



R-672

STATE OF HAWAII
BUREAU OF CONVEYANCES
RECORDED

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Doc No(s) 2007-176605

/s/ CARL T. WATANABE
REGISTRAR OF CONVEYANCES

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Larry T. Takumi, Esq.
CADES SCHUTTE LLP
1000 Bishop Street, Suite 1200
Honolulu, Hawaii 96813-4216This document contains 21 pages.

Tax Map Key No. (3) 7-4-08:30

**AMENDMENT OF DECLARATION REGARDING
POLLUTION PREVENTION PLAN FOR
WEST HAWAII BUSINESS PARK PARCEL 30**

THIS AMENDMENT OF DECLARATION dated as of April 24, 2007 (this "Amendment") is made by the undersigned based on the following:

Background:

A. **West Hawaii Business Park LLC**, a Hawaii limited liability company ("WHBP"), as the sole owner of the real property identified by Tax Map Key No. (3) 7-8:30 (the "Property"), executed that certain Declaration Regarding Pollution Prevention Plan for West Hawaii Business Park Parcel 30 dated as of November 22, 2006 (the "Declaration") recorded in the Bureau of Conveyances of the State of Hawaii (the "Bureau") as Document No. 2006-220371.

B. Subsequent to the recording of the Declaration, by Limited Warranty Deed effective December 12, 2006 recorded in the Bureau as Document No. 2006-2400052, WHBP transferred a fifty percent tenancy-in-common interest in the Property to **PATRICIA G. GREENWELL; MARTHA L. GREENWELL, Trustee of the Martha L. Greenwell Revocable Living Trust dated January 17, 1983, as amended and restated; JAMES S. GREENWELL and MARY EMILY GREENWELL, husband and wife, as tenants by the entirety with full rights of survivorship; WENDY G. CRAVEN, Trustee of the Wendy G. Craven Revocable Living Trust dated June 18, 1984, as amended and restated;**

CHRISTINE G. CHURCHILL, Trustee of the **Christine G. Churchill Revocable Living Trust** dated March 12, 2003; **JAMES L. GREENWELL**, Trustee of the **James L. Greenwell Revocable Living Trust** dated January 9, 1997; **SCOTT C. CRAVEN**, Trustee of the **Scott C. Craven Revocable Living Trust** dated August 20, 1987; **HEATHER L. POLHEMUS** (formerly known as **Heather L. Craven**), Trustee of the **Heather L. Craven Revocable Living Trust** dated August 20, 1987; **ANTHONY B. CRAVEN, JR.**, Trustee of the **Anthony B. Craven, Jr. Revocable Living Trust** dated August 20, 1987; **DAVID R. GREENWELL** and **MARY TERESA GREENWELL**, husband and wife, as tenants by the entirety with full rights of survivorship; **JOAN G. ANDERSON**, Trustee of the **Joan G. Anderson Revocable Living Trust** dated September 18, 2001; **CORD D. ANDERSON**; and **BRAD R. ANDERSON** (collectively, the "LP Members").

C. WHBP and the LP Members subsequently transferred all of their interest in the Property to **PS INVESTMENTS, LLC**, a Hawaii limited liability company ("PS Investments"), by that certain Limited Warranty Deed With Covenants dated as of January 31, 2007 recorded in the Bureau as Document No. 2007-018329.

D. By this Amendment, the parties desire to amend certain portions of the Pollution Prevention Plan attached to the Declaration to comply with certain comments received from the National Park Service and the State of Hawaii Land Use Commission with respect to the recorded Pollution Prevention Plan.

Amendment:

The parties have agreed to amend the Pollution Prevention Plan attached to the Declaration as follows:

1. Page ii (entitled "List of Figures, Tables and Appendices") shall be deleted and the page ii attached hereto (providing a revised "List of Figures, Tables and Appendices") shall be substituted therefor.
2. Page 2 (showing Figure 1 entitled "Location of the Proposed Kaloko-Honokohau Business Park") shall be deleted and the page 2 attached hereto (showing Figure 1 entitled "Vicinity Map West Hawai'i Business Park") shall be substituted therefor.
3. Page 3 (providing, among other things, a portion of the text of Section 1.2 entitled "Purpose") shall be deleted and the page 3 attached hereto (providing the revised text of the aforementioned Section 1.2) shall be substituted.
4. Page 16 (providing a portion of the text of Section 4.3 entitled "Other Hazardous Substances/Waste") shall be deleted and the page 16 attached hereto (providing the revised text of the aforementioned Section 4.3) shall be substituted.
5. Page 38 (providing the text of Section 5.5.1 entitled "Storm Water Runoff") shall be deleted and the page 38 attached hereto (providing the revised text of the aforementioned Section 5.5.1) shall be substituted therefor.

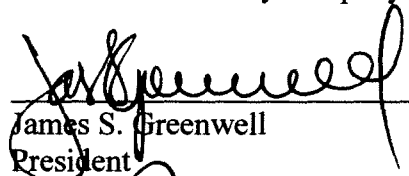
6. The cover sheet for Appendix B (entitled "State Land Use Commission (September 2003), "West Hawai'i Business Park, Findings of Fact, Conclusions of Law and Decision and Order (Docket A00-730)") shall be deleted and the attached cover sheet for Appendix B (entitled "State Land Use Commission (September 2003) Decision and Order (Docket A00-730)") shall be substituted therefor.

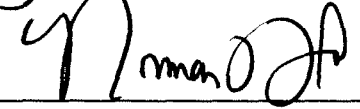
7. The LP Members and PS Investments have joined in the execution of this instrument to confirm their agreement to the terms of this Amendment.

8. This Amendment may be executed in counterparts, each of which shall be deemed an original, and such counterparts shall together constitute one and the same instrument, binding all of the parties hereto, notwithstanding all of the parties are not signatory to the original or the same counterparts. For all purposes, including, without limitation, recordation, filing and delivery of this instrument, duplicate unexecuted and unacknowledged pages of the counterparts may be discarded and the remaining pages assembled as one document.


IN WITNESS WHEREOF, the undersigned have executed this Amendment as of the date written above.

WEST HAWAII BUSINESS PARK LLC,
a Hawaii limited liability company

By 
James S. Greenwell
President

By 
Norman S. Hom
Vice President


PATRICIA G. GREENWELL


MARTHA L. GREENWELL, Trustee as
aforesaid


JAMES S. GREENWELL

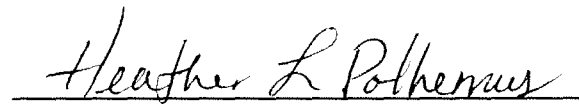

MARY EMILY GREENWELL

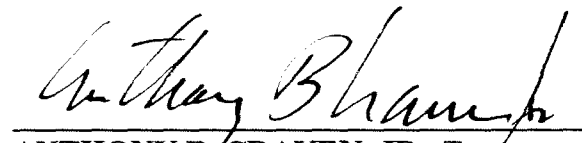

WENDY G. CRAVEN, Trustee as aforesaid


CHRISTINE G. CHURCHILL, Trustee as aforesaid


JAMES L. GREENWELL, Trustee as aforesaid


SCOTT C. CRAVEN, Trustee as aforesaid


HEATHER L. POLHEMUS (formerly known as Heather L. Craven), Trustee as aforesaid


ANTHONY B. CRAVEN, JR., Trustee as aforesaid


DAVID R. GREENWELL


MARY TERESA GREENWELL


JOAN G. ANDERSON, Trustee as aforesaid


CORD D. ANDERSON


BRAD R. ANDERSON

PS INVESTMENTS, LLC,
a Hawaii limited liability company

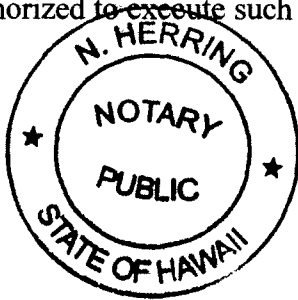
By 
Soomi James
Manager

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On this 19 day of ~~April~~^{June}, 2007, before me personally appeared **JAMES S. GREENWELL** and **NORMAN S. HOM**, to me personally known, who, being by me duly sworn or affirmed, did say that such persons executed the foregoing instrument as the free act and deed of such persons, and if applicable, in such capacities shown, having been duly authorized to execute such instrument in such capacities.



Signature: M. Herreno

Print Name: N. Herring D

Notary Public, State of Hawaii

My commission expires: April 22, 2011

STATE OF HAWAII
COUNTY OF HAWAII

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) SS:
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On this 21st day of ~~April~~ ^{May} 2007, before me personally appeared **PATRICIA G. GREENWELL**, to me personally known, who, being by me duly sworn or affirmed did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.

Signature: *Pamela Clarke*
Print Name: PAMELA CLARKE
Notary Public, State of Hawaii

My commission expires: 1-9-09

STATE OF HAWAII
COUNTY OF HAWAII

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) SS:
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On this 24th day of April, 2007, before me personally appeared **MARTHA L. GREENWELL, Trustee as aforesaid**, to me personally known, who, being by me duly sworn or affirmed did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.

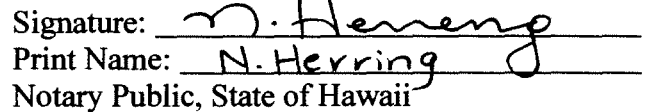
Signature: *Isabella A. Soares*
Print Name: ISABELLA A. SOARES
Notary Public, State of Hawaii

My commission expires: Nov. 29, 2007

STATE OF HAWAII

SS:

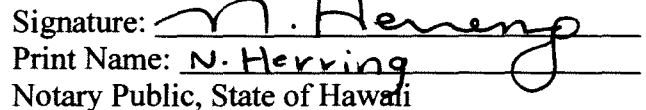
On this 19 day of ~~April~~^{June}, 2007, before me personally appeared **JAMES S. GREENWELL**, to me personally known, who, being by me duly sworn or affirmed did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.



STATE OF HAWAII

SS:

On this 25 day of ~~April~~^{June}, 2007, before me personally appeared **MARY EMILY GREENWELL**, to me personally known, who, being by me duly sworn or affirmed did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity. m



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STATE OF HAWAII
COUNTY OF HAWAII

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On this 24th day of April, 2007, before me personally appeared **WENDY G. CRAVEN, Trustee as aforesaid**, to me personally known, who, being by me duly sworn or affirmed did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.

Signature: [Signature]
Print Name: Parvaneh A. Storer
Notary Public, State of Hawaii

My commission expires: Nov. 29, 2007

STATE OF HAWAII
CITY &
COUNTY OF ~~MAUI~~ HONOLULU

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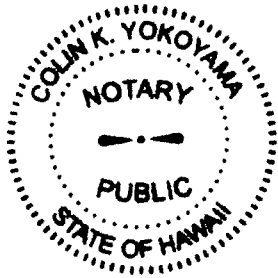
On this 23rd day of ^{June} ~~April~~, 2007, before me personally appeared **CHRISTINE G. CHURCHILL, Trustee as aforesaid**, to me personally known, who, being by me duly sworn or affirmed did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.

Signature: [Signature] ^{CW}
Print Name: CHERYL A. NAKAOKA ^{NP}
Notary Public, State of Hawaii

My commission expires: 03/21/2008

STATE OF HAWAII)
) SS:
CITY AND COUNTY OF HONOLULU)

On this 26 day of ~~April~~^{June}, 2007, before me personally appeared **JAMES L. GREENWELL, Trustee as aforesaid**, to me personally known, who, being by me duly sworn or affirmed did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.

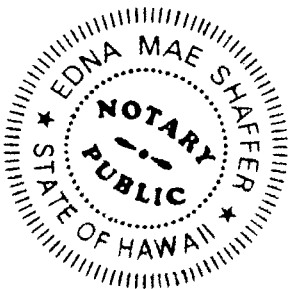


Signature: Colin K. Yokoyama
Print Name: Colin K. Yokoyama
Notary Public, State of Hawaii

My commission expires: 2-18-09

STATE OF HAWAII)
) SS:
COUNTY OF HAWAII)

On this 27th day of April, 2007, before me personally appeared **SCOTT C. CRAVEN, Trustee as aforesaid**, to me personally known, who, being by me duly sworn or affirmed did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.



Signature: Edna Mae Shaffer
Print Name: EDNA MAE SHAFFER
Notary Public, State of Hawaii
Expiration Date: December 13, 2010
My commission expires: _____

STATE OF HAWAII

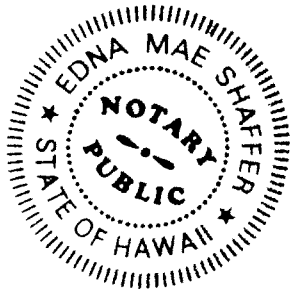
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SS:

COUNTY OF HAWAII

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On this 27th day of April, 2007, before me personally appeared **HEATHER L. POLHEMUS (formerly known as Heather L. Craven), Trustee as aforesaid**, to me personally known, who, being by me duly sworn or affirmed did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.



Signature: [Handwritten Signature]

Print Name: _____

Notary Public, State of Hawaii

EDNA MAE SHAFER

My commission expires: Expiration Date: December 13, 2010

STATE OF HAWAII

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SS:

COUNTY OF HAWAII

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On this 24th day of April, 2007, before me personally appeared **ANTHONY B. CRAVEN, JR., Trustee as aforesaid**, to me personally known, who, being by me duly sworn or affirmed did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.

Signature: [Handwritten Signature]

Print Name: ANTHONY B. CRAVEN, JR.

Notary Public, State of Hawaii

My commission expires: Nov. 29, 2007

L.S.

STATE OF HAWAII)

SS:

COUNTY OF HAWAII)

On this 15th day of ~~April~~ ^{June}, 2007, before me personally appeared **DAVID R. GREENWELL**, to me personally known, who, being by me duly sworn or affirmed did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.

Signature: [Signature]

Print Name: Sharon L. Low

Notary Public, State of Hawaii

My commission expires: 10.13.2010

STATE OF HAWAII)

SS:

COUNTY OF HAWAII)

On this 15th day of ~~April~~ ^{June}, 2007, before me personally appeared **MARY TERESA GREENWELL**, to me personally known, who, being by me duly sworn or affirmed did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.

Signature: [Signature]

Print Name: Sharon L. Low

Notary Public, State of Hawaii

My commission expires: 10.13.2010

STATE OF HAWAII
COUNTY OF HAWAII

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) SS:
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On this 21st day of ~~April~~^{May}, 2007, before me personally appeared **JOAN G. ANDERSON, Trustee as aforesaid**, to me personally known, who, being by me duly sworn or affirmed did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.

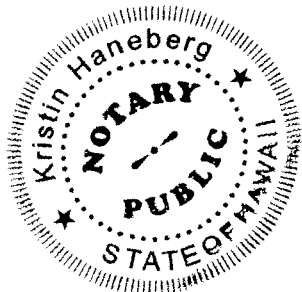
Signature: *Pamela Clarke*
Print Name: PAMELA CLARKE
Notary Public, State of Hawaii

My commission expires: 1-9-09

STATE OF HAWAII
CITY AND COUNTY OF HONOLULU

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) SS:
)

On this 22 day of ~~April~~^{May}, 2007, before me personally appeared **CORD D. ANDERSON**, to me personally known, who, being by me duly sworn or affirmed did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.



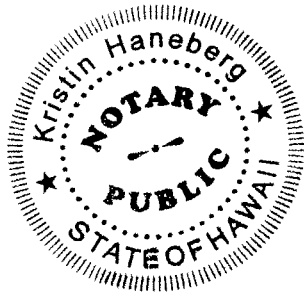
Signature: *Kristin Haneberg*
Print Name: _____
Notary Public, State of Hawaii

My commission expires: _____

Kristin Haneberg
Expiration Date: June 20, 2008

STATE OF HAWAII)
) SS:
CITY AND COUNTY OF HONOLULU)

On this 22 day of ^{May}~~April~~, 2007, before me personally appeared **BRAD R. ANDERSON**, to me personally known, who, being by me duly sworn or affirmed did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable, in the capacity shown, having been duly authorized to execute such instrument in such capacity.



Signature: Kristin Haneberg
Print Name: _____
Notary Public, State of Hawaii

My commission expires: _____

Kristin Haneberg
Expiration Date: June 20, 2008

STATE OF HAWAII)

CITY AND COUNTY OF HONOLULU)

SS:

On this 3rd day of October, 2007, before me personally appeared **SOOMI JAMES**, to me personally known, who, being by me duly sworn or affirmed, did say that such person executed the foregoing instrument as the free act and deed of such person, and if applicable, in such capacity shown, having been duly authorized to execute such instrument in such capacity.

Signature: Susan Wagner

Print Name: Susan Wagner

Notary Public, State of Hawaii

My commission expires: 11/18/08

SS.

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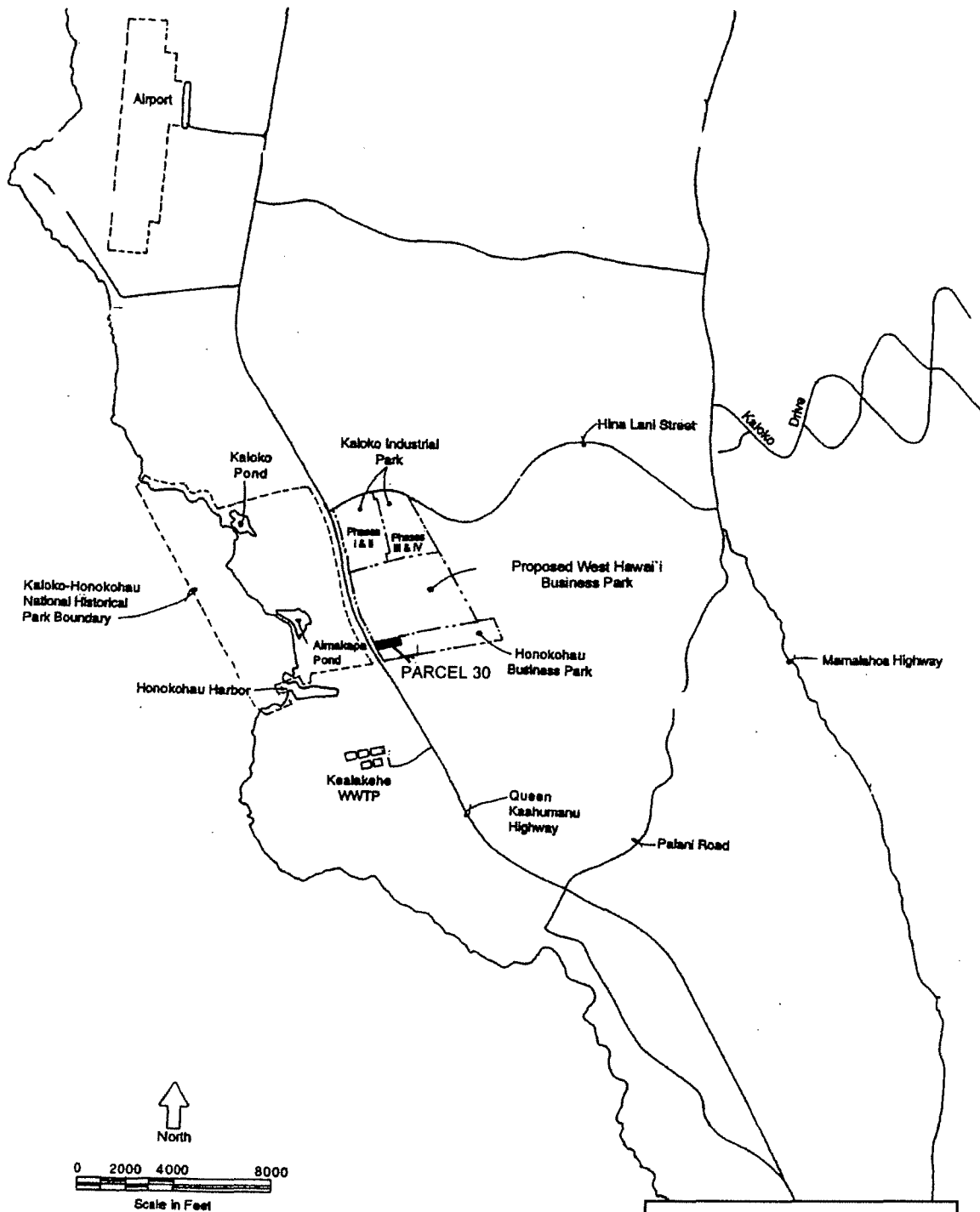


Figure 1
Vicinity Map
West Hawai'i Business Park

Decision and Order (Docket A00-730), dated September 2003 (and hereafter referred to as D&O; Appendix B). In particular, D&O Condition 3b lays out the items that must be discussed in the PPP.

Limiting potential contamination of the National Park and its water resources can be accomplished by adherence to the applicable laws and regulations and implementation of appropriate Best Management Practices (BMPs). Handling and storage of potential contaminants are strictly controlled under State and Federal laws. Businesses that deal with these substances are required under law to implement BMPs and are subject to oversight by Federal, State, and local agencies. The PPP evaluates potential contaminants from industrial operations; identifies applicable Federal, State, and local regulations that serve to protect groundwater; and provides appropriate BMPs. Additionally, the PPP identifies potential sources of non-point source pollution such as parking lot and vegetated land run-off, and provides BMPs for protecting the receiving waters.

1.3 Users

The PPP will be provided to all individual lot owners and tenants/operators of the proposed industrial/commercial lots.

1.4 Format and Organization

The PPP assesses potential contaminants from industrial operations and provides owners/operators with guidance for environmental compliance for likely contaminants that might affect the Kaloko-Honokohau National Historical Park water resources. Section 2.0 discusses limitations of the PPP. Section 3.0 identifies allowable land uses and potential sources of contamination that might result from those land uses. Since a number of land uses have similar potential contaminants, the information on regulations and BMPs is organized according to the contaminants, rather than the land use.

Section 4.0 discusses the requirements mandated by environmental regulations applicable to the potential contaminants. For most potential pollutants, the environmental laws and regulations specify certain actions that must be taken. In this section, we have summarized the actions specified by the regulations.

Section 5.0 discusses the applicability of structural, procedural, and administrative Best Management Practices (BMPs) to mitigate the release of potential pollutants. BMPs are organized by contaminant type, and a table is included to match land uses to potential pollutants and BMPs.

Section 6.0 contains contact information for regulatory agencies and the National Park Service (NPS).

increase in mortality or an increase in a serious or irreversible or incapacitating reversible illness, or (2) pose a substantial existing or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed. HAR §11-261 further identifies the characteristics of hazardous waste.

The rules establish standards applicable to generators, transporters, treatment, storage or disposal facilities, and persons who deal with hazardous waste fuel. The standards include operating practices, record keeping requirements, corrective action plans and other standards. In the event of a hazardous waste release from a facility that handles hazardous wastes, the facility is required to take response actions, including corrective measures that are necessary to protect human health or the environment.

Portions of the State regulations concerning hazardous waste generators are contained in Appendix F. Applicable State and Federal regulations must be referenced prior to any hazardous waste activities. The regulations largely consist of requirements for tracking, containerizing, and monitoring of hazardous wastes. The following practices were extracted from regulations for generators of hazardous wastes:

- **Waste activity**

An owner/operator must not generate, transport, or offer for transportation, hazardous waste without having received an EPA identification number, using EPA form 8700-12 "Notification of Regulated Waste Activity" (Appendix F).

The regulations contain limits regarding accumulation times and quantities. Facilities that exceed these limits may be considered storage or treatment facilities, triggering a number of additional requirements.

A number of other regulations regarding transportation and manifesting requirements for generators of hazardous waste are described in HAR §11-262. **Before transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must package, label, and mark the waste according to applicable Department of Transportation (DOT) regulations.**

Under some circumstances, the generator must have available at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures. The generator must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies. The emergency coordinator or designee must respond to any emergencies that arise.

The following actions are applicable to generators responding to an emergency situation:

reducing contamination of storm water runoff. The D&O also set forth storm water BMP requirements, which have been referenced throughout the PPP.

5.5.1 Storm Water Runoff

With respect to general storm water control, owners/operators must:

Structural BMPs:

- Use structural BMPs relevant to containment of hazardous wastes, storage tanks, and spill prevention as described in previous sections and in Conditions 2a, 2b, 2h.
- Construct appropriate storm water management devices such as catch basins, storm water detention areas, storm shelters, dikes, berms, or grading (or combination to achieve the required storm water control) in order to prevent introduction of rainwater or storm runoff into areas potentially housing hazardous wastes.
- Design and construct structural BMPs to capture, to the extent possible, storm water drainage from all perimeter lots, facilities, and parking areas. Various types of structural BMPs for storm water drainage are shown in Table 4.
- Control air-borne migration of dust that may contain contaminants that could enter storm water runoff. Dust emissions from some industrial activities can be minimized using common mechanical systems such as hoods, cyclone collectors, bag collectors, filters, sweepers, and negative pressure systems. These systems will typically require periodic operation and maintenance activities to remain effective.
- Keep containers used for storage of used oil or other industrial liquids on a concrete surface. Berm the surface to prevent the loss of liquid in the event of spill or leaks. Seal and maintain containers under shelter from the rain.
- Conduct all cleaning, repairs and maintenance of equipment involving the use of industrial liquids, such as gasoline, diesel, solvent, motor oil, hydraulic oil, gear oil, brake fluid, acidic or caustic liquids, antifreeze, detergents, degreasers, etc. on a concrete floor, whether roofed or unroofed. Construct the concrete floor to contain any drip or spills and to provide for the recovery of any spilled liquid. If necessary to prevent the discharge of oily water, pass water drainage from these concrete floors through an oil-water separator before being discharged.

Procedural BMPs:

- Conduct periodic storm water containment assessments (SWCA) to determine the most important pollutant sources, focusing on high risk activities such as loading and unloading, outdoor storage, outdoor manufacturing or processing, dust- or particulate generating activities, and on-site waste disposal activities.
- Conduct periodic visual inspections, examining storm water runoff for any indication of contaminants, as evidenced by odor, sheen, coloration, turbidity, or floating matter.

Appendix B

State Land Use Commission (September 2003)

Decision and Order (Docket A00-730)