

Bernard P. Carvalho Jr.
Mayor



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October 10, 2018

Mr. Lyle Tabata
Acting County Engineer
County of Kaua'i
Department of Public Works
4444 Rice Street, Suite 275
Lihu'e, Hawai'i 96766

Mr. Scott Glenn
Director
Office of Environmental Quality Control
Department of Health
235 S. Beretania Street, Room 702
Honolulu, Hawai'i 96813

**Subject: Acceptance of Final Environmental Impact Statement (FEIS) for
New Kaua'i Landfill, Ma'alo, Island of Kaua'i, Hawai'i
Tax Map Key (TMK): (4) 3-9-002:020**

Dear Mr. Tabata and Mr. Glenn:

I hereby accept the Department of Public Works Final Environmental Impact Statement for the New Kaua'i Landfill, Ma'alo, Island of Kaua'i, Hawai'i, as satisfactory fulfillment of the requirements of Hawai'i Revised Statutes, Chapter 343 and Hawai'i Administrative Rules, Chapter 11-200. The economic, social, cultural, and environmental impacts that will likely occur should this project be implemented are sufficiently described in the FEIS. The FEIS analysis and the comments made by reviewers provide useful information to policy makers and the public.

My acceptance of the statement affirms the adequacy of the FEIS in accordance with applicable laws. I find that the mitigation measures as provided in the FEIS will minimize the negative impacts of the project and further, that the discussion of unresolved issues and potential for subsequent environmental review to be sufficient.

I direct the Department of Public Works and its delegated agent(s) to perform these or comparable mitigation measures at the discretion of relevant agencies in implementing this project. The potential impacts and proposed mitigation measures identified in the FEIS are summarized in the attached document.

Yours truly,

Bernard P. Carvalho Jr.
Mayor, County of Kaua'i

Attachment

cc: Office of Environmental Quality Control

AGENCY PUBLICATION FORM

Project Name:	New Kaua'i Landfill
Project Short Name:	New Kaua'i Landfill
HRS §343-5 Trigger(s):	Use of county funds and state lands for development [HRS §343-5(a){1}] and Construction of a new landfill [HRS §343-5(a){9}(C)]
Island(s):	Kaua'i
Judicial District(s):	Līhu'e District
TMK(s):	(4) 3-9-002: 020
Permit(s)/Approval(s):	State Special Use Permit or State Land Use District Boundary Amendment; State Department of Health Solid Waste Management Permit, Covered Source Air Permit, National Pollutant Discharge Elimination System Permit Application for Discharges of Construction Storm Water (Notice of Intent [NOI] Form C), and Industrial Activities (NOI Form B); and County Building Permits.
Proposing/Determining Agency:	County of Kaua'i, Department of Public Works
<i>Contact Name, Email, Telephone, Address</i>	Lyle Tabata, ltabata@kauai.gov (808) 241-4992, 4444 Rice Street, Suite 275, Līhu'e, Hawai'i 96766
Accepting Authority:	Office of the Mayor of Kaua'i
<i>Contact Name, Email, Telephone, Address</i>	Bernard P. Carvalho, Jr., Mayor, mayor@kauai.gov 808-241-4900, 4444 Rice St., Suite 235, Līhu'e, Hawai'i 96766
Consultant:	R. M. Towill Corporation (RMTc)
<i>Contact Name, Email, Telephone, Address</i>	Brian Takeda, Planning Project Manager, brian@rmtowill.com, (808) 842-1133, 2024 North King Street, Suite 200, Honolulu, Hawai'i 96819-3494

Status (select one) DEA-AFNSI**Submittal Requirements**

Submit 1) the proposing agency notice of determination/transmittal letter on agency letterhead, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the DEA, and 4) a searchable PDF of the DEA; a 30-day comment period follows from the date of publication in the Notice.

 FEA-FONSI

Submit 1) the proposing agency notice of determination/transmittal letter on agency letterhead, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the FEA, and 4) a searchable PDF of the FEA; no comment period follows from publication in the Notice.

 FEA-EISPN

Submit 1) the proposing agency notice of determination/transmittal letter on agency letterhead, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the FEA, and 4) a searchable PDF of the FEA; a 30-day comment period follows from the date of publication in the Notice.

 Act 172-12 EISPN
("Direct to EIS")

Submit 1) the proposing agency notice of determination letter on agency letterhead and 2) this completed OEQC publication form as a Word file; no EA is required and a 30-day comment period follows from the date of publication in the Notice.

 DEIS

Submit 1) a transmittal letter to the OEQC and to the accepting authority, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the DEIS, 4) a searchable PDF of the DEIS, and 5) a searchable PDF of the distribution list; a 45-day comment period follows from the date of publication in the Notice.

 FEIS

Submit 1) a transmittal letter to the OEQC and to the accepting authority, 2) this completed OEQC publication form as a Word file, 3) a hard copy of the FEIS, 4) a searchable PDF of the FEIS, and 5) a searchable PDF of the distribution list; no comment period follows from publication in the Notice.

 FEIS Acceptance
Determination

The accepting authority simultaneously transmits to both the OEQC and the proposing agency a letter of its determination of acceptance or nonacceptance (pursuant to Section 11-200-23, HAR) of the FEIS; no comment period ensues upon publication in the Notice.

 FEIS Statutory
Acceptance

Timely statutory acceptance of the FEIS under Section 343-5(c), HRS, is not applicable to agency actions.

- Supplemental EIS Determination The accepting authority simultaneously transmits its notice to both the proposing agency and the OEQC that it has reviewed (pursuant to Section 11-200-27, HAR) the previously accepted FEIS and determines that a supplemental EIS is or is not required; no EA is required and no comment period ensues upon publication in the Notice.
- Withdrawal Identify the specific document(s) to withdraw and explain in the project summary section.
- Other Contact the OEQC if your action is not one of the above items.

Project Summary

Provide a description of the proposed action and purpose and need in 200 words or less.

The County of Kaua'i, Department of Public Works, proposes the development and operation of a new Municipal Solid Waste Landfill (MSWLF) on an approximately 270-acre site at Ma'alo in the southeast part of the island of Kaua'i. The proposed action includes construction and operation of: (1) a new MSWLF and (2) a new 2.8-mile off-site access road and utility infrastructure to support the landfill. The purpose of the proposed new Ma'alo MSWLF is to ensure that island-wide landfill facility needs are met when the existing Kekaha MSWLF reaches capacity. Because of the years needed for the planning, design, and permitting of a new MSWLF, the County must act to avoid the potential risk to public health and safety, or inappropriate financial management, in the event that Kaua'i is left without a landfill. When construction is completed and operations begin, the Ma'alo MSWLF will provide for the proper disposal of island-generated Municipal Solid Waste (MSW) that cannot be further reused, recycled, or otherwise recovered; provide for the practical, reliable and safe disposal of MSW generated on Kaua'i; and replace the Kekaha MSWLF.

County of Kauai
Department of Public Works

Summary of Impacts and Mitigation Measures

Attachment to the County of Kauai, Mayor's Acceptance for the
New Kauai Landfill, Ma'alo, Island of Kauai, Hawaii
Tax Map Key (TMK): (4) 3-9-002:020
Final Environmental Impact Statement

Proposed Action

The proposed action is the development and operation of a new Municipal Solid Waste Landfill (MSWLF) on a 270-acre site at Ma'alo in the southeast part of the island of Kauai. The proposed action includes construction and operation of: (1) a new MSWLF and (2) a new approximately 2.8 mile off-site access road and utility infrastructure to support the landfill. The Ma'alo MSWLF when completed and operational will provide for the proper disposal of island generated MSW that cannot be further reused, recycled, or otherwise recovered; provide for the practical, reliable and safe disposal of MSW generated on Kauai; and replace the existing MSWLF provided at Kekaha. The proposed action will avert significant health, social, and economic problems that would result without a permitted facility for the safe, sanitary, and efficient disposal of Kauai's MSW.

Summary of Impacts and Mitigation Measures Proposed and Accepted in the Final Environmental Impact Statement

This summary represents the mitigation measured proposed and accepted in the Final Environmental Impact Statement (FEIS) for the subject project (New Kauai Landfill FEIS, Executive Summary, 2018).

Physical and Biological Environment

Climate and Green House Gases (GHGs)

The proposed project would not significantly impact the levels of GHGs affecting climate of the project area or region. A preliminary analysis of GHGs associated with the proposed project indicate a non-methane organic compound (NMOC) emission rate for Phase 1 may exceed 50 megagrams (Mg) per year (Mg/yr) during the 4th year of waste acceptance and may reach a peak mass emission rate of 304 Mg/yr during the final year of Phase 1 operations of the MSWLF. This would be equivalent to 0.0000000004 percent of the State of Hawaii 2020 emissions goal level at 50 Mg, and 0.0000000022 percent at 304 Mg.

Landfill gas (LFG) would be mitigated through the use of an active gas collection and control system, where it can be: vented, if it is determined to be safe to do so based on regular air quality monitoring; flared, which would destroy the ability of LFG to interact with the atmosphere causing air quality impacts associated with GHGs; or collected, for future use in energy generation. The use of cover material maintained across the landfill will also be employed to increase the efficiency of controlling any LFGs that are generated.

Air Quality

The generation of LFG would be mitigated through the active landfill gas collection and control system, where it can be vented, flared, or collected. Proper cover would continue to be maintained across the landfill to promote control of LFG by limiting migration of the gas to the surface. Fugitive dust would be controlled in accordance with HAR 11-60.1-33. Landfill operation practices and good housekeeping

measures to minimize the working face of the landfill combined with the natural incidence of trade winds will dissipate much of the localized odor that can be generated during landfilling.

Geology, Topography and Soils

No significant impacts to geology, topography, and soils would occur. The project's design and construction will adhere to Federal, State, and County standards and regulations, e.g., Kaua'i grading standards, HAR Chapters 11-54 and 11-55 and others, to prevent and control soil erosion through the use of management, structural, and vegetative controls and practices.

Surface Water Resources

No primary, secondary, or cumulative effects to surface water resources from MSWLF operations are expected. No streams classified as perennial or intermittent, no lakes, and no reservoirs are contained within the proposed project boundaries containing the MSWLF site. The proposed project will incorporate a site surface drainage system designed to control surface water flows over the landfill site and minimize infiltration of rainfall into the waste mass.

Groundwater and Hydrology

Primary, secondary, or cumulative impacts to groundwater and hydrology are not expected. The project site is more than 1,000 ft from known drinking water sources, and no active wells are currently present and no plans to develop any wells within 1,000 ft of the project site are proposed. In addition to the use of the measures described above in Surface Water Resources, the potential for leachate migration into groundwater will be controlled by the landfill liner system, leachate monitoring and collection where leachate can be processed in an onsite evaporation pond, and the use of final cover and grades to address the long-term impact of rainfall infiltration into the landfill waste mass.

Wetlands

Potential primary, secondary, or cumulative effects associated with wetlands are not expected. Consultation with the U. S. Army Corps of Engineers (USACE) confirmed that the project boundaries do not contain wetland resources as delineated in the U. S. Fish & Wildlife Service (USFWS) National Wetlands Inventory (NWI). As noted above, the proposed project will incorporate a site surface drainage system to control surface water flows. With the use of the planned site surface drainage system nearby wetlands are not expected to be affected.

Acoustic Characteristics

The potential for adverse primary, secondary and cumulative impacts associated with construction and operation of the Ma'alo MSWLF and E3 access roadway are not expected. The area surrounding the proposed MSWLF site has few noise receptors as the project site is bounded by the Kālepa Ridge to the east and to the north, west and south, much of the land and terrain consists of agricultural parcels. The closest residences to the MSWLF site are located along Laukona Street and Kālepa Circle to the south more than 1 mile away and are not expected to be affected. The construction of the new access roadway designated E3 would service the landfill. Residences along the planned access route include the Kālepa Village residences along segments of Kālepa Circle, and residences along the northeast segment of Laukona Street. Traffic noise levels attributable to the transit of refuse vehicles to and from the MSWLF are predicted to be well below current federal and local noise mitigation thresholds for motor vehicles traveling on roadways near noise sensitive receptors.

Although some noise may be periodically noticed by residents, severe noise impacts are not expected inside air conditioned structures beyond 100 to 500 feet from active project construction sites. Inside naturally ventilated structures, interior noise levels are estimated to range between 65 to 75 dBA at 100 feet and between 49 to 59 dBA at 500 feet distances from the construction site. Doors and windows facing the access road construction site are recommended to be closed during work hours to reduce interior noise levels. This would result in a general noise reduction of between 5 to 10 dBA.

With the implementation of the measures above including adherence to HRS Chapter 342F – Noise Pollution, HAR Chapter 11-42 – Vehicular Noise Control for Oahu establishing noise level limits for light and heavy vehicles to address noise, and the use of normal work days and construction curfew times, no severe impacts to the acoustic environment are expected from the construction and operation of the proposed MSWLF and access road.

Flora and Fauna

Primary, secondary, or cumulative impacts to flora and fauna resources would not occur. Clearing, grubbing, and construction of the proposed MSWLF site to ready the site for the use of landfill cells; installation of the landfill associated buildings; installation of the surface water, leachate collection, and LFG extraction systems; and construction of the internal and access roadway system would not result in any impacts including displacement, as no federally delineated Critical Habitat is located within the project site (USFWS 2012). These activities would be relatively short in duration with no night work planned during the construction of the proposed project.

Operational practices to manage the landfill site would include the use of daily and intermediate soil cover during the site life and the control of open sources of standing water such as from the planned leachate evaporation pond by using netting or grid wire installed above the high water line to deter wildlife.

Exterior security lighting associated with the proposed MSWLF would be installed in compliance with Hawai'i County Code, Article 9, Outdoor Lighting (Sections 14-50 through 14-55.1), which requires that all exterior lights be fully shielded or full cut-off luminary fixtures, such that the bulb can only be seen from below using the lowest wattage bulbs possible to reduce ambient glare. No impacts to seabirds are expected due to the daytime operating hours and the use of fully shielded lights.

To avoid impacts to Hawaiian geese (Nēnē) during construction, a biologist familiar with the nesting behavior of the Hawaiian goose will survey the project area prior to the initiation of any work, or after any subsequent delay in work of three or more days (during which birds may attempt nesting). If a nest is discovered, work should cease immediately and USFWS should be contacted for further guidance. In addition, all on-site project personnel should be apprised that Hawaiian geese may be in the vicinity of the project at any time during the year. If a Hawaiian goose (or geese) appears within 100 feet of ongoing work, all activity should be temporarily suspended until the Hawaiian goose (or geese) leaves the area of its own accord.

All practices at the proposed MSWLF site will meet regulatory requirements and address the concerns of proper vector control, loss of windblown litter, and the generation of landfill associated odor that could serve as an attraction to flora and fauna.

Natural Hazards

Potential primary, secondary, or cumulative impacts associated with earthquakes, hurricanes, floods, and tsunamis have been considered in the design and operating practices for the proposed MSWLF. Adverse impacts are not expected. Safe engineering and design standards have been incorporated in the design and construction of the proposed project. The standards applied to the site are designed to maintain a reasonable level of long term safety due to natural hazards from earthquakes, hurricanes, floods, or tsunami.

Scenic and Aesthetic Environment

Based on an assessment of viewplanes completed for this project no negative adverse impacts to scenic views associated with the construction or operation of the proposed MSWLF on the Ma'alo parcel are expected. Views of the proposed project site from Kūhiō Highway and the nearby residential neighborhoods of Hanamā'ulu Town would not be possible due to dense vegetation and the rising Kālepa Ridge. Views of the proposed project site would be primarily be from along the upland segments of

Ma'alo Road, Ehiku Street, and the network of rudimentary agricultural roadways serving the uplands surrounding the project site. However, travel along the privately owned portion of Ehiku Street and the network of agricultural roads in the uplands would be restricted to users with permission to enter the private roadways. These views are expected to be minimized and building and landfill mass significantly reduced due to the approximately 1 mile and sometimes greater distances between the roadway and the landfill site.

Ma'alo Road is identified as a Scenic Roadway Corridor in the Kaua'i County General Plan's "Līhu'e Planning District Heritage Resources Map." The viewplane from segments of the Ma'alo Road include the south and west boundary of the proposed project site, surrounding agricultural fields, the Kālepa Ridge, and the Wailua Falls. Views of the proposed project site are reduced by existing vegetation that borders Ma'alo Road and the distances involved.

Existing vegetative cover along segments of the roadways and between the MSWLF site and roadways is expected to further minimize views of the landfill site. Operational activities that are expected to be seen within this view corridor would include refuse trucks and vehicles transiting toward the project site along the access road, the use of landfill operations equipment, and office and maintenance buildings. Building and landfill design criteria will be implemented to reduce the building and landfill mass when viewed from Ma'alo Road and Ehiku Street across the Līhu'e Basin and would not have a negative adverse impact on eastern views of Kālepa Ridge. No negative adverse effects to viewplanes are expected from the proposed project.

Public Services

Traffic and Circulation

Primary, secondary, or cumulative impacts to traffic and circulation are not expected. The County commissioned the New Kaua'i Landfill Traffic and Roadways Engineering Feasibility Study (AECOM 2016; Appendix F) to analyze current and future anticipated traffic impacts associated with the proposed project and include projections of vehicular use. The proposed access route, Route E3 via Kaua'i Beach Drive and Driveway 3, was selected based on balancing multiple concerns including feasibility, directness of route, mitigation of potential traffic impacts, cost requirements, and related factors. When completed, the access road would direct some traffic away from the core of Hanamā'ulu, as requested by local residents, and provide consideration for traffic signalization at the intersection of the access road with Kūhiō Highway and the Kaua'i Beach Driveway. All roadway improvements would conform to State Department of Transportation (DOT) and County requirements.

Utilities

Primary, secondary, or cumulative impacts to utility services would not occur. The proposed MSWLF site requires electricity, telephone service, potable water and wastewater service. During the construction of the proposed MSWLF access roads, utility corridors would be established to bring electric, telephone, telecommunications, and potable water to the proposed MSWLF site. Development and operation of the proposed project would not significantly impact the provision of utilities.

Wastewater service is planned to be provided with an individual onsite wastewater system septic tank and absorption bed. The wastewater system will be designed in accordance with the requirements of the County of Kaua'i and State Department of Health (DOH) and will not feed into existing municipal treatment facilities.

Other Public Facilities and Services

The proposed action will result in a new and larger MSWLF facility, but will have little to no direct effects on public facilities (police, fire, education, parks and recreation, and medical services) and no indirect, secondary or cumulative impacts.

Manmade Environment

Land Use and Ownership

The proposed MSWLF site is owned by the State of Hawai'i, and comprises 2,162.78 acres. The County of Kaua'i is presently in active discussions with the State for the use of the site for the MSWLF. The MSWLF site is located in the State Agricultural District and County Zoned Agricultural and Open Districts. The proposed project would change the land use of the 270 acre site from agriculture/pasture to a public infrastructure facility serving the County. However, this area is not designated as Important Agricultural Land (IAL) and the use of the site would serve to prevent other areas of Kaua'i, from being subject to potential use for a landfill for a period of approximately 264 years. The proposed project would not result in significant secondary impacts on land use ownership as the surrounding remaining approximately 1,893 acres of the State owned parcel would continue to be used for pasture and agricultural purposes.

Aircraft Wildlife/Bird Strike Hazard

The Līhu'e Airport (LIH) operations area is approximately 12,200 feet (2.3 miles) from the proposed landfill. Operation of the MSWLF and the potential for effects to aircraft transiting the LIH may be present from overflights of birds that may be attracted to the landfill. In a letter dated February 26, 2014, the Federal Aviation Administration (FAA) agreed that 49 U.S.C. § 44718(d) and FAA Advisory Circular 150/5200-34A, pertaining to the Construction or Establishment of Landfills near Public Airports does not apply to the proposed project based on the statute applying only to small general aviation airports. However, the Hawai'i Department of Transportation, Airports Division (HDOT) and FAA remain opposed to the proposed project. In response to the concern over the increase in risk of bird aircraft strikes that could result from the proposed landfill, a Landfill Wildlife Hazard Assessment (LWHA) (FEIS Appendix G) was prepared. A coordinated strategy and a number of active wildlife controls to mitigate potential attractants and deter birds and wildlife that attract birds that could pose hazards to LIH operations was identified and documented in the County's Landfill Wildlife Management Plan (LWMP) (FEIS Appendix H). The coordinated strategy involves multiple stakeholders (e.g., U. S. Department of Agriculture Wildlife Services [USDAWS], USFWS, DOT) and will evolve as plans and site conditions change. As such, the LWMP will be evaluated, reviewed, and revised as appropriate on an annual basis. The landfill Wildlife Coordinator (WC) will be key in this process and will consult with USDAWS, USFWS, DOT, and other agencies as needed in future revisions. Mitigation measures identified in the LWMP will serve to minimize risk of aircraft wildlife/bird strikes from LIH aircraft operations and will be implemented by the County after the completion of the FEIS.

Socioeconomics

The construction and operation of a MSWLF on Kaua'i would affect the communities around the site and the entire island. The community most affected by the daily operations of the MSWLF would be Hanamā'ulu, since it is nearest to the project site. Direct, indirect, and induced economic impacts of the proposed MSWLF facility on employment, earnings, and fiscal impacts were evaluated for the proposed MSWLF. Community issues and concerns and other social impacts of the new MSWLF were also evaluated. The project will result in a new and larger MSWLF facility, and therefore directly improve public solid waste management, while enabling the necessary timely closure of the current Kekaha MSWLF. The proposed project will not stimulate unexpected changes to the population, but will accommodate the current and anticipated future needs of the population of the Island of Kaua'i for a MSWLF.

The proposed MSWLF would benefit all of the communities of Kaua'i with a safe, secure, and well-regulated means of handling on-island MSW. However, the community in which the landfill would be located will necessarily be impacted by its presence. These impacts could include an increase in traffic and noise, evidence of landfill related activities, and other landfill concerns that have been expressed by residents at previous community meetings for the project. For these reasons, the County intends to work with the community to address potential concerns and further discussions of a Host Community Benefits

(HCB) Program with features similar to the on-going Kekaha HCB program. The use of the HCB Program would be considered as a way to recognize and take proactive steps to help address public concerns of the community most affected by the siting of a landfill. Further information on the use of the County's HCB Program can be found at: <http://www.kekahahcb.net/>.

Historic and Archaeological Resources

Potential primary, secondary or cumulative impacts associated with historic and archaeological resources were assessed during the Archeological Inventory Survey (AIS) of the proposed project site (CSH 2014). Pedestrian inspection of the study area identified one historic property, State Inventory of Historic Properties (SIHP) # 50-30-11-2218, within the study area. SIHP # 50-30-11-2218 consists of 82 archaeological features identified within the proposed MSWLF site, an Alternative RRP site (discontinued from consideration), along Potential Driveways 1 and 2, 1, 2, and 3, and along Access Roads A, B, C, D, E, and F. Of the 82 archaeological features identified in the AIS study area, 44 features are located within the proposed action area (Ma'alo MSWLF site, driveway 3, and access roads C [utility corridor only], D, and E). The project-specific effect recommendation is "no historic properties affected." Sufficient information regarding the location, function, age, and construction methods of the archaeological features has been generated by the archaeological inventory survey investigation to mitigate any adverse effect caused by proposed development activities. Should any burials or other cultural finds be identified during ground disturbance, the construction contractor shall immediately cease all work while the appropriate agencies including the State Historic Preservation Division (SHPD), are notified pursuant to applicable law (HRS, Chapter 6E).

Cultural Impact Assessment

Potential primary, secondary or cumulative impacts associated with cultural resources were assessed during the Cultural Impact Assessment (CIA) for the project (CSH 2013). The proposed project is not expected to adversely affect cultural resources or practices. As noted above in Historical and Archaeological Resources, appropriate notification to appropriate agencies including the SHPD will be made.