vehicle storage by the County of Maui. Lot 1-C of the Central Maui Baseyard is presently undeveloped and previously used for the cultivation of sugar cane and contains an area of approximately 10.714 acres. Of this total area, 0.913 is used for the existing HC&S irrigation ditch which traverses along the eastern boundary of Lot 1-C. The net developable area on Lot 1-C is 9.811 acres.

The proposed project consists of the continuation of the existing uses on Lots 59 and 221. The change in zoning will be from light industrial to heavy industrial, which will bring consistency in the use. Approximately 3 acres on the south end of the Lot 1-C will be developed as a metal recycling facility and the use on the remaining 6.811 acres is unknown at this time. Heavy industrial use will also be allowed on Lot 1-C.

The project site is bordered by the Maui Electric substation and the Central Maui Baseyard to the north, a concrete-lined HC&S irrigation ditch and the Central Maui Baseyard to the east, Pulehu Gulch to the south, and Mokulele Highway to the west.

**III. EXISTING TOPOGRAPHY AND SOIL CONDITIONS**

Lot 1-C slopes down in the east to west direction ranging in elevation from approximately 120 feet above mean sea level at the southeast corner to 116 feet above mean sea level at the southwest corner, with an average slope of approximately 1.2%.

**IV. EXISTING DRAINAGE CONDITIONS**

Runoff from the existing Central Maui Baseyard, including Lots 59 and 221, generally sheet flows along the paved roadways into onsite detention basins. Overflow from the detention basins flow into Pulehu Gulch.

Runoff from the area to the east of the Lot 1-C sheet flows in a westerly direction toward the existing HC&S irrigation ditch. Immediately east of the irrigation ditch is a paved industrial road which is part of the Central Maui Baseyard. The road slopes in a west to east direction, toward the existing Central Maui Baseyard. There are existing graded inlet catch basins along the easterly side of the industrial road which collect runoff and divert it across the irrigation ditch and discharges into Lot 1-C. The runoff is diverted by 4-inch PVC drainlines through the side of the concrete-lined irrigation ditch. Runoff from Lot 1-C sheet flows toward Mokulele Highway, which was recently converted into a four-lane highway. The ongoing improvements to Mokulele Highway included the raising of the highway above the elevation of the Central Maui Baseyard. The runoff ponds along the easterly side of Mokulele Highway until it reaches an elevation which allows the runoff to enter into a 30-inch culvert which was installed as part of the Mokulele Highway project. Said culvert is located approximately in the middle of Lot 1-C. Runoff entering the 30-inch culvert discharges into the cane fields on the west side of the highway.

It is estimated that the present 50-year, 1-hour runoff from the proposed 3-acre metal recycling facility is 3.26 cfs and 7.40 cfs from Lot 1-C. The total runoff from Lot 1-C is 10.66 cfs.

**V. FLOOD AND TSUNAMI ZONE**

According to Panel Number 150003 0255 B of the Flood Insurance Rate Map, June 1, 1981, prepared by the United States Federal Emergency Management Agency, the project site is situated in Flood Zone C. Flood Zone C represents areas of minimal flooding.

VI. PROPOSED DRAINAGE PLAN

Since Lots 59 and 221 are existing and there will be no change in its use, there will be no increase in runoff. Runoff generated from these lots will continue to sheet flow into the existing drainage facilities, as it is currently doing.

Offsite runoff collected by the existing grated catch basins along the industrial roadway and discharged on Lot 1-C by the 4-inch drainlines will be collected by a swale which will run parallel to the ditch. The swale will be constructed on the west side of the irrigation ditch and routed through Lot 1-C toward Mokulele Highway into a common onsite detention basin.

Catch basins and drainlines will be installed on the proposed metal recycling facility. The runoff will be conveyed into a detention basin located on the southwest corner of the facility. Overflow from the detention basin will be conveyed to the common detention basin which will be constructed near the central area of Lot 1-C.

The detention basins will be sized to accommodate the increase in runoff from the improvements on Lot 1-C for a 50-year, 1-hour storm.

VII. HYDROLOGIC CALCULATIONS

The hydrologic calculations are based on the "Chapter 4 - Rules for the Design of Storm Drainage Facilities in the County of Maui," and the "Rainfall Frequency Atlas of the Hawaiian Islands," Technical Paper No. 43, U.S. Department of Commerce, Weather Bureau.

Rational Formula Used:  $Q = CIA$

Where  $Q$  = rate of flow (cfs)

$C$  = rainfall coefficient

$I$  = rainfall intensity for a duration equal to the time of concentration (inches/hour)

$A$  = drainage area (Acres)

See Appendix A for Hydrologic Calculations

VIII. CONCLUSION

After the construction of the proposed project, it is estimated that the 50-year storm runoff from the 3-acre metal recycling facility will be 13.24 cfs, with an increase of 9.98 cfs. The runoff will be intercepted by onsite grated inlet catch basins and conveyed to the proposed onsite detention basin. The detention basin will be sized to accommodate the increase in runoff from the 50-year, 1-hour storm generated from the development.

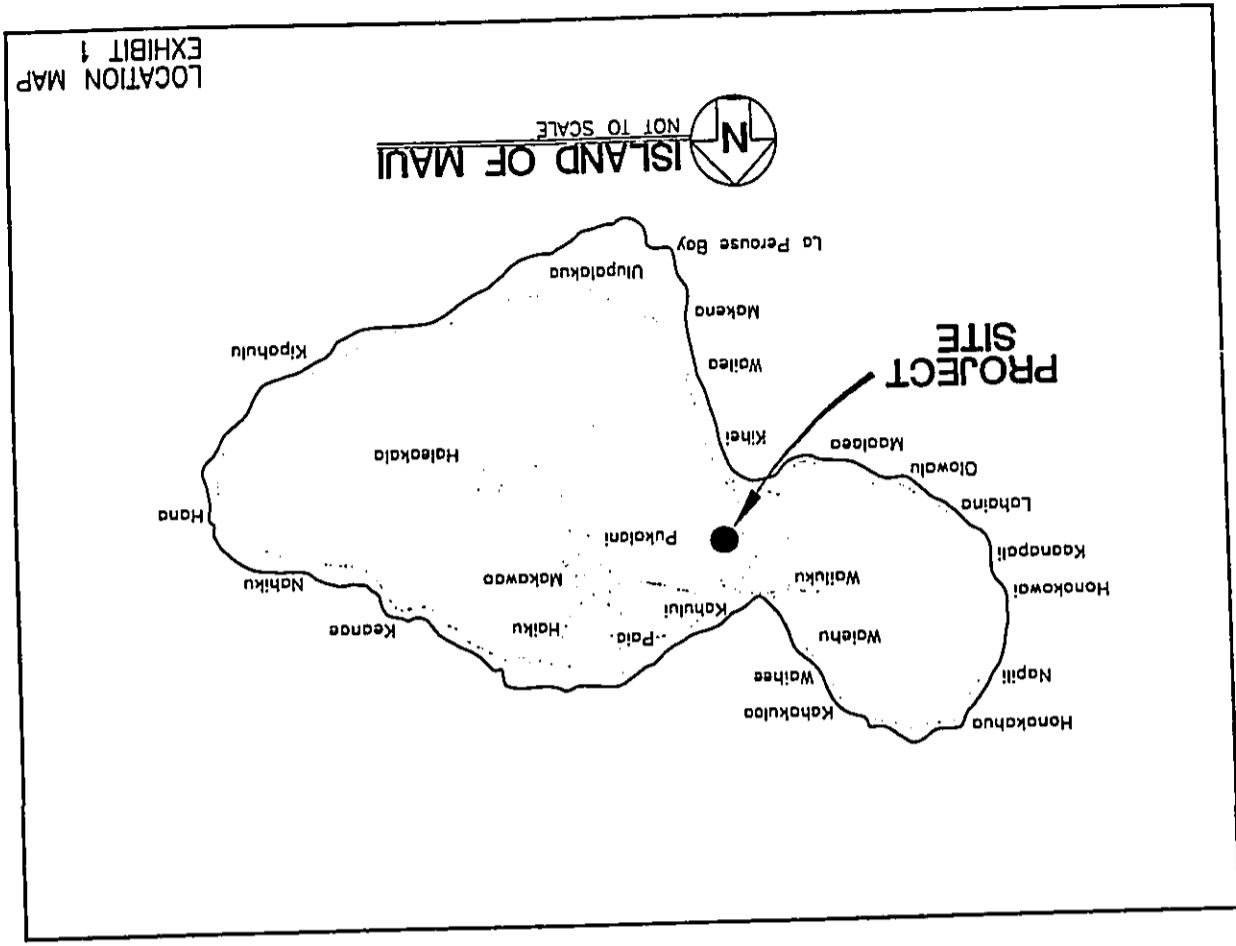
The runoff from the 6.811 acre site is estimated to be 30.05 cfs, with an increase of 22.65 cfs. Runoff from this area will also be diverted into the common onsite detention basin located in the low portion of the parcel, east of Mokulele Highway. Overflow from the detention basin in the metal recycling facility will be conveyed into the common detention basin. Overflow from the common detention basin will be directed into the existing 30-inch culvert which was installed as part of the Mokulele Highway project.

There will be no increase in runoff from the project site after completion of the development. This is in accordance with Chapter 4, Rules for the Design of Storm Drainage Facilities in the County of Maui.

Therefore, it is our professional opinion that the proposed development will not have an adverse effect on the adjoining or downstream properties.

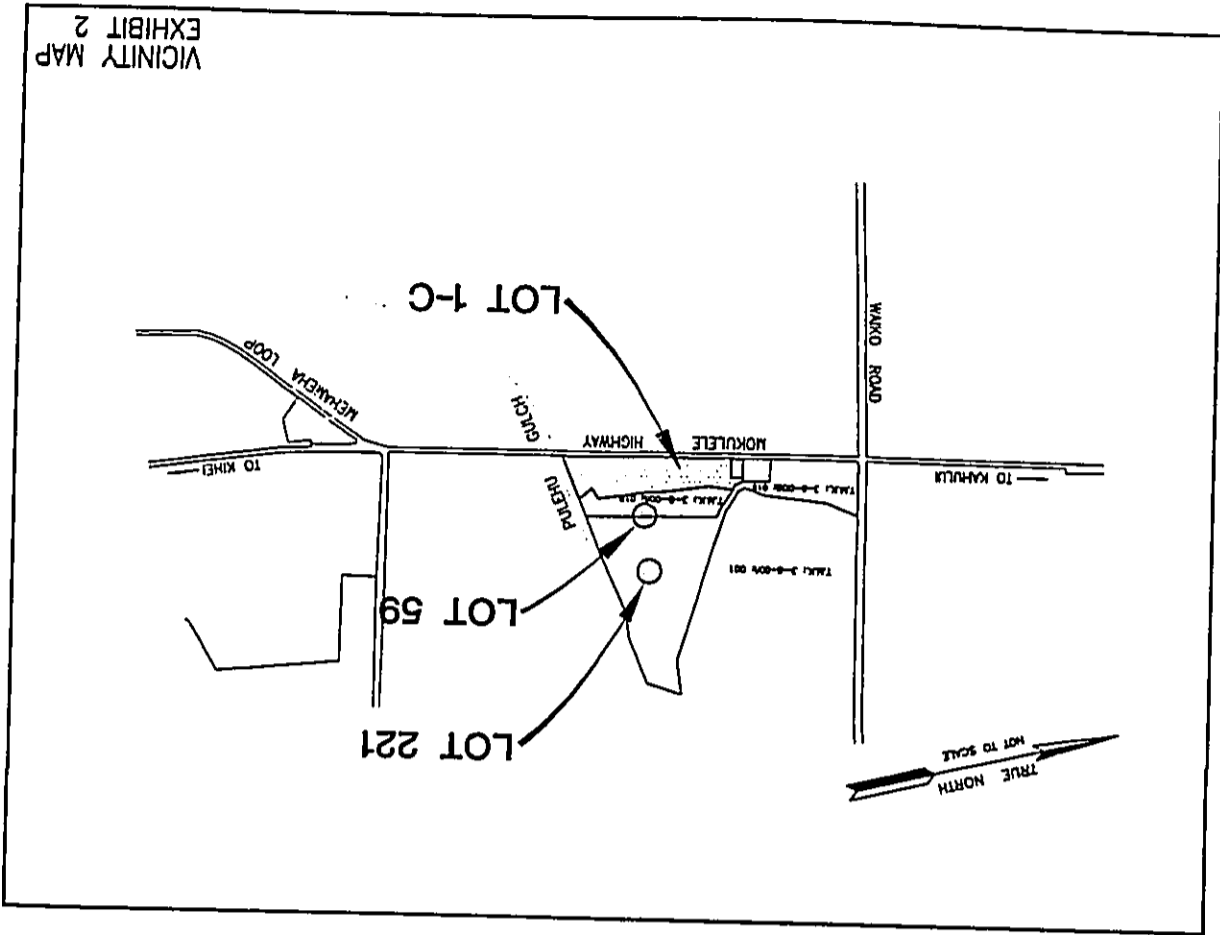
IX. REFERENCES

- A. Soil Survey of Islands of Kauai, Oahu, Maui, Molokai and Lanai, State of Hawaii, prepared by U.S. Department of Agriculture, Soil Conservation Service, August, 1972.
- B. Erosion and Sediment Control Guide for Hawaii, prepared by U.S. Department of Agriculture, Soil Conservation Service, March, 1981.
- C. Rainfall-Frequency Atlas of the Hawaiian Islands, Technical Paper No. 43, U.S. Department of Commerce, Weather Bureau, 1962.
- D. Flood Insurance Rate Maps of the County of Maui, June 1981.
- E. Chapter 4, Rules for the Design of Storm Drainage Facilities in the County of Maui, prepared by the Department of Public Works and Waste Management, County of Maui, 1995.



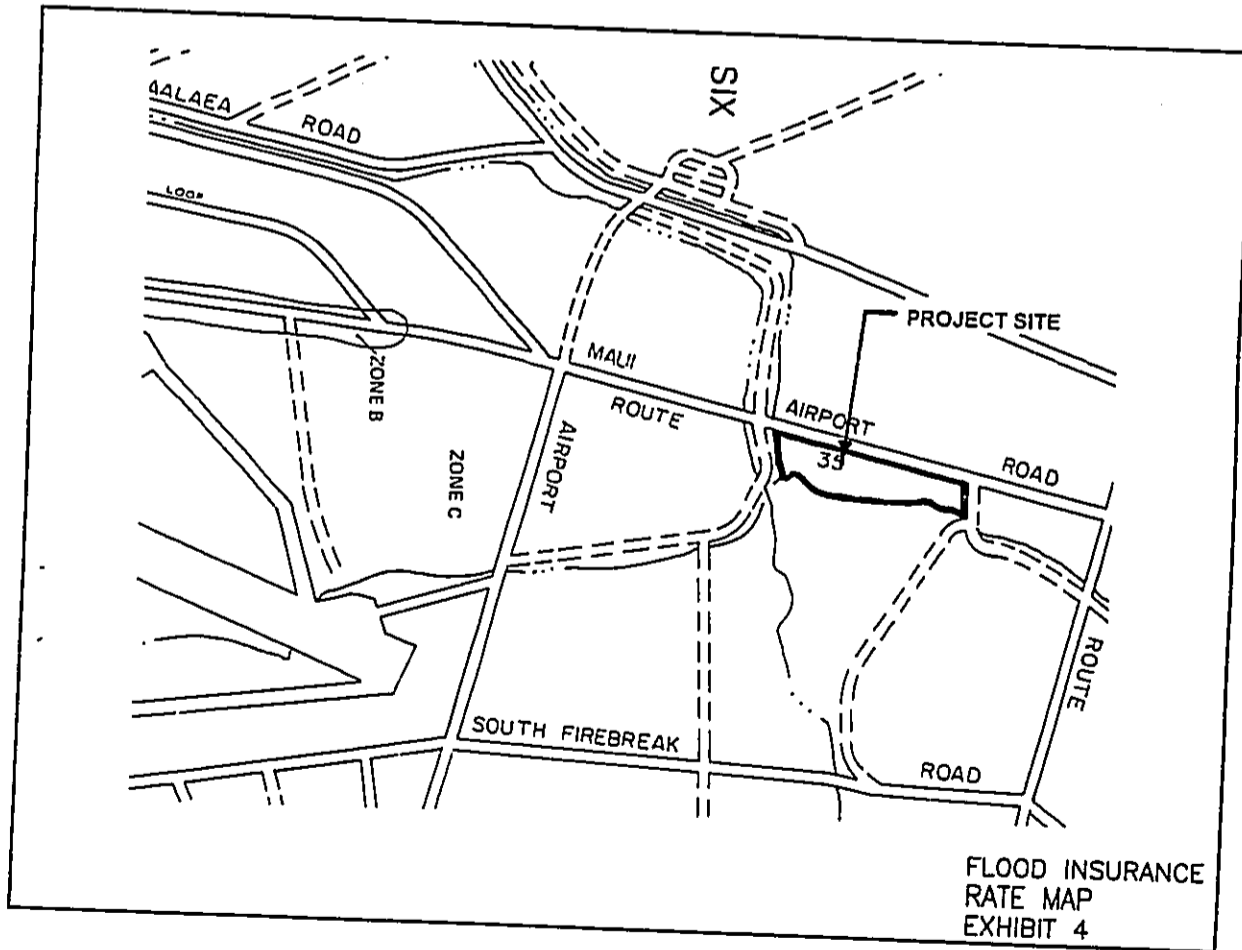
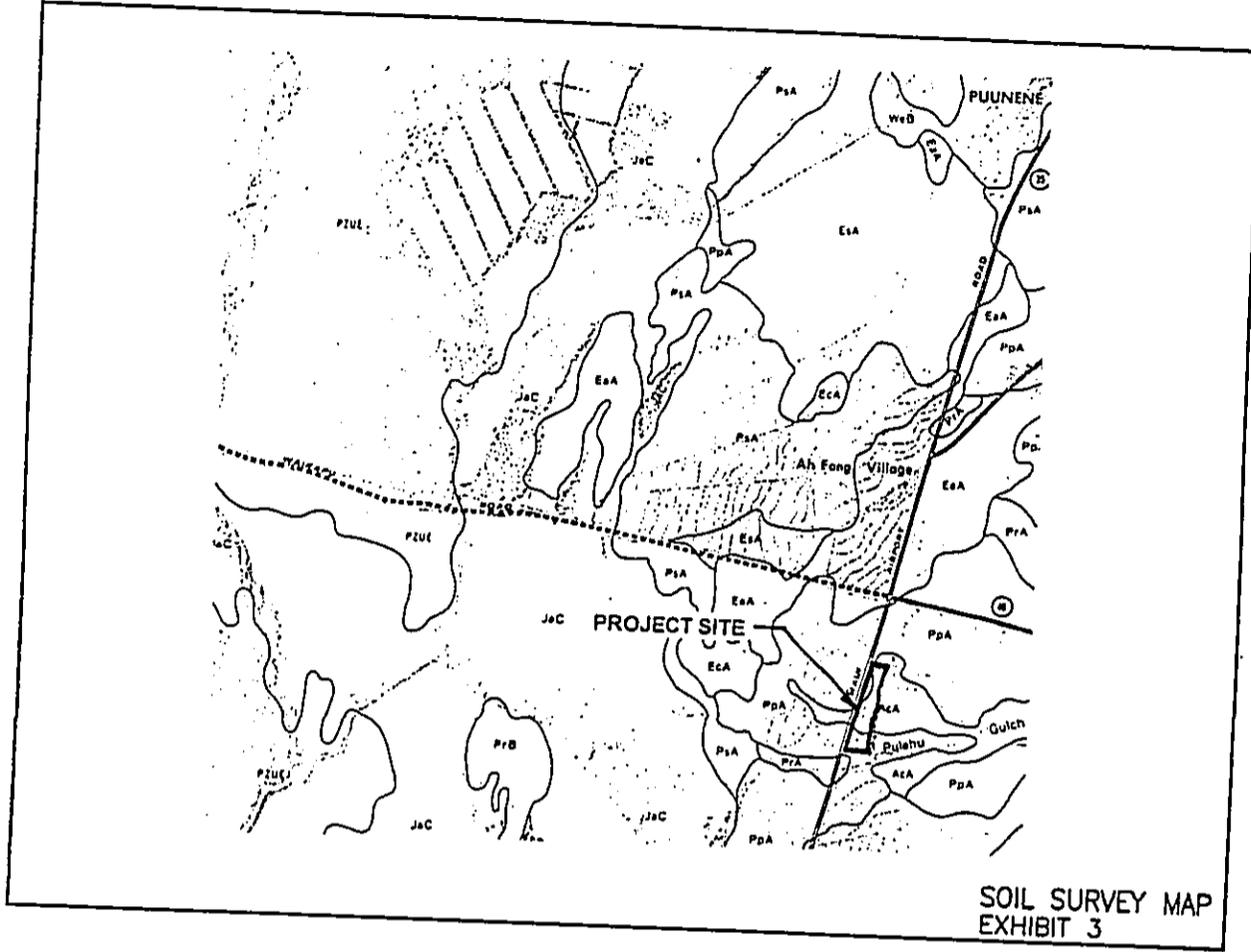
**EXHIBITS**

- 1 Location Map
- 2 Vicinity Map
- 3 Soil Survey Map
- 4 Flood Insurance Rate Map



VICINITY MAP  
EXHIBIT 2

APPENDIX A  
HYDROLOGIC CALCULATIONS



Hydrologic Calculations

Purpose: Determine the increase in surface runoff from the development of the proposed project based on a 50-year storm.

A. Determine the Runoff Coefficient (C):

EXISTING CONDITIONS:  
Infiltration (Medium) = 0.07  
Relief (Flat) = 0.00  
Vegetal Cover (Good) = 0.03  
Development Type (Open) = 0.15  
C = 0.25

APPENDIX A  
HYDROLOGIC CALCULATIONS

DEVELOPED CONDITIONS:  
Infiltration (Negligible) = 0.20  
Relief (Flat) = 0.00  
Vegetal Cover (Poor) = 0.05  
Development Type (Industrial) = 0.55  
C = 0.80

B. Determine the 50-year 1-hour rainfall:  
 $i_{50} = 2.5$  inches

Adjust for time of concentration to compute Rainfall Intensity (I):

Existing Condition:

$T_c = 18$  minutes  
 $I = 4.34$  inches/hour

Developed Condition:

$T_c = 9$  minutes  
 $I = 5.52$  inches/hour

C. Drainage Area (A) = 9.811 Acres (3.0 acres-metal recycling facility, 6.811 acres remaining)

D. Compute the 50-year storm runoff volume (Q):

$$Q = CIA$$

Existing Conditions (3.0 Acre Metal Recycling Facility):

$$Q = (0.25)(4.34)(3.00) = 3.26 \text{ cfs}$$

Developed Conditions (3.0 Acre Metal Recycling Facility):

$$Q = (0.80)(5.52)(3.00) = 13.24 \text{ cfs}$$

Existing Conditions (Remaining 6.811 Acres Lot 1-C):

$$Q = (0.25)(4.34)(6.811) = 7.40 \text{ cfs}$$

Developed Conditions (Remaining 6.811 Acres Lot 1-C):

$$Q = (0.80)(5.52)(6.811) = 30.05 \text{ cfs}$$

The increase in runoff from the Metal Recycling Facility is 13.24 cfs - 3.26 cfs = 9.98 cfs and the increase in runoff from the remainder of the site is 30.05 cfs - 7.40 cfs = 22.65 cfs. The total increase in runoff from the proposed site (lot 1-C) is 9.98 cfs + 22.65 cfs = 32.63 cfs.

## Hydrograph Plot

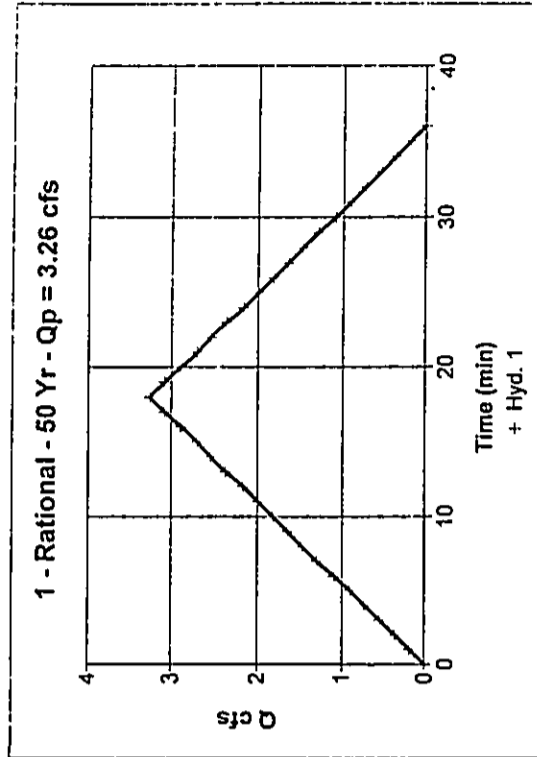
English

Hyd. No. 1

Existing Condition-Metal Recycling Facility

Hydrograph type = Rational  
 Storm frequency = 50 yrs  
 Drainage area = 3.0 ac  
 Intensity = 4.34 in  
 I-D-F Curve = 2-5-IDF  
 Peak discharge = 3.26 cfs  
 Time interval = 1 min  
 Runoff coeff. = 0.25  
 Time of conc. (Tc) = 18 min  
 Reced. limb factor = 1

Total Volume = 3,519 cuft



### Hydrograph Plot

Hyd. No. 2

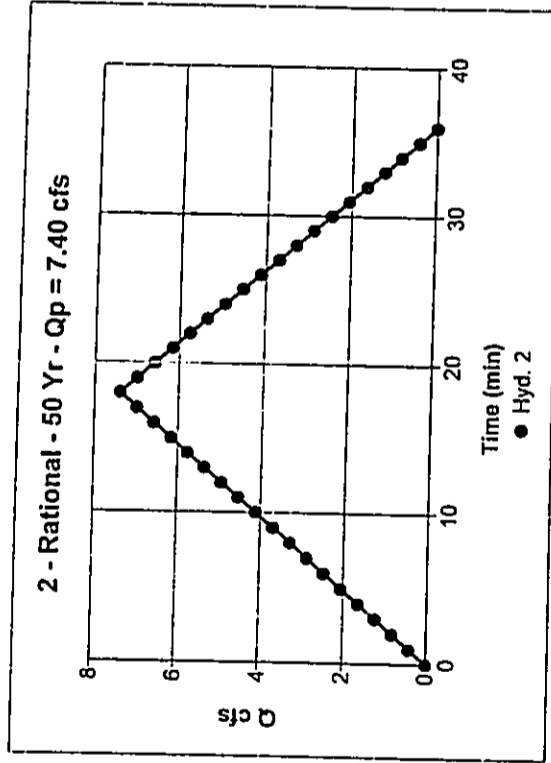
English

Existing Condition-Remaining 6.811 Acres

Hydrograph type = Rational  
 Storm frequency = 50 yrs  
 Drainage area = 6.8 ac  
 Intensity = 4.34 in  
 I-D-F Curve = 2-5.IDF

Peak discharge = 7.40 cfs  
 Time interval = 1 min  
 Runoff coeff. = 0.25  
 Time of conc. (Tc) = 18 min  
 Reced. limb factor = 1

Total Volume = 7,590 cuft



### Hydrograph Plot

Hyd. No. 3

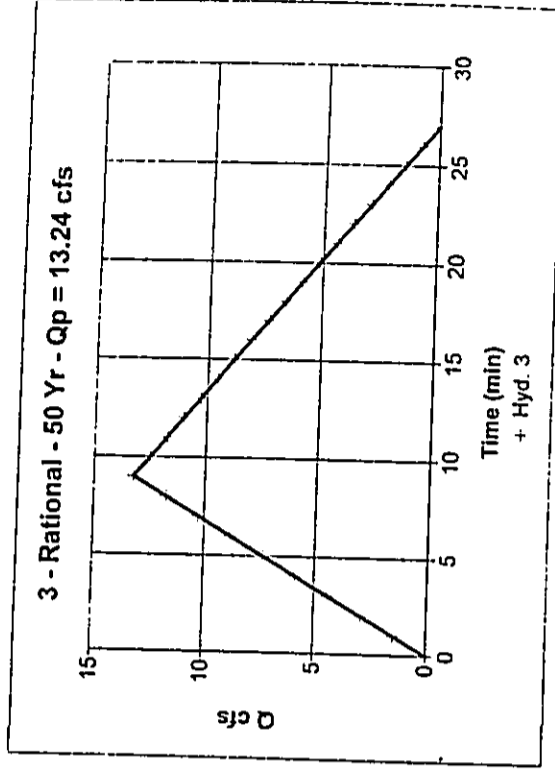
English

Developed Condition-Metal Recycling Facility

Hydrograph type = Rational  
 Storm frequency = 50 yrs  
 Drainage area = 3.0 ac  
 Intensity = 5.52 in  
 I-D-F Curve = 2-5.IDF

Peak discharge = 13.24 cfs  
 Time interval = 1 min  
 Runoff coeff. = 0.8  
 Time of conc. (Tc) = 9 min  
 Reced. limb factor = 2

Total Volume = 10,722 cuft





# Hydrograph Plot

English

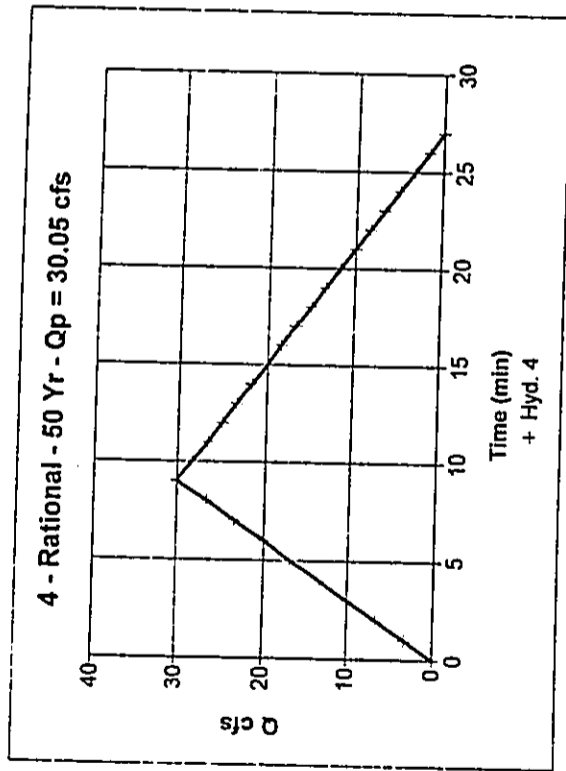
Hyd. No. 4

Developed Condition-Remaining 6.811 Acres

Hydrograph type = Rational  
Storm frequency = 50 yrs  
Drainage area = 6.8 ac  
Intensity = 5.52 in  
I-D-F Curve = 2-5.IDF

Peak discharge = 30.05 cfs  
Time interval = 1 min  
Runoff coeff. = 0.8  
Time of conc. (Tc) = 9 min  
Reced. limb factor = 2

Total Volume = 24,343 cuft



APPENDIX N  
Pre-Consultation  
Letters

Mr. Michael W. Foley  
March 29, 2005  
Page 2

**Background**

As previously noted, the Baseyard was the subject of an earlier DBA, CPA, and CIZ. The DBA approval (from Agricultural to Urban) encompassed Lots 1A and 1B which comprise 40.89 acres of the Baseyard's 51,946 acres. As provided for by this approval, the remaining 11,056 acres (Lot 1C) would be reclassified (from Agricultural to Urban) upon the submittal, and acceptance by the County, of a request for the processing of a CIZ for this acreage. The CPA approval (from Agricultural to Light Industrial) covered the Baseyard's 51,946 acres, while the CIZ approval (from Interim to M-1, Light Industrial) encompassed the same acreage and lots as the DBA approval.

**Project Description**

The proposed action will involve a CPA from Light Industrial to Heavy Industrial for Lot 1C, Lot 59 (1.246 acre), and Lot 221 (1.006 acre). It will also involve zoning changes for Lot 1C (from Agricultural to M-2, Heavy Industrial), and Lots 59 and 221 (from M-1, Light Industrial to M-2, Heavy Industrial). A regional location map of the project area and a site location map showing the three lots are attached for your reference.

Lot 1C is a portion of TMK 3-8-05: 01, while Lots 59 and 221 are portions of TMK 3-8-05: 19. S&F Land Company leases the land underlying the Baseyard from A&B Hawaii, (Parcel 01) and A&B Properties (Parcel 19).

Until recently, Lot 1C was occupied by sugar cane and is bordered by Mokulele Highway on the west and a natural drainage way and sugar cane fields to the south. In addition to a Maui Electric substation, which abuts Lot 1C to the north, developed Baseyard lots lie to the north and east. Maui Auto Wrecking uses Lot 59 for recovering and processing of salvageable auto parts, while the County of Maui currently utilizes Lot 221 for abandoned vehicle storage. Pre-existing developed Baseyard lots currently surround Lots 59 and 221.

The proposed CPA and zoning changes will establish appropriate areas for heavy industrial uses within the limits of the Baseyard, as well as contribute to the finite inventory of lands that are available for heavy industrial purposes.

In terms of the proposed action, an approximately 3-acre portion of Lot 1C is contemplated for use as a facility that would crush abandoned/wrecked cars (within a building) and prepare the crushed cars for shipping to the mainland. This area may be the subject of a request for a Land Use Commission Special Use Permit in order to address immediate and pressing problems associated with auto processing on Maui. The remainder of Lot 1C would be utilized to accommodate heavy industrial uses in the future. Lots 59 and 221 are currently utilized for heavy industrial-type activities. As such, the proposed action will establish the necessary community plan and zoning designations for these pre-existing uses, as well as provide for future heavy industrial uses.



March 29, 2005

Mr. Michael W. Foley, Director  
Department of Planning  
County of Maui  
250 South High Street  
Waikuku, HI 96793

Dear Mr. Foley,

RE: Pre-Consultation for a Supplemental Environmental Assessment  
Proposed Heavy Industrial Uses in the Central Maui Baseyard at Puunene, Maui  
TMK 3-8-05: Portions of 01 and 19

On behalf of the Applicant, S&F Land Company, Chris Hart & Partners is preparing a Supplemental Environmental Assessment (EA) in support of a Community Plan Amendment (CPA) and Changes in Zoning (CIZ) for the above-referenced project. The Applicant is requesting an amendment from Light Industrial to Heavy Industrial for three lots (totaling 13,308 acres) in the Central Maui Baseyard.

In the mid- to late 1990s a District Boundary Amendment (DBA), CPA, and CIZ established Urban and Light Industrial land uses for the Baseyard. Prior to those approvals, the Baseyard operated under a Special Use Permit. Since the proposed action involves a CPA, compliance with Chapter 343, HRS is required.

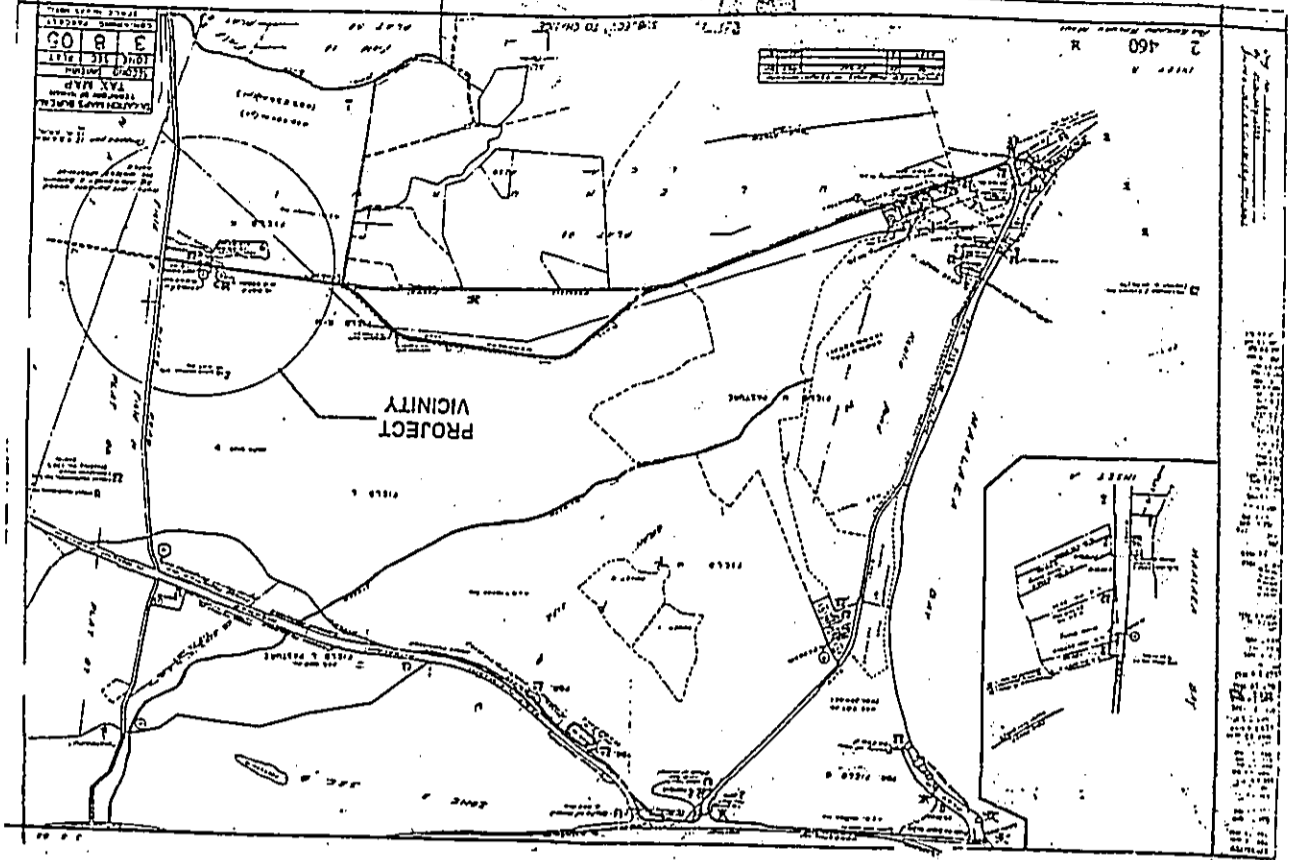
The Supplemental EA will focus on the three lots (Lots 1C, 59 and 221) that are proposed for Heavy Industrial uses and describe the proposed action, evaluate the potential impacts the action may have on the environment, public services, and infrastructure, and discuss appropriate measures to minimize harm to the environment. It is noted that the Final EA and Finding of No Significant Impact for the Central Maui Baseyard (aka, Mokulele Baseyard) were published in the OEQC's Environmental Notice on September 23, 1997.

As part of the EA pre-consultation process, we are requesting comments from government agencies and interested parties on topics they wish to be considered in the Supplemental EA and would appreciate receiving any written comments you may have no later than April 22, 2005.

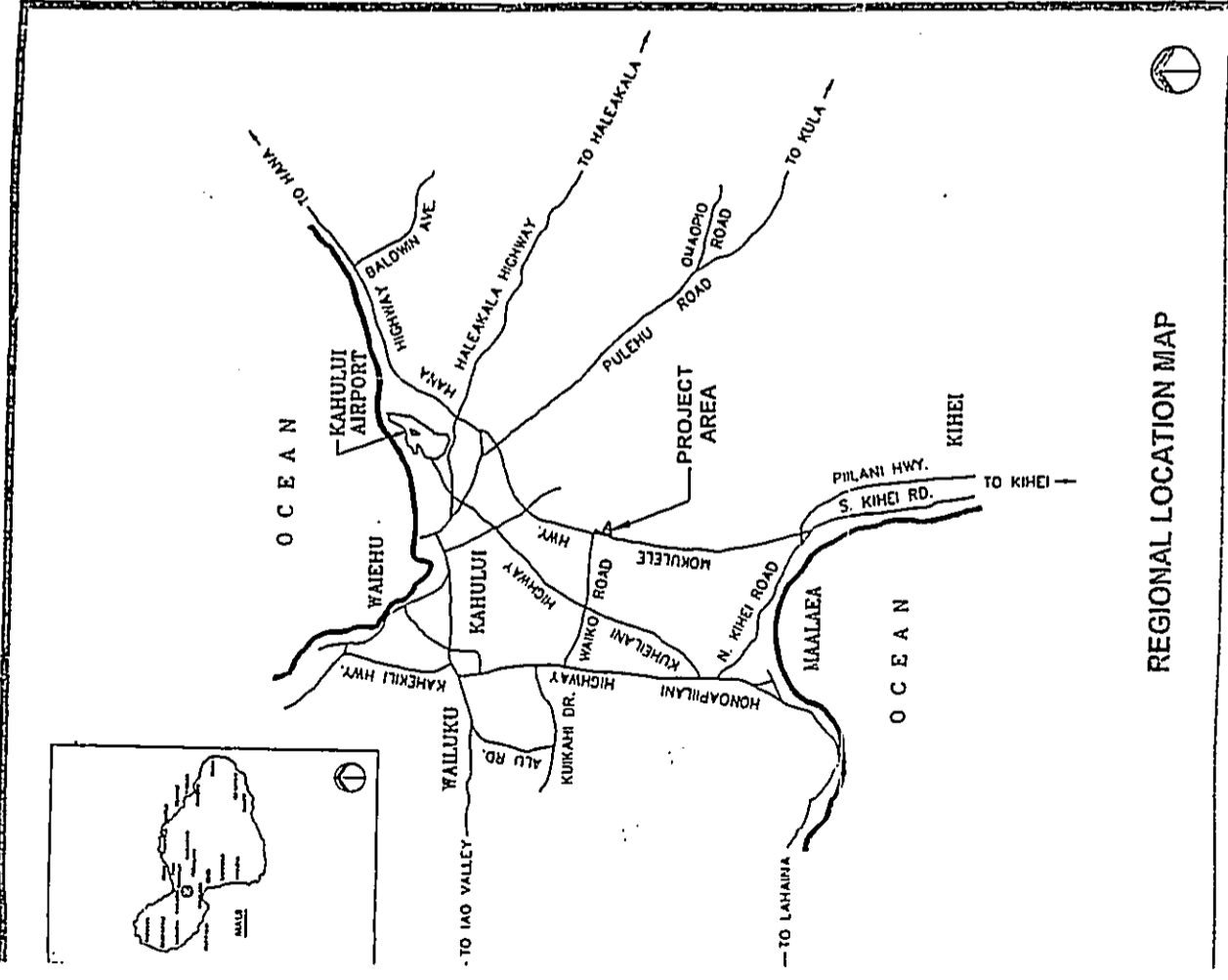
The following is a brief background and description of the proposed action and a listing of topics to be addressed by the Supplemental EA.



DOCUMENT CAPTURED AS RECEIVED



PROJECT VICINITY MAP



REGIONAL LOCATION MAP

LINDA LIMOLE  
GOVERNOR OF HAWAII



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
MAUI DISTRICT HEALTH OFFICE  
54 HIGH STREET  
WAILUKU, MAUI, HAWAII 96793-2102

ANTHONY L. FURUKO, M.D.  
DIRECTOR OF HEALTH  
LORREN W. FURUKO, M.D., M.P.H.  
DISTRICT HEALTH OFFICER

Mr. Rory Frampton  
April 15, 2005  
Page 2

April 15, 2005

Mr. Rory Frampton  
Chris Hart & Partners, Inc.  
1955 Main Street, Suite 200  
Wailuku, Hawaii 96793-1706

Dear Mr. Frampton:

Subject: Pre-Consultation for a Supplemental Environmental Assessment  
Proposed Heavy Industrial Uses, Central Maui Baseyard  
TMK: (2) 3-8-05: Por. of 01 and 19

Thank you for the opportunity to comment on the proposed changes at the Central Maui Baseyard. The following comments are offered:

1. National Pollutant Discharge Elimination System (NPDES) permit coverage is required for this project. The Clean Water Branch should be contacted at 808 586-4309.
2. Plan approval for all new wastewater disposal systems will be required prior to construction of the systems. The wastewater plans must conform to applicable provisions of the Department of Health's Administrative Rules Chapter 11-62, "Wastewater Systems".
3. All lands formerly in the production of sugarcane should be characterized for arsenic contamination. If arsenic is detected above the US EPA Region preliminary remediation goal for non-carcinogenic effects, then a removal and/or remedial plan must be submitted to the Hazard Evaluation and Emergency Response Office of the Department of Health for approval. The plan must comply with Chapter 128D, Environmental Response Law, HRS, and Title 11, Chapter 11-451, HAR, State Contingency Plan.

4. The proposed activities of processing abandoned/wrecked cars for shipment to the mainland is a "permitted" activity under the jurisdiction of the Solid and Hazardous Waste Branch (SHWB) of the Department of Health. Consultations with the SHWB are advised.

Should you have any questions, please call me at 984-8230.

Sincerely,

Herbert S. Maisubayashi  
District Environmental Health Program Chief

c: SHWB  
CWB

Mr. Herbert Matsubayashi  
May 11, 2005  
Page 2



May 11, 2005

Mr. Herbert S. Matsubayashi, Chief  
Maui District Health Office  
Department of Health  
54 High Street  
Waikuku, HI 96793

**SUBJECT:** Pre-Consultation for a Supplemental Environmental Assessment (EA) for  
Proposed Heavy Industrial Areas in the Central Maui Baseyard; TMK 3-8-  
05; Portions of 01 and 19

Dear Mr. Matsubayashi,

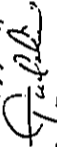
On behalf of the Applicant, we acknowledge the receipt of your letter dated April 15, 2005 and are responding to your comments.

1. Lot 1C is vacant and undeveloped, which, unlike Lots 59 and 221, are characterized by pre-existing heavy industrial type uses. As such, the Applicant acknowledges that a National Pollutant Discharge Elimination System for general permit coverage is required for the development of Lot 1C.
2. The Applicant will inform tenants that new wastewater disposal systems for the proposed heavy industrial areas (should toilets be desired by tenants), must conform with the applicable provisions of Chapter 11-62, HAR (Wastewater Systems) and that departmental plans approvals must be obtained prior to construction.
3. Prior to the commencement of site work, Lot 1C will be tested to determine the presence or absence of any arsenic on the site. Should test results reveal the existence of arsenic, further investigative work would be conducted to determine residual levels. In the event that residual levels exceed acceptable thresholds, the State Department of Health (DOH) will be consulted to address the remediation of any affected areas on the site.
4. The Applicant has and will continue to work with the DOH to make sure that tenants engaged in the processing and shipment of derelict vehicles must comply with Chapter 58.1, Hawaii Administrative Rules (HAR), regarding Solid Waste

Management Control and that tenants realize that they must also obtain a Solid Waste Permit from the department's Solid and Hazardous Waste Branch for the design and operation of such a facility.

Thank you for providing us with your comments and please feel free to call Glenn Tadaki or me at 242-1955 should you have any questions.

Sincerely yours,

  
F/Roy Frampton  
Senior Planner

Cc: Mr. Earl Stoner, Jr.

ALAN M. ARAKAWA  
Mayor

MILTON M. ARAKAWA, A.I.C.P.  
Director

MICHAEL M. MIYAMOTO  
Deputy Director

Telephone: (808) 270-7845  
Fax: (808) 270-7955



COUNTY OF MAUI  
DEPARTMENT OF PUBLIC WORKS  
AND ENVIRONMENTAL MANAGEMENT  
200 SOUTH HIGH STREET, ROOM 322  
WAILUKU, MAUI, HAWAII 96793

RALPH HAGANUE, L.S., P.E.  
Development Services Administration

TRACY TAKAMIZU, P.E.  
Wastewater Reclamation Division

CARY YAMASHITA, P.E.  
Engineering Division

BRYAN HASHIRO, P.E.  
Highways Division

Solid Waste Division

April 19, 2005

Mr. Rory Frampton  
CHRIS HART & PARTNERS, INC.  
1955 Main Street, Suite 200  
Wailuku, Maui, Hawaii 96793

Dear Mr. Frampton:

SUBJECT: PRE-CONSULTATION FOR A SUPPLEMENTAL  
ENVIRONMENTAL ASSESSMENT  
CENTRAL MAUI BASEYARD - HEAVY INDUSTRIAL USE  
TMK: (2) 3-8-005: PORTION OF 001 AND 019

We reviewed the subject application and have the following comments:

1. Please provide us with the Subdivision File Numbers and final subdivision approval dates which created Lots 1C, 59, and 221.

Please call Michael Miyamoto at 270-7845 if you have any questions regarding this letter.

Sincerely,

MILTON M. ARAKAWA, A.I.C.P.  
Director

MMA:MMM:da  
S:\UC\AC2\Central\_Maui\_Baseyrd\_Prg\_Con\_Sup\_es\_38055001\_da.wp3



May 11, 2005

Mr. Milton M. Arakawa, AICP, Director  
Department of Public Works  
and Environmental Management  
County of Maui  
200 South High Street  
Wailuku, HI 96793

SUBJECT: Pre-Consultation for a Supplemental Environmental Assessment (EA) for  
Proposed Heavy Industrial Areas in the Central Maui Baseyard; TMK 3-8-  
05: Portions of 01 and 19

Dear Mr. Arakawa,

On behalf of the Applicant, we acknowledge the receipt of your letter dated April 19,  
2005 and are responding to your comments.

Lots 1C, 59, and 221 are not subdivided lots or parcels although they are referred to in  
those terms to reflect their demised sublease areas. As such, the Applicant is able to  
increase or decrease the size of sublease areas to meet the individual needs of Baseyard  
tenants without being encumbered by the limitations of fixed lot lines.

Thank you for providing us with your comments and please feel free to call Glenn Tadaki  
or me at 242-1955 should you have any questions.

Sincerely yours,

Rory Frampton  
Senior Planner

Cc: Mr. Earl Stoner, Jr.



ALAN M. ARAKAWA  
Mayor  
MICHAEL W. FOLEY  
Director  
WAYNE A. BOTEILHO  
Deputy Director



COUNTY OF MAUI  
DEPARTMENT OF PLANNING

April 29, 2005

Mr. Rory Frampton  
Chris Hart & Partners  
1955 Main Street, Suite 200  
Wailuku, Hawaii 96793

Dear Mr. Frampton;

RE: Preconsultation Comments in Preparation of a Draft Environmental Assessment for Proposed Heavy Industrial Uses in the Central Maui Baseyard located at Puunene, Island of Maui, Hawaii (LIR 2005/0965)

The Maui Planning Department (Department) provides the following comments for the above referenced project:

1. Include a discussion of designing the proposed drainage system to manage more than the net increase in stormwater runoff.
2. Discuss the loss of agricultural land.
3. The Department recommends consulting with the State Department of Transportation to discuss whether the proposed improvements to Lot 1C will impact the Mokuile Highway widening project.
4. Lots 59 and 221 are primarily surrounded with M-1, Light Industrial, uses. Discuss the compatibility of establishing M-2, Heavy Industrial, uses for these lots.
5. Clarify the proposed accessways to Lot 1C.
6. The Department recommends consulting with the State Department of Health for any necessary permit requirements for the proposed uses. Identify any necessary design elements that may be required for these permits.

250 SOUTH HIGH STREET, WAILUKU, MAUI, HAWAII 96793  
PLANNING DIVISION (808) 270-7735; ZONING DIVISION (808) 270-7253; FACSIMILE (808) 270-7634

Mr. Rory Frampton  
April 29, 2005  
Page 2

7. A visual buffer should be established along the boundary of Lot 1C and Mokuile Highway.
8. Heavy industrial uses often involve regulated, petroleum, hazardous, and toxic substances, and as such:
  - a. Discuss potential impacts from the historical industrial use of these substances, specifically on lots 59 and 221.
  - b. Discuss mitigative measures proposed to protect the surrounding environment from future uses of these substances.

Thank you for the opportunity to comment. Please include the Department on the mailing list for the Draft Environmental Assessment. Should you require further clarification, please contact Ms. Kivette Caigoy, Environmental Planner, at 270-7735.

Sincerely,

MICHAEL W. FOLEY  
Planning Director

MWF:KAC:do

- c:
- Wayne A. Boteilho, Deputy Planning Director
  - Clayton I. Yoshida, Planning Program Administrator
  - Kivette Caigoy, Environmental Planner
  - Robyn Loudermilk, Staff Planner
  - Project File
  - General File

K:\WP\_DOC\PLANNING\EA\PreConsultComments\20050965\_CentralMauiBtyrd.wpd



May 11, 2005

Mr. Michael W. Foley, Director  
Department of Planning  
County of Maui  
250 South High Street  
Wailuku, HI 96793

**SUBJECT:** Pre-Consultation for a Supplemental Environmental Assessment (EA) for  
Proposed Heavy Industrial Areas in the Central Maui Baseyard; TMK 3-8-  
05; Portions of 01 and 19


Dear Mr. Foley,

On behalf of the Applicant, we acknowledge the receipt of your letter dated April 29, 2005 and are responding to your comments.

The subjects referenced in your letter will be discussed in the project's Supplemental Draft Environmental Assessment.

Thank you for providing us with your comments and please feel free to call Glenn Tadaki or me at 242-1955 should you have any questions.

Sincerely yours,

  
F. Cory Frampton  
Senior Planner

Encl.

Cc: Mr. Earl Stoner, Jr.

**APPENDIX O**  
**Supplemental**  
**Draft EA Comments**  
**and Responses**

## LETTERS RECEIVED DURING THE SUPPLEMENTAL DRAFT EA COMMENT PERIOD AND RESPONSES TO SUBSTANTIVE COMMENTS

The Supplemental Draft Environmental Assessment (SDEA) was published in the October 8, 2005 edition of the Environmental Notice. On October 4, 2005, copies of the SDEA were distributed for review and comment to various government agencies and utility companies by the Maui Planning Department in connection with the processing of the Community Plan Amendment (CPA) and Change in Zoning (CIZ) request for the proposed project. The 30-day public comment period for the SDEA expired on November 7, 2005, which was the same date as the deadline for comments on the CPA/CIZ request. On November 10, 2005, the Planning Department sent reminder notices to agencies that had not responded by the close of the 30-day comment period.

This section contains copies of letters that were received during the SDEA/CPA/CIZ comment period. Letters which did not require a response are contained in the first section following this page, while substantive comments and response letters are included in the subsequent section.

Agency/Organization	Date of Comments	Date of Responses
<b><i>Letters Not Requiring Responses</i></b>		
1. Natural Resources Conservation Service	10/7/05	NRR*
2. Dept. of Health (Maui)	10/21/05	NRR*
3. Dept. of Transportation	10/25/05	NRR*
4. Dept. of Parks & Recreation	10/25/05	NRR*
5. Maui Electric Company	10/26/05	NRR*
6. U.S. Army Corps of Engineers	10/27/05	NRR*
7. Dept. of Public Works & Environmental Management	10/27/05	NRR*
8. Dept. of Housing & Human Concerns	11/2/05	NRR*
<i>*NRR – No Response Required</i>		

Agency/Organization	Date of Comments	Date of Responses
<b><i>Substantive Comments &amp; Responses</i></b>		
1. Dept. of Planning	10/3/05	2/27/06
2. Maui Planning Commission	11/1/05	2/27/06
3. Office of Hawaiian Affairs	11/1/05	12/9/05
4. Dept. of Water Supply	11/2/05	12/9/05
5. Office of Environmental Quality Control	11/3/05	12/9/05
6. University of Hawaii Environmental Center	11/7/05	12/14/05
7. Maui Police Department	11/10/05	12/9/05
8. Dept. of Fire & Public Safety	11/17/05	12/9/05
9. Dept. of Business, Economic Development & Tourism	11/23/05	12/9/05
10. Anonymous/Mr. R. Shepard	3/21/06	4/17/06

# Maui Notices

October 8, 2005

## Loughhead Residence in Lahaina (IRS 343 DEA)

Project Site



car carport. A 483 square foot caretaker's unit is also included above the carport. The approximately 52-foot long swimming pool will be between 9 feet and 16 feet wide. Using the Average Lot Depth method, the shoreline setback is calculated to be 41.2 feet. The certified shoreline is fixed at the base of a CRM rock wall, constructed prior to 1919, that runs along the makai boundary of the subject property and adjoining properties. The proposed residence is sited approximately 52 feet inside of the certified shoreline. The swimming pool and deck are sited 41.2 feet from the certified shoreline. An archaeological inventory survey was conducted at the property in 2004 and the State Historic Preservation Division determined that no further work is warranted while recommending preservation of the existing seawall. Archaeological monitoring will be conducted during construction to ensure preservation of any sub-surface archaeological or culture resources that may be disturbed.

TMK Applicant: (7)4-6-002.005 Richard and Maureen Loughhead, 185 Naomi Street, Shell Beach, CA 93449. Contact: Richard and Maureen Loughhead, (805-773-5706)

Approving Agency: County of Maui, Planning Commission, Department of Planning, 250 South High St., Wailuku, HI 96793. Contact: Kivette Caigoy (770-7811)

Consultant: Chris Hart & Partners, Inc., 1955 High St., Ste. 200, Wailuku, HI 96793. Contact: Raymond Calabre (242-1955)

Public Comment Deadline: November 7, 2005  
 Status: Draft environmental assessment (DEA) notice pending 30-day public comment. Address comments to the applicant with copies to the approving agency, consultant and OEQC.

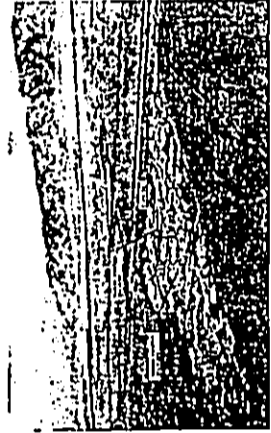
Permits Required: SMA, Grading/Grubbing, Building, Special Flood Hazard Area Development Permit



The subject property is located at 344 Front Street, between Shaw Street and Kua'uia Road in Lahaina, Maui (TMK 4-6-002.005). The vacant shoreline project site has an area of 13,746 square feet. The property is located within the Lahaina National Landmark District. The owners wish to construct an approximately 5,612 square foot, two-story single-family main residence, with attached carport, covered lanai, a swimming pool and spa, related landscape planting and site amenities. The proposed residence consists of 6 bedrooms, 5 bathrooms, 1 powder room, kitchen, great room, office, exercise room, game room, and a two-

# Maui Notices

October 8, 2005



District: Lahaina  
 TMK Applicant: (2)4-5-07.04 Finance Holdings, Ltd., 1164 Bishop Street, 10th Floor, Honolulu, HI 96813. Contact: Howard Miami (548-3358)

Approving Agency: County of Maui, Planning Commission, 2550 South High St., Wailuku, HI 96793. Contact: Kivette Caigoy (270-7735)

Consultant: Munekiyo and Hiraga, Inc., 305 High Street, Ste. 104, Wailuku, HI 96793. Contact: Mark A. Roy (242-2015)

Status: Final environmental assessment (FEA) and Finding of No Significant Impact (FONSI).

Permits Required: SMA Use Permit, Building, Driveway, Electrical, Plumbing

S & F Land Company proposes to designate three separate areas for pre-existing and proposed, heavy industrial uses on approximately 13 acres of land in the Central Maui Baseyard at Pu'uone, Maui. The proposed heavy industrial areas in the Baseyard include Lots 1C (10.7 acres), 59 (1.2 acre) and 221 (1.0 acre). Lot 1C was formerly planted with sugar cane and is presently vacant. Maui Auto Wrecking occupies Lot 59 and the County of Maui uses Lot 221 for abandoned vehicle storage. The proposed heavy industrial areas will be used to accommodate purely industrial activities such as the pre-existing heavy industrial uses on Lots 59 and 221, the development of a proposed metal recycling facility on part of Lot 1C, and space for future industrial land uses on the balance of Lot 1C. The proposed action will also contribute to the limited inventory of vacant land on Maui that is currently available for heavy industrial activities. The final EAF/FONSI for the Central Maui Baseyard was published in November, 1997. This Supplemental Draft EFA examines potential impacts the incremental change in use (from light to heavy industrial) may have on the natural and manmade environment and discusses appropriate measures to minimize harm to the environment. In connection with the proposed action, the Applicant is requesting a Community Plan Amendment (from Light Industrial to Heavy Industrial) for Lots 1C, 59 and 221, and a change in zoning (from Agricultural to M-2, Heavy Industrial) for Lot 1C and (from M-1, Light Industrial to M-2, Heavy Industrial) for Lots 59 and 221.

Public Comment Deadline: November 7, 2005  
 Status: Draft environmental assessment (DEA) notice pending 30-day public comment. Address comments to the applicant with copies to the approving agency, consultant and OEQC.

Permits Required: NPDES, Individual Wastewater System, Solid Waste, Building Permit, Community Plan Amendment, Change in Zoning



# Maui Notices

October 8, 2005



District: Lahaina  
 TMK Applicant: (2)4-5-07.04 Finance Holdings, Ltd., 1164 Bishop Street, 10th Floor, Honolulu, HI 96813. Contact: Howard Miami (548-3358)

Approving Agency: County of Maui, Planning Commission, 2550 South High St., Wailuku, HI 96793. Contact: Kivette Caigoy (270-7735)

Consultant: Munekiyo and Hiraga, Inc., 305 High Street, Ste. 104, Wailuku, HI 96793. Contact: Mark A. Roy (242-2015)

Status: Final environmental assessment (FEA) and Finding of No Significant Impact (FONSI).

Permits Required: SMA Use Permit, Building, Driveway, Electrical, Plumbing

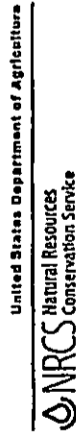
The applicant, Finance Holdings, Ltd., is proposing the development of a self storage facility on an 18,638 square foot parcel of land identified by TMK (2) 4-5-07.04, Lahaina, Maui, Hawaii. The property is located on Waie'e Street (between Keolu Street and Papalaua Street) within the Lahaina National Historic District (LNHD). With the exception of a few large mango trees and introduced weeds and grasses, the parcel is cleared and vacant. The property is bordered by the Honopi'iiani Highway to the north, the State of Hawaii's Pi'ilani Elderly Housing Project to the northwest, the restaurant and shops associated with the Lough Building to the southeast and Waie'e Street to the southwest. The parcel is situated within the "Urban" State land Use District, designated as "Business-Commercial" by the West Maui Community Plan and zoned as "B-2, Community Business" district by Maui County Zoning. The proposed facility will occupy a building footprint of approximately

Public Comment Deadline: November 7, 2005  
 Status: Draft environmental assessment (DEA) notice pending 30-day public comment. Address comments to the applicant with copies to the approving agency, consultant and OEQC.

Permits Required: NPDES, Individual Wastewater System, Solid Waste, Building Permit, Community Plan Amendment, Change in Zoning



**Comment Letters Not  
Requiring Responses**



USDA  
NATURAL RESOURCES  
CONSERVATION SERVICE

Our People... Our Islands... In Harmony  
210 Ima Kala Street, Suite #209, Wailuku, HI 96793-2100  
(808) 244-3100

October 7, 2005

Ms. Kivette Caigoy, Staff Planner  
Department of Planning  
County of Maui, Hawaii  
250 South High Street  
Wailuku, Hawaii 96793

Regarding: Central Maui Baseyard in Puunene, Maui, HI  
TMK: (2) 3-8-05: portions of 01 and 19

Dear Ms. Caigoy,

I have received a copy of the Supplemental Draft Environmental Assessment for the Proposed Heavy Industrial Areas at the Central Maui Baseyard in Puunene. I appreciate the opportunity to review the application. However, I have no comments concerning the permitting and applications at this time.

Sincerely,

Diana L. Perry  
Civil Engineer

Cc: Ranae Ganske-Cerizo, NRCS

The Natural Resources Conservation Service works in partnership with the American people to conserve and sustain natural resources on private lands.

An Equal Opportunity Employer



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
MAUI DISTRICT HEALTH OFFICE  
41 HIGH STREET  
WAILUKU, MAUI, HAWAII 96793-2102

105 OCT 25 07:52

RECEIVED

October 21, 2005

Mr. Michael W. Foley  
Director  
Department of Planning  
County of Maui  
250 South High Street  
Wailuku, Hawaii 96793

Attention: Kivette A. Caigoy

Dear Mr. Foley:

Subject: Central Maui Baseyard  
TMK: (2) 3-8-005: 001 & 019 (portions)  
EA 2005/0009, CIZ 2005/0005, and CPA 2005/0006

Thank you for the opportunity to comment on the Central Maui Baseyard project. We have no comments to offer at this time.

Should you have any questions, please call me at 808 984-8230.

Sincerely,

Herbert S. Malsubayashi  
District Environmental Health Program Chief

105 OCT 25 07:52

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MAUI DISTRICT HEALTH OFFICE

105 OCT 25 07:52



ALAN M. ARAKAWA  
Mayor

GLENN T. CORREA  
Director

JOHN L. BLACK III  
Deputy Director

(808) 270-7230  
Fax (808) 270-7934



DEPARTMENT OF PARKS & RECREATION  
700 Hahaione Street, Unit 2, Wahiatahi, Hawaii 96793

RODNEY K. HABAGA  
DIRECTOR

Deputy Directors:  
BRUCE Y. MATTHEW  
BARRY FURUKAWA  
BENJAMIN T. MOONAKA  
BRYAN K. SEABORN

DEPUTY REFER TO:  
STP 8.1926



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5087

OCT 31 AM 11:55  
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COUNTY OF MAUI  
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MEMORANDUM

October 25, 2005

TO: Michael W. Foley, Planning Director

FROM: Glenn T. Correa, Director

SUBJECT: Central Maui Baseyard  
EA 2005/0009; CIZ 2005/0005; and CPA 2005/0006  
TMK: (2) 3-8-005:001 and 019 (por.)

OCT 28 AM 8:44  
DEPT OF PLANNING  
COUNTY OF MAUI  
RECEIVED

Mr. Michael W. Foley  
Director  
Department of Planning  
County of Maui  
250 South High Street  
Wailuku, Hawaii 96793

Dear Mr. Foley:

Subject: Central Maui Baseyard  
Supplemental Draft Environmental Assessment (EA 2005/0009),  
Change in Zoning (CIZ 2005/0005) and  
Community Plan Amendment (CPA 2005/0006)  
TMK: 3-8-05; portions of 01 and 19

Thank you for your transmittal requesting our review of the subject proposed action.

The applicant has worked with us in complying with its transportation obligations in the area. At this time, the applicant's compliance appears to be sufficient to meet the transportation requirements from the proposed action. If it is later determined that mitigation measures or roadway improvements are needed, it is our understanding the petitioner will provide or participate in providing such measures and improvements.

We appreciate the opportunity to provide comments.

Very truly yours,

RODNEY K. HABAGA  
Director of Transportation

Thank you for the opportunity to review and comment on the Supplemental Draft Environmental Assessment prepared in support of a Community Plan Amendment and Change in Zoning for the Proposed Heavy Industrial Areas at the Central Maui Baseyard.

At this time our department does not have any comment to offer regarding the proposed change from light industrial use to heavy industrial use on approximately 13 acres of the Central Maui Baseyard.

Should you have any questions, or need of additional information, please call me, or Patrick Matsui, Chief of Parks Planning & Development at 270-7387.

c: Patrick Matsui, Chief of Parks Planning & Development



REPLY TO  
ATTENTION: CEPON-EC-T

05 OCT 27 01:37

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COUNTY OF MAUI  
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05 OCT 31 01:55

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COUNTY OF MAUI  
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October 26, 2005

Ms. Kivette A. Caigoy, Staff Planner  
County of Maui - Department of Planning  
250 South High Street  
Wailuku, Hawaii 96793

Dear Ms. Caigoy,

Subject: Supplemental Draft Environmental Assessment - Community Plan Amendment  
and Change in Zoning for Proposed Heavy Industrial Areas at the Central Maui  
Baseyard  
Puunene, Maui, Hawaii  
TMK: (2) 3-8-005:001 and 019

Thank you for allowing us to comment on the Environmental Assessment for the subject  
project, which was received on October 6, 2005.

In reviewing our records and the information received, Maui Electric Company (MECO) has no  
objection to the project at this time. However, we highly encourage the customer's electrical  
consultant to submit the electrical demand requirements and project time schedule as soon as  
practical so that service can be provided on a timely basis.

In addition, we suggest that the developer and/or their consultant make contact with Walter  
Enomoto of our Demand Side Management (DSM) group at 872-3283 to review potential  
energy conservation and efficiency opportunities for their project.

Should you have any other questions or concerns, please call Ray Okazaki at 871-2340.

Sincerely,

*Neal Shinyama*  
Neal Shinyama  
Manager, Engineering  
NS/rc:lh

c: Walter Enomoto - MECO DSM

Civil Works Technical Branch

Mr. Kivette A. Caigoy, Staff Planner  
County of Maui  
Department of Planning  
250 South High Street  
Wailuku, Maui, Hawaii 96793

Dear Mr. Caigoy:

Thank you for the opportunity to review and comment on the Supplemental  
Draft Environmental Assessment (SDEA) for the Central Maui Baseyard Project,  
Puunene, Maui (TMK 3-8-5: 1, 19). The following comments are provided in  
accordance with Corps of Engineers authorities to provide flood hazard information  
and to issue Department of the Army (DA) permits.

- a. Based on the information provided, a DA permit will not be required at this time.
- b. We concur with the flood information provided on page 24 of the SDEA.

Should you have any questions, please call Ms. Jessie Dobinchick of my staff  
at 438-8876.

Sincerely,

*James Pennaz*  
James Pennaz, P.E.  
Chief, Civil Works  
Technical Branch

ALAN M. ARAKAWA  
Mayor  
MILTON M. ARAKAWA, A.I.C.P.  
Director  
MICHAEL M. MIYAMOTO  
Deputy Director



COUNTY OF MAUI  
DEPARTMENT OF PUBLIC WORKS  
AND ENVIRONMENTAL MANAGEMENT  
DEVELOPMENT SERVICES ADMINISTRATION  
250 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793

RALPH H. NIQUANDE, L.S., P.E.  
Development Services Administration  
TRACY TAKUMINE, P.E.  
Wastewater Reclamation Division  
CARY YAMASAKI, P.E.  
Engineering Division  
BRIAN HUSHERO, P.E.  
Highways Division  
Solid Waste Division

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COUNTY OF MAUI  
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October 27, 2005

MEMO TO: MICHAEL W. FOLEY, PLANNING DIRECTOR  
FROM: MILTON M. ARAKAWA, A.I.C.P., DIRECTOR OF PUBLIC WORKS  
AND ENVIRONMENTAL MANAGEMENT

SUBJECT: SUPPLEMENTAL DRAFT ENVIRONMENTAL ASSESSMENT  
PREPARED IN SUPPORT OF COMMUNITY PLAN AMENDMENT AND  
CHANGE IN ZONING - CENTRAL MAUI BASEYARD, PROPOSED  
HEAVY INDUSTRIAL AREAS  
TMK (2) 3-8-005:001  
EA 2005/0009, CIZ 2005/0005, CPA 2005/0006

We reviewed the subject application and have no comments at this time.  
If you have any questions regarding this memorandum, please call Michael  
Miyamoto at 270-7845.

MMA:MM:da  
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DEPARTMENT OF  
HOUSING AND HUMAN CONCERNS  
COUNTY OF MAUI

ALAN M. ARAKAWA  
Mayor  
ALICE LEE  
Director  
HERMANT I. ANDAYA  
Deputy Director

200 SOUTH HIGH STREET • WAILUKU, HAWAII 96793 • PHONE (808) 270-7806 • FAX (808) 270-7165

November 2, 2005

DEPT OF PLANNING  
COUNTY OF MAUI  
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06 NOV -7 10:04

TO: KIVETTE A. CAIGOY, Staff Planner  
Department of Planning  
FROM: ALICE L. LEE, Director  
Department of Housing and Human Concerns  
SUBJECT: I.D.: EA 2005/0009; CIZ 2005/0005 AND  
CPA 2005/0006  
TMK: 3-8-005:001 AND 019 (PORTIONS)  
PROJECT NAME: CENTRAL MAUI BASEYARD  
APPLICANT: S & Y LAND COMPANY

We have reviewed the subject project's Supplemental Draft  
Environmental Assessment, Preliminary Drainage Report, Community  
Plan Amendment Application and Change In Zoning Application; and  
do not have any comment to offer.

Thank you for the opportunity to comment.

ETO:hs  
c: Housing Administrator

TO SUPPORT AND EMPOWER OUR COMMUNITY TO REACH ITS FULLEST POTENTIAL  
FOR PERSONAL WELL-BEING AND SELF-RELIANCE.

**Substantive Comments  
and Responses**

ALANI M. ARAKAWA  
Mayor  
MICHAEL W. FOLEY  
Director  
WAYNE A. BOTELHO  
Deputy Director



COUNTY OF MAUI  
DEPARTMENT OF PLANNING

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OCT 06 2005

OFFICE OF THE COUNTY CLERK  
100 SOUTH HIGH STREET, WAILUKU, HAWAII 96793

Mr. Glenn Tadaki  
October 3, 2005  
Page 2

October 3, 2005

Mr. Glenn Tadaki  
Chris Hart & Partners  
1955 Main Street, Suite 200  
Wailuku, HI 96793

Dear Mr. Tadaki:

RE: Draft Environmental Assessment for the Proposed Heavy Industrial Uses in the Central Maui Baseyard located at Puunene, Island of Maui, Hawaii, TMK 3-8-005; portions of 001 and 019, Puunene, Island of Maui, Hawaii (EA 2005/0009) (CIZ 2005/0005) (CPA 2005/0006)

The Maui Planning Department (Department) has reviewed the Draft Environmental Assessment (DEA) for the proposed change in zoning and community plan amendment to formalize pre-existing, proposed, and future heavy industrial uses at the Central Maui Baseyard located in Puunene, Maui. The Department provides the following comments on the DEA:

1. Section II, Description of the Property and Proposed Action
  - a. Identify the responsible party for maintaining the subdivision roads, water, and drainage improvements.
  - b. Provide proposed landscape planting plans.
  - c. Identify all hazardous, regulated, and/or toxic materials and wastes located on the properties that are anticipated to be consumed or generated by the pre-existing, proposed, and future heavy industrial uses.

2. Section III, Description of the Existing Environment, Potential Impacts and Mitigation Measures

a. State Department of Health (DOH) Solid Waste Permit

The new, proposed facilities will require a Solid Waste Permit from DOH. Discuss the specific conditions of the State permit (i.e., Best Management Practices (BMPs), engineering controls, and/or design features) that are required for these facilities.

b. Wastewater - Septic Systems

As indicated on Page 16 of the DEA, wastewater generated by the recycling facility will be managed by an individual septic system with a leach field. While the septic systems and leach fields are designed to manage organic wastes, they may not be designed to manage or treat inorganic wastes such as petroleum-related substances typically associated with the proposed uses. As such, these substances can potentially impact underlying groundwater sources should the substances be disposed of in the wastewater system.

The DEA should identify the various discharge points within the various facilities that will drain into the septic system. For example, wash basins utilized by service personnel removing fluids from the vehicles for processing, or interior drainage outlets located within servicing areas. Although significant impacts are not anticipated in view of a single isolated event, there may be cumulative impacts over an extended period of time. The DEA should further discuss the potential impacts of waste disposal and mitigative measures to control the release of such substances.

c. Spill and Pollution Prevention

Given the nature of the proposed action and the tendency for bulk storage of hazardous, regulated, and/or toxic substances associated with the activities, the DEA should discuss, in detail, the mitigative measures proposed to prevent inadvertent releases of such substances from impacting soils, groundwater, and nearby surface waters such as the adjacent aia and Pulehu Gulch.

Simply stating that BMPs will be employed as necessary is insufficient. The DEA should provide detailed spill and pollution prevention plans for the subject lots including, but not limited to the following:

- i. A discussion of specific BMPs for operations, facilities, and waste management areas. For example, will secondary containment units be constructed along the perimeter of the waste management areas?
- ii. Response measures for inadvertent releases from operations, storage containers, or waste management areas both on pervious and impervious surfaces; and
- iii. Pollution prevention training programs for on-site personnel.

d. Drainage System and Design

- i. Fluid drippings from automobiles tend to accumulate on both pervious and impervious surfaces over time. During a rainfall event, these substances are mobilized with stormwater runoff and can migrate off-site posing a potential impact to adjacent properties, as well as nearby surface water bodies, soils, and groundwater. With the nature of the proposed uses, the potential for these off-site impacts to occur may increase. The DEA should include an expanded discussion of the potential impacts of site runoff and mitigative measures proposed for control.
- ii. Discuss the feasibility and alternative of including oil/water separators.
- iii. Discuss the alternative of increasing the design capacity of the drainage system to manage more than the net increase in runoff.

e. Fire Prevention

Due to the combustible characteristics of some of the materials that may be generated, as well as the potential for bulk storage of such materials, discuss potential impacts and mitigative measures in the event of a fire or explosion to motorists along Mokulele Highway, as well as tenants of the subdivision.

f. Visual Resources

The DEA addresses visual impacts associated with the proposed recycling facility from Mokulele Highway. Mokulele Highway is the primary visitor corridor between Central and South Maui. Although the subject lots are not located within any scenic view corridors, the DEA should expand the discussion to include potential visual impacts from vehicles being either stored and/or awaiting processing on Lot 1C. For example, vehicles awaiting processing or compaction at the former site along Waiko Road were stacked at a significant height creating a visual impact. Discuss the mitigative measures proposed to prevent this same type of scenario from creating visual impacts from Mokulele Highway.

g. Compliance with Federal, State, and County Environmental Regulations

- i. Include a copy of the most recent Annual Environmental Compliance Review referenced in the DEA. Disclose whether the review indicates the three (3) subject lots were in compliance with all federal, state, and county environmentally-related rules and regulations.
- ii. Disclose whether the subject properties are listed on any federal, state, and/or county environmental database. Provide a comprehensive report documenting the database search.

3. Further, the DEA does not adequately address comments No. 1, 6, and 8 of the Department's preconsultation letter in Appendix N. Please provide further discussion.

Thank you for your cooperation. Should you require further clarification, please contact Ms. Kivette Caigoy, Environmental Planner, at 270-7735.

Sincerely,



MICHAEL W. FOLEY  
Planning Director

Mr. Glenn Tadaki  
October 3, 2005  
Page 5

MWF:KAC:by

c: Wayne A. Boteilho, Deputy Planning Director  
Kivette A. Caigoy, Environmental Planner  
Robyn L. Loudermilk, Staff Planner  
EA Project File  
General File  
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MAYOR  
MAYOR  
MICHAEL W. FOLEY  
Director  
WAYNE A. BOTEILHO  
Deputy Director



COUNTY OF MAUI  
DEPARTMENT OF PLANNING

April 29, 2005

Mr. Rory Frampton  
Chris Hart & Partners  
1955 Main Street, Suite 200  
Wailuku, Hawaii 96793

Dear Mr. Frampton:

RE: Preconsultation Comments in Preparation of a Draft Environmental Assessment for Proposed Heavy Industrial Uses in the Central Maui Baseyard located at Puanene, Island of Maui, Hawaii (LTR 2005/0965)

The Maui Planning Department (Department) provides the following comments for the above referenced project:

1. Include a discussion of designing the proposed drainage system to manage more than the net increase in stormwater runoff.
2. Discuss the loss of agricultural land.
3. The Department recommends consulting with the State Department of Transportation to discuss whether the proposed improvements to Lot 1C will impact the Mokuule Highway widening project.
4. Lots 59 and 221 are primarily surrounded with M-1, Light Industrial, uses. Discuss the compatibility of establishing M-2, Heavy Industrial, uses for these lots.
5. Clarify the proposed accessways to Lot 1C.
6. The Department recommends consulting with the State Department of Health for any necessary permit requirements for the proposed uses. Identify any necessary design elements that may be required for these permits.

250 SOUTH HIGH STREET, WAILUKU, MAUI, HAWAII 96793  
PLANNING DIVISION (808) 270-7735; ZONING DIVISION (808) 270-7253; FACSIMILE (808) 270-7634

Mr. Rory Frampton  
April 29, 2005  
Page 2

7. A visual buffer should be established along the boundary of Lot 1C and Mokuule Highway.
8. Heavy industrial uses often involve regulated, petroleum, hazardous, and toxic substances, and as such:
  - a. Discuss potential impacts from the historical industrial use of these substances, specifically on Lots 59 and 221.
  - b. Discuss mitigative measures proposed to protect the surrounding environment from future uses of these substances.

Thank you for the opportunity to comment. Please include the Department on the mailing list for the Draft Environmental Assessment. Should you require further clarification, please contact Ms. Kivette Caigoy, Environmental Planner, at 270-7735.

Sincerely,

MICHAEL W. FOLEY  
Planning Director

MWF:KAC:do

c: Wayne A. Boteilho, Deputy Planning Director  
Clayton I. Yoshida, Planning Program Administrator  
Kivette Caigoy, Environmental Planner  
Robyn Loudermilk, Staff Planner  
Project File  
General File  
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ALAN M. ARAKAWA  
Mayor  
MICHAEL W. FOLEY  
Director  
WAYNE A. BOTEILHO  
Deputy Director



DEPARTMENT OF PLANNING

COUNTY OF MAUI

November 1, 2005

Mr. Glenn Tadaki  
Chris Hart & Partners  
1955 Main Street, Suite 200  
Wailuku, HI 96793

Dear Mr. Tadaki:


RE: Draft Environmental Assessment for the Proposed Heavy Industrial  
Uses in the Central Maui Baseyard located at TMK 3-8-005: portions  
of 001 and 019, Puunene, Island of Maui, Hawaii (EA 2005/0009)  
(CIZ 2005/0005) (CPA 2005/0006)

At its regular meeting on October 11, 2005, the Maui Planning Commission  
(Commission) reviewed the above-referenced document and provided the following  
comments:

1. Discuss the height standards of the proposed M-2, Heavy Industrial  
Zoning designation relative to the height of the structures for the  
proposed recycling facility.
2. Discuss the trigger that prompted the change in zoning for Lots 59  
and 221.
3. Clarify which activities of the proposed recycling facility will be  
conducted wholly within enclosed buildings.

Thank you for your cooperation. Should you require further clarification, please  
contact Ms. Kivette Caigoy, Environmental Planner, at 270-7735.

Sincerely,

  
MICHAEL W. FOLEY  
Planning Director

Mr. Glenn Tadaki  
November 1, 2005  
Page 2

MWF:KAC:cc

c: Wayne A. Boteilho, Deputy Planning Director  
Kivette A. Caigoy, Environmental Planner  
Robyn L. Loudermilk, Staff Planner  
Project File  
General File  
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February 27, 2006

Mr. Michael W. Foley, Director  
Department of Planning  
County of Maui  
250 South High Street  
Wailuku, HI 96793

SUBJECT: Supplemental Draft Environmental Assessment  
Proposed Heavy Industrial Areas at the Central Maui Baseyard  
TMK 3-8-05; Portions of 01 and 19

Dear Mr. Foley,

On behalf of the Applicant, S & F Land Company, we acknowledge the receipt of your letters commenting on the proposed heavy industrial areas (Lot 1C, Lot 59, and Lot 221).

Since the publication of the Supplemental Draft Environmental Assessment (SDEA) in September 2005, the site plan for the proposed recycling facility has been modified due to operational requirements. Notable plan revisions include a reduction in land area from approximately 3.0 to 2.6 acres, the relocation of the detention basin from an area near the southwest corner of the site to a point just beyond the northwest corner of the site, and the consolidation of the facility's internal operations into one building of approximately 9,600 sq. ft. Instead of the three structures (office trailer and separate pre-processing and processing buildings) totaling 8,325 sq. ft. that were originally proposed. A reinforced concrete work/storage yard (21,250 sq. ft.) with concrete curb and graded catch basin are also proposed, as well as an 8-inch underground drainline, and an oil/water separator at the outlet to the detention basin. Refer to the attached modified site plan.

Although future uses for the proposed heavy industrial areas are unknown at this time (except for the proposed recycling facility), we are addressing your comments as best as possible. With this in mind, we are responding to your comment letter dated October 3, 2005 as follows.

**1a. Responsible Party.** The Applicant is responsible for the maintenance of the private roadway, water, and drainage systems within the Central Maui Baseyard.

**1b. Landscape Plan.** As indicated by the Applicant, the new perimeter landscape planting for the recycling facility (along its frontage with Mokuiele Highway and part of Pulehu Gulch) is complete and in place. As part of the building permit process for the proposed recycling facility, a landscape and irrigation plan will be submitted to the Maui Planning Department for review and approval. Updates to the approved Parking and Landscape Master Plan for the Central Maui Baseyard will be submitted to the department in March.

1955 MAIN STREET, SUITE 200 • WAILUKU, MAUI, HAWAII 96793-1706 • PHONE: 808-242-1955 • FAX: 808-242-1956  
LANDSCAPE ARCHITECTURE AND PLANNING

Mr. Michael W. Foley  
February 27, 2006  
Page 2

**1c. Hazardous materials.** Examples of hazardous materials associated with pre-existing auto processing and proposed recycling activities include: antifreeze, brake fluid, fuel (gas, diesel), lead-acid batteries, mercury switches, parts washer solvent, refrigerant, solvents, sump sludge, tires, transmission filters and fluids, used oil, and used oil filters. It is anticipated that future uses within the proposed heavy industrial areas would accommodate these types of operations or similar activities which are also in consonance with existing Baseyard uses.

**2a. State Department of Health (DOH) Solid Waste Management Permit.** The Solid Waste Management Permit (SV-0028-05) for the proposed recycling facility was approved by the DOH on November 21, 2005 and issued to SOS Metals Island Recycling. The approval of this permit provides for the construction and operation of a salvage recycling facility for junk vehicles, white goods, ferrous scrap metal, and non-ferrous scrap metal. A copy of the approved permit, including all standard and special conditions, is attached for your reference.

The following is a summary of the special conditions of the approved Solid Waste Management Permit which relate to the use of Best Management Practices (BMPs), engineering controls, and design features for the proposed recycling facility.

**Condition No. 5:** Measures shall be taken to prevent fluids and spills from being discharged or allowed to enter into sewers, drainage systems, surface or groundwater, water courses, marine waters, or onto the ground. Measures include the use of structural catchment systems, or absorbent materials. Discharges of washwater, stormwater, and wastewater from the facility processes and cleaning operations shall be in accordance with all applicable federal, state, and local rules and ordinances.

**Condition Nos. 6 - 9:** No PCB wastes (as defined in 40 CFR 761), infectious waste (in accordance with Hawaii Administrative Rules (HAR) 11-104), radioactive wastes, and regulated hazardous waste (pursuant to HAR 11-261) shall be accepted.

**Condition No. 10:** Appropriate engineering controls shall be instituted and implemented to prevent the scattering of litter and other solid wastes, and to provide adequate drainage of rainwater for the site and surrounding areas.

**Condition No. 11:** Suitable means shall be provided to prevent and control fires in accordance with a Fire Prevention and Response Plan. Access lanes shall be provided and maintained to allow for fire response or vector control.

**Condition No. 12:** Suitable means shall be employed to control nuisances and minimize odors and vectors (e.g., rodents, insects). The facility shall maintain a neat and orderly appearance and must be screened and buffered to minimize nuisances to neighboring properties.

**Condition No. 16:** All incoming waste materials shall be screened to maintain compliance with Condition Nos. 6 - 9.

**Condition No. 17:** All vehicles and white goods that are accepted shall be delivered to a storage or concrete processing area. The storage capacity of unprocessed vehicles and white goods shall be limited to 200 vehicles and 150 units, respectively.

**Condition No. 17a:** Accident/wrecked vehicles with fluid-containing parts that are not intact shall be stored on portable secondary containment pans or concrete surfaces.

These storage areas shall have containment measures to control any accidental release of fluids or other contaminants. If fluid or rainwater is found in the secondary containment pans or other containment measures, the fluid/rainwater shall be removed and properly disposed of.

**Condition No. 17b:** Intact (non-leaking, undamaged) vehicles and white goods may be stored on unlined storage areas.

**Condition No. 17c:** The stacking of unprocessed vehicles and white goods is not allowed.

**Condition No. 17d:** Unprocessed vehicles and white goods shall be stored independently from each other.

**Condition 17e:** The processing area shall have a concrete surface to prevent subsurface contamination and have adequate containment capacity to hold any accidental release of fluids and other contaminants. The Permittee (i.e., SOS Metals, Inc.) shall ensure that each unit has been drained completely prior to removal from the processing area to unpaved storage areas.

**Condition No. 18:** Used motor oil, chlorofluorocarbons (CFCs), batteries, tires, oil filters, coolant/antifreeze, gasoline, diesel, and mercury-containing switches, lamps, and controls shall be removed from vehicles and white goods and transported to a DOH-approved or permitted facility. Should any of these materials become hazardous waste, the Permittee shall comply with applicable storage, holding time and disposal requirements of HAR 11-260 through 280, *Hazardous Waste Management*.

**Condition No. 19:** Should unacceptable material enter the facility (including by-products or contaminants removed during screening, sorting, or processing), this material shall be properly stored, managed, and disposed of at appropriate DOH-permitted solid waste facilities. If any of the waste is determined to be hazardous, the waste should be properly managed and disposed of in accordance with HAR 11-260 through 268.

**Condition No. 20:** Baling/crushing activities shall only be performed on vehicles and white goods that have been processed. Baling/crushing/shearing activities may be performed on other ferrous and non-ferrous scrap metal and must be located on a concrete surface with a perimeter berm to capture metal fragments and to prevent releases of residual fluids beyond the baling/crushing area. Metal fragments that are captured in the bermed area shall be collected, contained, and removed for recycling/disposal. Releases that occur in the bermed area shall be removed immediately and disposed of accordingly.

**Condition No. 21:** The maximum storage capacity for non-ferrous scrap and ferrous scrap metals (not including vehicles and white goods) shall be limited to 20 tons and 100 tons, respectively. Baled, crushed, and sheared ferrous and non-ferrous scrap metal shall be stored on a concrete surface. The area between the crushing/baling/shearing operations and the storage locations shall also be paved with concrete. Stacking is allowed, provided that the height does not give rise to the collapse of the pile or injury to workers. The ferrous and non-ferrous scrap metal shall be transported to a metal recycling facility permitted to accept scrap metal by the DOH or to an out-of-state recycling facility.

**Condition No. 22:** At any time, the maximum storage capacity for processed vehicles and white goods shall be limited to 200 vehicles and 300 units, respectively.

**Condition No. 22a:** Stacking of processed vehicles and white goods is allowed, provided that the height does not give rise to the collapse of the pile, release of residual fluids and other contaminants, or injury to workers.

**Condition No. 22b:** Baled/crushed vehicles and white goods shall be stored on a concrete surface. The area between the crushing/baling operations and the storage locations crushed/baled items shall also be paved with concrete.

**Condition No. 22c:** The processed vehicles and white goods shall be transported to a metal recycling facility permitted to accept scrap metal by the DOH or to an out-of-state recycling facility.

**Condition No. 23:** The maximum onsite storage for other materials shall be limited to the following.

- a. Diesel/gasoline 300 gallons
- b. Used motor oil 300 gallons
- c. Antifreeze/radiator fluid 300 gallons
- d. Lead acid batteries 200 units
- e. Tires 200 units
- f. Freon 30 pounds

**Condition No. 25:** Containers of used oil and other waste fluids shall be placed in secondary containment that is capable of holding more than the contents of the largest container in the containment area. Secondary containment measures may include dikes, berms, or retaining walls, and a liner or impervious floor such as concrete. The secondary containment system shall not be used as fluid storage. If fluid is found, the fluid shall be removed from the secondary containment, and the source of the fluid or leak determined and corrected. Containers used to store used oil must be labeled or clearly marked with the words, "Used Oil." Storage areas shall also comply with other applicable DOH requirements.

**Condition No. 26:** Motor vehicle air conditioners (MVACs) and other types of refrigerant units (including but not limited to refrigerators, freezers, chillers, and air conditioning units) that enter the waste stream with the charge intact shall be subject to "safe disposal requirements" under EPA's Refrigerant Recycling rule. The Permittee shall be responsible for ensuring the refrigerant is recovered by a certified technician using EPA-approved recycling/recovery equipment before final disposal at a permitted scrap metal recycler.

**Condition No. 27:** The Permittee shall comply with the disposal, collection, and recycling requirements specified under HRS 342, *Lead Acid Battery Recycling*. Lead acid batteries shall be accepted only when they are part of a waste vehicle. Batteries shall be placed in a covered storage area on an impervious surface with berms/catch pans or in a covered leak-proof container. Releases that occur shall be immediately removed and disposed of accordingly. Cracked or leaking batteries must be managed as hazardous waste in accordance with HAR 11-260 through 280, *Hazardous Waste Management*.

**Condition No. 28:** The Permittee shall comply with the tire disposal requirements specified under HRS 3421 for *Used Motor Vehicle Tire Recovery*. Tires, as a result of auto salvage operations, may be collected and temporarily stored before transporting them to an authorized tire recycler. No tires shall be accepted into the facility unless they are part of the vehicle brought in for salvage purposes. Onsite storage shall be limited to 200 waste tires and shall meet all the relevant requirements of the local county fire code. The piles must be free of all contaminants such as oil, grease, gasoline, diesel, etc. that could create fire hazards. Tires must be stored so that they minimize the accumulation of water and creation of a vector problem. Tires shall be disposed of at a DOH-permitted recycling facility allowed to accept waste tires or out-of-state recycling facility.

**Condition No. 29:** Oil filters shall be subjected to a proper oil removal step (i.e., 24-hour draining or crushing to release the oil). The recovered used oil shall be managed in accordance to Special Condition No. 24. The drained oil filter should be recycled for metal.

**Condition No. 30:** Used antifreeze shall be managed and disposed of properly. Used antifreeze may be reused or recycled through a commercial recycling facility.

**Condition No. 31:** Mercury containing switches, lamps, relays, sensors, and controls shall be removed prior to recycling scrap metal from vehicles and white goods and disposed at a DOH-permitted disposal/recycling facility for such material or out-of-state markets.

**Condition No. 32:** Gasoline and diesel drained from vehicles shall be stored in tanks in a secured area with a concrete surface. If tanks are single-walled, they shall be stored in a concrete, bermed area with holding capacity equivalent to the volume being stored. Good gasoline and diesel may be reused on site.

**Condition No. 33:** If contamination of the environment resulting from the processing or storage of vehicles/white goods and fluids is detected, appropriate measures shall be taken to assess and mitigate the contamination.

The Permittee is also required to comply with monitoring, recordkeeping, and reporting requirements established by the DOH. In addition, Condition No. 8 notes that the DOH may modify, suspend or revoke a permit if it determines that any permit condition, rule or provision has been violated.

**2b. Wastewater Systems:** In accordance with Condition No. 6 of the Decision and Order (D & O) for the 1995 District Boundary Amendment approval for the Central Maui Baseyard, all tenants in the Baseyard must comply with HAR 11-62 (*Wastewater*), which ensures that the disposal of wastewater (including graywater) does not contaminate or pollute water resources, create a public nuisance, and does not pose a hazard or potential hazard to public health, safety, and welfare.

Since the Baseyard is not served by a public or private sewer system, wastewater generated by tenants has been accommodated by chemical toilets and individual wastewater systems. As the pre-existing industrial uses on Lots 59 and 221 will be maintained, no new or additional wastewater disposal system improvements are required at this time.

As noted in HAR 11-62-07.1, the disposal of wastewater from agricultural, commercial or industrial activities is reviewed on a case-by-case basis by the DOH. The department's Wastewater Branch is responsible for all statewide water pollution control and wastewater programs (including wastewater systems). Among its various program functions are the review and approval of all new wastewater systems (including septic tanks) and the monitoring of all existing wastewater systems (including cesspools). To minimize impacts to the environment, any new wastewater disposal system and addition or modification to an existing system is subject to DOH review and approval.

The Applicant has and will continue to ensure that all tenant wastewater disposal systems are in compliance with HAR 11-62. As such, wastewater system disposal plans and construction drawings for the proposed recycling facility will be provided to the DOH for review and approval in connection with processing of its building permit application. Similar submittals will be made for any new facilities within the proposed heavy industrial areas. It should be noted that wastewater discharge points will be determined during detailed engineering and design for the construction plans for the proposed recycling facility.

#### 2c. Spill and Pollution Prevention

i. Procedures and requirements for addressing potential environment impacts are included in the approved Solid Waste Management Permit for the proposed recycling facility. In addition, examples of specific BMPs for auto processing operations and other similar or related industrial activities are listed below.

- Drain radiators before flushing, use drip pans under vehicles, and recycle used oils, waste antifreeze, and other fluids.
- Inspect containers for leaks on a weekly basis, keep waste containers in a separate, sheltered floor area with no floor drain, and use secondary containment systems (e.g., impermeable concrete surface with a concrete curb around its perimeter) to contain any substances that may leak or spill.
- Wash engines and parts only if absolutely necessary and use a secondary containment system.
- Use drip pans to prevent spills from reaching the floor and put parts to be cleaned on a drip pan and not on the floor.
- Do not use solvents near drains, store solvents in accordance with fire and building codes, and keep solvent containers closed at all times when not in use.
- Recycle cleaning solvents and store usable and waste solvent in an area with a secondary containment system.
- To avoid the need to wash, use dry sweeping compounds to keep floors clean and reuse sweeping compounds as long as they remain absorbent
- Clean spills immediately, keep spill control supplies and equipment readily available, and train employees on procedures for responding to different types of spills.

ii. Should a potentially hazardous material be accidentally released, all work in the vicinity of the spill will halt immediately and the area will be vacated. Facility managers, first responders (i.e., fire, police, and ambulance personnel), and appropriate government agencies (e.g., DOH) will be promptly notified and the affected area will be cordoned off. The release will then be contained and dealt with in accordance with applicable Federal and State regulations. A Hazardous Waste Response Plan will be prepared to address such occurrences.

iii. Employee training for pollution and stormwater control is important, especially during the wet season and prior to any heavy or lengthy rainfall events. All employees will undergo such training when first hired and receive annual refresher training thereafter. To foster employee awareness, signs will be placed around appropriate work areas as a reminder. Examples of such signs include, but are not limited to the following: "Use drip pans", "Clean spills immediately", and "Recycle used fluids".

#### 2d. Drainage System and Design

i. Spilled fluids or accidental releases could accumulate over time if work areas are not properly cleaned and regularly maintained. In outdoor areas, these fluids could be transported offsite (e.g., Pulehu Gulch, cane fields, Kealia Pond) during heavy rainfall if there are no mitigation measures in place. To minimize impacts to downstream and adjacent properties, the removal, handling, storage, and disposal of these fluids and hazardous materials will be conducted in accordance with the terms of the approved Solid Waste Management Permit for the proposed recycling facility. The operation of the proposed recycling facility must also comply with the following conditions of the 1996 District Boundary Amendment approval for the Baseyard relating to hazardous materials and ground and subsurface water contamination.

- Condition No. 7 calls for the implementation of Best Management Practices (BMPs) to minimize non-point source pollutants and the use of appropriate measures to contain spills and prevent materials from leaching or draining into surface or subsurface areas.
- Condition Nos. 8 and 9 are alike. BMPs must be implemented by all tenants in order to minimize surface and groundwater contamination from onsite activities such as the delivery, removal, storage, use, and handling of industrial products on tenant or common areas.
- Condition No. 11 states that the onsite storage and/or disposal of hazardous wastes must be approved by the applicable Federal, State, and/or County agencies prior to commencement.

ii. A U.S. Environmental Protection Agency (EPA) publication notes that oil/water separators (OWS) can be costly to maintain, and if not properly managed, can pollute surface and ground water. To eliminate contaminants, the EPA article recommends cleaning up spills when and where they occur with dry methods instead of using an OWS. It is noted that excessive water flow can flood an OWS and force water through it too fast to allow for separation. The publication did not recommend using an OWS to treat stormwater runoff. (U.S. EPA Region 9 Pollution Prevention Program, November 1999). Notwithstanding this, used oil and fluids will be removed, handled, and disposed of in

accordance with the terms of the approved Solid Waste Management Permit for the proposed recycling facility (refer to Condition Nos. 5, 17, 18, 25, and 29).

iii. The Rules for the Design of Storm Drainage Systems in the County of Maui basically states that the incremental difference between the pre- and post-development stormwater runoff volume generated by a (project) site must be retained on the site. The Rules also allow runoff from offsite areas to pass through the (project) site. The proposed drainage system for Lot 1C, including the proposed recycling facility, has been designed in accordance with County drainage standards. In accordance with accepted engineering design practice, the retention basins will be designed to provide an extra margin of safety and additional storage volume capacity.

2e. **Fire Prevention.** As indicated by the Applicant, a new fireflow line, as well as hydrants, and related appurtenances are currently under construction for the Lot 1C area and should be completed next month.

Potential impacts resulting from the use of materials that are combustible in nature include fire, smoke, and explosions. As fire generates smoke and explosions often involve fires, basic fire prevention measures include the following.

- Keep work areas free of dust and place all waste paper in appropriate containers.
- Check all incoming items for observable leaks and report them immediately.
- Cleanup any spills and releases immediately.
- Keep combustible material away from heat and ignition sources.
- Replace electrical cords and wires that are frayed and have worn insulation.
- Do not overload circuits, motors, fuses, and outlets.
- Make sure that all equipment is properly grounded.
- No smoking allowed except in designated areas.
- Store all recovered liquids immediately and properly.

To safeguard against possible occurrences, a Fire Prevention and Response Plan (FPRP) will be implemented for the proposed recycling facility in accordance with Occupational Safety and Health Act (OSHA), DOH Solid Waste Management Permit, and County Special Use Permit requirements. The FPRP will address the following key topics:

- Identification of potential fire hazards in the workplace and proper handling and storage measures to reduce any possible occurrence.
- Recognizing potential (fire) ignition sources and procedures for fire control and response.
- The type, location, and use of fire suppression equipment and systems for controlling various kinds of fires.
- Selection of a safety officer who will be responsible for implementing the plan, maintaining fire control equipment and systems, and notifying fire, police, and Baseyard personnel.
- Educate employees about fire hazards, prevention, and containment, as well as procedures for evacuations and reporting fires and other emergencies.

Pursuant to its County Special Use Permit approval, the FPRP will be submitted to the Maui Fire Department (MFD) for review and approval during the processing of the Certificate of Occupancy for the proposed recycling facility. Tenants of other heavy industrial-zoned areas in the Baseyard will be responsible for submitting FPRPs to the MFD for review and approval.

2f. **Visual Resources.** Maui Scrap Metals was shut down by the DOH in May 2005 because it did not have a Solid Waste Management Permit for processing vehicles and white goods. As noted in your letter, vehicles at this facility were stacked at significant heights resulting in adverse visual impacts.

The potentially adverse visual impact of vehicle stacking can be addressed through compliance with regulatory requirements, the operation of a well-run facility, and the effective use of landscape planting.

Condition No. 17c of the approved Solid Waste Management Permit prohibits the stacking of any unprocessed vehicles and white goods. Condition No. 21 permits the stacking of ferrous and non-ferrous scrap metals provided that the stacked height does not cause the pile to collapse or result in injuries to workers. Condition No. 22 allows processed vehicles and white goods to be stacked as long as there is no release of residual fluids and provided that its height does not produce worker injuries or trigger the collapse of the pile. In addition, Condition No. 12 requires that "Suitable means shall be employed to control nuisances and minimize odors and vectors (such as rodents and insects). The facility shall maintain a neat and orderly appearance and must be screened and buffered to minimize nuisances to neighboring properties." All incoming vehicles, white goods, and scrap metals at the proposed recycling facility will be properly, promptly, and efficiently processed for outgoing shipment. To buffer views of the proposed recycling facility from traffic along Mokuale Highway, new landscape planting will be used to supplement the existing row of *mihiwihi* trees along the highway and will also be placed along its boundary with Pulehu Gulch.

#### 2g. **Compliance with Environmental Regulations.**

i. See response to Comment 2.d.i. In addition, the leases for all Baseyard tenants require the implementation of BMPs, especially if hazardous materials and solid wastes are involved. As such, an annual environmental inspection of tenant operations is conducted by GeoEngineers, the Applicant's environmental engineer. The findings of this inspection are set forth in an *Annual Environmental Compliance Review* which is referenced in the SDEA and is not a requirement of any previous permits or approvals.

The *Annual Environmental Compliance Review* is a proprietary document which has been prepared solely for the use of the Applicant and A & B Properties, Inc. In order to evaluate tenant compliance with various State and Federal environmental laws. If any violations or potential hazards are observed, they are noted in an inspection report and tenants have 30 days to achieve compliance. Continued non-compliance with Federal, State or County environmental laws will result in the immediate termination of a tenant's lease. The *Annual Environmental Compliance Review* is maintained at the S & F Land Company office in the Central Maui Baseyard.

ii. At the time of the annual inspection, the report notes there were no violations of underground storage tank (UST), Resource Conservation and Recovery Act (RCRA), and Comprehensive Environmental Response Compensation and Liability Act (CERCLA) regulations nor were there indications that tenants were improperly disposing of hazardous materials or wastes. Maui Auto Wrecking (Lot 59) had a Solid Waste Management Permit (SY-005-99) for auto recycling operations, Maui Tow & Transport was using Lot 221 to store abandoned vehicles for the County of Maui, and Lot 1C was vacant and undeveloped.

While no recycling activities were occurring on the Maui Auto Wrecking site at the time of the inspection, there was no indication that the terms of their permit were being violated. It was also reported that their used fluid management facilities were in satisfactory condition and in compliance with DOH standards. The report recommended that automobile dismantlers and recyclers should be regularly monitored for the proper management and disposal of oil, fuel, and other vehicle fluids.

#### 3. **Pre-consultation Comments**

**Drainage System Design:** See response to Comment 2.d.iii.

**Consultation with the DOH:** Baseyard tenants are responsible for obtaining all necessary permits and approvals for the land uses on their sites. In addition to the proposed recycling facility on part of Lot 1C, Solid Waste Management Permits are required for the pre-existing uses on Lot 59 (auto processing) and Lot 221 (abandoned vehicle storage). Design elements for the proposed recycling facility are reflected in the preceding conditions of its approved Solid Waste Management Permit (see Condition Nos. 5, 17, 17a, 17b, 17e, 20, 21, 22b, 25, 27, and 32). Similar elements may be included in the conditions of approval for Lots 59, 221, and the balance of Lot 1C for activities requiring Solid Waste Management Permits (if approved by S & F Land Company and subsequently applied for by tenants).

**Historical and Future Use of Regulated Hazardous Materials:** Lot 1C was utilized for sugar cane cultivation until December 2004 when Hawaiian Commercial & Sugar Company (HC&S) terminated all agricultural operations at this site. Lots 59 and 221 were also planted with sugar cane until World War II.

Herbicides and pesticides utilized by HC&S for its agricultural operations include the following (PBR Hawaii, December 2004).

- Aaltrex 90 (active component - atrazine; use - weed control)
- Amigo 4 (active component - 2, 4-D; use - weed control)
- Aqua Master (active component - glyphosate; use - weed control)
- Banvel (active component - dimethylamine salt of dicamba; use - weed control)
- Euthel (active component - ethephon; use - tassel control)
- Evlik 80 W (active component - ametryn; use - weed control)
- GB-1111 (active component - petroleum oil; use - mosquito control)
- Kalmex (active component - diuron; use - weed control)
- Pentagon 60 WDS (active component - pendimethalin; use - weed control)
- Posigol L (active component - glyphosate; use - plant growth regulator)
- Roundup Ultra (active component - glyphosate; use - weed control)
- Vecto Bag (type - nonchemical biological agent; use - mosquito control)
- Velpar (active component - hexazinone; use - weed control)

Fertilizers used by HC&S for its sugar cane cultivation activities include the following (PBR Hawaii, December 2004).

- Urea (use - source of nitrogen)
- Potash solution (use - source of potassium)

Since World War II, Lots 59 and 221 have been primarily used for construction baseyard and storage purposes. More recently, Lot 59 has been used for auto processing, while Lot 221 is

being used to store derelict vehicles for the County of Maui. Hazardous materials associated with the pre-existing use on Lot 59 and the proposed use on Lot 1C include those items identified in our response to Comment 1c, *Hazardous Materials*. There are no development plans for the remainder of Lot 1C at this time. However, it is anticipated that future uses will be similar to or in consonance with existing Baseyard uses.

As it relates to the future use of hazardous materials, mitigation measures such as those required by the 1996 D & O for the Central Maui Baseyard and those included in the approved Solid Waste Management Permit for the proposed recycling facility will help minimize impacts to the surrounding environment. For future projects involving the use of hazardous materials, the potentially adverse environmental effects of these substances will be evaluated during the DOH review and approval process, and appropriate measures to minimize harm to the environment will be established at that time.

In response to your November 1, 2005 letter providing the Maui Planning Commission's comments on the SDEA, we would like to note the following.

**1. Heavy Industrial District - Height Standards.** The height limit for buildings or structures in the M-2, Heavy Industrial District is 6 stories (except for chimneys or smokestacks). A pre-engineered metal building approximately 30 feet high will be used for office, storage, and operational activities. The use of natural colors for the new building combined with the landscape planting along its highway and southern boundary will help screen and integrate the proposed recycling facility with its surroundings.

**2. Zoning Change for Lots 59 and 221.** Being able to maintain the locations and pre-existing heavy industrial-type uses on Lot 59 (auto recycling) and Lot 221 (vehicle storage) were important considerations in the Applicant's decision to seek a zoning change for the long-term use of these parcels.

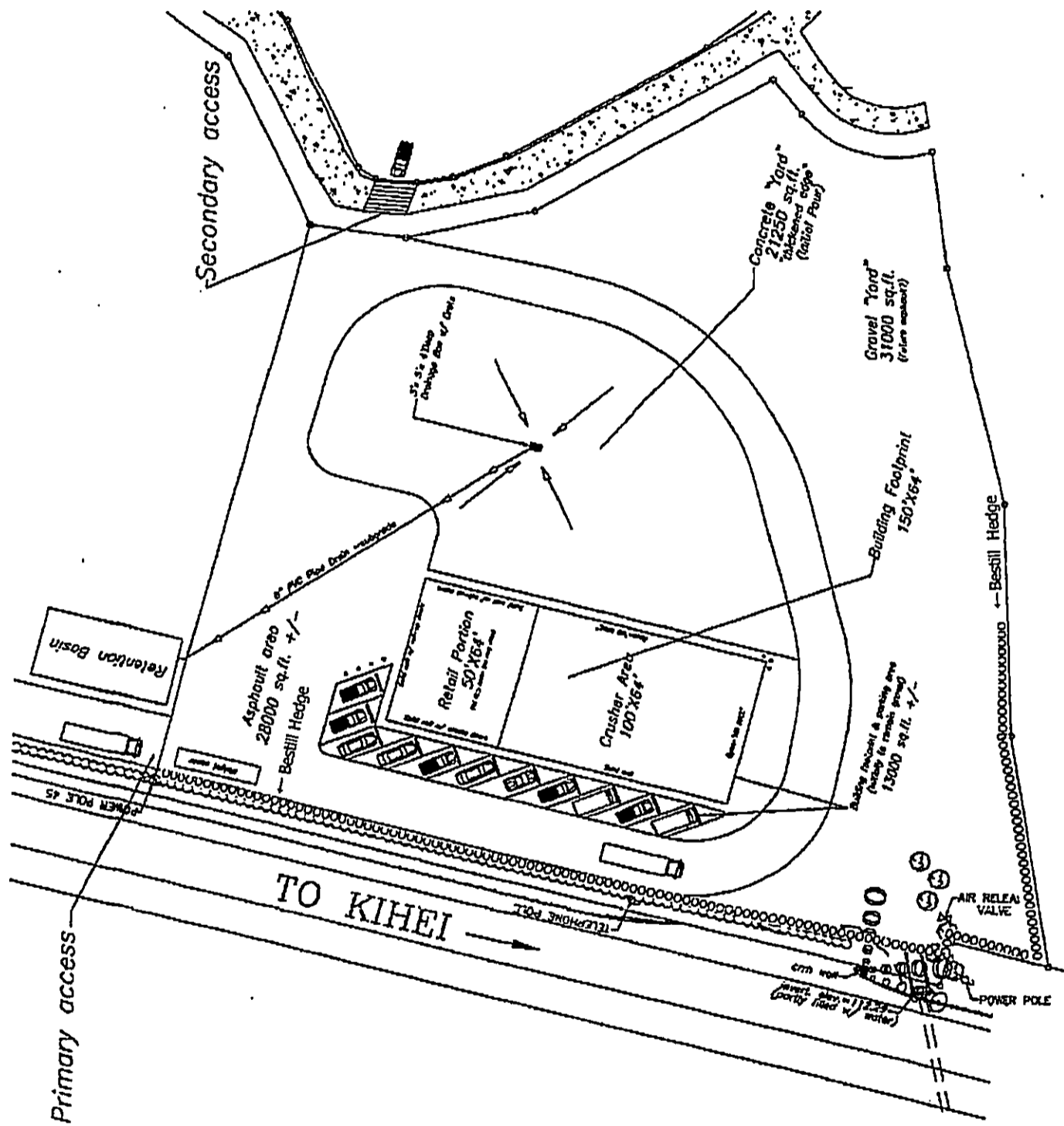
**3. Activities within Enclosed Structures.** In addition to office and retail (customer service) use, the new pre-engineered building for the proposed recycling facility will be used to support the screening and weighing of all bulk materials entering and leaving the site. Pre-processing functions, such as the removal of all fluids, tires, coolants, batteries, etc. from vehicles, appliances, and other items requiring the removal of potential contaminants, will be accommodated by this building. Besides being used for crushing and baling, and weighing baled and containerized scrap prior to shipping, the new building will also be used to provide a secure storage area for equipment and high value non-ferrous scrap metals. The new building will include containment features (e.g., concrete curbs, entry grates) to control any contaminants that are inadvertently released during pre-processing or processing activities.

In closing, we would like to note that the Applicant will be instituting stricter lease controls for tenants that have or require land use (e.g., County Special Use Permit) and/or regulatory (e.g., Solid Waste Management Permit) approvals for their operations. In addition, tenants with Solid Waste Management Permits will be required to obtain closure permit insurance.

Thank you for providing us with your comments. Please feel free to call Earl Stoner at (808) 877-3329 or me at (808) 270-1557 should you have any questions.

Sincerely yours,  
  
Glejin Tadaki  
Planner

Enclosures  
cc: Mr. Earl Stoner  
Ms. Kivette Calgoy





PHONE (808) 594-1888



STATE OF HAWAII  
OFFICE OF HAWAIIAN AFFAIRS  
711 KAPOLAHU BOULEVARD, SUITE 500  
HONOLULU, HAWAII 96813

NOV -8 12:41  
DEPT OF PLANNING  
COUNTY OF MAUI  
RECEIVED

FAX (808) 594-1825

November 1, 2005

Michael Foley  
Maui County, Department of Planning  
250 South High Street  
Wailuku, HI 96793

HRD05/2080

RE: Environmental Assessment for the Proposed Expansion of the Central Maui Baseyard,  
Pu'uunohi, Maui, TMK 3-8-005: 001 & 19 (portion).

Dear Mr. Foley,

The Office of Hawaiian Affairs (OHA) is in receipt of your October 4, 2005 request for comment on the above listed proposed project, TMK 3-8-005: 001 & 19 (portion). OHA offers the following comments:

As referred to on Page 29 of the Environmental Assessment, an Archaeological Monitor should be contracted to observe ground altering activities in the project area. An Archaeological Monitoring Plan should be drafted in support of this project, as it will address the need for on-site and on-call monitoring as appropriate.

OHA further requests your assurances that if the project goes forward, should iwi or Native Hawaiian cultural or traditional deposits be found during ground disturbance, work will cease, and the appropriate agencies will be contacted pursuant to applicable law.

Thank you for the opportunity to comment. If you have further questions or concerns, please contact Jesse York at (808) 594-0239 or [jessiey@oha.org](mailto:jessiey@oha.org).

O wau iho no,

*Clyde W. Namu'o*  
Clyde W. Namu'o  
Administrator



December 9, 2005

Mr. Clyde W. Namu'o, Administrator  
Office of Hawaiian Affairs  
711 Kapiolani Boulevard, Suite 500  
Honolulu, HI 96813

SUBJECT: Supplemental Draft Environmental Assessment (SDEA) for  
Proposed Heavy Industrial Areas at the Central Maui Baseyard; TMK 3-8-05:  
Portions of 01 and 19

Dear Mr. Namu'o,

On behalf of the Applicant, we acknowledge the receipt of your letter dated November 1, 2005 and are responding to your comments.

1. In commenting on the original community plan amendment and change in zoning requests for the Baseyard, the State Historic Preservation Division (SHPD) indicated that it has no record of historic sites in the area nor is it likely that any sites are still present. The SHPD also noted that the proposed action would have "no effect" on significant historic sites. Provisions for archaeological monitoring and the preparation of an archaeological monitoring plan shall be undertaken if required by the SHPD.

2. The Applicant will ensure that proper protection and notification procedures will be undertaken in accordance with Chapter 6E-43, HRS, should iwi or cultural deposits be encountered during ground-altering construction activities.

Please feel free to call Earl Stoner at (808) 877-3329 or me at (808) 270-1557 should you have any questions.

Thank you for providing us with your comments.

Sincerely yours,  
*Glenn Tadaku*  
Glenn Tadaku  
Planner

cc: Mr. Earl Stoner  
Ms. Kivette Calgoy





December 9, 2005

**Conservation**  
We recommend that the following water conservation measures be included in project design and implementation to alleviate demand from the Central Maui system:  
**Use Non-potable Water:** We encourage the applicant to use brackish or reclaimed water for all landscaping purposes. Reclaimed water, readily available at the Kahului Sewage Treatment Plant, or brackish water should be used for dust control during construction.  
**Eliminate Single-Pass Cooling:** Single-pass, water-cooled systems should be eliminated per Maui County Code Subsection 14.21.20. Although prohibited by code, single-pass water cooling is still manufactured into some models of air conditioners, freezers, and commercial refrigerators.  
**Utilize Low-Flow Fixtures and Devices:** Maui County Code Subsection 16.20A.680 requires the use of low-flow water fixtures and devices in faucets, showerheads, urinals, water closets and hose bibs. Water conserving washing machines, ice-makers and other units are also available.  
**Maintain Fixtures to Prevent Leaks:** A simple, regular program of repair and maintenance can prevent the loss of hundreds or even thousands of gallons a day. Refer to the attached handout, "The Costly Drip". The applicant should establish a regular maintenance program.

**Pollution Prevention**  
The project overlies the Kahului aquifer. In order to protect ground and surface water sources in the area, we encourage the applicant to utilize Best Management Practices (BMPs) designed to minimize infiltration and runoff from construction and principal operations. We have attached sample BMPs for reference. Additional information is available from Department of Health.

Should you have any questions, please contact our Water Resources and Planning Division at (808) 270-7199.

Sincerely,

  
George Y. Tengan, Director  
emb

c: Engineering Division  
attachments:

Ordinance No. 2108 - A Bill for an Ordinance Amending Chapter 16.20 of the Maui County Code, Pertaining to the Plumbing Code  
Selected BMP's from "Guidance Specifying Management Measures for Sources of Nonpoint Pollution in Coastal Waters"-EPA

C:\WPdocs\EA EIS SLUD\Central Maui baseyard Supp EA preconsult 3-8-05-01 por.wpd

Mr. George Y. Tengan, Director  
Department of Water Supply  
County of Maui  
200 High Street  
Wailuku, HI 96793

SUBJECT: Supplemental Draft Environmental Assessment (SDEA) for  
Proposed Heavy Industrial Areas at the Central Maui Baseyard; TMK 3-8-05:  
Portions of 01 and 19

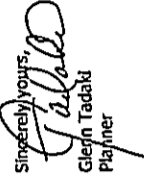
Dear Mr. Tengan,

On behalf of the Applicant, we are responding to your letter of November 2, 2005 including its reference to your comments of April 29, 2005.

1. The pre-existing industrial activities occurring on Lots 59 and 221 will be maintained and are not expected to generate additional water demand for their operations. The Applicant has and will continue to work with the department to discuss water use for the expansion of the Baseyard and will design and construct any necessary water system improvements to meet future or additional demand.
2. To conserve water and minimize runoff from construction and industrial activities, appropriate water conservation measures and Best Management Practices, such as those provided with your April 29, 2005 letter, will be considered and appropriate measures implemented.

Please feel free to call Earl Stoner at (808) 877-3329 or me at (808) 270-1557 should you have any questions.

Thank you for providing us with your comments.

Sincerely yours,  
  
Gieyn Tabaki  
Planner

cc: Mr. Earl Stoner  
Ms. Kvette Caigoy

LEGAL COUNSEL  
OFFICE OF HAWAII



STATE OF HAWAII  
OFFICE OF ENVIRONMENTAL QUALITY CONTROL

235 SOUTH BERETANIA STREET  
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TELEPHONE: (808) 546-1100  
FACSIMILE: (808) 546-1106  
E-mail: oeq@hawaii.gov

GENEVIEVE SALMONSON  
DIRECTOR

cc: Glenn

November 3, 2005

Michael Foley  
Maui Planning Department  
250 South High Street  
Waikuku, HI 96793

Attn: Kivette Caigoy

Dear Mr. Foley:

Subject: Draft environmental assessment (EA),  
Central Maui Baseyard Heavy Industrial Areas

Soil contamination: In the final EA include a history of the soil contamination for this area, and  
in relation to future potential contamination, the cumulative effect on water resources.

If you have any questions, call Nancy Heinrich at 586-4185.

Sincerely,

*Genevieve Salmonson*  
GENEVIEVE SALMONSON  
Director

c: Chris Han



December 9, 2005

Ms. Genevieve Salmonson, Director  
Office of Environmental Quality Control  
235 South Beretania Street, Suite 702  
Honolulu, HI 96813

SUBJECT: Supplemental Draft Environmental Assessment (SDEA) for  
Proposed Heavy Industrial Areas at the Central Maui Baseyard; T-1K 3-8-05;  
Portions of 01 and 19

Dear Ms. Salmonson,

On behalf of the Applicant, we acknowledge the receipt of your letter dated November 3, 2005  
and are responding to your comments.

The historical use of agricultural products (e.g., chemicals, fertilizers) which were used for sugar  
cane cultivation will be discussed in the Supplemental Final EA. The cumulative effect of  
pollutants on surface and ground water resources will also be discussed.

Please feel free to call Earl Stoner at (808) 877-3329 or me at (808) 270-1557 should you have  
any questions.

Thank you for providing us with your comments.

Sincerely yours,  
*Glenn Tadaki*  
Glenn Tadaki  
Planner

cc: Mr. Earl Stoner  
Ms. Kivette Caigoy

Mr. Earl Stoner  
November 7, 2005  
Page 2 of 3

General Comment

The proposed changes for the Central Maui Baseyard apparently address a need for appropriate siting of heavy industrial activities on Maui. The rezoning of an established site to accommodate these needs makes sense and is a good use for this parcel of land. The returning of abandoned, idle, and under-used industrial and commercial facilities to appropriate, productive use is a challenge for many communities. While our reviewers find this proposal a step in the right direction towards addressing such problems on Maui and find that the Supplemental DEA for the Proposed Heavy Industrial Areas at the Central Maui Baseyard highlights many of the key concerns raised by the rezoning proposal, they do find some issues inadequately addressed in the Supplemental DEA. The specific issues are addressed below.

Specific Comments

Physical Environment (§ III A, page 22). Soil and Water Table Contamination

According to the 2002 EPA publication *Technical Approaches to Characterizing and Cleaning up Automotive Recycling Brownfields*, "The soil at an automotive recycling operation can be contaminated in a number of ways. If storage is in an open field, fluids can leak onto the ground and rainwater can wash contaminants off the vehicles. Dismantling usually takes place on a concrete pad..." (EPA, 2002). The EPA has developed this "Automotive Recycling" guide to provide decision-makers, such as city planners and others involved in redeveloping brownfields, with a better understanding of the technical issues involved in assessing and cleaning up automotive recycling sites.

While our reviewers do recognize that the careful draining of fluids in a facility with a concrete pad does reduce the risk of soil contamination, the EPA warns that leaking fluids and contaminants washed off vehicles by rain during both pre-processing storage and post baling storage do have the potential of contaminating soil and the water table. Given the porous nature of the soil and the sensitive nature of the water table on Maui, and the fact that two federally designated wildlife habitats for endangered species are potentially down flow of any contamination at the Maui Central Baseyard, our reviewers feel it important to investigate this issue with more detail than is done in the current DEA. Potential contamination of the water table is not covered in the current DEA. This hazard should be thoroughly investigated in the final EA. The applicant should also consider storage of vehicles on concrete pads to further the mitigation of the pollution hazard to the water table and soil.

**UNIVERSITY OF HAWAII**  
Environmental Center

November 7, 2005  
RE: 0321

Mr. Earl Stoner  
S&F Land Company  
P.O. Box 806  
Puunene, Hawaii 96784

Dear Mr. Stoner:

Supplemental Draft Environmental Assessment  
Central Maui Baseyard Heavy Industrial Areas  
Puunene, Maui

S & F Land Company proposes to designate three separate areas for pre-existing and proposed heavy industrial uses on approximately 13 acres of land in the Central Maui Baseyard at Puunene, Maui. The proposed heavy industrial areas in the Baseyard include Lots 1C (10.7 acres), 59 (1.2 acre) and 221 (1.0 acre). Lot 1C formerly was planted with sugar cane and presently is vacant. Maui Auto Wrecking occupies Lot 59, and the County of Maui uses Lot 221 for abandoned vehicle storage. The proposed heavy industrial areas will be used to accommodate purely industrial activities such as the pre-existing heavy industrial uses on Lots 59 and 221, the development of a proposed metal recycling facility on part of Lot 1C, and space for unknown future heavy industrial land uses on the balance of Lot 1C.

The Final EAVFONSI for the Central Maui Baseyard was published in November 1997. This Supplemental Draft Environmental Assessment (DEA) examines potential impacts of the incremental change in use (from light to heavy industrial) on the natural and manmade environment and discusses appropriate measures to minimize harm to the environment. In connection with the proposed action, the Applicant is requesting a Community Plan Amendment (from Light Industrial to Heavy Industrial) for Lots 1C, 59 and 221 and a change in zoning (from Agricultural to M-2, Heavy Industrial) for Lot 1C and (from M-1, Light Industrial to M-2, Heavy Industrial) for Lots 59 and 221.

This review was conducted with the assistance of Scott Burch of the Environmental Center.

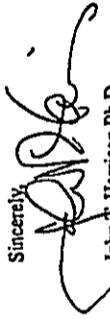
Mr. Earl Stoner  
November 7, 2005  
Page 3 of 3

Alternatives (§ II F, page 18)

Rezoning land to a "heavy industrial" designation without specifying anticipated heavy industrial uses could adversely impact the environment and adjacent communities. Heavy industrial land uses may lead to wide variety of impacts on traffic, air quality, cultural and socio-economic resources, ecology, noise, and more. Rezoning a parcel of land from agriculture to heavy industrial may appear to some decision makers and members of the community as a "blank check", open to any and all uses, some of which would be considered unacceptable for this parcel. The DEA does not outline the impacts of potential future "unknown" uses of this parcel, once it is re-designated to heavy industrial, and these uses are initiated. Lacking this specificity of application, the DEA fails to adequately provide for informed decision-making. To address this, we recommend that an additional alternative be listed in the final EA that either excludes the piece of Lot 1C that will not be used for the metal recycling plant from rezoning, or that the draft EA be amended to be more specific in listing proposed land use, allowing decision makers the opportunity to make informed choices regarding future uses of this parcel. This approach would make the EA more appealing to decision makers and would act to help address the need for heavy industrial space on Maui.

Thank you for the opportunity to review this Supplemental DEA.

Sincerely,



John J. Harrison Ph.D.  
Environmental Coordinator

cc. Rory Frampton, Chris Hart and Partners, Inc.  
Department of Planning, Maui Planning Commission  
OEQC  
James Moncur, WRRRC  
Scott Burch

Reference: Technology Transfer and Support Division, National Risk Management Research Laboratory, Office of Research and Development, U.S. Environmental Protection Agency, 2002, *Technical Approach to Characterizing and Cleaning up / Assessing Remedial Strategies*. Cincinnati, OH



December 14, 2005

Mr. John T. Harrison, Ph.D.  
Environmental Coordinator  
2500 Dole St. Krauss Annex 19  
Honolulu, HI 96822

SUBJECT: Supplemental Draft Environmental Assessment  
Proposed Heavy Industrial Areas at the Central Maui Baseyard  
TMK 3-8-05: Portions of 01 and 19

Dear Mr. Harrison,

On behalf of the Applicant, we acknowledge the receipt of your letter dated November 7, 2005 and are responding to your comments.

Soil and Water Contamination

In 1996, the State Land Use Commission approved the District Boundary Amendment for the Central Maui Baseyard. The terms of this approval are set forth in a Decision and Order (D & O) containing specific compliance requirements. A copy of the D & O is contained in Appendix B of the Supplemental Draft Environmental Assessment (SDEA). Conditions related to the use of hazardous materials and measures for minimizing subsurface and ground water contamination are listed below.

- Condition No. 7 calls for the use of appropriate measures to contain spills and prevent materials from leaching or draining into surface or subsurface areas, as well as the implementation of Best Management Practices (BMPs) to minimize non-point source pollutants.
- Condition Nos. 8 and 9 are identical. All tenants must implement BMPs to minimize surface and ground water contamination from onsite activities, including the delivery, removal, storage, use, and handling of industrial products on tenant or common areas.
- Condition No. 11 states that the onsite storage and/or disposal of hazardous wastes must be approved by the applicable Federal, State, and/or County agencies prior to commencement.

With regard to the foregoing requirements, we would like to note that all tenant leases require the implementation of BMPs, especially if hazardous materials and solid wastes are involved. In addition, an annual environmental inspection of tenant operations is conducted by the Applicant's environmental engineer. If any violations or potential hazards are observed, they are noted in an inspection report and tenants have 30 days to attain compliance. Continued non-compliance with Federal, State or County environmental laws will result in the immediate termination of a tenant's

Mr. John T. Harrison, Ph. D.  
December 14, 2005  
Page 2

lease. Since the granting of the District Boundary Amendment in 1996, the Applicant has and will continue to comply with the terms of the D & O.

Future Uses

Permitted uses under M-2, Heavy Industrial District zoning (see Appendix F in the SDEA) include those uses which are allowed in the M-1, Light Industrial District and the B-1, B-2, and B-3 Business Districts.

Besides the new metal recycling facility, it is anticipated that the proposed heavy industrial areas would accommodate light and heavy industrial-type activities which are similar to or in consonance with existing Baseyard uses. Examples of heavy industrial uses that are allowed by zoning and considered compatible with existing Baseyard activities, include lumber yards, machines shops, auto wrecking, and scrap metal yards.

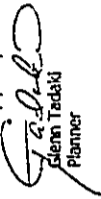
Within the M-2, Heavy Industrial District, heavy industrial uses which involve manufacturing or processing activities that process or produce hazardous substances or materials, or generate offensive emissions (e.g., odor, dust, smoke, gas, noise, vibration) are declared "special" uses (see Appendix F in the SDEA). Prior to the implementation of a special use, a special use permit must be obtained from the Maui Planning Commission (with Maui County Council approval for its location and operations).

The Applicant does not anticipate that any of these "special" heavy industrial uses will be implemented in the future. However, should a special use be considered in the future, the tenant would be responsible for securing all essential land use and environmental permits and approvals prior to the implementation of the use.

Please feel free to call Earl Stoner at (808) 877-3329 or me at (808) 270-1557 should you have any questions.

Thank you for providing us with your comments.

Sincerely yours,

  
Glenn Tedaki  
Planner

cc: Mr. Earl Stoner  
Ms. Khyette Calgoy

DEPT OF PLANNING COUNTY OF MAUI 808-244-6411 1513 P. 09/05 1999



POLICE DEPARTMENT  
COUNTY OF MAUI

ALAN M. ARAKAWA  
MAYOR  
OUR REFERENCE  
YOUR REFERENCE

THOMAS M. PHILLIPS  
CHIEF OF POLICE  
KEKUAUPIO R. AKANA  
DEPUTY CHIEF OF POLICE

55 MAHALANI STREET  
WAILUKU, HAWAII 96793  
(808) 244-6400  
FAX (808) 244-6411

DEPT OF PLANNING  
COUNTY OF MAUI  
RECEIVED  
NOV 29 09 54

November 10, 2005

MEMORANDUM

TO : MICHAEL W. FOLEY, PLANNING DIRECTOR  
FROM : THOMAS M. PHILLIPS, CHIEF OF POLICE  
SUBJECT : I.D. : EA 2005/0009; CIZ 2005/0005; and CPA 2005/0006  
TMK : 3-8-005: 001 and 019 (portions)  
Project Name : Central Maui Baseyard  
Applicant : S & F Land Company

No recommendation or comment to offer.  
 Refer to enclosed comments and/or recommendations.

As always, thank you for giving us the opportunity to comment on this project.

Assistant Chief Sydney Kikuchi  
For: THOMAS M. PHILLIPS  
Chief of Police

Enclosure

COPY

TO : THOMAS PHILLIPS, CHIEF OF POLICE, COUNTY OF MAUI  
VIA : CHANNELS  
FROM : MITCHELL PELLAZAR, SERGEANT, WAILUKU PATROL  
SUBJECT : PROPOSED HEAVY INDUSTRIAL AREAS AT THE CENTRAL MAUI  
BASEYARD, TMK: 3-8-05: Portions of 1 and 19

This To-From is being submitted as a response for comments or recommendations on the above-mentioned project.

In reviewing the attached document it is basically to request a change in zoning from Light Industrial to M-2 Heavy Industrial for Lots 59 and 221 and from Agricultural to M-2 Heavy Industrial for lot 1C.

Due to the recent and on-going roadway widening improvements to Mokuiele Highway and the current Light Industrial use of the surrounding property lots, I have no objections to granting the applicants request.

In regards to the proposed metal recycling facility on Lot 1C, it appears that appropriate mitigative measures will be taken to contain any automotive fluids that may spill onto the ground as a result of the daily operations of the facility, and to prevent those fluids from flowing into rainwater drainage pipelines and into the surrounding soil.

At this time I have no further comments.

Submitted for your perusal.

Sgt. Mitchell Pellazar  
Wailuku Patrol - Administrative Sergeant  
11/04/05 - 0915 hours  
Sgt. Mitchell Pellazar





December 9, 2005

Mr. Thomas M. Phillips, Chief  
Department of Police  
55 Mahanani Street  
Wailuku, HI 96793

**SUBJECT:** Supplemental Draft Environmental Assessment (SDEA) for  
Proposed Heavy Industrial Areas at the Central Maui Baseyard, TMK 3-8-05;  
Portions of 01 and 19

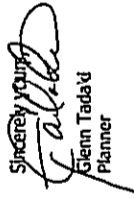
Dear Chief Phillips,

On behalf of the Applicant, we acknowledge the receipt of your letter dated November 10, 2005 and are responding to your comments.

In accordance with Identical Condition Nos. 8 and 9 of the 1996 District Boundary Amendment approval for the Baseyard, the Applicant has and will continue to require that all tenants in the Baseyard implement Best Management Practices to minimize subsurface and ground water contamination from onsite activities, including the delivery, removal, storage, use, and handling of industrial products on all tenant or common areas of the property.

Please feel free to call Earl Stoner at (808) 877-3329 or me at (808) 270-1557 should you have any questions.

Thank you for providing us with your comments.

Sincerely yours,  
  
Glenn Tada'd  
Planner

cc: Mr. Earl Stoner  
Ms. Kvette Calgoy

1444 P. 03/08 P. 113

807-22-03 11:52AM

DEPT OF PLANNING COUNTY OF MAUI

807-22-03 11:52AM

1444 P. 03/08 P. 113

807-22-03 11:52AM

DEPT OF PLANNING COUNTY OF MAUI

807-22-03 11:52AM

CARL M. KAUPALOLO  
CHIEF  
NEAL A. DAL  
DEPUTY CHIEF

ALAN M. ARAKAWA  
MAYOR

CARL M. KAUPALOLO  
CHIEF  
NEAL A. DAL  
DEPUTY CHIEF

ALAN M. ARAKAWA  
MAYOR



COUNTY OF MAUI  
DEPARTMENT OF FIRE AND PUBLIC SAFETY

200 DAIRY ROAD  
KAHULUI, MAUI, HAWAII 96732  
(808) 270-7561  
FAX (808) 270-7919

COUNTY OF MAUI  
DEPARTMENT OF FIRE AND PUBLIC SAFETY

200 DAIRY ROAD  
KAHULUI, MAUI, HAWAII 96732  
(808) 270-7561  
FAX (808) 270-7919

June 24, 2005

November 17, 2005

Robyn Loudermilk, Staff Planner  
Department of Planning, County of Maui  
250 South High Street  
Wailuku, Hawaii 96793

Ms. Kivette Caigoy, Environmental Planner  
Department of Planning  
250 South High Street  
Wailuku, Hawaii 96793

Subject: SUP2 2005/0005 & CUP 2005/0004 TMIK (2)3-8-005:001 CENTRAL MAUI  
BASEYARD Proposed Recycling Facility

Subject: EA 2005/0009; CIZ 2005/0005; and CPA 2005/0006 TMIK (2)3-8-005:001 and 019  
Central Maui Baseyard

Dear Robyn Loudermilk,

Dear Ms. Caigoy,

I have had the opportunity to review the subject application and offer the following comments.

Thank you for the opportunity to comment on the subject application. I have attached a copy of a June 24, 2005 letter to Ms. Robyn Loudermilk which raised issues and concerns about the same parcel.

Although a tremendous amount of money and labor will be invested to prevent a fire and limit environmental pollution, there is no guarantee that these events will not occur.

I do realize that the current application also includes additional parcels that will also store abandoned vehicles that are prepared for future disposal. As stated in the June 24, 2005 letter, these additional parcels shall also comply with the preparation of a fire prevention plan and other details as stated in the letter.

A fire is a very real possibility at this location, even with most/all vehicle fluids removed. The fuel load of upholstery and interior plastics are more than enough to maintain and spread a fire throughout the stored vehicles. Brake fluid is a major concern due to its characteristics and its ability to spontaneously ignite when mixed with certain oxidizers. We need to understand that a fire is always a possibility and it will never go away.

Please feel free to contact me at 270-7568 if there are any questions or concerns.

I would like to request that the applicant work with us in the future to come up with a fire prevention plan as well as a plan to fight a fire at this location should one occur. These should include the storage pile details, roadway widths for emergency apparatus as well as the specific locations of fire hydrants for fire protection.

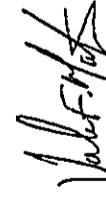
Sincerely,  
  
Valeriano F. Martin  
Captain  
Fire Prevention Bureau

The proposed area appears to be appropriate for this type of activity and it offers a buffer to residential areas.

June 24, 2005  
Subject: SUP2 2005/0005 & CUP 2005/0004 TMK (2)3-8-005:001 CENTRAL MAUI  
BASEYARD Proposed Recycling Facility

Please feel free to contact me at 270-7568 if there are any questions or concerns.

Sincerely,

  
Valeriano F. Martin  
Captain  
Fire Prevention Bureau





CHRIS HART  
& PARTNERS, P.C.  
December 9, 2005

Captain Valeriano Martin  
Department of Fire  
and Public Safety  
200 Dairy Road  
Kahului, HI 96732

SUBJECT: Supplemental Draft Environmental Assessment (SDEA) for  
Proposed Heavy Industrial Areas at the Central Maui Baseyard, TMK 3-8-05:  
Portions of 01 and 19

Dear Captain Martin,

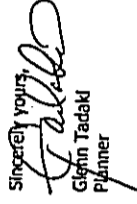
On behalf of the Applicant, we are responding to your letter dated November 17, 2005 including its reference to your comments of June 24, 2005.

In accordance with Condition No. 8 of its County Special Use Permit approval, fire protection and suppression plans will be submitted to the department for review and approval prior to the issuance of the certificate of occupancy for the metal recycling facility.

The Applicant will ensure that tenants located in other heavy industrial-zoned areas of the Baseyard submit fire protection and suppression plans to the department as well.

Please feel free to call Earl Stoner at (808) 877-3329 or me at (808) 270-1557 should you have any questions.

Thank you for providing us with your comments.

Sincerely yours,  
  
Glen Tadaki  
Partner

cc: Mr. Earl Stoner  
Ms. Kvette Calgoy



DEPARTMENT OF BUSINESS,  
ECONOMIC DEVELOPMENT & TOURISM

OFFICE OF PLANNING  
235 South Beretania Street, 5th Floor, Honolulu, Hawaii 96813  
Mailing Address: P.O. Box 2350, Honolulu, Hawaii 96804

LINDA LINGGIE  
COMPTROLLER  
THEODORE E. LU  
DIRECTOR  
MARK K. ANDERSON  
SOUTH DISTRICT  
LAURA H. THIELEN  
DIRECTOR  
OFFICE OF PLANNING

Telephone: (808) 587-2848  
Fax: (808) 587-2824

Ref. No. P-11182

November 23, 2005

NOV 30 12:23  
DEPT OF PLANNING  
COUNTY OF MAUI  
RECEIVED

Mr. Michael W. Foley  
Planning Director  
Department of Planning  
County of Maui  
250 South High Street  
Wailuku, Hawaii 96793

Attention: Ms. Kivette Caigoy  
Environmental Planner

Dear Mr. Foley: *Mitche*

Subject: ID: EA 2005/0009; CIZ 2005/0005; CPA 2005/0006  
TMK: (3) 3-8-005: 001 and 019 (portions)  
Project Name: Central Maui Baseyard: Proposed Recycling Facility  
Applicant: S & F Land Company

We offer the following comments.

On June 13, 2005, the State Land Use Commission (LUC) reclassified the subject site into the Urban District, effective upon satisfaction of Condition 20 of the LUC Decision and Order (Docket No. A96-717) dated November 13, 1996, as amended June 13, 2005. Condition 20, as amended, requires the County of Maui to verify in writing to the LUC that an application for a change in zoning from Agricultural to Heavy Industrial has been received and deemed complete.

The Office of Planning believes that the LUC's public hearing, findings of fact, conclusions of law, and decision and order approving the reclassification provide ample evidence that the proposed use, an auto recycling facility to speed removal of abandoned automobiles from Maui's roads and highways, justifies a Community Plan amendment and Zone change.

Mr. Michael W. Foley  
Page 2  
November 23, 2005

We support acceptance of the Environmental Assessment, approval of the Community Plan Amendment and Zone change, provided that the applicant submits written verification of the County of Maui's acceptance of the Zone change application to the LUC to finalize reclassification to the Urban District.

Thank you for the opportunity to comment. If you have any questions, please contact Mary Alice Evans at (808) 587-2802.

Sincerely,

Laura H. Thielen  
Director

c: Anthony Ching, LUC

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 11-13-2003 BY 60322 UCBAW/STP



Ms. Laura H. Thielen, Director  
Office of Planning  
Department of Business, Economic  
Development & Tourism  
P.O. Box 2359  
Honolulu, HI 96804

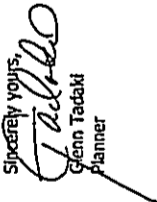
SUBJECT: Supplemental Draft Environmental Assessment (SDEA) for  
Proposed Heavy Industrial Areas at the Central Maui Baseyard; TMK 3-8-05;  
Portions of 01 and 19

Dear Ms. Thielen,

On behalf of the Applicant, we acknowledge the receipt of your letter dated November 23, 2005  
and are responding to your comments.

1. The Office's expression of support for the acceptance of the Environmental Assessment  
and the approval of the Community Plan Amendment and Change in Zoning is greatly  
appreciated.
2. Attached hereto is a copy of the Maui Planning Department letter accepting and  
acknowledging the completeness of the Applicant's request for the Change in Zoning  
Please feel free to call Earl Stoner at (808) 877-3329 or me at (808) 270-1557 should you have  
any questions.

Thank you for providing us with your comments.

Sincerely yours,  
  
Glenn Tadokai  
Planner

enclosure  
cc: Mr. Earl Stoner  
Ms. Kivette Caigoy

1955 MAIN STREET, SUITE 200 • WAILUKU, MAUI, HAWAII 96793-1705 • PHONE: 808-242-1955 • FAX: 808-242-1956  
LANDSCAPE ARCHITECTURE AND PLANNING

ALL INFORMATION CONTAINED  
HEREIN IS UNCLASSIFIED  
DATE 11-13-2003 BY 60322 UCBAW/STP



COUNTY OF MAUI  
DEPARTMENT OF PLANNING

August 23, 2005

RECEIVED  
AUG 26 2005  
cc: Glenn

Mr. Anthony Ching, Executive Officer  
State Land Use Commission  
P. O. Box 2359  
Honolulu, Hawaii 96804-2359

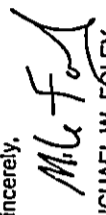
Dear Mr. Ching:

RE: Compliance with Condition No. 20 of S&F Land Company, Inc.  
(Docket No. A96-717) Incremental Redistricting from the Agricultural  
to Urban District, Maui, TMK: 3-8-005:001 (portion), 019, and 022,  
Maui, Hawaii

The Maui Planning Department (Department) is in receipt of an application for a  
Change in Zoning from the Agricultural District to the Heavy Industrial District for parcel 1C  
that is part Docket No. A96-717. Upon review of the application, the Department has  
determined that the application is deemed complete.

S&F Land Company, Inc. is in compliance with Condition No. 20 pursuant to the  
Decision and Order Approving Increment II for Incremental Redistricting from Agricultural  
to Urban Classification; and Order Amending Condition No. 20 of the Decision and Order  
dated November 13, 1996 which was filed and effective on June 13, 2005.

Thank you for your cooperation. Should additional clarification be required, please  
contact Ms. Robyn L. Loudermilk, Staff Planner, at 270-7180.

Sincerely,  
  
MICHAEL W. FOLEY  
Planning Director

250 SOUTH HIGH STREET, WAILUKU, MAUI, HAWAII 96793  
PLANNING DIVISION (808) 270-7735; ZONING DIVISION (808) 270-7253; FACSIMILE (808) 270-7634

DOCUMENT CAPTURED AS RECEIVED

AJAN M. ARAKAWA  
Mayor  
MICHAEL V. FOLEY  
Director  
WAYNE A. ROTELLIHO  
Deputy Director



COUNTY OF MAUI  
DEPARTMENT OF PLANNING

March 27, 2006

RECEIVED  
MAR 28 2006  
COUNTY OF MAUI DEPARTMENT OF PLANNING

FAX TRANSMITTAL

TO: Glenn Tadaki  
Chris Hart & Partners  
242-1956

FROM: Kivette Caigoy, Staff Planner

SUBJECT: Central Maui Baseyard (EA 2005/0009) (CIZ 2005/0005) (CPA 2005/0006)

TOTAL PAGES (INCLUDING COVER SHEET): 29

Transmitted herewith for your information are the agency communications for the above referenced application(s).

2/21/06 Anonymous

Please communicate directly with the agencies and copy all communications to this office.

Thank you for your cooperation. If additional clarification is required, please contact me at 270-7735.

Enclosures  
cc: Project File

March 21, 2006

(A)

DEPT OF PLANNING  
COUNTY OF MAUI  
The S&F Land Co. (owner of this state urban district land) is attempting to rezone a large scrap yard adjacent to the highway. If this is allowed to go forward we could very well end up with another Maui Scrap Metal, especially knowing the history of SOS Metals Inc. as seen in the enclosed documents.

SOS Metals Inc. is leasing approximately three acres of this land with the intention of building a large scrap yard adjacent to the highway. If this is allowed to go forward we could very well end up with another Maui Scrap Metal, especially knowing the history of SOS Metals Inc. as seen in the enclosed documents.

If SOS Metals Inc. is allowed to build their scrap yard, what will happen to the scrap yard when the county special use permit allotted time ends? Will SOS Metals Inc. just leave and not clean up their mess as they have done in the past? (please see enclosed documents)

We need your help to resolve this issue. There are other locations for the scrap yard and other heavy industry. It doesn't need to be right next to the highway. This is not only breaking the law, it is making all of us have to tolerate looking at piles of scrap metal every time we (this includes you too) make the drive across Maui. The only people that benefit from this mess are S & F Land Company and SOS Metals Inc.

Mahalo for your time and consideration.

06 MAR 23 12:46

250 SOUTH HIGH STREET, WAILUKU, MAUI, HAWAII 96793  
1-813-813-1111  
111272-8118

F-031 1-899 P.02 808-742-8118

FROM: DEPT OF PLANNING COUNTY OF MAUI

04:23 PM 03-21-06



Mr. Michael W. Foley  
April 17, 2006  
Page 2

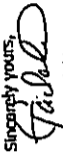
and must be screened and buffered to minimize nuisances to neighboring properties." All incoming vehicles, white goods, and scrap metals at the proposed recycling facility will be properly, promptly, and efficiently processed for outgoing shipment. In addition, we would like to note that landscape planting for the proposed recycling facility has been recently installed along its frontage with Mokulele Highway and Pulehu Gulch to buffer views of the facility from traffic along Mokulele Highway in the long term.

The County Special Use Permit (CUP 2005/0004) for the proposed recycling facility was approved by the Maui Planning Commission on September 27, 2005. This permit is subject to extension by the Commission upon the submittal of a timely request by the applicant. A time extension will not be required if the Community Plan Amendment and Change in Zoning are granted prior to September 30, 2007.

We would also like to note that the applicant will be implementing stricter lease controls for tenants that have or will require land use (e.g., County Special Use Permit) and/or regulatory (e.g., Solid Waste Management Permit) approvals for their operations. In addition, tenants with SWMPs shall have an approved closure plan and must have closure permit insurance.

Except for the purely heavy industrial uses in the Kahului Harbor area, the Maui Electric Company power plant at Maalea, the HCS sugar mill at Puunene, and the Maui Pineapple cannery and MECO office/warehouse complex in Kahului, most of the land in Central Maui that is zoned for heavy industrial purposes is presently being used for light industrial and retail/commercial activities. As such, there is scarcity of vacant land that is available solely for heavy industrial activities, including those uses proposed by the applicant. It should also be noted that the locations of the proposed heavy industrial areas in the Baseyard were based upon the applicant's discussions with County of Maui officials, including the Office of the Mayor. The proposed heavy industrial areas were deemed appropriate sites given the historical (industrial) uses of the underlying land, the purely industrial nature of surrounding Baseyard activities, their central location and proximity to shipping facilities at Kahului Harbor, the completion and infill development of the remaining undeveloped acreage in the Baseyard, and the scarcity of vacant land that is available solely for heavy industrial purposes.

Please feel free to call Earl Stoner at (808) 877-3329 or me at (808) 270-1557 should you have any questions.

Sincerely yours,  
  
Glenn Tisdale  
Planner

cc: Mr. Earl Stoner  
Ms. Kivette Calgoy



Mr. Michael W. Foley, Director  
Department of Planning  
County of Maui  
Attention: Ms. Kivette Calgoy  
250 South High Street  
Wailuku, HI 96793

SUBJECT: Supplemental Draft Environmental Assessment  
Proposed Heavy Industrial Areas at the Central Maui Baseyard  
TMK 3-8-05: Portions of 01 and 19

Dear Mr. Foley,

On behalf of the applicant, S & F Land Company, we acknowledge the receipt of your fax dated March 27, 2006 which transmitted the March 21<sup>st</sup> comments of an Anonymous individual. As no name and address were provided by this individual, we are responding to this Anonymous person's comments via the Maui Planning Department.

The Solid Waste Management Permit (SWMP) for the proposed recycling facility (SV-0028-05) was approved by the State Department of Health (DOH) on November 21, 2005 and issued to SOS Metals Island Recycling. The approval of this permit provides for the construction and operation of a salvage recycling facility for junk vehicles, white goods, ferrous scrap metal, and non-ferrous scrap metal. As a condition of this approval, the permittee must comply with the terms of the SWMP, including all monitoring, recordkeeping, and reporting requirements established by the DOH. In addition, Condition No. 8 notes that the DOH may modify, suspend or revoke a permit if it determines that any permit condition, rule or provision has been violated.

Maui Scrap Metals was shut down by the DOH in May 2005 because it did not have a SWMP for its operations. Unfortunately, the derelict vehicles, used white goods, and scrap metals that were stored at this facility were stacked at significant heights resulting in adverse visual impacts which could have been controlled if a SWMP had been granted since the permit would have enforceable provisions for non-compliance with the conditions of approval.

The Anonymous individual's concern about visual impacts will be addressed through compliance with the terms of the SWMP. For example, Condition No. 17c of the approved SWMP prohibits the stacking of any unprocessed vehicles and white goods. Condition No. 21 permits the stacking of ferrous and non-ferrous scrap metals provided that the stacked height does not cause the pile to collapse or result in injuries to workers. Condition No. 22 allows processed vehicles and white goods to be stacked as long as there is no release of residual fluids and provided that its height does not produce worker injuries or trigger the collapse of the pile. In addition, Condition No. 12 requires that "Suitable means shall be employed to control nuisances and minimize odors and vectors (such as rodents and insects). The facility shall maintain a neat and orderly appearance

DOCUMENT CAPTURED AS RECEIVED



# TRANSMITTAL

TO: Mr. R. Shepard  
1425 Hale Kai Street  
Kihei, HI 96753

DATE: April 18, 2006

PROJECT: Central Maui  
Baseyard  
SUBJECT: CPA and CIZ

THE FOLLOWING ARE ENCLOSED:  
 FOR YOUR APPROVAL  
 FOR YOUR REVIEW & COMMENT  
 FOR YOUR USE  
 AS REQUESTED  
 FOR ACTION

COPIES	DATE	DESCRIPTION
1	4/17/06	Letter Responding to Comments dated March 21, 2006

REMARKS:

We received your name and address from the Maui Planning Department this afternoon and are providing you with a copy of our response letter. As no name and address were furnished when we prepared and mailed our response letter, our letter was remitted via the care of the Maui Planning Department.

Copy to: Earl Stoner, S & F Land Company  
Kivette Calgoy and Robyn Loudemilk, Maui  
Planning Department  
BY: Glenn Tadaki  
Planner

1855 MAIN STREET, SUITE 200 • WAILUKU, MAUI, HAWAII 96793 • PHONE (808) 242-1955 • FAX (808) 242-1958  
LANDSCAPE ARCHITECTURE AND PLANNING

Chris Hart & Partners, Inc.  
1955 Main Street, Suite 200  
Wailuku, HI 96793

POSTAGE CHECKED  
Postage  
# Registered Not Known  
# Registered Address  
# Registered Street  
# Registered City

HONOLULU HI 968

19 APR 2006 PM 9:25

02 1A \$00.390  
0004374829 APR 19 2006  
MAILED FROM ZIP CODE 96793

RECEIVED

APR 24 2006

CHRIS HART & PARTNERS  
Landscape Architecture & Planning

Mr. R. Shepard  
1425 Hale Kai Street  
Kihei, HI 96753

96793-194753-670011





**APPENDIX P**  
**State Land Use**  
**Commission**  
**Compliance Letter**

ALAN H. ARAKAWA  
Mayor  
MICHAEL W. FOLEY  
Director  
WAYNE A. BOTEILHO  
Deputy Director



COUNTY OF MAUI  
DEPARTMENT OF PLANNING

August 23, 2005

Mr. Anthony Ching, Executive Officer  
State Land Use Commission  
P. O. Box 2359  
Honolulu, Hawaii 96804-2359

Dear Mr. Ching:

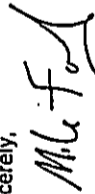
RE: Compliance with Condition No. 20 of S&F Land Company, Inc.  
(Docket No. A96-717) Incremental Redesigning from the Agricultural  
to Urban District, Maui, TMK: 3-8-005:001 (portion), 019, and 022,  
Maui, Hawaii

The Maui Planning Department (Department) is in receipt of an application for a  
Change in Zoning from the Agricultural District to the Heavy Industrial District for parcel 1C  
that is part Docket No. A96-717. Upon review of the application, the Department has  
determined that the application is deemed complete.

S&F Land Company, Inc. is in compliance with Condition No. 20 pursuant to the  
Decision and Order Approving Increment II for Incremental Redesigning from Agricultural  
to urban Classification; and Order Amending Condition No. 20 of the Decision and Order  
dated November 13, 1996 which was filed and effective on June 13, 2005.

Thank you for your cooperation. Should additional clarification be required, please  
contact Ms. Robyn L. Loudermilk, Staff Planner, at 270-7180.

Sincerely,

  
MICHAEL W. FOLEY  
Planning Director

250 SOUTH HIGH STREET, WAILUKU, MAUI, HAWAII 96793  
PLANNING DIVISION (808) 270-7735; ZONING DIVISION (808) 270-7253; FACSIMILE (808) 270-7634

Mr. Anthony Ching  
August 23, 2005  
Page 2

MWF:RL:jmu

C: Wayne A. Boteilho, Deputy Planning Director  
Clayton I. Yoshida, AICP, Planning Program Administrator  
Robyn L. Loudermilk, Staff Planner  
Jane Lovell, Corporation Counsel, Office of Corporation Counsel  
C. Earl Stoner, Jr., S&F Land Company, Inc.  
Glenn Tadaki, Chris Hart & Partners  
Laura Thielens, Director, Office of Planning  
John Chang, Deputy Attorney General, Department of Attorney General  
KWP\_DOCS\PLANNING\1996\96\_717\_SF\_LandCo\Condition20\compliance.wpd

**APPENDIX Q**  
**County Special**  
**Use Permit**

ALAN M. ARAKAWA  
Mayor  
MICHAEL W. FOLEY  
Director  
WAYNE A. BOTEILHO  
Deputy Director



COUNTY OF MAUI  
DEPARTMENT OF PLANNING

September 30, 2005

Permit  
OCT 06 2005

County of Maui  
Department of Planning

cc: Roy + Glenn

Mr. Rory Frampton  
September 30, 2005  
Page 2

areas affected by subject County Special Use Permit and shall procure at its own cost and expense, and shall maintain during the entire period of this County Special Use Permit, a policy or policies of comprehensive liability insurance in the minimum amount of ONE MILLION AND NO/100 DOLLARS (1,000,000.00) naming the County of Maui as an additional named insured, insuring and defending the applicant and County of Maui against any and all claims or demands for property damage, personal injury and/or death arising out of this permit, including but not limited to: (1) claims from any accident in connection with the permitted use, or occasioned by any act or nuisance made or suffered in connection with the permitted use in the exercise by the applicant of said rights; and (2) all actions, suits, damages and claims by whomsoever brought or made by reason of the non-observance or non-performance of any of the terms and conditions of this permit. Proof of a policy naming County of Maui as an additional named insured shall be submitted to the Department within ninety (90) calendar days from the date of transmittal of the decision and order.

CERTIFIED MAIL - RETURN RECEIPT REQUESTED  
#7003 0500 0004 8881 2240

Mr. Rory Frampton  
Chris Hart & Partners, Inc.  
1955 Main Street, Suite 200  
Wailuku, Hawaii 96793

Dear Mr. Frampton:

RE: Application to Obtain a County Special Use Permit to Operate a Metal Recycling Facility in the County Agricultural Zoning District on Approximately Three (3) Acres of Land at Maui Tax Map Key 3-8-005; Por. 001, Puunene, Wailuku, Island of Maui, Hawaii (CUP 2005/0004)

At the regular meeting on September 27, 2005, the Maui Planning Commission (Commission) reviewed the above request and after due deliberation and receipt of testimony and exhibits, hereby orders approval, subject to the following conditions:

STANDARD CONDITIONS:

1. That the County Special Use Permit shall be valid until September 30, 2007, subject to extension by the Maui Planning Commission upon a timely request for extension filed at least ninety (90) days prior to its expiration. The Commission may require a public hearing on the time extension.
2. That the County Special Use Permit shall not be transferred without the prior written approval of the Maui Planning Commission.
3. That the applicant, its successors and permitted assigns shall exercise reasonable due care as to third parties with respect to all

4. That full compliance with all applicable governmental requirements shall be rendered.
5. That the applicant shall submit to the Planning Department five copies of a detailed report addressing its compliance with the conditions established with the subject County Special Use Permit. A preliminary report shall be reviewed and approved by the Planning Department prior to issuance of a building permit. A final compliance report shall be submitted to the Planning Department for review and approval prior to issuance of a certificate of occupancy.
6. That the applicant shall develop the property in substantial compliance with the representations made to the Commission in obtaining the County Special Use Permit. Failure to so develop the property may result in the revocation of the permit.

PROJECT SPECIFIC CONDITIONS

7. That in the event that historic sites, human skeletal remains, cultural remains are identified during construction activities, all work needs to cease in the immediate vicinity of the find, the find needs to be protected from additional disturbance, and the State Historic Preservation Office needs to be contacted immediately at 243-5169 on Maui, or at (808) 692-8023 on Oahu.

Mr. Rory Frampton  
September 30, 2005  
Page 3

8. That the applicant shall work with the Department of Fire and Public Safety to develop a fire protection plan and a plan to fight fires. This plan shall be reviewed and approved by the Department of Fire and Public Safety prior to the issuance of the certificate of occupancy.
9. That all lighting shall comply with the County lighting ordinance.
10. That appropriate engineering controls shall be instituted and implemented to prevent the scattering of litter and other solid waste, and to provide adequate drainage of rainwater on the site and surrounding areas.

Further, the Commission adopted the enclosed Report and Revised Recommendation prepared by the Maui Planning Department for the September 25, 2005 meeting as its Findings of Fact, Conclusions of Law, and Decision and Order. Parties to proceedings before the Commission may obtain judicial review of decision and orders issued by the Commission in the manner set forth in Chapter 91-14, Hawaii Revised Statutes.

Thank you for your cooperation. If additional clarification is required, please contact Ms. Robyn L. Loudermilk, Staff Planner, of my office at 270-7180.

Sincerely,



MICHAEL W. FOLEY  
Planning Director

Enclosures  
MWF:RL:lar  
c: Wayne Botelho, Deputy Planning Director  
Clayton Yoshida, AICP, Planning Program Administrator  
Aaron Shinmoto, P.E., Planning Program Administrator (2)  
Robyn L. Loudermilk, Staff Planner  
Development Services Administration (2)  
Department of Fire and Public Safety, Fire Prevention Bureau  
Department of Health, Solid & Hazardous Waste Management Division  
Cathy Dahger, DLNR-SHPD  
Melissa Kirkendall, DLNR-SHPD Maui Office  
Project File  
General File  
(K:\WP\_DOCS\PLANNING\CUP\2005\004\_CentralMauiBaseyard\approval.wpd)

**APPENDIX R**  
**Solid Waste**  
**Management Permit**



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
FOCUS UNIT  
HONOLULU, HAWAII 96820-3373

OSWALD L. RYAN, III  
DIRECTOR OF HEALTH

OSWALD L. RYAN, III  
DIRECTOR OF HEALTH

November 21, 2005

S1118JF

CERTIFIED MAIL NO. 7005 1160 0003 8275 7709  
RETURN RECEIPT REQUESTED

Mr. Don Shadrow  
SOS Metals Island Recycling  
201 E. Gardena Boulevard  
Gardena, California 90248

Dear Mr. Shadrow:

SUBJECT: Solid Waste Management Permit No. SV-0028-05  
Salvage/Recycling Facility  
SOS Metals Island Recycling  
2000 Mokulele Highway, Puunone, Maui  
TMK No. 3-8-005: portion of 001

RECEIVED  
NOV 29 2005

This letter is in response to your application received on May 18, 2005, and additional information received June 29, July 18, July 29, August 10, October 14, and October 31, 2005, for a solid waste management permit to operate a salvage/recycling facility at the subject site. The application has been reviewed and approved. The enclosed permit is issued under the provisions of Hawaii Revised Statutes, Chapter 342H, "Solid Waste Pollution," and Hawaii Administrative Rules, Title 11, Chapter 58.1, "Solid Waste Management Control."

According to Special Use Permit (CUP2005/0004) Standard Condition No. 1, your land use permit is valid until September 30, 2007, subject to extension by the Maui Planning Commission. The expiration date of your solid waste management permit coincides with this stipulation. If you obtain land use approval past September 30, 2007, please submit this information, including written documentation from the County of Maui, Department of Planning. We can consider a land use approval extension as a proposed permit modification for a term not exceeding five years beyond the initial issuance date of this solid waste management permit.

Special Conditions require that certain operational and storage areas be paved with concrete. In lieu of constructing concrete surfaces in limited areas of your facility, you may choose to pave the entire facility with concrete. This would allow more flexibility in your operations while maintaining compliance with your permit. In addition, the concrete

Mr. Don Shadrow  
November 21, 2005  
Page 2

surfacing will likely reduce sampling costs of unpaved areas and remedial action, if required, associated with facility closure.

According to your operations manual, on-site run-off will be directed to a retention basin/settling pond at the lower southwest corner of the property. It also indicates that the pond will have a controlled release to a dry grass filtration bed and into Pulehu Stream. We recommend that you contact the Clean Water Branch (CWB) of the DOH at (808) 586-4309 because a National Pollutant Discharge Elimination System permit authorizing discharges of storm water associated with industrial facilities may be required for your facility. The form may be downloaded from their website at: <http://www.hawaii.gov/health/environmental/water/cleanwater/forms/index.html>. If there is a discharge of any pollutant to state waters, Section 342D-30, Hawaii Revised Statutes, provides for penalties of up to \$25,000 per day for each violation. The CWB reserves its right to seek penalties for all violations.

The permittee may appeal to the Director of Health any of the conditions to the subject permit. The appeal must be in writing and submitted to the Director of Health within twenty (20) days after the receipt of this notice.

HRS 342H-14 states that unless the submitted documents and other information secured by the department from the permittee contain confidential information, such as secret processes or methods of manufacture, they shall be made available for inspection by the public. Please notify the Solid and Hazardous Waste Branch within twenty (20) days of the receipt of this letter if you would like to make a claim of confidentiality. Otherwise, your entire application will be available for public inspection.

If you have any questions regarding this letter, please contact Ms. Janice Fujimoto of the Solid and Hazardous Waste Branch at (808) 586-4226.

Sincerely,

THOMAS E. ARIZUMI, P.E., CHIEF  
Environmental Management Division

Enclosure: Permit No. SV-0028-05

c: Mr. Earl Stoner (w/enclosure)  
Clean Water Branch (w/out enclosure)

PERMITTEE:  
SOS Metals Island Recycling  
2000 Mokuie Hwy  
Puunene, Hawaii

Permit Number: SV-0028-05  
Date of Issue: November 21, 2005  
Date of Expiration: September 30, 2007  
Page: 1 of 13

**SOLID WASTE MANAGEMENT PERMIT**

This permit is issued under the provisions of Hawaii Revised Statutes (HRS), Chapter 342H, *Solid Waste Pollution*, and Hawaii Administrative Rules (HAR), Title 11, Chapter 58.1, *Solid Waste Management Control*. The above-named permittee is hereby authorized to operate the facility shown on the approved application, additional submittal, and other approved documents on file with the Department of Health (DOH).

**To Construct and Operate:**

A salvage/recycling facility for junk vehicles, white goods, ferrous scrap metal, and non-ferrous scrap metal. The maximum storage capacity of the facility shall be limited to 200 unprocessed vehicles, 150 unprocessed white good units, 200 processed vehicles, 300 processed white goods, 20 tons of non-ferrous scrap metal, and 100 tons of ferrous scrap metal (not including vehicles and white goods). The operation shall be consistent with the application and operations manual received May 18, 2005, additional information received June 29, July 18, July 29, August 10, October 14, and October 31, 2005, and any approved subsequent submittals. Should there be any discrepancies between the submitted materials and permit conditions, the permit conditions shall take precedence.

**Location:**

The facility is located at 2000 Mokuie Highway, Puunene, Maui  
TMK No. 3-8-005: portion of 001

**Subject to:**

HRS Chapter 342H, HAR 11-58.1. Part I - Standard Conditions and Part II - Special Conditions.

Acceptance of this permit constitutes an acknowledgment and agreement that the holder will comply with all rules, regulations, and orders of the department and the conditions precedent to the granting of this permit.

  
Director of Health  
State of Hawaii

PERMITTEE:  
SOS Metals Island Recycling  
2000 Mokuie Hwy  
Puunene, Hawaii

Permit Number: SV-0028-05  
Date of Issue: November 21, 2005  
Date of Expiration: September 30, 2007  
Page: 2 of 13

The Solid Waste Management Facility is subject to HRS Chapter 342H, *Solid Waste Pollution* and HAR Chapter 11-58.1, *Solid Waste Management Control*, and the following conditions:

**PART I - STANDARD CONDITIONS**

1. The terms, conditions, requirements, limitations, and restrictions set forth herein are "Permit Conditions" and as such are binding upon the permittee and enforceable, pursuant to the authority of HRS Chapter 342H. The department will review this permit periodically and may initiate enforcement action for any violation of the "Permit Conditions" by the permittee, its agents, employees, servants, or representatives.
2. This permit shall be kept at or near the operation site for which the permit is issued and shall be available upon request [HAR 11-58.1-04(f)]. A request for a duplicate permit shall be made in writing to the director within ten (10) days after the destruction, loss, or defacement of this permit. A fee of \$50 shall be submitted with the request [HAR 11-58.1-04(f)(3)].
3. This permit is non-transferable whether by operation of law or otherwise, either from one location to another, from one solid waste disposal operation to another, or from one person to another without the written approval of the director [HAR 11-58.1-04(e)(2)].
4. This permit (a) shall not in any manner affect the title of the premises upon which the facility is or will be located; (b) does not release the permittee from any liability for any loss due to personal injury or property damage caused by, resulting from, or arising out of the design, installation, construction, operation, maintenance, or closure of the facility; (c) does not release the permittee from compliance with other applicable statutes and regulations of the State of Hawaii or with applicable federal or local laws, regulations, or ordinances; (d) in no way implies or suggests that the state of Hawaii, or its officers, agents, or employees assumes any liability, directly or indirectly, for any losses due to personal injury or property damage caused by, resulting from, or arising out of the design, construction, operation or maintenance of the facility; and (e) shall not constitute nor be construed to be an approval of the design, construction, operation, maintenance, closure and post-closure of the facility beyond the regulatory requirements mandated by HRS 342H and HAR 11-58.1.
5. This permit is valid only for the specific processes and operations applied for and indicated in the submitted application and additional submittals on file with the



PERMITTEE:  
SOS Metals Island Recycling  
2000 Mokuale Hwy  
Puunene, Hawaii

Permit Number: SV-0028-05  
Date of Issue: November 21, 2005  
Date of Expiration: September 30, 2007  
Page: 3 of 13

department. Any unauthorized deviation from the submitted application, approved drawings, operations manual, additional submissions, or conditions of this permit may constitute grounds for revocation of this permit, and enforcement action by the department. Should there be any discrepancies between the submitted documents and the permit conditions, the permit conditions shall take precedence. A copy of the submitted application and additional submissions shall be maintained at the facility.

6. The permittee shall at all times properly operate and maintain the facility and systems of treatment and control (and related appurtenances) that are installed or used by the permittee to achieve compliance with the conditions of this permit, as required by department rules. The facility shall be designed, constructed, and equipped so as to operate without causing a violation of applicable rules and regulations.

7. Issuance of this permit does not preclude the permittee's responsibility to obtain any and all necessary approvals and permits from the appropriate federal, state, and local agencies, including zoning clearances, prior to the start of operations.

8. The DOH may, on its own motion, modify, suspend, or revoke a permit if, after affording the applicant a hearing in accordance with HRS Chapter 91, the department determines that any permit condition, rule, or provision of HRS Chapter 342H has been violated or that such is in the public interest [HAR 11-58.1-04(d)].

9. Notification requirements. The permittee is required to notify the DOH, in writing or facsimile, whenever there are incidents such as fire, explosion, or release of regulated material/waste, which could threaten human health or the environment (i.e., air, soil, or surface and subsurface waters). Initial notification may be by phone or fax and reported within eight (8) hours, whenever possible, and no more than twenty-four (24) hours. The notification report shall be submitted within fifteen (15) days and shall include:

- name, address, and telephone number of the owner and operator;
- name, address, and telephone number of the facility at which the incident occurred;
- date, time, and type of incident (i.e., fire, explosion, release, etc.);
- name and quantity of material(s) involved;
- the extent of injuries, if any;
- an assessment of actual or potential hazards to human health or the environment, where this is applicable; and
- estimated quantity and disposition of recovered and unrecovered material that resulted from the incident.

PERMITTEE:  
SOS Metals Island Recycling  
2000 Mokuale Hwy  
Puunene, Hawaii

Permit Number: SV-0028-05  
Date of Issue: November 21, 2005  
Date of Expiration: September 30, 2007  
Page: 4 of 13

Notification requirements for releases only apply to releases of a quantity equal or exceeding the reportable quantity (RQ) listed in HAR Section 11-451.

10. If, for any reason, the permittee does not comply with, or will be unable to comply with, any condition or limitation specified in the permit, the permittee shall notify the department verbally within twenty-four (24) hours followed by a written report within fifteen (15) days of the verbal notification. The written report shall contain the following information:

- description and cause of noncompliance;
- period of noncompliance, including exact dates and times; and, if not corrected, the anticipated duration that the noncompliance is expected to continue; and
- steps being taken to prevent recurrence of the noncompliance.

The permittee shall be responsible for any and all damages, which may result, and may be subject to enforcement action by the department, penalties, or revocation of this permit.

The use of an electronic facsimile device (FAX) for notifications is acceptable. Any data transmission or detailed explanations transmitted shall be accompanied by regular mail submissions. Failure to notify in accordance with this requirement may initiate enforcement action.

11. Unless the submitted documents and other information secured by the department from the permittee contain confidential information, such as secret processes or methods of manufacture, they shall be made available for inspection by the public (HRS 342H-14). The permittee shall be responsible for identifying, in writing, the specific information asserted to be confidential. The department shall review the permittee's assertion and determine if confidentiality is indeed warranted.

12. The director may, in accordance with HRS Section 342H-6, enter and inspect the facility for the purpose of (a) investigating an actual or suspected source of solid waste or other pollution; (b) ascertaining compliance or noncompliance with any rule, regulation, permit condition, or standard promulgated by the department; and (c) conducting tests in connection therewith (including collecting soil, water, air, ash, and any other material or samples).

PERMITTEE:  
SOS Metals Island Recycling  
2000 Mokuieie Hwy  
Puunene, Hawaii

Permit Number: SV-0028-05  
Date of Issue: November 21, 2005  
Date of Expiration: September 30, 2007  
Page: 5 of 13

13. The department may require the permittee to conduct sampling and testing to determine the degree of pollution, if any, from the solid waste facility.
14. The permittee shall submit complete and detailed plans and reports on existing solid waste management systems and of any proposed addition to, modification of, or alteration of any such systems that contain the information requested by the department in the form prescribed by the department. The plans and reports shall be prepared by a competent person acceptable to the department, and at the expense of the permittee.

15. The permittee shall comply with the following monitoring and record keeping requirements:
- Upon request, the permittee shall furnish all records (e.g., transaction reports, disposal receipts, sampling, and testing results) and plans required by the department. The retention period for all records shall be a minimum of five (5) years; however, there shall be an indefinite retention period for all records associated with any unresolved enforcement action as determined by the department.
  - The permittee shall retain at the facility or other location designated by this permit, records of all monitoring information (including all calibration and maintenance records and all original recordings of monitoring instrumentation), copies of all reports required by this permit, and records of all data used to complete the application for this permit. The retention period shall be a minimum of five (5) years from the date of the sample measurement, report, or application unless otherwise specified by department rule.
  - Records of monitoring information, if applicable, shall include:
    - the date, exact location, and time of sampling or measurements;
    - the person responsible for performing the sampling or measurements;
    - the date(s) analyses were performed;
    - the person responsible for performing the analyses;
    - analytical techniques or methods used; and
    - results of such analyses.

16. If the department determines that the permittee has violated or is violating any provision of HRS Chapter 342H, HAR Chapter 11-58.1, or these permit conditions, the department may pursue enforcement action in accordance with HRS 342H-7, *Enforcement*, 342H-9, *Penalties*, 342H-10, *Administrative Penalties*, 342H-11, *Injunctive and other relief*, or any other pertinent rules.

PERMITTEE:  
SOS Metals Island Recycling  
2000 Mokuieie Hwy  
Puunene, Hawaii

Permit Number: SV-0028-05  
Date of Issue: November 21, 2005  
Date of Expiration: September 30, 2007  
Page: 6 of 13

17. If the governor or the director determines that an imminent peril to the public health and safety is, or will be, caused by the disposal of solid waste or any combination of discharges of other waste that requires immediate action, the governor or the director, without a public hearing, may order the permittee to immediately reduce or stop the disposal, discharge, or process, and may take any and all other actions as may be necessary (HRS 342H-8).
18. Should the permittee decide to continue operation of the solid waste facility beyond the expiration date of the permit, the permittee shall submit a permit renewal application at least one hundred eighty (180) days prior to the date of permit expiration.
19. Should the permittee decide to terminate the facility operation (or be facing lease termination or eviction), the permittee shall perform necessary closure activities including, but not limited to, the removal of all remaining solid waste and performing appropriate site assessments and remedial activities. Prior to the termination of the operation, the permittee shall also notify the department in writing at least within ninety (90) calendar days of the facility's closure (HAR 11-58.1-04(e)(3)). The written notification shall include an updated closure plan, which should accomplish the following objectives:
  - Provide an assessment of the site's present and future threat to public health and the environment due to contaminants possibly left on-site from the facility's operation.
  - Provide a plan of action to minimize or mitigate any threats to public health and the environment due to contaminants possibly left on-site by the facility's operation.
  - Provide a schedule to implement the plan of action.Upon department approval of the closure plan, the permittee shall implement the plan in accordance with the approved implementation schedule.
20. Compliance with this permit does not in any way relieve the owner or operator of the solid waste management facility from compliance with other federal, state, or local laws or regulations including, but not limited to, worker health and safety.

PERMITTEE:  
SOS Metals Island Recycling  
2000 Mokuale Hwy  
Puunene, Hawaii

Permit Number: SV-0028-05  
Date of Issue: November 21, 2005  
Date of Expiration: September 30, 2007  
Page: 7 of 13

**PART II - SPECIAL CONDITIONS**

1. The permittee shall construct and operate this salvage/recycling facility in accordance with HAR 11-58.1-32, *Recycling and Materials Recovery facilities* and HAR 11-58.1-33, *Solid Waste Salvage facilities*.
2. The facility shall be supervised, secured by gates, fences, or other measures to control unauthorized access to the facility.
3. The facility shall have a permanent sign identifying the facility, hours of operation, and a contact in case of emergencies. The sign shall be readable, weather proof, and placed in conspicuous areas accessed by outside contractors and haulers.
4. The facility may receive, store, process, and crush/bale waste vehicles (i.e., accident, unwanted, derelict and/or abandoned vehicles as defined in accordance with HRS Chapter 290, *Abandoned Vehicles*) and waste white good units, and crush/bale/shear ferrous and non-ferrous scrap metal. Processing means preparing a waste vehicle/white good unit for recycling by removing parts and items identified in Special Condition Nos. 18 and 25-32, before sending the vehicle/white good unit to DOH-permitted metal recycling facility or out-of-state recycling facility.
5. Measures shall be taken to prevent fluids and spills from being discharged or allowed to enter into sewers, drainage systems, surface or groundwater, water courses, marine waters, or onto the ground. Measures include the use of structural catchment systems, or absorbent materials. Discharges of wastewater, stormwater and wastewater from the facility processes and cleaning operations shall be in accordance with all applicable federal, state and local rules and ordinances.
6. No regulated hazardous waste, in accordance with HAR Chapter 11-261, shall be accepted at this facility.
7. No radioactive wastes shall be accepted at this facility.
8. No polychlorinated biphenyls (PCB) wastes as defined in 40 CFR Part 761 shall be accepted at this facility.
9. No infectious waste, in accordance with HAR Chapter 11-104, shall be accepted at this facility.

PERMITTEE:  
SOS Metals Island Recycling  
2000 Mokuale Hwy  
Puunene, Hawaii

Permit Number: SV-0028-05  
Date of Issue: November 21, 2005  
Date of Expiration: September 30, 2007  
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10. Appropriate engineering controls shall be instituted and implemented to prevent the scattering of litter and other solid wastes, and to provide adequate drainage of rainwater for the site and surrounding areas.
11. Suitable means shall be provided to prevent and control fires, and shall comply with the fire prevention and response procedures as described in the application materials dated July 18, 2005. Access lanes shall be provided and maintained to allow for fire response or vector control.
12. Suitable means shall be employed to control nuisances and minimize odors and vectors (such as rodents and insects). The facility shall maintain a neat and orderly appearance and must be screened and buffered to minimize nuisances to neighboring properties.
13. Illegal dumping, especially of putrescible or combustible material, shall be removed immediately to DOH-permitted waste management facilities.
14. Scavenging at the facility is prohibited.

**Storage and Processing Requirements**

15. The permittee shall comply with the facility's operations procedures as provided in the application materials and operations manual received May 18, 2005, and additional information received June 29 and July 18, July 29, August 10, October 14, and October 31, 2005.
16. All incoming waste materials shall be screened to maintain compliance with Special Conditions 6 through 9.
17. All vehicles and white goods accepted at the facility shall be delivered to a storage or concrete processing area. The storage capacity of unprocessed vehicles shall be limited to 200 vehicle units. The storage capacity of unprocessed white goods shall be limited to 150 units.
  - a. Accident/wrecked vehicles and vehicles with fluid-containing parts that are not intact shall be stored on portable secondary containment pans or concrete surfaces. These storage areas shall have containment measures to control any accidental release of fluids or other contaminants. If fluid or rainwater is found in the secondary containment pans or other containment measures, the fluid/rainwater shall be removed and properly disposed of.
  - b. Intact (non-leaking, undamaged) vehicles and white goods may be stored on unlined storage areas.
  - c. Stacking of unprocessed vehicles and white goods is not allowed.



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(HAR 11-279, Standards for the Management of Used Oil). Storage area shall also comply with other applicable requirements of HAR 11-279 Subchapter C.

26. Motor vehicle air conditioners (MVACs) and other types of refrigerant units (including but not limited to refrigerators, freezers, chillers, and air conditioning units) that enter the waste stream with the charge intact shall be subject to "safe disposal requirements" under EPA's Refrigerant Recycling rule. The permittee shall be responsible for ensuring that the refrigerant is recovered using EPA-approved recycling/recovery equipment with a certified technician, before final disposal to a permitted scrap metal recycler. Federal regulations prohibit venting of CFCs into the atmosphere.

27. The permittee shall comply with the disposal, collection, and recycling requirements specified under HRS 3421 Lead Acid Battery Recycling. Lead acid batteries shall be accepted only when it enters the facility as part of a waste vehicle. Batteries shall be placed in a covered storage area on an impervious surface with berms/catch pans or in a covered leak-proof container. Releases that occur shall be removed immediately and disposed of accordingly. Cracked or leaking batteries must be managed as hazardous waste, in accordance with applicable requirements of HAR 11-260 through 280, Hazardous Waste Management.

28. The permittee shall comply with the tire disposal requirements specified under HRS 3421 for Used Motor Vehicle Tire Recovery. Tires, only as a result of your auto salvage operation, may be collected and temporarily stored before transporting them to an authorized tire recycler. No tires shall be accepted into the facility unless they are part of the vehicle brought in for salvage purposes. On-site storage shall be limited to 200 waste tires and shall meet all the relevant requirements of the local county fire code. Tire piles must be free of all contaminants such as oil, grease, gasoline, diesel, etc. that could create fire hazards. Tires must be stored so that they minimize the accumulation of water and creation of a vector problem. Tires shall be disposed only at a DOH-permitted recycling facility allowed to accept waste tires or out of state recycling facility.

29. Oil filters shall be subjected to a proper oil removal step (i.e., 24 hour draining or crushing to release the oil). The recovered used oil shall be managed in accordance to Special Condition No. 24. The drained oil filter should be recycled for metal.

30. Used antifreeze shall be managed and disposed of properly. Used antifreeze may be reused or recycled through a commercial recycling facility.

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31. Mercury containing switches, lamps, relays, sensors, and controls shall be removed prior to recycling scrap metal from vehicles and white goods and disposed of at a DOH-permitted disposal/recycling facility for such material or out of state markets.

32. Gasoline and diesel drained from vehicles shall be stored in tanks in a secured area with a concrete surface. If tanks are single-walled, they shall be stored in a concrete, bermed area with holding capacity equivalent to the volume being stored. Good gasoline and diesel may be reused on site.

33. If contamination of the environment resulting from the processing or storage of vehicles/white goods and fluids is detected, appropriate measures shall be taken to assess and mitigate the contamination.

Record Keeping and Reporting Requirements

34. In addition to requirements in Standard Condition No. 15, records of screening and all transactions shall be kept a minimum of five years. Copies shall be made available to the department for its use upon demand. The record information shall include:

- a. weekly total number/tonnage of vehicles, white goods, and scrap metal received and processed;
- b. weekly total number of vehicles, white goods, scrap metal, batteries, tires, used oil, CFCs, and other fluids on-site;
- c. vehicle, white goods, and scrap metal acceptance dates, quantities, hauler/purchaser, and source;
- d. vehicle, white goods, and scrap metal disposal dates, quantities, hauler/purchaser, and destination;
- e. quantity, type, and final destination of screening byproducts (batteries, tires, refrigerant, used oil, and other materials identified in Special Condition No. 18) removed from vehicles and white goods; and
- f. copies of receipts of sale, recycling, or disposal of material.

35. The permittee shall comply with the record keeping requirements relating to used motor vehicle tires as provided under the HRS Chapter 3421. The statute requires facilities that accept used tires to submit a summary of the following information by July 31 of each year:

- a. the name, phone number, and address of the person, company, business, source, or entity from whom the used tires were received, if receiving used tires from entities other than the general public, such as tire retailers, wholesalers, transporters, collectors, and recyclers;
- b. the date of receipt of used tires;
- c. the quantity of used tires received; and

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- d. the record of shipment indicating:
- i. ultimate destination of the used tires;
  - ii. identification of the transporter;
  - iii. date of shipment; and
  - iv. quantity of tires shipped.
36. An annual report shall be prepared and submitted to the department, reviewing the past year's operations and detailing the final disposition, and total tonnage or volumes of vehicles, white goods, and scrap metal received, processed and recycled, including processing by-products removed, recycled, or disposed for the previous fiscal year (July 1 to June 30) by July 31 of each year. Reports shall be submitted to:

Department of Health  
Environmental Management Division  
Solid and Hazardous Waste Branch  
Office of Solid Waste Management  
P.O. Box 3378  
Honolulu, Hawaii 96801

**APPENDIX S**  
**Approved**  
**Modifications to Solid**  
**Waste Management**  
**Permit**



STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. BOX 3373  
HONOLULU, HAWAII 96831-3373

CENTRAL RECORDS UNIT  
DIVISION OF HEALTH

DATE RECEIVED  
EX-100-000

Mr. Don Shadrow  
May 24, 2006  
Page 2

continue to use this unit during the permanent operations, providing additional protection against accidental releases on the slab.

To address the oil/water separator discussed in your May 2, 15, and 18, 2006 submissions, we are adding the following condition:

37. The permittee shall maintain and remove product captured by the oil/water separator once per month, or more frequently as needed to ensure proper operation. Material removed from the system shall be stored separately and managed in accordance with Special Condition No. 25 or other applicable requirements. The permittee shall maintain records documenting the date and time of removal from the system, quantity of product removed, and date and destination of recycling/disposal.

Interim Operations

According to your submissions, "The facility should be ready to transition from interim operations to full scale operations within the processing building by August 2006." The interim operations requirements reflect this statement, with an additional month provided for flexibility.

We understand that the oil/water separator will be used to address runoff near the outdoor processing area during your interim operations. The new special condition above (No. 37) addresses the regular maintenance of this oil/water separator during interim and permanent operations.

Operation of the interim, outdoor facility shall be in accordance with the existing permit and the following interim conditions. For example, existing Special Condition No. 17 specifies requirements for unprocessed white goods and junk vehicles. The new Special Condition No. 38 specifies an interim storage capacity for unprocessed vehicles and white goods.

The interim storage capacity shall be followed in conjunction with the additional requirements of Special Condition No. 17. The corresponding existing condition is shown in parenthesis for your reference.

Interim Operation Conditions:

Page 1, To Construct and Operate: Add the following sentence:

"The maximum interim storage capacity of the facility shall be limited to twenty (20) unprocessed vehicles, fifty (50) unprocessed white goods, fifty (50) processed vehicles, one hundred (100) processed white goods, ten (10) tons of non-ferrous scrap metal, and fifty (50) tons of ferrous scrap metal (not including vehicles and white goods)."

38. The interim operations shall be consistent with the modification application and additional information submitted February 28, 2006, March 7, 2006, May 2, May 15,

S054BJF

May 24, 2006

CERTIFIED MAIL NO. 7005 1160 0003 8276 0617  
RETURN RECEIPT REQUESTED

Mr. Don Shadrow  
SOS Metals Island Recycling  
201 E. Gardena Boulevard  
Gardena, California 90248

Dear Mr. Shadrow:

SUBJECT: Modification of Solid Waste Management Permit No. RY-0028-05  
SOS Metals Island Recycling  
East of Mokuole Highway, near Waiko Road  
T.M.K. No.: (2) 3-8-005, portion of 001

The Department of Health, Solid and Hazardous Waste Branch (SHWB) received your solid waste management permit modification application for the subject facility on February 28, March 7, May 2, May 15, and May 18, 2006. Your modification application proposes to:

1. operate an indoor salvager/recycling facility on a reduced footprint, and
2. operate an interim, outdoor facility prior to construction of the metal processing building. We understand that the building will be constructed by August 2006 at which time you would operate in accordance with the plans in the original proposal.

We have reviewed your requests and approved the proposed modifications. Your operations shall be consistent with the information submitted as part of your original application, modification application, existing Solid Waste Management Permit No. RY-0028-05 as issued on November 21, 2005, and the following permit conditions. Should there be any discrepancies between the submitted materials and permit conditions, the permit conditions shall take precedence.

Permanent Facility (Full-Scale Operations)

The permanent facility shall be contained to the area shown in the updated site plan depicted in Attachment P-1, Location Drawing and Site Plan, received March 7, 2006. Based on your most recent submission and telephone conversations with my staff, we understand that one oil/water separator will be located in the sump, near the middle of the concrete slab. Water from this unit will be channeled to the retention basin. This unit will address runoff near the outdoor processing area during your interim operations. You will



and May 16, 2006. Interim operations shall only be allowed until August 31, 2006. Operations conducted during the interim period shall be in accordance with the existing permit conditions and interim-specific conditions contained in this permit modification.

39. The permittee shall provide written notification to the department when construction of the processing building is completed. The written notification shall be submitted within seven (7) days of completed construction and shall include:

- a. data that construction was completed,
- b. actions and schedule to relocate the interim operations to the permanent facility, modify stormwater management for the site, and
- c. proposed commencement date for permanent operations.

The schedule for full implementation of the permanent facility and ceasing operations of the interim operations shall be no later than August 31, 2006.

40. The interim storage capacity of unprocessed vehicles shall be limited to twenty (20) vehicle units. The storage capacity of unprocessed white goods shall be limited to fifty (50) units. (Special Condition No. 17)

41. The interim storage capacity for non-ferrous scrap metal shall be limited to ten (10) tons at any time. The interim storage capacity for ferrous scrap metal (not including vehicles and white goods) shall be limited to fifty (50) tons at any time. (Special Condition No. 21)

42. The interim storage capacity of the facility for processed vehicles and white good units shall be limited to fifty (50) vehicles and one hundred (100) white good units at any time. (Special Condition No. 22)

43. The interim on-site storage for other materials shall be limited to the following: (Special Condition No. 23)

- a. Diesel/gasoline 300 gallons
- b. Used motor oil 300 gallons
- c. Antifreeze/radiator fluid 300 gallons
- d. Lead acid batteries 50 batteries
- e. Tires 50 waste tires
- f. Freon 30 pounds

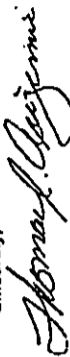
44. On-site interim storage shall be limited to fifty (50) waste tires and shall meet all the relevant requirements of the local county fire code. (Special Condition No. 28)

The permittee may appeal to the Director of Health any of the conditions of the subject permit. The appeal must be in writing and submitted to the Director of Health within twenty (20) days after the receipt of this notice.

Hawaii Revised Statutes 342H-14 states that unless the submitted documents and other information secured by the Department from the permittee contain confidential information, such as secret processes or methods of manufacture, they shall be made available for inspection by the public. Please notify the Solid and Hazardous Waste Branch within twenty (20) days of the receipt of this letter if you would like to make a claim of confidentiality. Otherwise, your entire application will be available for public inspection.

If you have any questions regarding this letter, please contact Ms. Janice Fujimoto of the Solid and Hazardous Waste Branch at (808) 586-4226.

Sincerely,



THOMAS E. ARIZUMI, P.E., CHIEF  
Environmental Management Division

c: Bruce Mize, General Manager, SOS Metals Island Recycling  
DOH, Clean Water Branch