

Environmental Impact Statement Preparation Notice

MAUI RESEARCH & TECHNOLOGY PARK MASTER PLAN UPDATE PART 3

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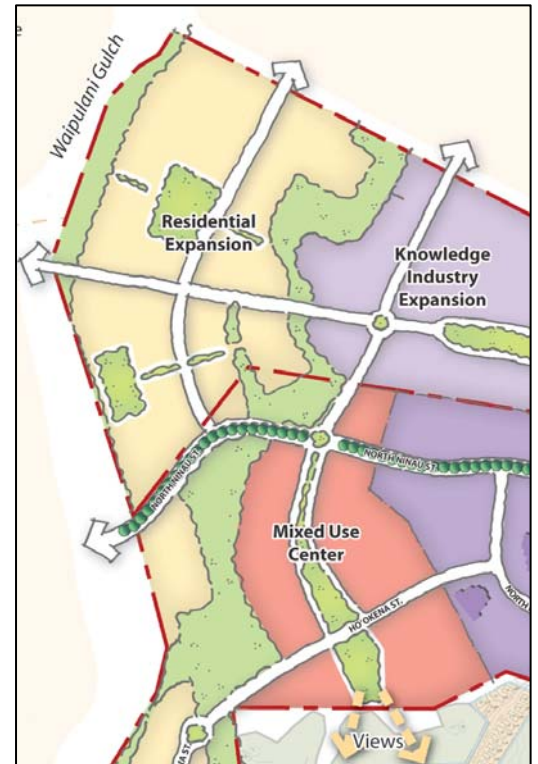
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Accepting Authority:

Land Use Commission
Department of Business,
Economic Development &
Tourism
State of Hawaii

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APPENDICES

Appendix - A
Maui County Code, Chapter 19.33, *Kihei*
Research & Technology Park District

Chapter 19.33

KIHEI RESEARCH AND TECHNOLOGY PARK
DISTRICT

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19.33.010 Purpose.

The intent of this chapter is to provide for the establishment of a research and technology park district pursuant to the findings and recommendations of the general plan and the Kihei-Makena community plan as specified in Chapter 2.80 of this code and Ordinance No. 1490, Bill No. 95 (1984). (Ord. 1541 § 1 (part), 1986)

19.33.020 Definitions.

Whenever used in this chapter, unless a different meaning clearly appears from the context:

A. "Application" means a formal request filed by an owner or lessee pursuant to the provisions of this chapter.

B. "Association" means a group of owners of lots in the research and technology park district (other than the association itself in its capacity as owner of the common area) formed for the purposes set forth in protective covenants, conditions and restrictions.

C. "CC&Rs" means a document listing protective covenants, conditions and restrictions, which shall be recorded with the Bureau of Conveyances of the state of Hawaii, and apply to the research and technology park and to each lot within the research and technology park district.

D. "Committee" means the research and technology park technical review committee hereinafter established.

E. "Design guidelines" means those detailed architectural, engineering, landscaping and/or other design related standards to be applied in the development of a research and technology park which shall be consistent with the performance standards specified herein.

F. "Enforcing agency" means the fire chief of the department of fire control of the county of Maui or such other person or agency designated by the mayor of the county of Maui.

G. "Hazardous materials management plan" or "HMMP" means a document prepared and filed in accordance with Sections 19.33.090 and 19.33.130 of this chapter.

H. "Lessee" means a person holding land situate in the county of Maui pursuant to a recorded lease under which the unexpired remaining term is not less than five years at the time of filing of an application hereunder.

I. "Occupant" means a person holding record fee simple or leasehold title to land situate in the county of Maui and who has legal occupancy in the property in the research and technology park district.

J. "Owner" means a person holding record fee simple or leasehold title to land situate in the county of Maui.

K. "Planning commission" means the planning commission of the county of Maui.

L. "Planning director" means the director of the department of planning of the county of Maui; also referred to as the "coordinator" pursuant to the provisions of this chapter.

M. "Public works director" means the director of the department of public works of the county of Maui.

N. "Research and technology park district" or "research and technology park" or "R&T park" means land specifically designated and zoned for the permitted uses set forth hereinafter in Section 19.33.030 of this chapter.

O. "Uncontrolled discharge" or "uncontrolled release" means any leak, spill or dumping of hazardous materials resulting by accident, any malicious action, or any malfunction, breakdown or circumstance that cannot otherwise be reasonably predicted or prevented by human, mechanical or structural means.

P. "Urban design review board" means the agency established under Article II, Special Management Area Rules and Regulations of the planning commission of the county of Maui adopted pursuant to Chapter 205A, Hawaii Revised Statutes. (Ord. 1541 § 1 (part), 1986)

19.33.030 Permitted uses.

The following uses shall be permitted within the research and technology park district:

A. Research laboratories and facilities, developmental laboratories and facilities and testing laboratories and facilities;

B. Manufacture, assembly, testing and repair of components, devices, equipment and systems of an electrical, electronic or electromechanical nature;

C. Manufacture, testing, repair and assembly of optical devices, equipment and systems;

D. Manufacture, testing, repair and assembly of testing equipment;

E. Pharmaceutical, biological, medical and agricultural research and production facilities;

F. Administrative offices, distribution and warehouse facilities as may be required to support the permitted uses under this section;

G. Other uses of similar and/or supporting service character may be permitted (e.g., banks, fitness centers, classroom and meeting facilities, restaurants and other support facilities or services catering primarily to the needs of visitors or employees of the R & T park), subject to approval by the planning commission and findings that such uses are consistent with the policies of the Kihei community plan. (Ord. 1541 § 1 (part), 1986)

19.33.040 Area regulations.

Within the R & T park, the minimum lot area shall be two acres and the minimum lot frontage shall be two hundred fifty feet, except for lots fronting on a cul-de-sac where the minimum frontage requirement is equal to one-third the outside circumference of the cul-de-sac bulb. (Ord. 1541 § 1 (part), 1986)

19.33.050 Height regulations.

The maximum height of any building shall be limited to three stories and shall not exceed forty feet. (Ord. 1541 § 1 (part), 1986)

19.33.060 Yard setbacks.

The yard spacing for buildings shall be as follows:

A. Setbacks from parkway, arterial or collector streets: a sixty-foot building setback shall be provided from the right-of-way which includes at least a twenty-five-foot landscaped setback between parking area and a public right-of-way.

B. Front yard setbacks from other than parkway, arterial or collector streets: a forty-foot building setback shall be provided from the right-of-way which includes at least a twenty-foot landscaped setback between parking area and a public right-of-way.

C. Side yard setback: a forty-foot building setback shall be provided from side property lines of which ten feet is to be landscaped, buffering circulation, storage and parking areas from side property lines.

D. Rear yard setback: a forty-foot building setback shall be provided from rear property lines of which ten

feet is to be landscaped buffering circulation, storage and parking areas from rear property lines. (Ord. 1541 § 1 (part), 1986)

19.33.070 Building coverage.

The maximum site area covered by structures shall not exceed thirty-five percent of the total lot area. (Ord. 1541 § 1 (part), 1986)

19.33.080 Performance standards.

All building construction, alterations and site improvements shall be prepared, reviewed and approved in accordance with the design guidelines as approved by the public works director, and in accordance with Section 19.33.120 and the following standards:

A. Building. The general objective of these standards is to encourage quality architectural and landscape architectural design of all facilities to be constructed within the research and technology park.

1. All buildings shall be designed to be an integral part of the overall site design concept as presented in the design guidelines.

2. Building design should address the following: views and vistas; solar orientation and climate control; orientation toward major streets and thoroughfares; the character of neighboring development; and energy conservation.

3. Design features shall include the following: an entrance drive; landscaped visitor parking areas; visitor entrance and entry plazas; pedestrian plazas and walkways; atriums and interior courts; building and roof forms.

B. Landscape Planting. A comprehensive landscape planting and irrigation plan shall be prepared for all developments in the research and technology park district. The plan shall be subject to the approval of the planning director.

Each development shall be buffered by landscaped areas, as follows:

1. From a parkway, arterial or collector street right-of-way, a twenty-five foot wide landscaped area shall be provided between the parking area and the public right-of-way;

2. Along the front yard of a property other than that located on a parkway, arterial or collector street, a twenty foot wide landscaped area shall be provided between the parking area and the public right-of-way;

3. Along the side yard of a property, a ten foot wide landscaped area shall be provided; and

4. Along the rear yard of a property, a ten foot wide landscaped area shall be provided.

The streetscape and project landscape shall be maintained by the project occupant(s) individually or collectively through a landowner's association.

C. **Parking Requirements.** No parking shall be permitted on the internal streets or fronting half streets of the park. Each development shall provide off-street parking facilities in accordance with the requirements of Chapter 19.36, Off-Street Parking and Loading, of the Maui County Code as it relates to industrial or storage uses in the M-1 and M-2 industrial zones, or as may be otherwise provided for in Chapter 19.36. Each development shall incorporate the following:

1. All parking shall be screened from public roads by earthen mounding and/or heavy landscaping.

2. Parking areas shall be integrated with the project's on-site pedestrian circulation system.

3. Parking areas shall not be permitted on the street side of a structure, except for areas designated as visitor, handicapped or preferential parking.

D. **Signage for the park and the individual parcel users therein shall conform to the requirements of Chapter 16.12, Outdoor Signs, except for the following provisions:**

1. General research and technology park identification signs at the entry location shall be coordinated with the master landscape planting plan and appropriately sized and illuminated to clearly denote the project name for the passing motorists entering the project.

2. The name of each business or parcel user in the research and technology park shall be clearly displayed and individually associated with its facilities when viewed from the street. The user's sign shall display the name and/or symbol of the business only.

3. There may be one freestanding parcel user sign for each individual parcel's public street frontage. If the property frontage exceeds three hundred feet, an additional sign shall be allowed.

4. Detached business identification signs shall not exceed thirty-two square feet on each side, and no freestanding sign shall exceed four feet in height unless approved by the urban design review board.

5. Building identification signs shall be limited to displaying the building name or the name of the business occupying the site. Building signs may be mounted to any vertical surface of a building or building-related wall providing such signs appear as an integral part of the architectural concept.

6. A comprehensive signage plan in conformance with the design guidelines shall be submitted to the urban design review board for review and recommendation to the public works director, who shall approve, approve with conditions or disapprove the comprehensive signage plan.

E. **On-site Storage and Loading.**

1. Unless otherwise approved by the public works director, no materials, supplies or equipment, including

trucks and other motor vehicles, shall be stored upon a site except inside a closed building or in an enclosed area.

2. Provisions shall be made on each site for any necessary vehicle loading or unloading.

3. No on-street vehicle loading or unloading shall be permitted.

F. **Screening fences and walls may be permitted by the public works director, in accordance with the approved design guidelines.**

G. **Access and Driveway.**

1. The location and design of access point(s) from public roadways and streets and internal driveways shall conform with requirements of the department of public works.

2. No direct access onto a state highway shall be permitted from individual lots of the research and technology park.

3. Landscaping shall be required at all entrances to the park.

H. **Solid Waste Disposal.** No refuse collection areas shall be permitted between a street and the front of the building.

I. **Roof Equipment.** Equipment pipes and ducts on roof tops shall be screened from view along adjacent public roadways or streets.

J. **Utilities and Communication Devices.**

1. All on-site utilities including, but not limited to, drainage systems, sewers, gas lines, waterlines and wires and conduits associated with street lighting, electrical power, telephone, and communication equipment shall be installed underground.

2. Antennas, towers or devices for transmission or reception of any signals or for energy generation shall be located and designed to be as unobtrusive as possible from neighboring lots and the public streets and shall be subject to approval by the public works director, following review and recommendation by the committee.

3. Lighting shall be required on all internal streets and within all parking lots in the research and technology park.

K. **Grading.**

1. All building pad elevations shall conform to the overall drainage program for the research and technology park project district.

2. Grading and drainage improvements shall be designed and constructed to minimize adverse dust and runoff impacts on adjacent and downslope properties.

L. **Exterior Mechanical Equipment.** All exterior components of electrical, plumbing, heating, cooling and ventilating systems should not be visible from adjoining streets, lots or buildings. (Ord. 1541 § 1 (part), 1986)

19.33.090 Environmental controls.

A. Notwithstanding any other provisions contained in this chapter, no use or activity shall be permitted on any lot or portion of a lot within the research and technology park district, unless conducted in such a manner as not to constitute a nuisance to persons or property situate upon any adjoining lots whether the lots are located within the R&T park or outside of the R&T park. Such prohibited uses shall include, but not be limited to, the following:

1. Any use, excluding reasonable construction activity, of a lot or building which emits dust, sweepings, dirt or cinders into the atmosphere, or discharges liquid or solid wastes or other matter into any stream, river, waterway, leaching pond, cesspool, injection well or drainage system which may adversely affect the health, safety, comfort of, or intended use of their property by persons within the area;

2. The discharge of waste or any substance or materials of any kind shall be in compliance with all applicable laws;

3. The escape or discharge of any fumes, odors, spray, mists, gases, vapors, steam, acids or other substance, toxic and nontoxic, into the atmosphere which discharge may be offensive, detrimental to the health, safety or welfare of any person or may interfere with the comfort of persons within the area or which may be harmful to property or vegetation;

4. The radiation or discharge of intense glare or heat, or electromagnetic, microwave, ultrasonic, laser or other radiation. Any operation producing intense glare or heat or such other radiation shall be performed only within an enclosed or screened area and then only in such manner that the glare, heat or radiation emitted will not be discernible from any point exterior to the site or lot upon which the operation is conducted;

5. The presence at any point outside of any lot plane of a sound pressure level of any machine, device or any combination of same, from any individual plant or operation or property, which exceeds a decibel level which causes discomfort or annoyance to adjoining properties or lots, and, in any event, a sound pressure level which exceeds that set forth in the design guidelines;

6. The vibration of ground which is perceptible without instruments at a point exterior to the lot which is the source of such vibration;

7. Excessive emissions of smoke, steam or particulate matter (other than emissions caused by compliance with environmental requirements or due to waste control equipment), and visible (outside any building) emissions of smoke or steam which exceed Ringleman No. 1 on the Ringleman Chart of the United States Bureau of Mines (including those arising from disposal of trash and waste materials);

8. Interference with radio, television or other telecommunication signals.

B. Enforcement, Control and Monitoring Requirements.

1. The enforcing agency with technical assistance from the public works director or representative(s) and the committee shall establish such conditions and procedures to control, enforce, limit and monitor any use or activity defined and identified in subsection A of this section and is empowered to promulgate such rules and regulations as shall be necessary to implement the provisions of this chapter. Further, the enforcing agency shall also seek other technical assistance, if appropriate, from federal, state and county agencies as it relates to its duties provided hereinabove.

2. An effluent monitoring system for determining pH and temperature as an indicator of potential hazardous material shall be installed at the point where a park's effluent enters the main sewer line. Such a system will be designed to monitor on a random, periodic basis and not less than daily. Whenever such devices are provided, they shall be connected to attention-getting visual and/or audible alarms. In addition, random sampling of the contents of the sewer line will be made on at least a monthly basis and analyzed by a private licensed laboratory with reports made to the public works director and the enforcing agency.

3. Monitoring wells shall be established to provide baseline water quality information throughout the park with a minimum of three wells per each one hundred acres. These wells are to be monitored on at least a monthly basis with a report summarizing the results submitted to the public works director and the enforcing agency.

C. Hazardous Materials Storage and Handling Guidelines. Guidelines for hazardous materials storage and handling are specified hereinbelow for the research and technology park which will apply to all lots within the district:

1. Part I—General.

a. Purpose. The purpose of these guidelines is to protect the groundwater resources of the state by preventing uncontrolled discharges of hazardous materials into the ground at the research and technology park.

b. Applicability. These guidelines apply to all owners, lessees and occupants of the research and technology park (R & T park) who engage in the handling, storage and disposal of hazardous materials at the R & T park.

c. Administration. These guidelines will be implemented and administered by the association of the R & T park. The association will retain a suitably qualified independent engineer, or chemist or other appropriate professional consultant, acceptable to the enforcing agency and in consultation with the committee, with expertise in hazardous materials handling, storage and disposal. The hazardous

materials consultant will administer the procedural requirements of these guidelines and ensure that the substantive requirements of these guidelines are complied with. The hazardous materials consultant will be selected based upon experience, knowledge and expertise in the following areas: (i) federal, state and local regulation of hazardous materials; (ii) evaluation of alternative hazardous materials management and disposal strategies; (iii) health and environmental risk assessments; (iv) soil sampling and groundwater monitoring; (v) groundwater flow and contamination modeling; (vi) development of remedial action alternatives and plans; (vii) supervision or implementation of remedial action plans; (viii) facility inspections; and (ix) environmental audits. The association for good cause may remove the hazardous materials consultant on its own volition and shall remove the consultant at the request of the enforcing agency and in consultation with the committee. The hazardous materials consultant will be reimbursed through fees collected from owners, lessees and occupants engaged in hazardous materials storage, handling and disposal and will report to the association and the enforcing agency or other county agency, as so designated by the mayor of the county. The hazardous materials consultant will also provide technical information and assistance to the enforcing agency in terms of the development of rules and regulations, procedures, methods or programs to implement the provisions of Section 19.33.090, including, but not limited to, the following: recommended methods and criteria for evaluating an HMMP; recommended technical reference information; recommended procedures and methods for recordkeeping, monitoring, inspection, emergency cleanup and repair and handling and disposal of hazardous waste materials; a recommended training program for personnel of the enforcing agency and other county departments responsible for the implementation of this section; and recommended procedures for interagency consultation and/or coordination in the review and enforcement of an HMMP and in the handling of emergencies and conditions of noncompliance with applicable federal, state or county regulations or the provisions of this section.

d. **Materials Regulated.**

i. **Controlled Materials.** The materials regulated by these guidelines will consist of all materials listed as hazardous or extremely hazardous by the state, materials listed by the U.S. Department of Transportation, 49 CFR 172.101, as amended, and the Federal Environmental Protection Agency, 40 CFR Part 302; any materials classified by the National Fire Protection Association (NFPA) as either a flammable liquid, a class II combustible liquid, or a class IIIA combustible liquid; and any materials regulated under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA).

ii. **Exempt Materials.** These regulations do not apply to the following materials:

(A) **Retail Products.** Hazardous materials when contained solely in consumer products packaged for distribution to, and use by, the general public; or commercial products used at the facility solely for janitorial or minor maintenance purposes;

(B) **Insignificant Quantities.** Hazardous materials in quantities demonstrated to the satisfaction of the association's hazardous materials consultant and the enforcing agency to not present a significant actual or potential hazard to public health, safety or welfare and in compliance with the requirements of the state, the U.S. Department of Transportation and the Federal Environmental Protection Agency and as specified in subsection Cldi of this section.

2. **Part II—Limitations on Operations and Activities.**

a. **Intent.** The intent of this subdivision is to limit the occupancy of the property to nonhigh water users who so not use a significant quantity and/or variety of hazardous materials and who do not discharge the water into the county sewer system.

b. **Limitations on Operation.** Owners, lessees and occupants who propose to engage in high water usage operations and processes requiring significant quantities and/or variety of hazardous materials according to state or Federal Environmental Protection Agency regulations will not be permitted to locate at the R&T park unless the user provides an acceptable recycling system approved by the county as provided in subdivision 3 of this subsection.

c. **Limitations on Quantities of Hazardous Materials.** At each manufacturing facility, the quantities of hazardous materials permitted to be present onsite at any given time will be limited to volumes which would not necessitate storage in underground tanks, except as set forth in subdivision 4bvii(B) of this subsection.

3. **Part III—Hazardous Materials Management Plan.**

a. **Intent.** The intent of this subdivision is to provide for the regulation of hazardous materials use by requiring the submittal of a hazardous materials management plan (HMMP) which demonstrates the safe storage, handling and disposal of all hazardous materials.

b. **Applicability.** All owners, lessees or occupants proposing to engage in the handling, storage and disposal of hazardous materials are required to submit an HMMP. This requirement does not apply to exempt materials and quantities as provided in subdivision 1 of this subsection.

c. **Contents of an HMMP.** Prior to the construction of any buildings, structures or other improvement, owners, lessees and occupants intending to engage in the use of hazardous materials are to submit an HMMP as provided for in Section 19.33.130. The proposed HMMP shall include the following information:

for in Section 19.33.130. The proposed HMMP shall include the following information:

i. **General Facility Site Plan.** The general facility site plan is to consist of a site plan drawn at a scale of one inch to twenty feet which shows the location of all buildings and structures, loading and outside storage areas, parking lots, internal roads, storm and sewer drains and adjacent land uses. Any other relevant information such as the location of wells, surface water bodies, floodplains and earthquake faults should also be shown on the site plan.

ii. **Storage Facility Map.** The storage facility map is to show the location of each hazardous materials storage facility including all interior and exterior storage facilities, access to such storage facilities, emergency equipment related to each storage facility, and the general purpose of the other areas in the manufacturing facility. The storage facility map shall also indicate the chemical abstract service registry numbers for those hazardous materials listed in 40 CFR 302.4.

The map and registry are intended to provide emergency response personnel with a summary of the key information that they may need on the scene in the event of an emergency.

For tanks, the storage facility map and registry are to indicate the hazardous material contained in the tank by general chemical name, and the capacity limit of the tank.

iii. **Hazardous Material Inventory.** The HMMP is to contain information on each hazardous material stored in a facility (aggregated over all such materials stored in one or more storage facilities) where the aggregate quantity throughout the facility is greater than five hundred pounds in weight for solids, greater than fifty-five gallons for liquids, or greater than two hundred cubic feet at standard temperature and pressure (STP) for compressed gases. The HMMP is to contain the aggregate quantity range stored at the facility of each hazardous material. The HMMP shall also include a carcinogen identification form which shall indicate the storage of any quantity of any carcinogen listed in the regulations of federal or state agencies. The enforcing agency shall promulgate rules and regulations to further specify provisions for information, public records, trade secrets, and other appropriate requirements.

iv. **Separation of Materials.** The HMMP is to contain a description of the methods to be utilized to ensure separation and protection of stored hazardous materials from factors which may cause fire or explosion, or the production of flammable, toxic or poisonous gas or the deterioration of the containments.

v. **Monitoring Program.** The HMMP is to contain a description and, where appropriate, a design diagram of the location, type and suitability of monitoring methods

to be used in each storage facility containing hazardous materials.

vi. **Inspections.** The HMMP is to specify the frequency of inspections of storage facilities which will be undertaken by the occupant, as specified in subdivision 5a of this subsection.

vii. **Recordkeeping Forms.** The HMMP is to contain an inspection check sheet or log to be held by the enforcing agency and by the occupant on the premises to be used in conjunction with routine inspections.

viii. **Emergency Equipment and Personnel.** The HMMP is to describe emergency equipment availability, testing and maintenance, and to identify the emergency response manager.

ix. **Disposal.** The HMMP is to include plans for disposal of any solid, liquid or gaseous hazardous material and waste demonstrating that disposal will be in accordance with the applicable laws. To the extent practicable, however, primary emphasis shall be placed on the recycling or reprocessing of any hazardous waste materials to minimize the need for disposal of these materials.

x. **Recycling System.** The HMMP is to include plans and specifications of any recycling system and a written description of the uses of the recycled water and types of materials to be recycled.

xi. **Additional Information.** Additional information may be required for the HMMP where such information is reasonably necessary to ensure against uncontrolled discharges of hazardous materials.

d. **Authority, Amendment and Review.** The enforcing agency shall approve the HMMP and adopt rules and regulations for the review and approval of the HMMP and amendment of an approved HMMP as it relates to any major changes or modifications thereof. An approved HMMP shall be reviewed periodically by the enforcing agency pursuant to its rules and regulations. In any event, the enforcing agency shall not approve an HMMP or a building and site improvement permit shall not be issued for a proposed project in the R & T park that requires more than the minimum quantity of controlled materials, as specified in Section 19.33.090(C) (1) (d), or any quantity of an identified carcinogen, until responsible personnel of the enforcing agency are trained to implement the provisions of this section.

4. Part IV—Storage and Containment Standards.

a. **Intent.** The intent of this subdivision is to specify standards for the proper storage and containment of hazardous materials with the objective of preventing uncontrolled discharges into the ground.

b. **Storage and Containment Requirements.** Primary and secondary levels of containment will be required for

i. **Primary Containment.** This is the first level of containment, i.e., the inside portion of that container which comes into immediate contact on its inner surface with the hazardous materials being contained.

(A) All primary containment must be product-tight, i.e., impervious to the hazardous material which is contained, or is to be contained, so as to prevent seepage of the hazardous material from the primary containment. To be product-tight, the container shall be made of a material that is not subject to physical or chemical deterioration by the hazardous material being contained.

ii. **Secondary Containment.** This is the level of containment external to and separate from the primary containment.

(A) All secondary containments are to be constructed of materials of sufficient thickness, density and composition so as not to be structurally weakened as a result of contact with the discharged hazardous materials and so as to be capable of containing hazardous materials discharged from a primary container for a period of time equal to or longer than the maximum anticipated time sufficient to allow recovery of the discharged hazardous material.

(B) In the case of an installation with one primary container, the secondary containment is to be large enough to contain at least one hundred ten percent of the volume of the primary container.

(C) In the case of a storage facility with multiple primary containers, the secondary container is to be large enough to contain one hundred fifty percent of the volume of the largest primary container placed in it, or ten percent of the aggregate internal volume of all primary containers in the storage facility, whichever is greater.

(D) If the storage facility is open to rainfall, then the secondary containment must be able to additionally accommodate the volume of a twenty-four-hour rainfall as determined by a twenty-five-year storm history.

iii. **Separation of Materials.** Materials that in combination may cause a fire or explosion, or the production of a flammable, toxic or poisonous gas, or the deterioration of a primary or secondary container, shall be separated in both the primary and secondary containment so as to avoid intermixing.

iv. **Overfill Protection.** Means of overfill protection, as determined by the enforcing agency, may be required for any primary container. This may be an overfill prevention device and/or an attention-getting high-level alarm.

v. **Drainage System.** Drainage of precipitation from within a storage facility containing hazardous materials shall be controlled in a manner so as to prevent hazardous materials from being discharged. No drainage system will be approved unless the flow of the drain can be controlled.

vi. **Monitoring Capability.** All storage facilities intended for the storage of hazardous materials are to be designed and constructed with a monitoring system capable of detecting whether the hazardous material stored in the primary containment has entered the secondary containment. Visual inspection of the primary containment is the preferred method; however, other means of monitoring may be required. Whenever monitoring devices are provided, they shall, where applicable, be connected to attention-getting visual and/or audible alarms.

vii. **Underground Storage.**

(A) In order to prevent uncontrolled discharge from underground storage of hazardous materials, underground hazardous material storage tanks will not be permitted at the R&T park.

(B) The general prohibition against underground storage tanks does not apply to gasoline tanks installed in conjunction with gasoline sales establishments. Such underground gasoline tanks are subject to the storage and containment requirements set forth above; the requirements for secondary containment and monitoring require particular emphasis. Since the secondary containment of underground tanks may be subject to intrusion by water, a means for monitoring for such water infiltration is to be provided.

viii. **Screening of Outside Storage Facilities.** Outdoor storage facilities are to be screened from external view and properly secured from unauthorized entry in the manner prescribed by performance standards and other design guidelines for the R & T park.

5. Part V—Inspection and Repair.

a. **Inspections by Occupant.** Every occupant subject to these guidelines is to provide testing, monitoring and inspections in compliance with the hazardous materials management plan and to maintain records adequate to demonstrate compliance therewith. Such inspections shall be undertaken by a qualified independent engineer, or chemist or appropriate professional consultant acceptable to the association and the enforcing agency. Such inspector may not also be the consultant retained by the association for the purpose of administering these guidelines.

b. **Inspections by the Association.** The association may conduct inspections, at its discretion, for the purpose of ascertaining compliance with these guidelines. Upon the discovery of any noncompliance, the association shall notify the enforcing agency which shall cause to be corrected any conditions which would constitute any violation of these guidelines or of any other statute, code, rule or regulation affecting the storage of hazardous materials.

c. **Inspections by the Enforcing Agency.** The enforcing agency shall conduct inspections for the purpose of ascertaining compliance with these guidelines on at least an

annual basis or more frequently, if determined to be necessary.

d. **Right-of-Entry.** Whenever necessary for the purpose of investigating or enforcing the provisions of these guidelines, or whenever any duly authorized enforcement officer of a federal, state or county agency has reasonable cause to believe that there exists in any structure or upon any premises any conditions which constitute a violation of these guidelines, the officer may enter such structure or premises at all reasonable times to inspect the same.

e. **Remedial Action.** Whenever the enforcement officer finds an instance of noncompliance with the approved HMMP or with these guidelines, the occupant responsible will have ten days to remedy the noncompliance, make any modifications or repairs as required by the enforcement officer and implement appropriate cleanup actions of hazardous materials at the sole expense of the occupant. In addition, an enforcement officer may require an occupant to immediately cease any part of an operation, if determined to be necessary.

The owner's sale/purchase agreement or occupant's lease agreement for the R&T park shall contain specific provisions requiring the owner or occupant to comply with all laws relating to the storage and disposal of hazardous materials, including the provision of this subsection. The agreement shall specify the responsibility for fees and costs arising out of or in connection with the removal or cleanup of hazardous materials or repair, removal or replacement of equipment and storage facilities, in the case of noncompliance with the approved HMMP.

f. **Routine Maintenance, Repair or Replacement.**

i. The occupant will perform routine maintenance, upkeep and minor repairs in a careful and safe manner. No approvals by the association or the county will be required for such routine maintenance and upkeep.

ii. Any substantial modification or repair of a storage facility other than minor repairs or emergency repairs will require submittal and approval of an amended HMMP which shows such modifications in accordance with subdivision 3 of this subsection prior to the initiation of such work.

iii. The occupant may make emergency repairs to a storage facility in advance to seeking an additional approval whenever an immediate repair is required to prevent or contain an uncontrolled release or to protect the integrity of the containment. However, within five working days after such emergency repairs have been started, the occupant shall seek approval pursuant to subdivision 3 of this subsection by submitting drawings or other information adequate to describe the repairs to the coordinator.

6. **Part VI—Emergencies.**

a. **Uncontrolled Discharge of Hazardous Materials.** As soon as any person in charge of a storage facility or

responsible for emergency response for a facility has knowledge of any confirmed or unconfirmed uncontrolled discharge of a hazardous material, such person shall take all necessary steps to ensure the discovery and containment and cleanup of such discharge and shall notify the association and the enforcing agency of the occurrence.

b. **Cleanup Responsibility.** Any occupant responsible for storing the hazardous material shall institute and complete all actions necessary to remedy the effects of any uncontrolled discharge, whether sudden or gradual and shall bear all such costs that are incurred thereof. The enforcing agency may undertake actions to remedy the effects of such uncontrolled discharge itself, if it is determined that it is reasonably necessary under the circumstances to do so. The responsible party shall be liable to reimburse the enforcing agency for all costs incurred in remedying the effects of such uncontrolled release.

c. **Recording.** The occurrence of each uncontrolled discharge of hazardous materials and response thereto shall be recorded in the monitoring records of the occupant.

d. **Indemnification.** The occupant shall indemnify, hold harmless and defend the association and/or the county against any claim, cause of action, disability, loss, liability, damage, cost of expense, howsoever arising, which occurs by reason of an uncontrolled discharge of hazardous material in connection with the occupant's operations.

e. **Emergency Equipment.** Emergency equipment shall be provided by the occupant which is reasonable and appropriate for potential emergencies presented by the stored hazardous materials. Such equipment shall be regularly tested and adequately maintained.

f. **Posting of Emergency Procedures.** Simplified emergency procedures shall be posted conspicuously in locations where hazardous materials are stored.

7. **Part VII—Miscellaneous.**

a. **Handling Hazardous Materials.**

i. Dispensing and mixing of hazardous materials must not be done in such a manner as to risk an uncontrolled discharge.

ii. When hazardous materials are moved into or out of a storage facility, they shall remain in the travel path only for the time reasonably necessary to transport the hazardous material and such movement shall be in a manner which will preclude an uncontrolled discharge.

b. **Disposal of Hazardous Waste Materials.** All hazardous solid, liquid or gaseous waste materials shall be disposed of in a safe manner to preclude uncontrolled discharge and be stored in properly secured containers within onsite or off-site facilities, subject to approval by the enforcing agency and as specified in the approved HMMP.

c. **Secured Facilities.** Access to the storage facilities shall be secured by means of fences and/or locks. The

access to the storage facilities shall be kept securely locked when unattended.

d. Out-of-Service Storage Facilities.

- i. No storage facility shall be abandoned.
- ii. Storage facilities which are temporarily out of service, and are intended to be returned to use, must continue to be monitored and inspected.

iii. Any storage facility which is not being monitored and inspected in accordance with these guidelines must be closed and/or removed by the occupant in a manner approved by the association.

8. Part VIII--Technical Assistance. The public works director or representative(s) and the committee shall provide technical assistance to the enforcing agency on all matters relating to this subsection. Further, the enforcing agency shall also seek other technical assistance, if appropriate, from federal, state and county agencies as it relates to the duties provided hereinabove. (Ord. 1541 § 1 (part), 1986)

19.33.100 Research and technology park coordinator.

The planning director shall coordinate the submittal and review of all applications relative to development of lands within the research and technology park district, including, but not limited to, zoning, subdivision, construction of improvements and building and site development. The planning director shall be responsible to facilitate the review process, and may establish time limitations and procedures for review not inconsistent with the provisions of this chapter. (Ord. 1541 § 1 (part), 1986)

19.33.110 Technical review committee.

The committee shall consist of the managing director, director of planning, director of public works, director of water supply, fire chief, and any other representatives of county, state or federal agencies as designated from time to time by the coordinator. The committee shall be responsible for carrying out the duties enumerated in this chapter, as well as other duties which may be assigned by the coordinator. (Ord. 1541 § 1 (part), 1986)

19.33.120 Procedure for subdivision.

The owner or duly authorized agent of a parcel of land within the research and technology park district desiring to subdivide the parcel shall file an application in accordance with the following procedures:

A. Preliminary Subdivision Approval.

1. Application for preliminary subdivision approval shall be filed with the coordinator, and include the following information:

- a. A site plan showing vehicular traffic circulation and utility service systems;

- b. A preliminary subdivision plat map;
- c. A topographic map;
- d. A conceptual grading and drainage and erosion control plan;
- e. Design guidelines and CC&Rs, in accordance with Section 19.33.080;
- f. Filing fee, in accordance with the Maui County Code;
- g. Other information, as may be required by the planning director.

2. The planning director shall review the application and determine whether it is complete. Within seven calendar days from the date of receipt of the application, the planning director shall refer the application to the committee and other appropriate government agencies for review and comment; or if the application is incomplete, shall return it to the applicant and specify the additional information required.

3. Within twenty calendar days from the receipt of a complete application, the coordinator shall forward the application, together with the recommendation of the committee for approval, approval with conditions, or disapproval, to the director of public works.

4. Within fifteen calendar days from the receipt of the application, the director of public works shall approve, approve with conditions, or disapprove the application for preliminary subdivision approval.

5. Unless otherwise specifically provided for by law, the general provisions of Title 18 of this code relating to subdivisions, shall apply, consistent with the time requirements provided herein.

B. Construction Plan Approval. Any application for approval of construction plans in conjunction with a subdivision having received preliminary approval as provided for in subsection A of this section, shall be submitted to the coordinator in accordance with Section 19.33.130.

C. Final Subdivision Approval. All applications for final subdivision approval shall be submitted to the coordinator for review and processing. Within fifteen calendar days, the coordinator shall forward the application to the public works director, together with a recommendation for approval or disapproval. The public works director shall approve or disapprove the request for final subdivision approval within ten calendar days from the receipt of the application. (Ord. 1541 § 1 (part), 1986)

19.33.130 Procedure for securing building and site improvement permits.

The owner or lessee of a lot within the research and technology park district, desiring to construct any improvements, or to build, replace, enlarge or modify new or existing structures, where such construction, building,

replacement enlargement or modification requires a building, plumbing, electrical or any other type of a permit or approval, shall file an application for such permit or approval with the coordinator.

A. Application Requirements. The application shall contain the following information:

1. A final subdivision plat map, if applicable;
2. A specific development plan, which incorporates the approved design guidelines and also includes, where applicable and required by the coordinator, the following information:
 - a. A detailed drainage, grading and soil erosion report and plans,
 - b. Landscape planting plan,
 - c. Signage plan,
 - d. Building plans and specifications,
 - e. Solid and liquid waste disposal plan,
 - f. Parking and circulation plans,
 - g. If applicable, a hazardous materials management plan, as specified in Section 19.33.090C,
 - h. If applicable, technical plans, specifications, monitoring procedures and other information for the effluent monitoring system and monitoring wells, as specified in Section 19.33.090B,
 - i. Other pertinent information necessary for permit approval;
3. If required, permit fees, in accordance with this code.

B. Procedure.

1. The coordinator shall review the application and determine whether it is complete. Within seven calendar days from the date of receipt of the application, the coordinator shall refer the application to the committee and, if appropriate, the urban design review board and other government agencies for review and comment; or if the application is incomplete, shall return it to the applicant and specify the additional information required.

2. Upon acceptance of an application for a proposed project within the R&T park requiring an HMMP, in accordance with Section 19.33.090C, the coordinator shall immediately publish notice in a newspaper with state-wide or Maui Island circulation to inform the public that such application has been received by the coordinator for processing.

3. Within twenty calendar days from the receipt of a complete application, the coordinator shall forward the application, together with the recommendation of the committee and other appropriate government agencies to the director of public works.

4. Within fifteen calendar days from the receipt of the application, the director of public works shall approve, approve with conditions, or disapprove the application for

building or site improvement permit. (Ord. 1541 § 1 (part), 1986)

19.33.140 Improvement district program for the construction of off-site improvements.

The construction of off-site improvements for a research and technology park may be financed by improvement district bonds, based on a tax increment funding program or other instrument, in accordance with Title 14 Article 3, Improvement Districts, of this code. (Ord. 1541 § 1 (part), 1986)

19.33.150 Limitation.

If the county of Maui adopts an ordinance for county-wide application dealing with hazardous materials storage and handling guidelines, then upon the effective date of such ordinance, part or all of Section 19.33.090C of this chapter may be rescinded; provided, however, that the county wide ordinance is not less restrictive than the provisions in this chapter. (Ord. 1541 § 1 (part), 1986)

Appendix - B
Environmental Site Assessment

MEV, LLC

MALAMA ENVIRONMENTAL

Environmental Site Assessment: Phase I Investigation

Property: 370 ACRES - UNDEVELOPED LAND
(MAUI RESEARCH & TECHNOLOGY PARK)
KIHEI, MAUI, HAWAII, 96753
T.M.K. (2) 2-2-24:4, 8, 9, 14, 15, 16, 17 & 18
&
T.M.K. (2) 2-2-2: 54 (PORTION)

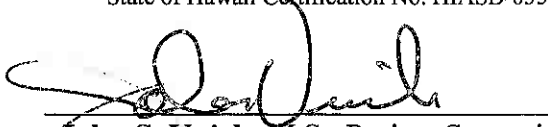
Prepared for: PACIFIC RIM LAND, INC.
381 HUKU LI'I PLACE
SUITE #202
KIHEI, HI 96753
ATTN: MR. JOHN MALONEY

We declare that, to the best of our professional knowledge and belief, we meet the definition of *Environmental professional* as defined in 312.10 of 40 CFR 312 and we have the specific qualifications based on education, training, and experience to assess a *property* of the nature, history, and setting of the *subject property*. We have developed and performed the all appropriate inquiries in conformance with the standards and practices set forth in 40 CFR part 312.


Jeffrey E. Kermode, Site Investigator

- Registered Environmental Assessor
Registration No. 08202 (State of California)
- Lead-Based Paint Risk Assessor
EPA Certification No. HI-R-6127-1
- Asbestos Building Inspector (AHERA Accredited Course)
State of Hawaii Certification No. HIASB-0351

5/16/07
Date


John S. Vuich, M.S., Project Supervisor

- Registered Environmental Assessor
Registration No. 1433 (State of California)

5/16/07
Date

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Disclosure

This document contains the results of services performed on this Project by **Malama Environmental (MEV, LLC)** pursuant to Agreement. The results represent the application of a variety of scientific and analytical disciplines that have been rendered using the standard of care, skill, and diligence normally provided by professionals in the performance of similar services under similar circumstances.

MEV assessments are intended to reduce, but not eliminate, uncertainty regarding recognized environmental conditions in connection with the Subject Site, as conducted within reasonable limits of time and cost. A general consensus of EPA's guidance on landowner liability is that *no environmental site assessment can wholly eliminate uncertainty regarding the potential for recognized environmental conditions in connection with a property.*

The use of this document and the results reported are limited to the services performed and areas examined as described in this document and no inferences are intended with respect to anything not described herein.

MEV is not responsible for conditions or consequences arising from relevant data, facts, and information that were concealed, missing, withheld, not fully disclosed, or not reasonably available at the time these services were performed. **MEV** is not responsible for any indirect, incidental, or consequential damages of any nature arising from any cause.

MEV has no beneficial economic interest in the Project other than as an independent professional organization performing the agreed services. **MEV's** warranties are as described above and there are no other warranties of any kind, expressed or implied, regarding the services.

Executive Summary

Introduction

This Phase I Environmental Site Assessment (ESA) has been prepared for Mr. John Maloney of Pacific Rim Land, Inc. and was conducted pursuant to Malama Environmental's (MEV's) written proposal and contract accepted by Mr. Maloney on March 15, 2007. This investigation and report format follows the guidelines of the American Society of Testing and Materials (ASTM) Publication E1527-05, which is recognized by 40 CFR Part 312 as an acceptable guidance document for satisfying the EPA's final "*All Appropriate Inquiries*" rule.

Site Description

The subject site is located in the community of Kihei, Maui, Hawaii. The land parcels are part of the Maui Research and Technology Park. The site consists of nine (9) parcels of land, irregular in shape, measuring approximately 370 acres in total area. The site is further described on the Tax Maps of the State of Hawaii as Division 2, Zone 2, Section 2, Plat 24, Parcels 4, 8, 9, 14, 15, 16 portion, 17 portion, 18 and Division 2, Zone 2, Section 2, Plat 2, Parcels 54 portion. The land parcels consist of undeveloped, grazing land and a roadway (Lipoa Parkway).

Records Review

The purpose of a records review is to obtain and review records that will help identify *recognized environmental conditions* in connection with the subject property. The services of Environmental Data Resources, Inc. were utilized to compile the database listings.

Our records review did not discover any current investigation of the subject site under any programs conducted by a federal, state, or local environmental agency.

One (1) risk site was identified in the vicinity of the subject property, however, MEV does not expect this site to negatively impact the environmental condition of the subject property.

Site Reconnaissance

A site investigation focuses on obtaining information indicating the likelihood of identifying physical *recognized environmental conditions* in connection with the property and assessing the subject property in relation to surrounding land uses and natural surface features. It includes a physical inspection of the real property and any on-site facilities.

On May 3 and May 4, 2007, MEV personnel, Mr. Jeffrey Kermode, conducted an overall site inspection of the subject site. Accessible areas of the property were visually and physically inspected.

The following are significant observations of field conditions:

- The land parcels predominantly consist of undeveloped grazing lands with no permanent building structures;
- Two (2) construction baseyards are located on-site;
- Approximately 2 gallons of waste oil was noted in an oil pan that requires management. Limited soil staining was related to this oil pan.
- A limited amount of solid waste dumping was evident including Special Waste that requires proper management;
- One (1) groundwater well is located on-site;
- One (1) small-scale sewer pump station is located on-site;
- The bulk storage/use of hazardous/regulated substances was not noted on-site.

Conclusions

Recognized environmental conditions, as defined by ASTM Standard E1527-05, are the presence or likely presence of any hazardous substance or petroleum products on a property under conditions that indicate an

existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property, or into the ground, ground water, or surface water of the property. **Recognized environmental conditions** are described with regard to (1) the nature and extent of the environmental condition, (2) potential or actual environmental threat, (3) potential for transport (migration) of any environmental conditions, and (4) consideration for further investigation. The term is not intended to include *de minimis* conditions that generally do not present a material risk of harm to public health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies.

MEV has performed this Phase I Environmental Site Assessment in conformance with the scope and limitations of the ASTM Practice E 1527-05 for the subject property, located within and surrounding the Maui Research and Technology Park, [TMK (2)-2-2-24:4, 8, 9, 14, 15, 16 portion, 17 portion, 18 & (2)-2-2-2:54 portion] in the community of Kihei, Maui, defined as the subject property. Any exceptions to or deletions from this practice are described in Section 1.4, Limitations and Exceptions, of this report.

This assessment has revealed no evidence of *recognized environmental conditions* in connection with the property.

- ***Database Listings***

The subject site is not listed. The listed, nearby risk site unlikely poses a significant concern to the subject property.

- ***Storage and Use of Hazardous and Regulated Substances***

There is no evidence of any historic or current significant misuse or spills of hazardous or regulated substances on the subject property.

*The concerns listed below may not be considered **recognized environmental conditions** by ASTM definition, however, they may be considered regulated under other environmental laws and ordinances and may present a potential liability to the property owner.*

- ***Ineffective Storage of Regulated Waste and Limited Surface Soil Staining***

A very limited amount of waste oil is being ineffectively stored beneath an office trailer (not in use) located on-site. This waste oil and any related surface soil staining should be properly managed. See Section 5.3.2 and 5.5.2.

- ***Solid Waste Management***

A limited amount of solid waste dumping activity was evident on the subject property. Regulated items requiring special management were noted.

- ***Surface Waters and Area Aquifer Protection***

For any future development activities planned for the subject property, the owner should be aware of the potential for contaminants to migrate into any nearby drainageways. Products of concern relating to any future development project or land-clearing activity would be earthen material (silt), paints, oils, antifreezes and other fluids from automobile or on-site machinery, or leaks from on-site stocked items.

- ***Groundwater Well***

One (1) groundwater well is located on the subject property. Department of Lands and Natural Resources' permitting requirements for Well No. 4426-03 were completed.

The conclusions stated above should not be construed to mean that any regulatory agency would have the same opinion as this author, nor is any implication proposed therefrom.

The results of this environmental assessment are intended for general reference purposes only and are not intended as legal advice. The advice of legal counsel should be sought in regard to individual facts, circumstances and interpretation of environmental liability.

Environmental Site Assessment

Phase I Investigation

1.0 INTRODUCTION

A Phase I Environmental Site Assessment (ESA) is conducted to determine if a site may be contaminated with hazardous or toxic substances or wastes resulting from current or past site activities, unauthorized dumping or disposal, or migration of contaminants from adjacent or nearby properties. Its goal is to identify *recognized environmental conditions* on a property that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products. These release conditions apply to structures on the property as well as the soil, groundwater, or surface water of the property. The American Society of Testing and Materials (ASTM) Standard 1527-05, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, is used to "...define good commercial and customary practices for conducting an environmental site assessment of a parcel of commercial real estate".

1.1 Purpose

The study objectives are to characterize the environmental setting of the subject property, to identify any obvious activity of environmental concern that may have occurred at or near the site, and to evaluate potential migration pathways for any identified contaminants. It may also address any activities that affect future considerations for potential environmental impairment to the property.

Another function of this Phase I ESA is to conduct an *all appropriate environmental inquiry* in response to the federal Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, the EPA's final rule (40 CFR Part 312), and similar state and local regulations. An ESA "all appropriate inquiry" may provide the buyer, receiver, or lender making a loan secured by the subject real property with a basis to qualify for the *innocent landowner, contiguous property owner, or bona fide prospective purchaser defense* should any legal action be initiated for environmental impairment to the property.

ASTM Publication E1527-05 is recognized by 40 CFR Part 312 as an acceptable guidance document for satisfying the EPA's final "*All Appropriate Inquiries*" rule.

1.2 Detailed Scope of Services

This Phase I Environmental Site Assessment (ESA) has been prepared for Mr. John Maloney of Pacific Rim Land, Inc. and was conducted pursuant to Malama Environmental's (MEV's) written proposal and contract accepted by Mr. Maloney on March 15, 2007.

There were no other additional services requested of MEV by the Client.

1.3 Significant Assumptions

The assessment of *recognized environmental conditions* relies on: 1) sources of actual knowledge, 2) thorough appropriate inquiry, 3) reviewing reasonably ascertainable documents and records, and 4) conducting a visual and olfactory reconnaissance. In conducting this ESA, MEV has relied on the truthfulness of its inquiry sources and the validity of reviewed records. If obvious indications or MEV actual knowledge contradicted the reported/reviewed information sources, it has been so stated in the appropriate sections of this report.

1.4 Limitations and Exceptions

The investigation performed for this report includes the components of an *all appropriate inquiry* regarding the potential for contamination to exist or have occurred at this site. This investigation is also the basis of an *all appropriate inquiry* into the presence or likely presence, release or threatened release, of hazardous

substances and petroleum products at this real property. This Phase I Environmental Site Assessment was prepared according to guidelines presented in the American Society of Testing and Materials Document entitled *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process* (ASTM E-1527-05).

Since no ESA can eliminate uncertainty regarding the potential for *recognized environmental conditions* in connection with a property, the limiting intent of this investigation is to reduce the uncertainty to an appropriate level. Minimal requirements for the Phase I ESA include a review of historical records, a review of files and databases compiled by regulatory agencies, interviews with current owners and/or occupants of the property, and a field reconnaissance of the subject site and adjacent areas.

This ESA also takes into consideration the evaluation of other substances and products that are or may be interpreted as excluded under CERCLA. Commonly, these substances are of concern in commercial real estate transactions under current custom and usage and may include, but are not limited to, Radon, Lead-in-Drinking Water, and Special Environmental Resources. Where appropriate, MEV has considered environmental concerns of other federal, state, and local regulations.

Some database resources developed for Maui County are in their infancy or are not cross-referenced in a manner as to be readily discernible. The Maui County Fire Department maintains an electronic database that dates back to January 2000. Information and records prior to 2000 exist on file, as hardcopies, at the Department of Fire and Public Safety Office.

Databases and records utilized for this investigation were limited to those that are reasonably ascertainable; that is, they had to be publicly available, obtainable from its source within reasonable time and cost constraints, and practically reviewable with regard to volume, sorting, and organization. Additionally, the services of *Environmental Data Resources, Inc.* (EDR) were utilized to compile the environmental database listings. See Appendix B.

1.5 Data Gaps

MEV did not encounter any significant *data gaps* during the course of this Phase I ESA Investigation that would affect the ability of the *Environmental Professional* to identify *recognized environmental conditions* pertaining to the subject property. MEV did not receive requested historical/environmental information from one of the current landowners, Maui R & T Partners. See request letter, Appendix B.

1.6 Special Terms and Conditions

As a standard practice, a confidential client privilege was initiated by MEV for the work performed and contents of this report. MEV shall ensure that its officers, employees, agents, and independent contractors do not disclose this report or any information contained therein to any person without the proper knowledge and written consent from the Client (or as otherwise required by law). MEV shall ensure that each of its officers, employees, agents, and independent contractors understand and obey these requirements.

The information and opinions provided herein are intended as background data and planning guidance to interested parties. This should not be construed to mean that any regulatory agency would have the same opinion as MEV, nor is any implication proposed.

MEV has performed this study in a competent and professional manner. Since there may be hidden or unknown conditions that may be missed during this inspection, MEV cannot warrant the actual site conditions described in this report.

End of Section

2.0 SITE AND REGIONAL DESCRIPTION

Refer to Figure 1, Regional Setting Map, in Appendix A, for a depiction of the general setting of the subject site in relation to topographic features. Also depicted are the projected groundwater flows, regional surface water flows, and locations of other significant physical features or structures.

2.1 Location and Legal Description

The subject site is located within and adjacent to the Maui Research & Technology Park located off Lipoa Parkway in the community of Kihei, Maui, Hawaii. The site is further described on the Tax Maps of the State of Hawaii as Division 2, Zone 2, Section 2, Plat 24, Parcels 4, 8, 9, 14, 15, 16 portion, 17 portion, 18 and Division 2, Zone 2, Section 2, Plat 2, Parcels 54 portion. See Figure 3a/3b, Tax Maps, Appendix A.

2.2 Site and Vicinity General Characteristics

The site consists of nine (9) parcels of land, irregular in shape, measuring approximately 370 acres in total area. The site predominantly consists of undeveloped, grazing land and a roadway (Lipoa Parkway).

The coastal community of Kihei is situated on the western slopes of East Maui (Haleakala). The subject property is located above (mauka of) the Piilani Highway. See Figure 1, Appendix A.

Surrounding land use consists of undeveloped grazing lands, a golf course and commercial office buildings. See Figure 2, Appendix A.

2.3 Description of Structures, Roads, Other Improvements

The subject property consists predominantly of undeveloped grazing land. A limited network of unpaved and paved (poor condition) access roads exists on-site. MEV also noted rock walls that were likely related to historic livestock activities and boundary markers. Limited amounts of metal/wood fence enclosures were also noted on the grazing land.

Parcel 9 & 18 consist of Lipoa Parkway that provides access to the Maui Research and Technology Park from Piilani Highway. No substantial permanent structures are located on-site. A small shed is located on Parcel 16. A groundwater well and small-scale sewer pump station are located on Parcel 16. See Figure 2, Appendix A.

2.4 Current Use of the Property

As noted above, the subject property predominantly consists of undeveloped grazing land. A construction baseyard (office trailers and limited material storage) is located on Parcel 4 and is operated by Goodfellow Bros., Inc.. A temporary construction baseyard is also located on Parcel 8 and is related to the construction activities taking place on the adjoining properties.

As noted in Section 2.3 above, Parcel 9 & 18 consist of Lipoa Parkway that provides access to the Maui Research and Technology Park from Piilani Highway.

Located along the western boundary of Parcel 16 is a groundwater well; water storage tank; and small-scale sewer pump station. The well supplies irrigation water to the Maui Research and Technology Park. The sewer pump station services the businesses in the Maui Research and Technology Park, pumping sewage to the Kihei Wastewater Treatment Plant.

2.5 Current Uses of the Adjoining Properties

The current uses of the adjoining properties as observed by the investigator during the site reconnaissance are as follows (see also Figure 2, Site Plan, in Appendix A):

▪ <i>Northern Adjoining Property:</i>	Undeveloped gulch and grazing land beyond.
▪ <i>Eastern Adjoining Property:</i>	Undeveloped grazing land and U.S. Air Force's Remote Maui Experiment (RME) facility. (U.S. military research).
▪ <i>Southern Adjoining Property:</i>	Undeveloped grazing land.
▪ <i>Western Adjoining Property:</i>	Undeveloped land, golf course and initial land development activities.
▪ <i>Centrally-situated Adjoining Properties</i>	Commercial office buildings of the Maui Research and Technology Park.

End of Section

3.0 USER PROVIDED INFORMATION

As a standard of practice, the following information was requested from the Client during the preliminary phases of this investigation:

- Title records and knowledge of environmental liens or activity and land use limitations (AULs);
- Personal, specialized knowledge or experience in regard to *recognized environmental conditions* concerning the property; and
- If applicable, actual knowledge of a significant, low purchase price for the property, and explanation for the lower price.

The purpose of this information is to help identify the possibility of *recognized environmental conditions* in connection with the property. These tasks do not require the technical expertise of an environmental professional and are generally not performed by environmental professionals performing the Phase I ESA. MEV submits a Preliminary Environmental Investigation questionnaire to the Client for this information. The completed questionnaire is attached in Appendix B.

According to information provided by the Client in the Preliminary Environmental Investigation, the Client is not aware of any environmental liens, proceedings, or investigations against the subject property as of the date of this ESA.

End of Section

4.0 RECORDS REVIEW

The purpose of a record review is to obtain and review records that will help identify *recognized environmental conditions* in connection with the subject property. The service of Environmental Data Resources, Inc. (EDR) was utilized to compile the database listings.

4.1 Standard Environmental Record Sources

The subject property and properties within the minimum search distances were reviewed from the following record sources (see below). Risk sites, if any, that may be located on or adjacent to the subject property, or are within close proximity to the subject site are described. Refer to Appendix B, EDR Radius Map Report, for a complete listing and description of all sites located within the designated search distances, details, and government agency database release dates.

The EDR Report bases the location of the listed risk sites on longitude/latitude information provided by the respective government agency. MEV confirms the locations of risk sites within close proximity to the subject site during the site visit. When the MEV site visit contradicts the EDR Report, it has been so stated.

THE SUBJECT SITE IS NOT LISTED ON ANY OF THE FOLLOWING FEDERAL OR STATE DATABASE LISTINGS OF THE EDR REPORT.

Federal Database Listings

- ▼ **National Priorities List (NPL or Superfund) and Proposed NPL, EPA.** The NPL is a subset of CERCLIS and identifies over 1,200 sites for priority cleanup under the Superfund Program.
 - *The EDR database report indicates no listings within the one-mile search radius of the subject site.*
- ▼ **Comprehensive Environmental Response, Compensation and Liability Information System List (CERCLIS), EPA.** The CERCLIS list contains data on potentially hazardous waste sites that have been reported to EPA by states, municipalities, private companies and private persons, pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). CERCLIS contains sites that are either proposed to or on the NPL and sites, which are in the screening and assessment phase for possible inclusion on the NPL.
 - *The EDR Report indicates no listing within the 1/2-mile search radius of the subject site.*
- ▼ **CERCLIS – No Further Remedial Action Planned (NFRAP), EPA.** NFRAP sites may be sites where, following an initial investigation, no contamination was found, contamination was removed quickly without the need for the site to be placed on the NPL, or the contamination was not serious enough to require Federal Superfund action or NPL consideration.
 - *The EDR Report indicates no listing within the 1/2-mile search radius of the subject site.*
- ▼ **Corrective Action Report (CORRACTS), EPA.** The CORRACTS report lists hazardous waste handlers with RCRA corrective action activity.
 - *The EDR Report indicates no listings within the one-mile search radius of the subject site.*
- ▼ **Resource Conservation and Recovery Information System (RCRIS), EPA/NTIS.** RCRIS includes selective information on sites that generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA).
 - *The EDR Report indicates no listings within the 1/2-mile search radius of the subject site, which treat, store, and/or dispose of hazardous waste (TSD).*

- The EDR Report indicates no listings within the ¼-mile search radius of the subject site, which generate at least 1,000 kg/month of non-acutely hazardous waste or 1.0 kg/month of acutely hazardous waste (Lg. Quan. Gen. - LQG).
- The EDR Report indicates one (1) listing within the ¼-mile search radius of the subject site, which generates less than 1,000 kg/month of non-acutely hazardous waste (Sm. Quan. Gen. - SQG).

Due to the listing's current status with the E.P.A. and due to the positioning relative to the subject site, this site is not anticipated to negatively impact the environmental condition of the subject property.

▼ **Emergency Response Notification System (ERNS), EPA/NTIS.** Records and stores information on reported releases of oil and hazardous substances.

- The subject site is not listed.

State of Hawaii Database Listings

▼ **Sites List (SHWS), DOH.** A list of facilities, sites, or areas in which the Office of Hazard Evaluation and Emergency Response (HEER) has an interest, has investigated or may investigate under HRS 128D (includes CERCLIS sites).

- The subject site is not listed.
- The EDR Report indicates no listing within the ½-mile search radius of the subject site.

▼ **Permitted Landfills in the State of Hawaii (SWF/LF), DOH.** An inventory of solid waste disposal facilities or landfills in the State of Hawaii. These may be active or inactive facilities or open dumps that failed to meet RCRA Subtitle D Section 4004 criteria for solid waste landfills or disposal sites.

- The EDR Report indicates no listings within the ½-mile search radius of the subject site. See Site List (SHWS) above.

▼ **Leaking Underground Storage Tank (LUST) database, DOH.** An inventory of reported leaking underground storage tank incidents.

- The subject site is not listed.
- The EDR Report indicates no listing within the ½-mile search radius of the subject site.

▼ **Underground Storage Tank (UST) database, DOH.** USTs are regulated under Subtitle I of the Resource Conservation and Recovery Act (RCRA) and must be registered with DOH.

- The subject site is not listed.
- The EDR Report indicates no listing within a 1/4-mile radius of the subject site.

The Elleair Golf Club (formerly the Silversword Golf Course) is located within a ¼ -mile from the western edge of the property. This site is listed on the State UST database. Three (3) tanks are listed as "permanently out of use" and are not listed on the LUST database. Due to the listing's current status with the State DOH and due to the positioning and distance relative to the subject site, this site is not anticipated to have negatively impacted the environmental condition of the subject property.

4.2 Additional Environmental Record Sources

The subject property and properties within the minimum search distances were reviewed from the following record sources. Refer to Appendix B, EDR Radius Map Report, for a complete listing and description of all sites located within the designated search distances, details, and database release dates.

Federal Database Listings

- ▼ **Superfund (CERCLA) Consent Decrees (CONSENT), EPA Regional Offices.** Major legal settlements that establish responsibility and standards for cleanup at NPL (Superfund) sites.
 - *The subject site is not listed.*
 - *The EDR Report indicates no listings within the one-mile search radius of the subject site.*
- ▼ **Records of Decisions (ROD), EPA.** ROD documents mandate a permanent remedy at an NPL (Superfund) site containing technical and health information to aid in the cleanup.
 - *The subject site is not listed.*
 - *The EDR Report indicates no listings within the one-mile search radius of the subject site.*
- ▼ **National Priority List Deletions (De-listed NPL), EPA.** A list of sites that have been deleted from the NPL where no further response is appropriate.
 - *The subject site is not listed.*
 - *The EDR Report indicates no listings within the one-mile search radius of the subject site.*
- ▼ **Facility Index System/Facility Identification Initiative Program Summary Report (FINDS), EPA.** Contains both facility information and 'pointers' to other sources that contain more detail.
 - *The subject site is not listed.*
- ▼ **Hazardous Materials Information Reporting System (HMIRS) DOT.** A list of hazardous material spill incidents reported to DOT.
 - *The subject site is not listed.*
- ▼ **Material Licensing Tracking System (MLTS), Nuclear Regulatory Commission (NRC).** A list of approximately 8,100 sites which possess or use radioactive materials and which are subject to NRC licensing requirements.
 - *The subject site is not listed.*
- ▼ **Mines Master Index File (MINES), Department of Labor, Mine Safety and Health Administration.** Contains both facility information and 'pointers' to other sources that contain more detail.
 - *The subject site is not listed.*
 - *The EDR Report indicates no listings within the ¼-mile search radius of the subject site.*
- ▼ **Federal Superfund Liens (NPL Liens), EPA.** A list of properties whereby the EPA has filed liens against real property in order to recover remedial action expenditures or when the property owner receives notification of potential liability.
 - *The subject site is not listed.*
- ▼ **PCB Activity Database System (PADS).** Identifies generators, transporters, commercial storers and/or brokers and disposers of PCBs who are required to notify EPA of such activities.
 - *The subject site is not listed.*
- ▼ **RCRA Administrative Action Tracking System (RAATS), EPA.** A historical archived database containing records on enforcement actions issued under RCRA pertaining to major violators and includes administrative and civil actions brought by EPA. The database was discontinued on September 30, 1995.
 - *The subject site is not listed.*

- ▼ **Toxic Chemical Release Inventory System (TRIS), EPA.** A list of facilities which release toxic chemicals to the air, water, and land in reportable quantities under SARA Title III, Section 313.
 - *The subject site is not listed.*
- ▼ **Toxic Substances Control Act (TSCA), EPA.** Identifies manufacturers and importers of chemical substances included on the TSCA Chemical Substance Inventory list.
 - *The subject site is not listed.*
- ▼ **Federal Insecticide, Fungicide, & Rodenticide Act (FIFRA)/TSCA Tracking System (FTTS INSP and FTTS), EPA – Office of Prevention, Pesticides and Toxic Substances.** FTTS tracks administrative cases, pesticide enforcement actions, and compliance activities related to FIFRA, TSCA, and Emergency Planning and Community Right-to-Know Act (EPCRA).
 - *The subject site is not listed.*

State of Hawaii Database Listings

- ▼ **Release Notifications (SPILLS), DOH.** Releases of hazardous substances to the environment reported to the HEER Office. The following databases are included in the HEER Spill List:

Release Notification Report: a compilation of releases reported to HEER.

Hawaii Emergency Planning and Community Right-to-Know Act (HEPCRA): a list of facilities that have submitted Tier II and Form Rs as a reporting requirement.

- *The subject site is not listed.*

- ▼ **Registered Wells and Dry Wells, DLNR.** (See Section 5.5.6) There is one (1) registered well listed for the subject property. (*DLNR data*). State Well No. 4426-03 was constructed by David Pico on TMK (2) 2-2-24:16 in 1990. The well owner is listed as Maui R & T Partnership. Currently the well is used for irrigation purposes. Nearby listed wells are used for irrigation or observation purposes or are unused at this time. See Figure 1, Appendix A for nearest well locations.
- ▼ **Air Quality Permit, DOH.** Current activities conducted on-site do not require an air quality permit.
- ▼ **Storm Water Discharge (NPDES) Permit, DOH.** Current activities conducted on-site do not require a NPDES permit.

County and Other Database Listings

Other local records of environmental interest that were reviewed or considered for review by MEV included:

- ▼ **Fire Department, County of Maui.** The Maui County Fire Department (MCFD) maintains file material that is not on a database. MCFD was contacted for an inquiry on the subject property. No incidents were reported to MEV on the subject site.
- ▼ **Former Manufactured Gas (Coal Gas) Sites.** EDR provides exclusive information regarding the existence and location of Coal Gas sites.
 - *The EDR Report indicates no listings within the one-mile search radius.*
- ▼ **Grading/Grubbing Permit, County of Maui.** Grading permits are currently open for the subject property (Parcels 9 & 54) with the County of Maui. The permit uses are listed as Lipoa Parkway improvements and GBI baseyard.
- ▼ **Hazardous Waste Disposal Documents.** MEV was not supplied with any hazardous waste disposal documents.

- ▼ **Maui Electric Company.** Maintains records on county power transformers regarding PCB-containing equipment and equipment maintenance. Three (3) pad-mounted electrical transformers (non-PCB) were observed on the subject property on Lipoa Parkway. See Section 5.3.7.
- ▼ **Other Environmental Reports.** No environmental reports for the subject property were made available to MEV.
- ▼ **Planning & Zoning, County of Maui.** According to the Maui County Department of Planning, the majority of the subject site's zoning is AG, "Agricultural" and is **not** within the boundaries of the Special Management Area (SMA). As of the completion of this report, the County of Maui Zoning Division had not responded to MEV's numerous attempts to obtain the current zoning of all of the subject property's parcels.
- ▼ **Property Tax Office, County of Maui.** The Maui County Property Tax Office maintains records of past ownership, maps, sketches and other information as it pertains to the subject property. (See also Section 8.0). According to Maui County Tax Office, the current property owners are listed as Haleakala Ranch Co. and Maui R & T Park Partners.
- ▼ **Wastewater Discharge Permit, County of Maui.** MEV did not identify any wastewater discharge permits registered to the subject property. According to the State Department of Health, the small-scale sewer pump station located on-site does not require a permit.

4.3 Physical Setting Source(s)

The following sources were reviewed for physical setting information (refer to Section 7.0 for a complete listing):

- Atlas of Hawaii;
- Civil Defense Tsunami Evacuation Map;
- Geologic and Topographic Map (Hawaii Atlas & Gazetteer);
- Groundwater Map and Water Quality Plan for State of Hawaii;
- U.S. Department of Agriculture, Soil Conservation Service, Soil Survey of the Islands of Kauai, Oahu, Maui, Molokai, and Lanai, HI;
- U.S. Geological Survey, 7.5 Minute Topographic Map, Puu O Kali, HI, 1983 & 1992.

These data sources were used to provide information regarding physical characteristics of the subject site and surrounding area. This information is typically used in analysis of potential geological trends, which might impact environmental conditions of the subject site. Note that this investigation is not intended to identify geologic hazards associated with the subject property.

4.4 Historical Use Information Regarding the Property and Adjoining Properties

The following historical data sources were reviewed for this report (refer to Section 7.0 for a complete listing):

- Aerial Photographs;
- Department of Planning and Zoning, County of Maui;
- Maui County Fire Department (Fire Prevention Bureau / Hazardous Materials Division);
- Maui County Real Property Tax Records;
- Personal Interviews;
- Sanborn Maps (not available for this location);
- State of Hawaii, Department of Health, Environmental Management Division;
- Environmental Data Resources (EDR).

Historic Aerial Photographs

A series of aerial photographs with coverage of the subject property and surrounding area were examined. See Figure 2, Appendix A, for clarification of specific location.

Table 1.0. Historical Aerial Photograph Analysis.		
Date	Aerial Photo Analysis	
2/28/50	SS: N, E, S, W: RG:	Undeveloped, vegetated pasture land. Undeveloped, vegetated pasture land. Limited unpaved road network noted on the eastern property. Very limited residential and agricultural development further to the west.
1965	SS: N, E, S, W: RG:	No significant changes noted. No significant changes noted. No significant changes noted.
3/16/67	SS: N, S: E: W: RG:	No significant changes noted. Only the western portion of the property is visible in the photo. No significant changes noted. Only the western portion of the north and southern adjoining properties are visible in the photo. Not visible in the photo. No significant changes noted. Unpaved access road noted. No significant changes noted.
10/25/82	SS: N, E, S: W: RG:	No significant changes noted. No significant changes noted. No significant changes noted, except for the construction of the Piilani Highway. Significant residential growth on the west side of the Piilani Highway (coastal development). The Kihei Wastewater Treatment Plant is visible further to the southwest.
7/16/87	SS: N,E: S: W: RG:	No significant changes noted. Unpaved road noted along the southwestern boundary. Only the very southern portion of the property is visible in the photo. Not visible in photo. No significant changes noted. Undeveloped land and Silversword (Elleair) Golf Course and related buildings noted. Increased residential/commercial development on the west side of Piilani Highway.
10/27/90	SS: N: E, S: W: RG:	Only the northwestern and most western portions of the property are visible in the photo. Lipoa Parkway has been constructed and leads to the Maui R&T Park. A livestock corral is visible in the northwest corner of the property. No significant changes noted. Not visible in photo. No significant changes noted. No significant changes noted.
9/27/96	SS: N: E, S: W: RG:	Only the northwestern and most western portions of the property are visible in the photo. The livestock corral previously noted is still visible in the northwest corner of the property. A road (appears unpaved) is visible on Parcel 17 leading toward the present-day retention basin located on Lot 3-C-2. No significant changes noted. Not visible in photo. No significant changes noted. Increase in commercial development further to the northwest.
Notes:		
SS	Subject Site	S Southern Adjoining Property
N	Northern Adjoining Property	W Western Adjoining Property
E	Eastern Adjoining Property	RG Regional Area

MEV did not observe any features on aerial photographs examined that would suggest the presence of significant vegetative stress, soil staining, or bulk storage of chemicals such as drums or tanks.

End of Section

5.0 SITE RECONNAISSANCE

Information regarding the storm water flow, property layout, physical characteristics, and adjoining property conditions are presented in Figure 2, Site Plan, and site photographs located in Appendix A.

5.1 Methodology and Limiting Conditions

A site investigation focuses on obtaining information indicating the likelihood of identifying *recognized environmental conditions* in connection with the property and assessing the subject property in relation to surrounding land uses and natural surface features. It includes a physical inspection of the real property and any on-site building structures.

On May 3 and May 4, 2007, MEV personnel, Mr. Jeffrey Kermodé, conducted an overall site inspection of the subject site. The method used to observe the subject property included: (1) walking the approximate perimeter of the subject property and along any on-site roads, (2) thoroughly inspecting any on-site baseyards and areas of limited dumping noted (3) conducting random and non-random traverses of the subject property. The property perimeter boundaries were not effectively defined. MEV made boundary estimates based on a Maui County Real Property Tax map and a property map supplied by the Client.

Certain physical obstructions limited the investigators from total property observations of native surface soils. Areas of dense vegetation and the presence of a limited number of portable storage containers/office trailers obscured the underlying surface soils. Exposed soils that were observable did not exhibit any evidence of gross surface contamination. Limited soil staining was observed.

Any environmental conditions reported here are not intended to include minimal conditions that 1) generally do not present a material risk of harm to public health or the environment and 2) generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies.

5.2 General Site Setting

5.2.1 Current and Past Use(s) of the Property

Current Uses

The current owners of the subject property are Haleakala Ranch Co. and Maui R & T Park Partners.

The property consists of nine (9) land parcels, TMK (2)-2-2-24:4, 8, 9, 14, 15, 16 portion, 17 portion, 18 & (2)-2-2-2:54 portion.

The property is essentially undeveloped, grazing land. Two (2) small areas of the property are used as construction baseyards. The baseyards are located on Parcels 4 & 8. A well, sewer pump station and water holding tank are located along the western boundary of Parcel 16.

Information presented here represents those items visually or physically observed or identified in the interviews or records review.

Past Uses

The majority of the subject property was previously owned by Haleakala Ranch Co. for several decades and was used for cattle grazing purposes.

The knowledge of past uses of the property was primarily obtained from aerial photographs, client supplied information, interviews and property tax records. Topographic maps and the Hawaii Atlas provided limited regional information.

5.2.2 Current and Past Uses(s) of the Adjoining Properties and Surrounding Area

MEV has researched current uses of adjoining properties and at its discretion, past uses of the adjoining properties and the surrounding areas. Information presented here represents those items visually or physically observed or identified in the interviews or records review. The information is described herein as items that may indicate *recognized environmental conditions* with adjoining properties and those conditions that may indicate a high probability of migration of hazardous substances or petroleum products to the subject property.

Adjoining Property	Period	Land/Property Use	Concerns	Comments
North of Subject Site	Past	Grazing land.	None.	None.
	Present	Grazing land.	As above.	As above.
East of subject site	Past	Grazing land.	None.	None.
	Present	Grazing land; water storage tank; US Air Force RME facility.	None.	Limited chlorine storage for the water holding tank. The operations conducted at the RME facility are classified, however, MEV's knowledge of the facility does not lead them to believe this site poses an environmental concern.
South of subject site	Past	Grazing land.	None.	None.
	Present	Grazing land.	As above.	As above.
West of subject site	Past	Grazing land.	None.	None.
	Present	Golf course and grazing land.	None.	The golf course previously maintained underground fuel storage tanks, however, these tanks were removed and are not considered a concern.

The development of past uses of the adjoining properties was primarily made from interviews, MEV site reconnaissance, and aerial photographs. Topographic maps and the Hawaii Atlas provided limited regional information.

5.2.3 Topography

The subject property is situated east of (mauka of) Piilani Highway in Kihei, Maui on the north and south side of Lipoa Parkway. The property lies on the western slopes of East Maui (Haleakala). The physiographic type feature of the area is described as Kula, Slightly Dissected Upland.

The site elevation ranges from approximately 60 feet (Lipoa & Piilani Highway intersection) to 280 feet (northeast boundary of Parcel 54) above mean sea level. Regional topography is characterized by westerly trending slopes of approximately 3 to 4 percent. On-site relief for the property is estimated to be approximately 220 feet, descending from a high point along the eastern lot boundary to a low point along the western lot boundary.

The nearest prominent natural feature is Waipuilani Gulch, located along the northern property boundary. See Figure 1, Appendix A.

5.2.4 Geology and Soils

The Haleakala Volcanics have been divided into three series. The oldest are the Honomanu Volcanic Series, which is the primitive shield composed of Pahoehoe and aa flows of tholeiite, tholeiitic olivine basalt, and oceanite. Above sea level, later lavas have almost entirely buried this volcanic series. The Kula Volcanic Series overlies the Honomanu Volcanics and is composed predominantly of hawaiite with lesser amounts of alkalic olivine basalt and ankaramite. Near the summit of Haleakala Volcano, the Kula Series is at least 750 meters thick and near the shore only 15 to 60 meters thick. After a long period of erosion, subsequent renewal activity included the flows and cones of the Hana Volcanic Series, which are composed of the same rock type as of the Kula Series, but alkalic olivine basalts and basaltic hawaiites are predominant over the more siliceous types.

According to the U.S. Department of Agriculture, the following soil series underlies the subject site:

- Waiakoa extremely stony silty clay loam, 3 to 25 percent slopes, eroded (WID2). Waiakoa Series soil consists of well-drained soils on uplands on the island of Maui. These soils developed in material weathered from basic igneous rock. Permeability is considered low and the surface runoff is moderate. The erosion hazard is severe. This soil is used for pasture and wildlife habitat.

Other common, surface geologic phenomena investigated in an environmental site assessment are faults, landslides, rock falls, earthquake zones and volcanic eruptions. In 1992, the USGS reevaluated the seismic hazards for the State of Hawaii, and Maui County was classified as Zone 2B. This indicates that in any given year within a 50-year period (average building life span) there is a 10% chance that 1/5 the force of gravity (ground acceleration) during an earthquake will be exceeded.

5.2.5 Hydrology

The subject site area has an annual average rainfall of approximately 10 to 15 inches. The average temperature range from the annual high to the annual low is 85 degrees and 65 degrees Fahrenheit, respectively. The pre-development vegetation zone within this temperature and rainfall range is characterized as Kiawe and lowland shrubs. Characteristic plants consist of kiawe, koa haloe, finger grass and pili grass.

On-site drainage follows the natural slope of the land and is generally directed from the higher property elevations along the eastern boundary to the lower elevations of the western boundary. See Figure 2, Appendix A. A stormwater retention basin is located on an adjoining property, Lot 3-C-2. This basin is located upgradient of Parcel 17 (portion). Parcel 17 acts as a possible spillway for this basin. See Photo 2, Appendix A.

The pertinent Federal Insurance Rate Map (FEMA FIRM MAP #150003 0265C dated September 6, 1989) depicts the area as minimal flooding (Zone C).

The Civil Defense Tsunami Evacuation Maps indicate the subject property is **not** within the Tsunami reach-zone. The Pacific Ocean is located approximately 0.75 miles west of the subject site western boundary (Lipoa Parkway and Piilani Highway intersection).

5.2.6 Hydrogeology

As with all islands of the United States, Maui is regulated by the Coastal Zone Management Act of the Clean Water Act. These two designations require protective comprehensive plans for groundwater management and limit the extent of certain types of development and land use. One important management criterion is the disposal of wastewater. The Water Resources Research Center has designated the groundwater management area as the *Kamaole Aquifer System* within the *Central Aquifer Sector*. The groundwater underlying the subject site is defined as follows:

Aquifer	Aquifer Type: Hydrology & Geology	Status of Groundwater				
		Development Stage	Utility	Salinity (mg/l Cl)	Uniqueness	Vulnerability to Contamination
Upper	Unconfined, perched, high-level aquifer (fresh water not in contact with seawater).	Potential Use	Useful as a Drinking Water Source.	Fresh	Replaceable	High
Lower	Unconfined basal aquifer occurring in horizontally extensive lavas (Flank)	Currently Used	Drinking Water Source.	Low	Irreplaceable	Moderate

The following are descriptions of the aquifer classification codes, according to Water Quality Plan: *basal* – freshwater in contact with seawater; *high level* – freshwater not in contact with seawater; *unconfined* – water table is the upper surface of the saturated aquifer; *confined* – aquifer is bounded by impermeable or poorly permeable formations; and *confined or unconfined* – the actual condition is uncertain.

Aquifer Type Geology: flank, dike, flank/dike, perched, dike/perched, and sedimentary.

Development Stage – currently used, potential use, no potential use: Aquifers are differentiated according to those already being used (currently used), those with potential utility (potential use), and those having no potential developability.

Utility – drinking, ecologically important, neither: Identifies aquifers by use.

Salinity – fresh, low, moderate, high, and seawater: The gradation of groundwater from fresh to seawater is a feature of all basal aquifers in Hawaii. The upper limit of the standard for drinking water is 250 mg/l Chlorine (Cl) (fresh) and true seawater has a chloride content of 18,980 mg/l.

Uniqueness – irreplaceable and replaceable: The classes irreplaceable and replaceable are direct EPA derivatives. Virtually all potable water in the state of Hawaii should be considered irreplaceable over the long term.

Vulnerability to Contamination – high, moderate, low, none: Because of the geographical limits of resources, interconnection among groundwater sources and the relatively rapid time of groundwater travel, aquifers can be described as being either vulnerable or not vulnerable to contamination.

At the location of the on-site groundwater well, the depth to the basal groundwater is approximately 120 feet below the surface. The flow direction is expected to be in a westerly direction. Depths to the basal groundwater layer will vary depending on the positioning on the site. However, in localized areas, confining layers and/or dike compartments may maintain a high water table.

The majority of the subject site is located below (makai of) the Underground Injection Control (UIC) line. Parcel 54 is located above (mauka of) the UIC line. The UIC line is the designated boundary that divides protected inland areas situated over drinking water sources from seaward areas located over non-potable water sources. Sites makai of the UIC line are not considered drinking water sources and permit limitations are imposed by Maui County, Clean Water Branch (CWB). Sites mauka of the UIC line are considered drinking water sources and permit limitations are imposed and requirements are more stringent by the State Department of Health, Clean Water Branch (CWB).

5.2.7 Potable Water Supply and Sewage Disposal System

Currently, this property remains essentially undeveloped and, therefore, no sewage is generated or potable water supplied. A groundwater well has been developed on-site for irrigation use at the Maui Research & Technology Park. A small-scale sewer pump station is located on Parcel 16 that services the businesses in the Maui Research and Technology Park, pumping sewage to the Kihei Wastewater Treatment Plant.

5.3 Interior and Exterior Observations

5.3.1 Hazardous/Regulated Substances and Petroleum Products in Connection with Identified Uses.

MEV did not identify any hazardous substances and/or petroleum products that are in connection with identified current uses as visually and physically observed on the property at the time of the site visit except for the following:

- Small quantities of fuel, paints and adhesives are stored at the temporary construction baseyard located on Parcel 8. Regulated items identified by MEV were effectively stored in appropriate containers. See Photos 14 & 15 and Figure 2, Appendix A.

5.3.2 Hazardous/Regulated Substances and Petroleum Products/Containers (not in connection with identified current uses).

MEV did not identify any hazardous/regulated substances and/or petroleum products that are not in connection with identified current uses as visually and physically observed on the property at the time of the site visit except for the following:

- One (1) drip pan, containing an oil filter and a deteriorating plastic container of waste oil, is located under a stored office trailer (not in use) situated near the northern portion of Parcel 9. See Photos 16 & 17 and Figure 2, Appendix A. Limited soil staining is associated with these items.

There is no evidence of any historic significant misuse of hazardous or regulated substances on the subject property.

5.3.3 Unidentified Substance Containers

MEV did not observe any unidentified substances suspected of being possible hazardous/regulated substances or petroleum products as visually and physically observed on the property at the time of the site reconnaissance.

5.3.4 Storage Tanks

No indications regarding the current presence or historic use of underground storage tanks (USTs) on the subject site were obtained through our review of regulatory databases, interviews, or through MEV's site reconnaissance.

One (1) poly tank (empty) and one (1) steel above-ground storage tank are located on Parcel 16. These tanks are used to store water for livestock and irrigation purposes. See Photo 12 and Figure 2, Appendix A.

5.3.5 Odors

MEV identified no suspect odors on the subject property except in the area of limited soil staining and waste oil storage noted in Section 5.3.2 above..

5.3.6 Pools of Liquid

MEV did not observe any pools or sumps of liquids likely to be hazardous substances or petroleum products to the extent visually and/or physically observed on the subject property at the time of the site visit or from interviews or records review.

5.3.7 Indications of PCBs

Pole or pad-mounted transformers numbered 7777 or above are considered non-PCB containing by the Maui Electric Company. Pad-mounted electrical transformers (non-PCB) were observed on the subject property along Lipoa Parkway. The transformers appeared to be in good condition with no sign of leakage.

Background Information:

Polychlorinated biphenyls (PCBs) are groups of manufactured organic chemicals that contain 209 individual chlorinated chemicals (known as congeners) and were introduced in 1929. PCBs have been used widely as coolants and lubricants in transformers, capacitors, and other electrical equipment. Products containing PCBs are old fluorescent lighting fixtures, electrical appliances containing PCB capacitors, old microscope oil, and hydraulic fluids.

The manufacture of PCBs stopped in the United States in 1977 because of evidence that they build up in the environment and cause harmful effects. The distribution in commerce of PCB containing items was banned in 1979 (40 CFR 761.20). The EPA aggressively enforces regulations concerning PCB manufacturing, use, distribution, release and disposal under the Toxic Substance Control Act (TSCA). This federal agency extensively regulates the use, servicing, and disposal of PCBs in electrical equipment by enforcing marking, notification, inspection, and record keeping requirements.

5.4 Interior Observations

The subject property is undeveloped with no significant, permanent building structures. This section does not apply.

5.5 Exterior Observations

5.5.1 Pits, Ponds, and Lagoons

There were no areas identified as any man-made or natural depressions that are, or would have been, likely to hold waste liquids or sludge from industrial operations or other activities.

5.5.2 Stained Soil or Pavement

One area of limited soil staining was noted by MEV at the northern portion of Parcel 9 and was related to the ineffective storage of a drip pan containing waste oil. The staining appeared to be limited in both horizontal and vertical extent. See Photos 16 & 17 and Figure 2, Appendix A.

5.5.3 Stressed Vegetation

There were no areas of stressed vegetation identified on the subject property at the time of the site visit that are, or would have been, likely caused from something other than insufficient water (or flooding).

5.5.4 Solid Waste

There were no indications of significant solid waste dumping or suspect fill materials, mounds, depressions or excavations observed on this property during the site reconnaissance, nor on historic aerial photographs.

One (1) solid waste bin was noted by MEV on the GBI baseyard. See Photo 19, Appendix A.

Improperly disposed (abandoned) solid waste items that were identified by MEV on the subject site at the time of the site reconnaissance consisted of the following:

- Limited amounts of miscellaneous debris dumping including household waste and construction debris. See Figure Photo 22, Appendix A.
- Regulated items (1 derelict vehicle, 3 vehicle batteries, tires, vehicle parts and a white good). See Photos 20, 21, 23 & 24 and Figure 2, Appendix A.

No solid waste dumping was noted by the archaeologist that conducted a survey of the area.

5.5.5 Wastewater or Storm Water – Discharge Drains, Dry Wells, Drainage Ways, and Retention Basins

MEV did not note any wastewater discharge drains, dry wells, or retention basins located on-site. A retention basin is located adjacent to the subject property. See Figure 2, Appendix A.

5.5.6 Wells

One (1) groundwater well (State Well No. 4426-03) is located near the western boundary of Parcel 16. See Photo 12 and Figure 2, Appendix A. This well was constructed in 1990 and is used for irrigation purpose by Maui R&T Partnership. A permit to construct this well was obtained from the State.

Wells located near the subject property are used for observation or irrigation purposes or are unused at this time. See Figure 1, Appendix A for the nearest well locations.

5.5.7 Septic and Cesspool Systems

The subject property has no operational cesspool or septic system located on-site.

5.6 Non-Scope Considerations

The concerns listed below are not normally considered relevant under CERCLA, however, they may be considered regulated under other environmental laws and ordinances and may present a potential liability to the property owner.

5.6.1 Asbestos-Containing Materials (ACM)

The subject property did not have any permanent on-site building structures that would consist of asbestos-containing materials. No suspect asbestos-containing debris was noted.

5.6.2 Lead-Based Paint

The subject property did not have any permanent on-site building structures that would consist of lead-based paint. No suspect lead-based paint debris was noted.

5.6.3 Arsenic-Containing Substances

MEV did not observe any suspect arsenic-containing building materials or waste materials at the time of the site visit.

5.6.4 Radon

MEV did not identify any man-made products on the subject property that are known or suspected to emit radioactive decay elements.

Background Information:

Radon is a colorless and odorless radioactive gas that can produce health effects such as cellular injury. Radon gas can occur in the natural environment as concentrations from certain rocks and geologic conditions have a high radon-emanation potential.

These surface rock types are not known to occur in Hawaii. It is possible that increased concentrations of Radon could occur in regions where geologic fault and volcanic rift zones may release gases from deeper earth sources. However, the State of Hawaii, Department of Health (DOH) has not addressed concerns for any significant levels of gas to occur anywhere in Hawaii. This was based on the 1992 and 1996 DOH investigations conducted in elementary schools throughout the State.

5.6.5 Lead in Drinking Water

The subject property is undeveloped. This section does not apply.

5.6.6 Ecological Resources, Endangered Species, Cultural and Historic Resources, and Wetlands

There are no known critical habitats or threatened and/or endangered species on the project site. The subject site is not located within the County of Maui's Special Management Area (SMA).

According to Mr. Dega of SCS Archaeology, a cultural survey has been completed for this site. Any significant findings in this survey relating to the subject property should be thoroughly addressed.

5.6.7 Indoor Air Quality

The subject property is undeveloped. This section does not apply.

5.6.8 High Voltage Transmission Lines

MEV did identify transmission lines on the subject site (Parcel 15 & 16). These lines are not expected to have a significant impact on the subject site in its present form, however, should be addressed if the areas are developed, especially for residential purposes.

End of Section

6.0 INTERVIEWS

MEV conducts interviews with persons that may have specific knowledge on the subject property and any land use activities that may have operated on-site in the past or continue to currently operate on the subject property. Interviews are also an effective tool to better understand the overall historical regional and local setting of the subject site. Whenever possible, MEV attempts to interview the present and past owner(s), site manager, occupants, local government officials and other relevant contacts. See also Section 8.3.

6.1 Interview with Client Representative

Client representative, Mr. John Maloney, provided MEV with limited information on the subject property's history, ownership and current operations located on-site.

6.2 Interview with Property Owner Representative

Mr. Scott Meidell of Haleakala Ranch informed MEV that the ranch used and continues to use the majority of the subject property for grazing activities only. Mr. Meidell was not aware of any *Recognized Environmental Conditions* or historic solid waste dumping activities related to the subject property.

6.3 Other Persons Interviewed

A list of any additional persons interviewed during the course of this investigation is located in Section 8.3. None of these persons interviewed had any specialized knowledge of the site relating to *Recognized Environmental Conditions* on the subject site.

End of Section

7.0 FINDINGS, OPINIONS, AND CONCLUSIONS

7.1 Recognized Environmental Conditions

Recognized environmental conditions, as defined by ASTM Standard E1527-05, are the presence or likely presence of any hazardous substance or petroleum products on a property under conditions that indicate an existing release, a past release, or a material threat of a release of any hazardous substances or petroleum products into structures on the property or into the ground, ground water, or surface water of the property. **Recognized environmental conditions** are described with regard to (1) the nature and extent of the environmental condition, (2) potential or actual environmental threat, (3) potential for transport (migration) of any environmental conditions, and (4) consideration for further investigation. The term is not intended to include *de minimis* conditions that generally do not present a material risk of harm to public health or the environment and that generally would not be the subject of an enforcement action if brought to the attention of appropriate governmental agencies.

MEV has performed this Phase I Environmental Site Assessment in conformance with the scope and limitations of the ASTM Practice E 1527-05 for the subject property, located within and surrounding the Maui Research and Technology Park, [TMK (2)-2-2-24:4, 8, 9, 14, 15, 16 portion, 17 portion, 18 & (2)-2-2-2:54 portion] in the community of Kihei, Maui, defined as the subject property.

Any exceptions to or deletions from this practice are described in Section 1.4, Limitations and Exceptions, of this report.

This assessment has revealed no evidence of *recognized environmental conditions* in connection with the property.

7.1.1 Database Listings (See Section 4.0 & EDR Report, Appendix B)

Findings:

The subject site is not listed. The listed, nearby risk site unlikely poses a significant concern to the subject property.

7.1.2 Current and Historic Use or Storage of Hazardous and Regulated Substances (See Sections 5.3.1 & 5.3.2)

Findings:

There is no evidence of any historic or current significant misuse of hazardous or regulated substances on the subject property. See Section 7.2.1 below.

7.2 Other Environmental Concerns

The concerns listed below may not be considered **recognized environmental conditions** by ASTM definition. However, they may be considered regulated under other environmental laws and ordinances and may present a potential liability to the property owner.

7.2.1 Ineffective Storage of Regulated Waste and Limited Soil Staining (See Section 5.3.2 & 5.5.2)

Findings/Concerns:

A limited amount of waste oil is being ineffectively stored beneath an office trailer (not in use) located on-site. A limited amount of surface soil staining is associated with this waste oil.

Opinions and Conclusions:

This waste oil and any related surface soil staining should be properly managed. Though not anticipated, if the stained soils extend beyond the immediate surface soils (indicating possible gross contamination), the underlying soils should be tested to confirm all contamination has been effectively removed.

7.2.2 Solid Waste Management (See Section 5.5.4)

Findings/Concerns:

A limited amount of dumping activity was evident on the subject property, including regulated waste items, at the time of the MEV's site reconnaissance.

Opinions and Conclusions:

Any waste disposal should be in a permitted solid waste landfill or recycled in a manner that complies with all local, state, and federal regulations as applicable to the specific waste type with special attention given to regulated items (derelict vehicle, batteries, tires, waste oil, etc.).

Due to presence of heavily vegetated areas and storage containers, the entire subject site and underlying soils were not visibly inspected. It is important to ensure that if clearing of the property commences and large amounts of construction debris or unidentifiable substances (containers) are discovered, proper waste identification, testing and applicable waste handling/disposal procedures are followed.

7.2.3 Surface Waters and Area Aquifer Protection

Findings/Concerns:

If future land use includes developing the land for residential or commercial use, the developer and property owner should be aware of the potential for contaminants to run off-site and into nearby water courses and storm water drains. Products of concern relating to any future development project or land-clearing activity would be earthen material (silt), paints, oils, antifreezes and other fluids from automobile or on-site machinery, or leaks from on-site stocked items.

Opinions and Conclusions:

In order to minimize the regulatory profiling of the subject site as a potential responsible party for any newly discovered groundwater or surface water contamination, future developers should consider implementing conservative, proactive environmental policies during the development planning phase.

Construction managers and developers of any future, on-site development activities should consider implementing aggressive, proactive environmental policies during the development-planning phase. Incorporating best management practices including the use of silt fencing and dust control, secondary containment of all petroleum products, etc. will reduce the possibility of negatively impacting the surface soils, surface waters and/or groundwater resources in the region.

Future land clearing of greater than one (1) acre will likely require both a County of Maui grading/grubbing permit and a National Pollution Discharge Elimination System (NPDES) General Permit (State of Hawaii, Department of Health).

7.2.4 Groundwater Well (See Section 5.5.6)

Findings/Concerns:

One (1) groundwater well is located on the subject property. Department of Lands and Natural Resources' permitting requirements for Well No. 4426-03 were completed.

Opinions and Conclusions:

In order to remain in compliance with the State, this well should be operated and maintained in accordance with applicable federal and state regulations.

The conclusions stated above should not be construed to mean that any regulatory agency would have the same opinion as this author, nor is any implication proposed therefrom.

The results of this environmental assessment are intended for general reference purposes only and are not intended as legal advice. The advice of legal counsel should be sought in regard to individual facts, circumstances and interpretation of environmental liability.

8.0 REFERENCES

8.1 Published References

1. American Standard of Testing and Materials, Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, E1527-05, 2005.
2. "Atlas of Hawaii", 2nd Edition, Department of Geography, University of Hawaii at Hilo, 1983, University of Hawaii Press.
3. "Atlas of Hawaii", 3rd Edition, Department of Geography, University of Hawaii at Hilo, 1998, University of Hawaii Press.
4. County of Maui, Real Property Tax Division, Historical Records for TMK Number (2)-2-2-24:4, 8, 9, 14, 15, 16 portion, 17 portion, 18 & (2)-2-2-2:54 portion.
5. Hawaii Administrative Rules, Title 11, Department of Health, Chapter 58.1, Solid Waste Management Control.
6. State of Hawaii, Department of Health, Solid and Hazardous Waste Branch, Underground Storage Tank Section, List of Leaking Underground Storage Tank Release Sites, January 2007.
7. State of Hawaii, Department of Health, Solid and Hazardous Waste Branch, Underground Storage Tank Section, List of Underground Storage Tank Facilities, January 2007.
8. State of Hawaii, Department of Health, Voluntary Response Program (VRP), List of Voluntary Response Program Sites, July 2006.
9. State of Hawaii, Department of Health, Office of Hazard Evaluation and Emergency Response, List of Release Notifications, July 2006.
10. State of Hawaii, Department of Health, Office of Hazard Evaluation and Emergency Response, List of Sites List, July 2006.
11. State of Hawaii, Department of Land and Natural Resources, Registered Wells and Dry Wells.
12. State of Hawaii, Department of Land and Natural Resources, "State of Hawaii Water Quality Plan and Groundwater Map", June 1990, Revised December 1991.
13. U.S. Department of Agriculture, Soil Conservation Service, "Soil Survey of the Islands of Kauai, Oahu, Maui, Molokai, and Lanai, State of Hawaii", 1972.
14. U.S. Environmental Protection Agency, Office of Air and Radiation et al., Indoor Air Facts No. 4 (revised) Sick Building Syndrome, April 1991.
15. U.S. Environmental Protection Agency, Building Air Quality: A Guide for Building Owners and Facility Managers, 1991.

8.2 Map and Other References

1. Environmental Data Resources, Inc., "The EDR Field Check Report", May 17, 2007.
2. Federal Emergency Management Agency, "Flood Insurance Rate Map", Number 150003 0265C dated September 6, 1989.
3. R.M. Towill Corporation, Aerial Photographs, Honolulu, Hawaii.
4. Air Survey Hawaii, Aerial Photographs, Honolulu, Hawaii.
5. Sanborn Maps (no coverage)
6. U.S. Geological Survey, 7.5 Minute Topographic Map, Puu O Kali, Hawaii 1983 & 1992.

8.3 Record of Personal Communications

Table 3.0. List of personal Interviews conducted by MEV.

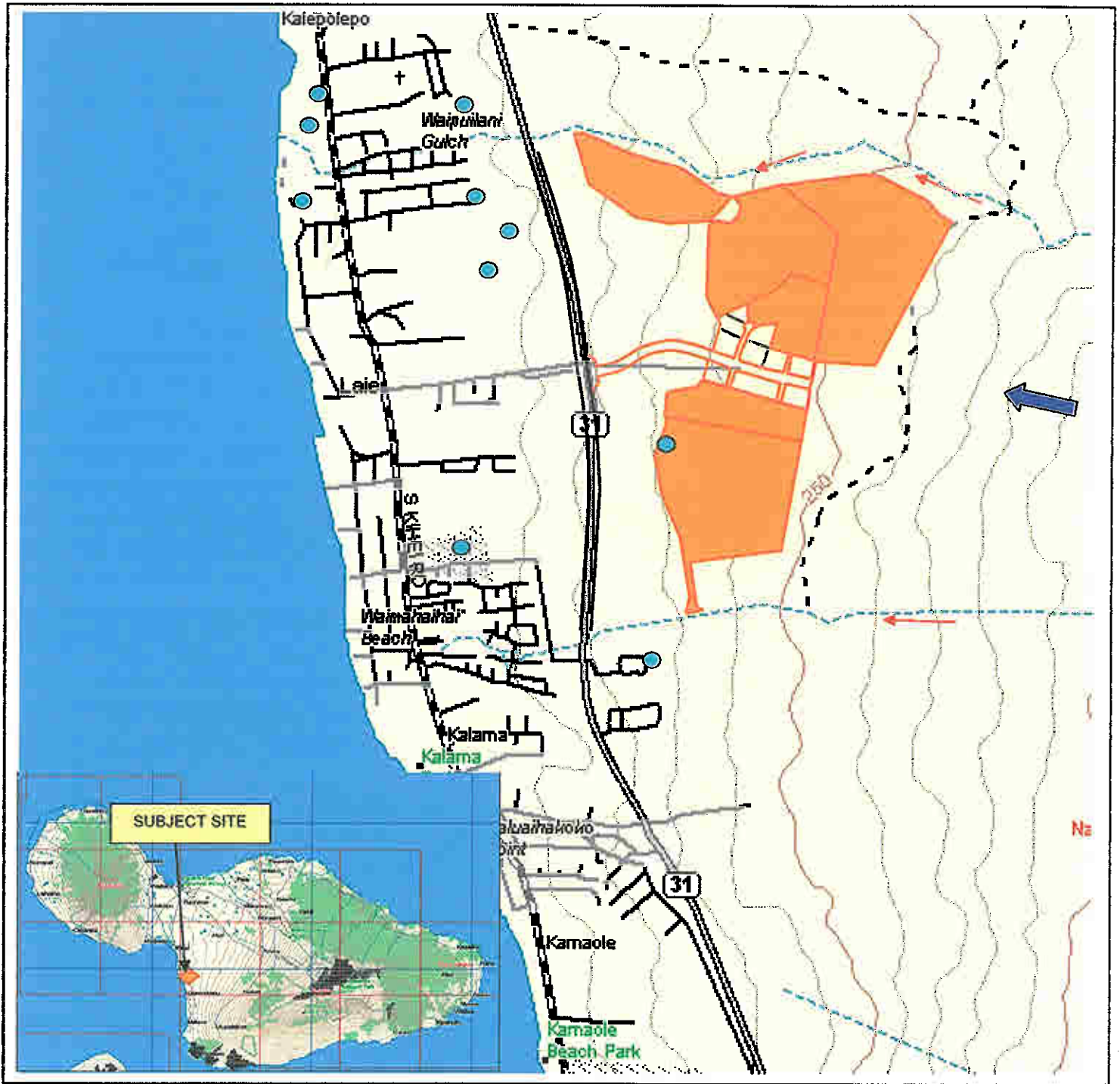
Date	Interviewee	Title & Organization	Address	Phone Number
3/20/07	Mr. John Maloney	Pacific Rim Land, Inc	381 Hukul L'I Place Suite 202 Kihei, HI 96753	(808) 874-5263
5/4/07	Mr. Scott Meidel	Land Manager Haleakala Ranch Co.	529 Kealaloa Aveue Makawao, HI 96768	(808) 572-1500
5/4/07	Mr. Todd MacFarlane	Project Manager, Goodfellow Brothers, Inc	500 Welakahao Rd Kihei, HI 96753	(808) 879-8868
5/11/07	Mr. Paul Dega	SCS Archaeology	711 Kapiolani Blvd Suite 975 Honolulu, HI	(808) 579-1182

End of Section

Appendix A:

Maps, Plans, and Photographs

FIGURE 1: REGIONAL SETTING MAP







-  Subject Property (not to scale)
-  Projected Groundwater Flow
-  Regional Surface Water Flow
-  USGS Water Wells (2003)

FIGURE 2: SITE PLAN

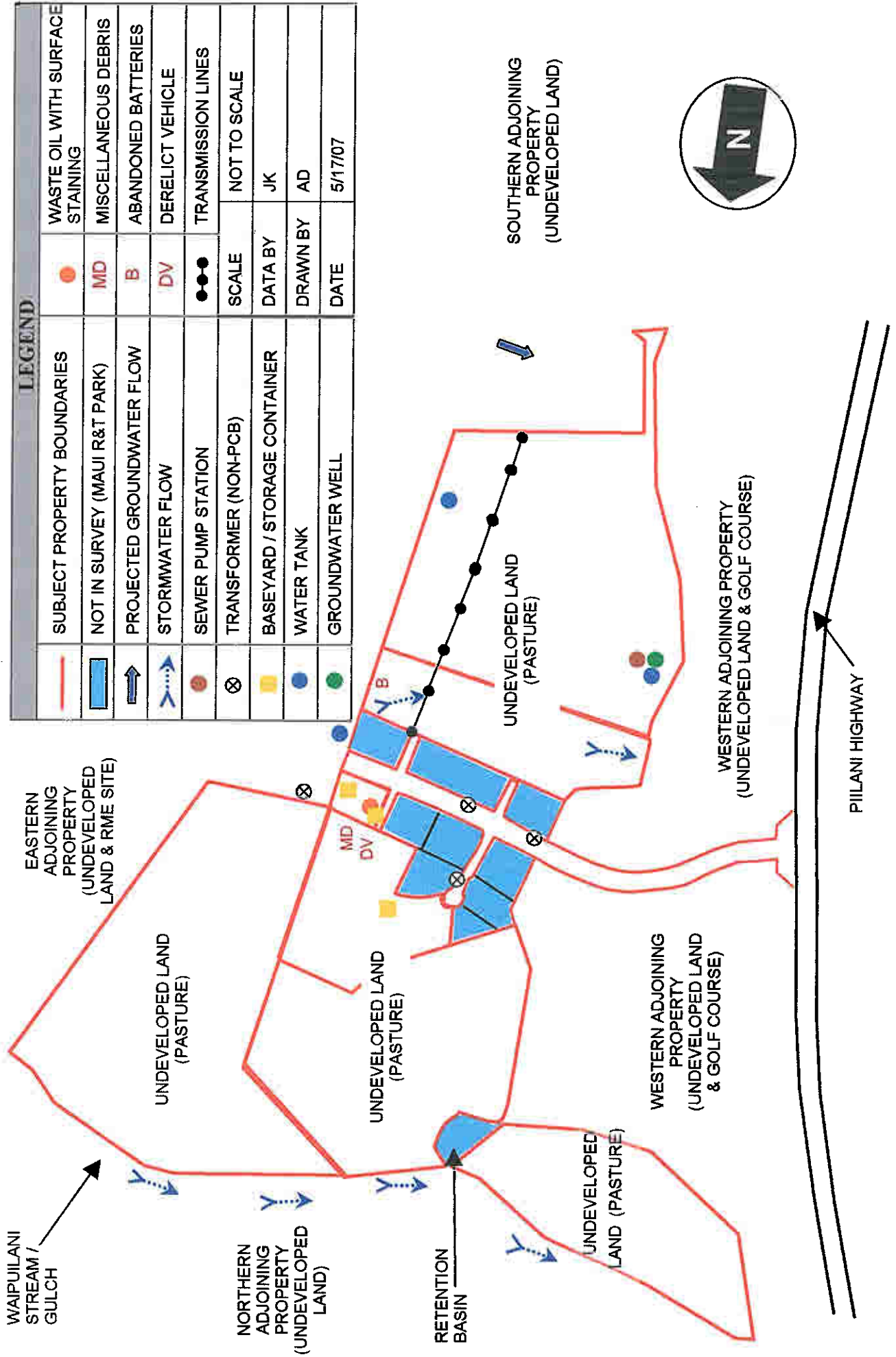


FIGURE 3a: TAX MAP KEY

2 - 2 - 24 2ND DSI

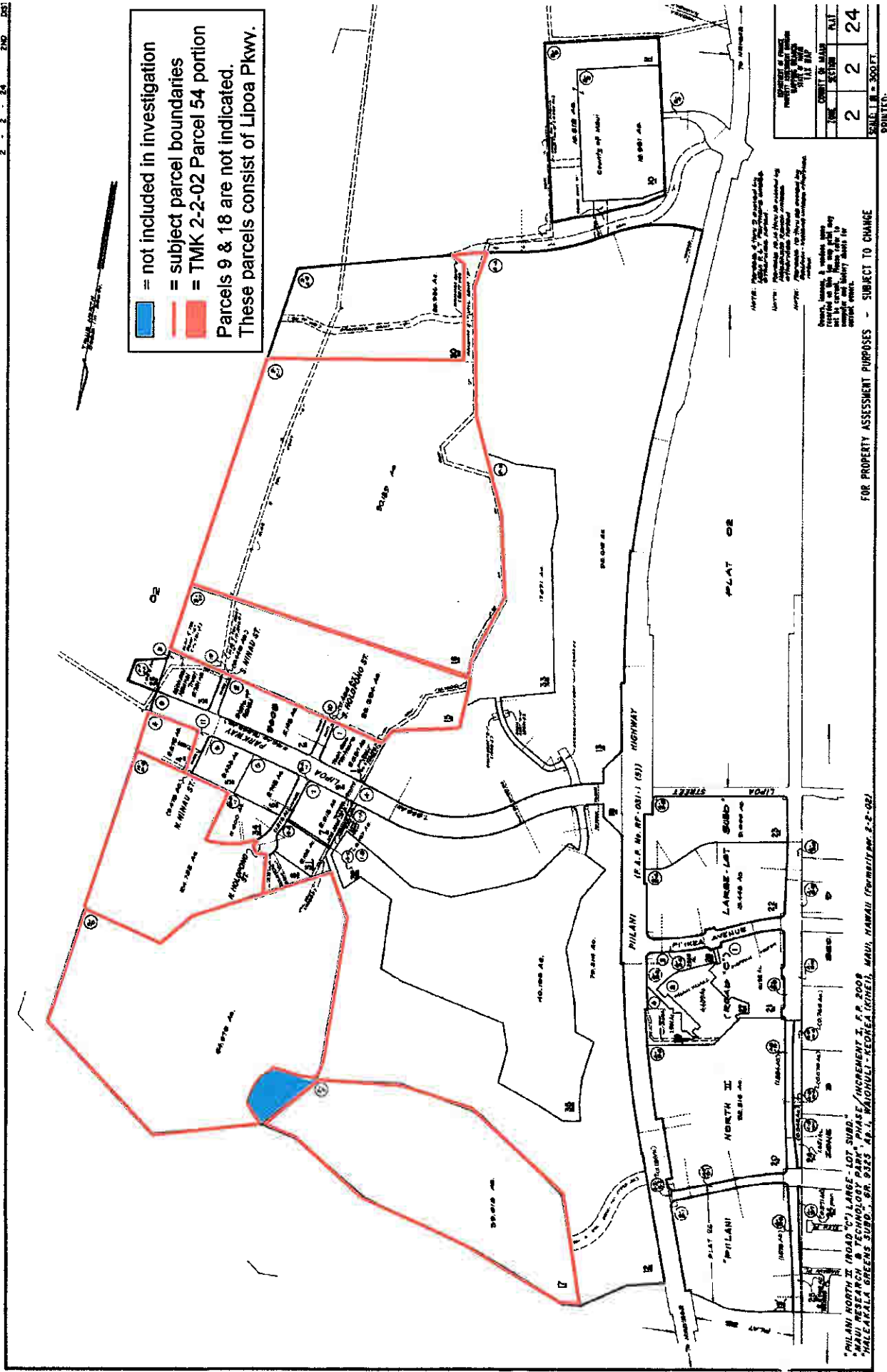


FIGURE 3b: TAX MAP KEY

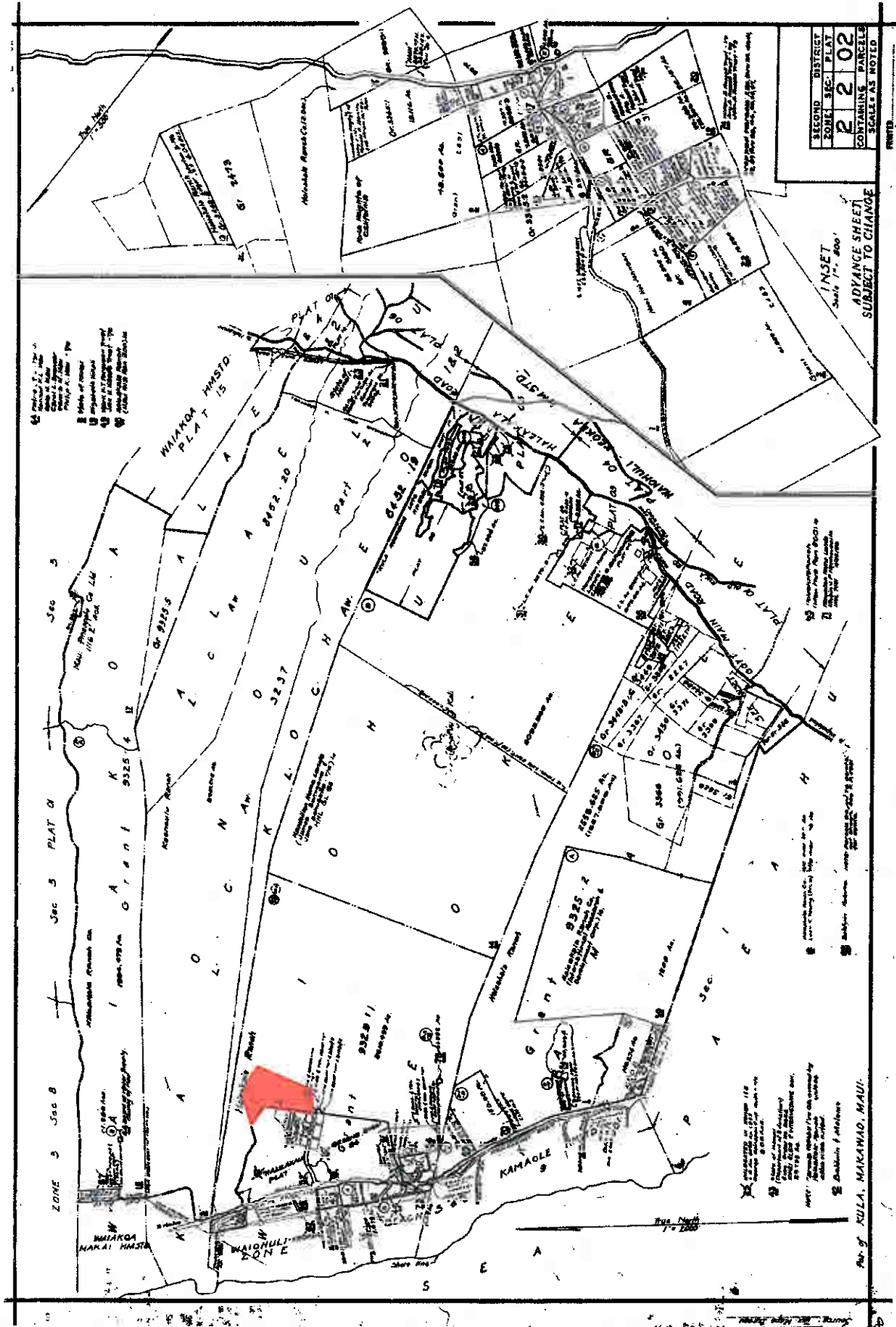


FIGURE 4 – AERIAL PHOTO OF LAND PARCELS

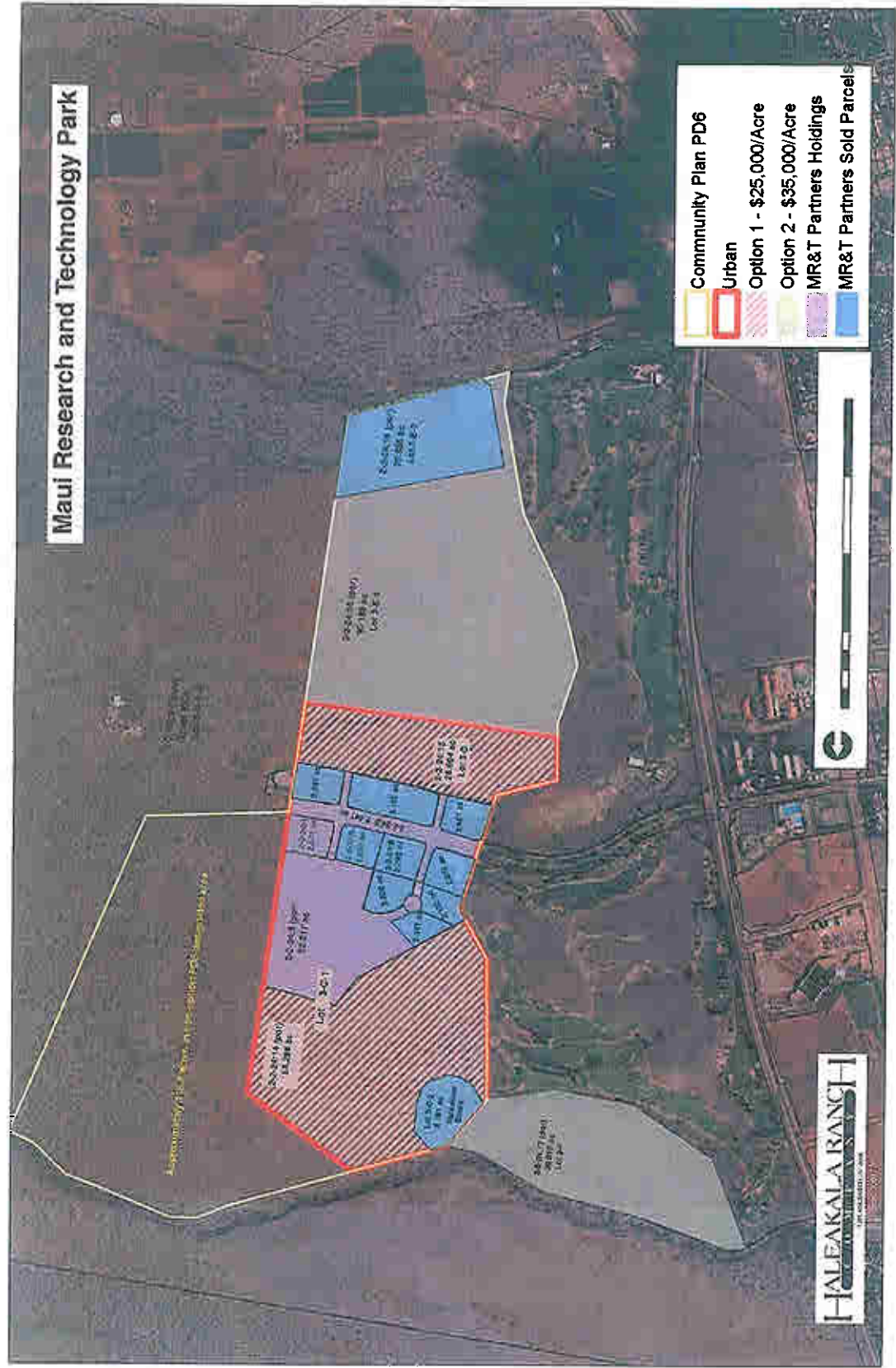


PHOTO SUPPLIED BY PACIFIC RIM LAND, INC. BLUE AREAS NOT INCLUDED IN PHASE I ESA SURVEY



PHOTO 1

Northeasterly view, across Piilani Highway, of the subject property's entrance. Lipoa Parkway leads to the remaining land parcels of the subject property.



PHOTO 2

Easterly view from Parcel 17 towards the retention basin located on Lot 3-C-2. The basin is not part of the subject property.



PHOTO 3

Westerly view along the subject property's northern boundary (Parcel 54).

PHOTO 4

Northerly view along an access road dividing Parcel 8 and Parcel 54.

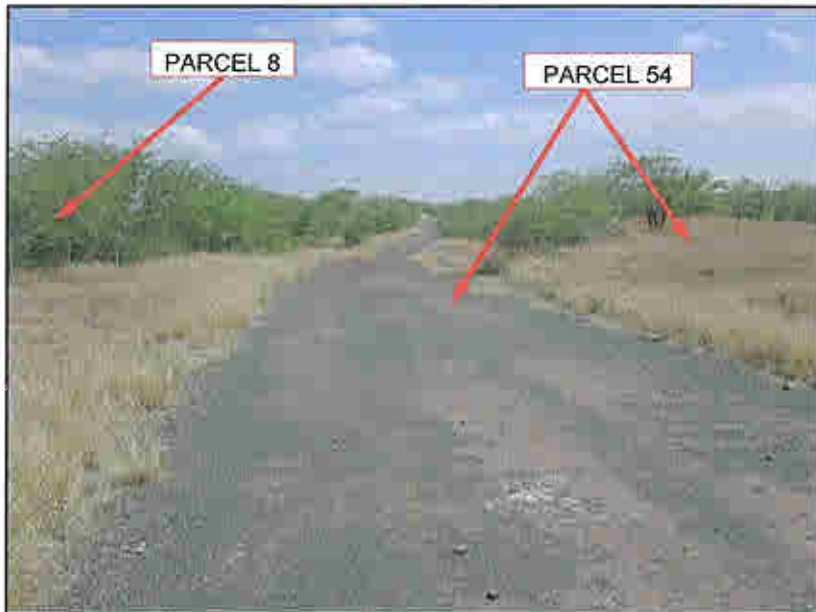


PHOTO 5

Easterly view along the southern boundary of Parcel 54 (portion).

The unpaved road on the right side of the photo leads to the military's RME facility.

The photo is taken from the top end of Lipoa Parkway.

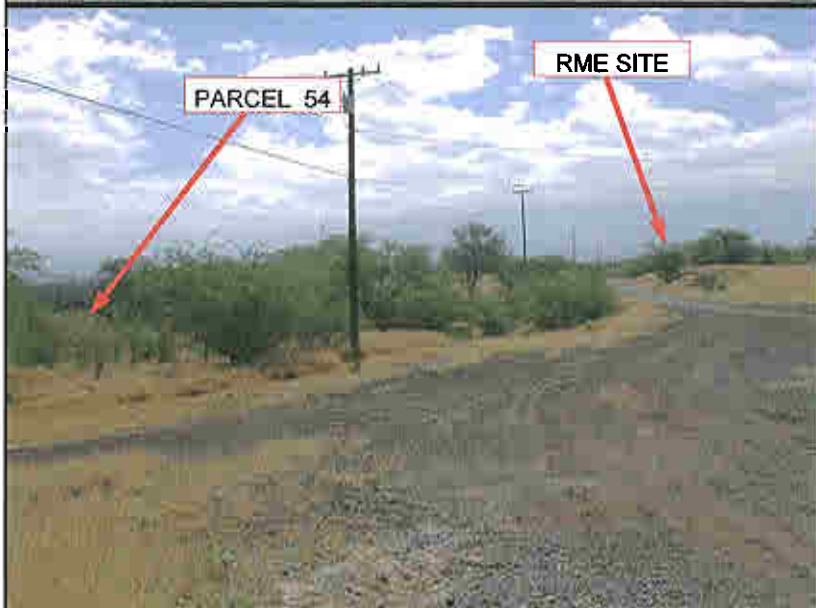


PHOTO 6

Southerly view along the eastern boundaries of Parcel 15 and 16.

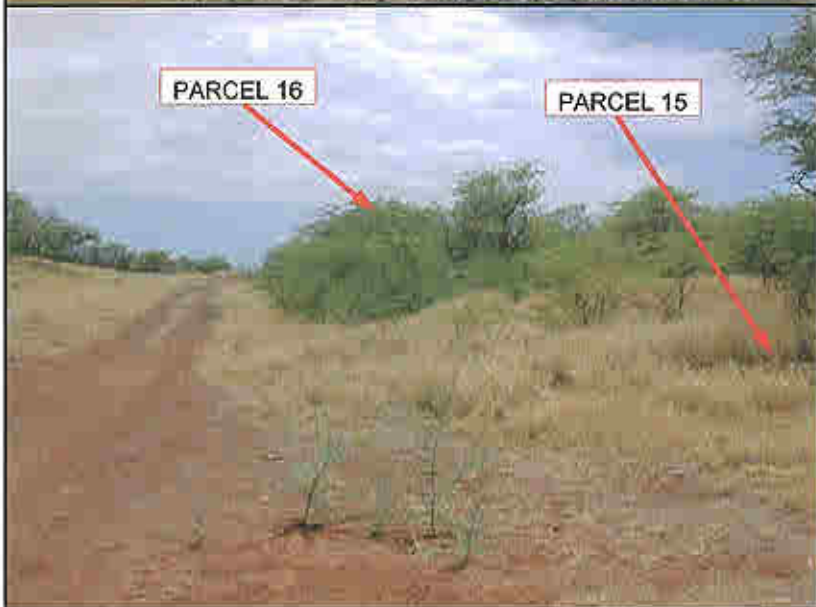


PHOTO 7

Northerly view along the subject property's western boundary.



PHOTO 8

Southerly view along the western boundary of Parcel 8. The adjoining property consists of commercial office space.



PHOTO 9

Westerly view along the eastern portion of Lipoa Parkway. The Goodfellow Bros. Inc. (GBI) baseyard is located in this area.





PHOTO 10

Body shot of the typical terrain and vegetation located on the subject property. View is westerly.



PHOTO 11

GBI's baseyard, including office trailers and limited material stockpiling, is located on Parcel 4 located at the east end of Lipoa Parkway.

The storage/use of hazardous/regulated substances was not noted by MEV in this area.

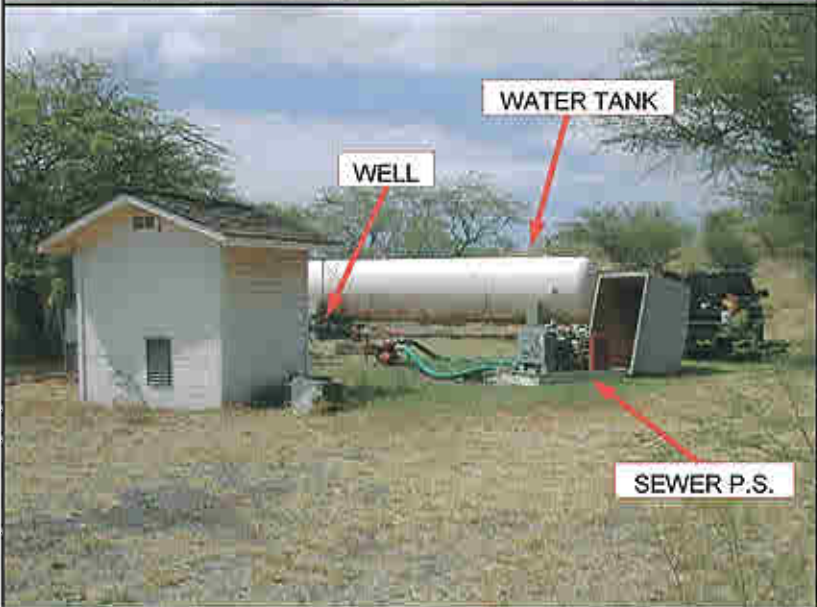


PHOTO 12

Located along the western boundary of Parcel 16 is a groundwater well; water storage tank; sewer pump station (P.S.); pad-mounted transformer; and a small storage shed.

The well supplies irrigation water that is temporarily stored in the water tank. The sewer pump station services the businesses in the Maui Research and Technology Park, pumping sewage to the County's wastewater treatment plant.



PHOTO 13

Baseyard activities are located on a portion of the subject property (Parcel 8). The baseyard is used for construction activities located on the adjoining property. See Photo 14.



PHOTO 14

Storage containers are located on a portion of the subject property (Parcel 8). Limited quantities of hazardous/regulated substances were noted in this area. See Photo 15.



PHOTO 15

This specialized cabinet, located on the back of a storage container (see Photo 14) is used to store flammables. Only limited quantities of flammables were noted by MEV.



PHOTO 16

This storage container is located on the northern portion of Parcel 9. A drip pan and deteriorating poly container containing waste oil are located at this location. These items should be properly managed. See Photo 17.



PHOTO 17

A drip pan containing an oil filter and deteriorated container of waste oil are located under a storage container on-site. See Photo 16 above. The waste oil and containers should be properly managed.

Limited soil staining was evident under and adjacent to the drip pan. The stained soils should be removed and properly disposed of. If the stained soils extend beyond the immediate surface soils, the underlying soils should be tested to confirm all contamination has been effectively removed.



PHOTO 18

Spillage noted at the construction baseyard located on Parcel 8 consisted of concrete only.



PHOTO 19

One (1) waste container is located in the GBI construction baseyard area. The improper disposal of regulated items into the container was not noted by MEV.



PHOTO 20

One (1) derelict vehicle was located on-site (Parcel 8).



PHOTO 21

A limited amount of solid waste dumping was noted by MEV on Parcel 8. Some of these materials included regulated waste items (vehicle tires and parts, white good).



PHOTO 22

A limited amount of solid waste dumping was noted by MEV on Parcel 8. Most of these items consisted of construction debris and household waste.



PHOTO 23

A limited amount of solid waste dumping was noted by MEV on Parcel 8. Some of these materials included regulated waste items (vehicle parts).



PHOTO 24

Three (3) vehicle batteries were abandoned on-site along the eastern boundary of Parcel 16. These batteries should be properly managed (recycled).

Appendix B:

Regulatory Records Documentation Site Specific Documentation

EDR FieldCheck® Report



EDR® Environmental
Data Resources Inc

**Maui Research & Technology Park - Undeveloped Lots
Lipoa Parkway
Kihei, HI 96753**

Inquiry Number: 1930257.1s

May 17, 2007

**The Standard in
Environmental Risk
Information**

440 Wheelers Farms Road
Milford, Connecticut 06461

Nationwide Customer Service

Telephone: 1-800-352-0050
Fax: 1-800-231-6802
Internet: www.edrnet.com

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GEOCHECK ADDENDUM

GeoCheck - Not Requested

Thank you for your business.
Please contact EDR at 1-800-352-0050
with any questions or comments.

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EXECUTIVE SUMMARY

A search of the environmental records was conducted by Environmental Data Resources, Inc. (EDR). MEV, LLC used the EDR FieldCheck System to review and/or revise the results of this search, based on independent data verification by MEV, LLC. The report was designed to assist parties seeking to meet the search requirements of EPA's Standards and Practices for All Appropriate Inquiries (40 CFR Part 312), the ASTM Standard Practice for Environmental Site Assessments (E 1527-05) or custom requirements developed for the evaluation of environmental risk associated with a parcel of real estate.

TARGET PROPERTY INFORMATION

ADDRESS

LIPOA PARKWAY
KIHEI, HI 96753

COORDINATES

Latitude (North): 20.750400 - 20° 45' 1.4"
Longitude (West): 156.435100 - 156° 26' 6.4"
Universal Transverse Mercator: Zone 4
UTM X (Meters): 767079.1
UTM Y (Meters): 2296507.5
Elevation: 220 ft. above sea level

USGS TOPOGRAPHIC MAP ASSOCIATED WITH TARGET PROPERTY

Target Property Map: 20156-G4 WAILUKU, HI
Most Recent Revision: Not reported

Southwest Map: 20156-F4 MAALAEA, HI
Most Recent Revision: Not reported

TARGET PROPERTY SEARCH RESULTS

The target property was not listed in any of the databases searched by EDR.

DATABASES WITH NO MAPPED SITES

No sites were identified in following databases.

FEDERAL RECORDS

NPL..... National Priority List
Proposed NPL..... Proposed National Priority List Sites
Delisted NPL..... National Priority List Deletions
NPL LIENS..... Federal Superfund Liens
CERCLIS..... Comprehensive Environmental Response, Compensation, and Liability Information System
CERC-NFRAP..... CERCLIS No Further Remedial Action Planned
CORRACTS..... Corrective Action Report

EXECUTIVE SUMMARY

RCRA-TSDF	Resource Conservation and Recovery Act Information
RCRA-LQG	Resource Conservation and Recovery Act Information
ERNS	Emergency Response Notification System
HMIRS	Hazardous Materials Information Reporting System
US ENG CONTROLS	Engineering Controls Sites List
US INST CONTROL	Sites with Institutional Controls
DOD	Department of Defense Sites
FUDS	Formerly Used Defense Sites
US BROWNFIELDS	A Listing of Brownfields Sites
CONSENT	Superfund (CERCLA) Consent Decrees
ROD	Records Of Decision
UMTRA	Uranium Mill Tailings Sites
ODI	Open Dump Inventory
TRIS	Toxic Chemical Release Inventory System
TSCA	Toxic Substances Control Act
FTTS	FIFRA/ TSCA Tracking System - FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act)/TSCA (Toxic Substances Control Act)
SSTS	Section 7 Tracking Systems
US CDL	Clandestine Drug Labs
DOT OPS	Incident and Accident Data
RADINFO	Radiation Information Database
HIST FTTS	FIFRA/TSCA Tracking System Administrative Case Listing
LUCIS	Land Use Control Information System
LIENS 2	CERCLA Lien Information
ICIS	Integrated Compliance Information System
PADS	PCB Activity Database System
MLTS	Material Licensing Tracking System
MINES	Mines Master Index File
FINDS	Facility Index System/Facility Registry System
RAATS	RCRA Administrative Action Tracking System

STATE AND LOCAL RECORDS

SHWS	Sites List
SWF/LF	Permitted Landfills in the State of Hawaii
LUST	Leaking Underground Storage Tank Database
UST	Underground Storage Tank Database
SPILLS	Release Notifications
INST CONTROL	Sites with Institutional Controls
VCP	Voluntary Response Program Sites
DRYCLEANERS	Permitted Drycleaner Facility Listing
BROWNFIELDS	Brownfields Sites
AIRS	List of Permitted Facilities

TRIBAL RECORDS

INDIAN RESERV	Indian Reservations
INDIAN LUST	Leaking Underground Storage Tanks on Indian Land
INDIAN UST	Underground Storage Tanks on Indian Land

EDR PROPRIETARY RECORDS

Manufactured Gas Plants	EDR Proprietary Manufactured Gas Plants
--------------------------------	---

EXECUTIVE SUMMARY

SURROUNDING SITES: SEARCH RESULTS

Surrounding sites were identified in the following databases.

Elevations have been determined from the USGS Digital Elevation Model and should be evaluated on a relative (not an absolute) basis. Relative elevation information between sites of close proximity should be field verified. Sites with an elevation equal to or higher than the target property have been differentiated below from sites with an elevation lower than the target property. Page numbers and map identification numbers refer to the EDR Radius Map report where detailed data on individual sites can be reviewed.

Sites listed in ***bold italics*** are in multiple databases.

Unmappable (orphan) sites are not considered in the foregoing analysis.

FEDERAL RECORDS

RCRAInfo: RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. RCRAInfo replaces the data recording and reporting abilities of the Resource Conservation and Recovery Information System(RCRIS). The database includes selective information on sites which generate, transport, store , treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Conditionally exempt small quantity generators (CESQGs) generate less than 100 kg of hazardous waste, or less than 1 kg of acutely hazardous waste per month. Small quantity generators (SQGs) generate between 100 kg and 1,000 kg of hazardous waste per month Large quantity generators generate over 1,000 kilograms (kg) of hazardous waste, or over 1 kg of acutely hazardous waste per month. Transporters are individuals or entities that move hazardous waste from the generator offsite to a facility that can recycle, treat, store, or dispose of the waste. TSDFs treat, store, or dispose of the waste.

An online review and analysis by MEV, LLC of the RCRA-SQG list, as provided by EDR, and dated 06/13/2006 has revealed that there is 1 RCRA-SQG site within approximately 0.25 miles of the target property.

<u>Lower Elevation</u>	<u>Address</u>	<u>Dist / Dir</u>	<u>Map ID</u>	<u>Page</u>
TREX HAWAII LLC	590 LIPOA PARKWAY	1/8 - 1/4 WSW 1		6

EXECUTIVE SUMMARY

Due to poor or inadequate address information, the following sites were not mapped:

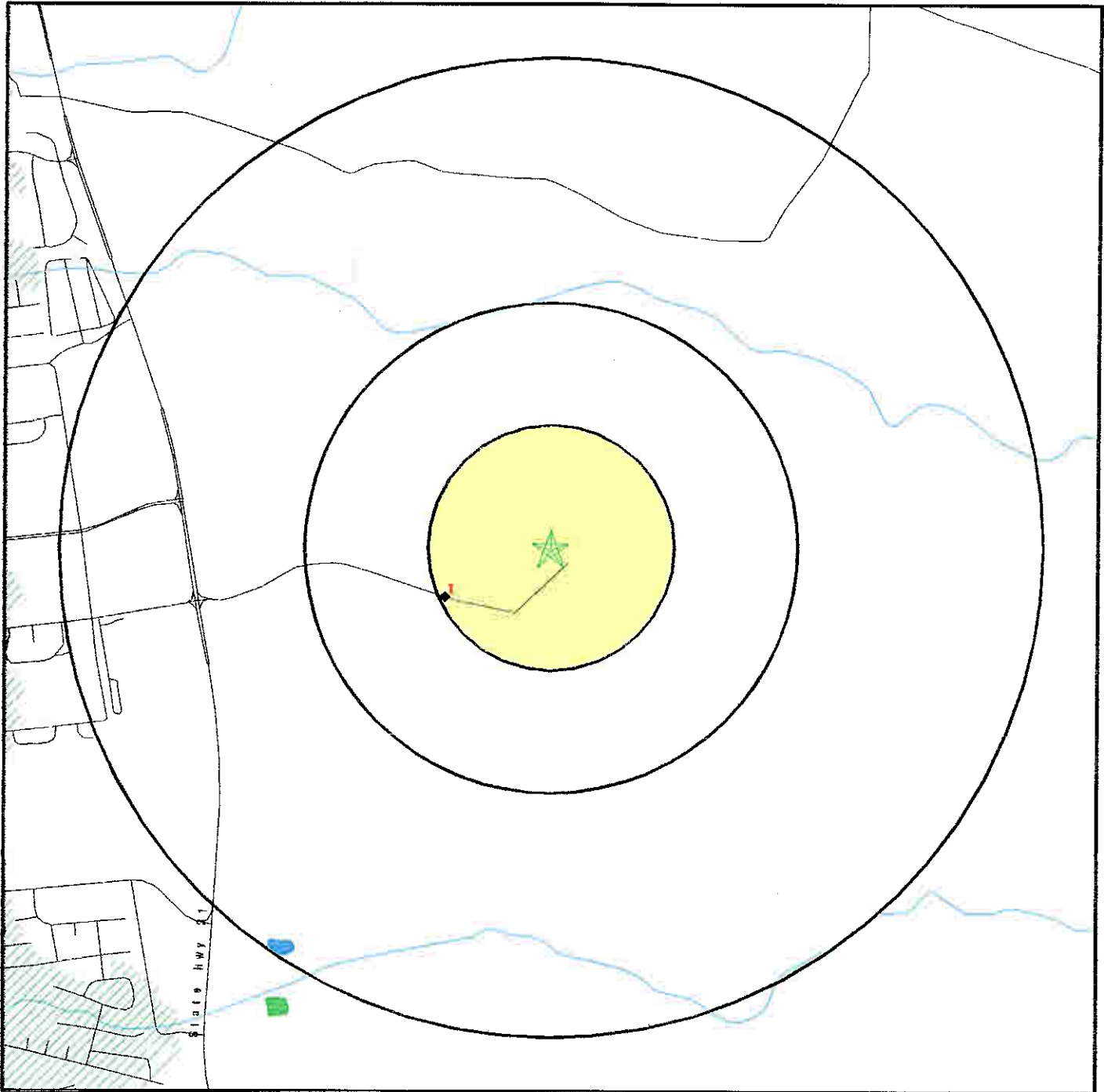
Site Name












KAHOOLAWE ISLAND
MAUI OCEAN CENTER
MAUI ECONOMIC DEVELOPMENT BRD
MAUI NUI PARK
100 YARDS OFF SHORE OF KIHEI MAUI
MAUI ELEC-MAALAEA GEN STATION

Database(s)

CERCLIS
FINDS
FINDS
FINDS
SPILLS
HAZNET, HAZNET

OVERVIEW MAP - 1930257.1s

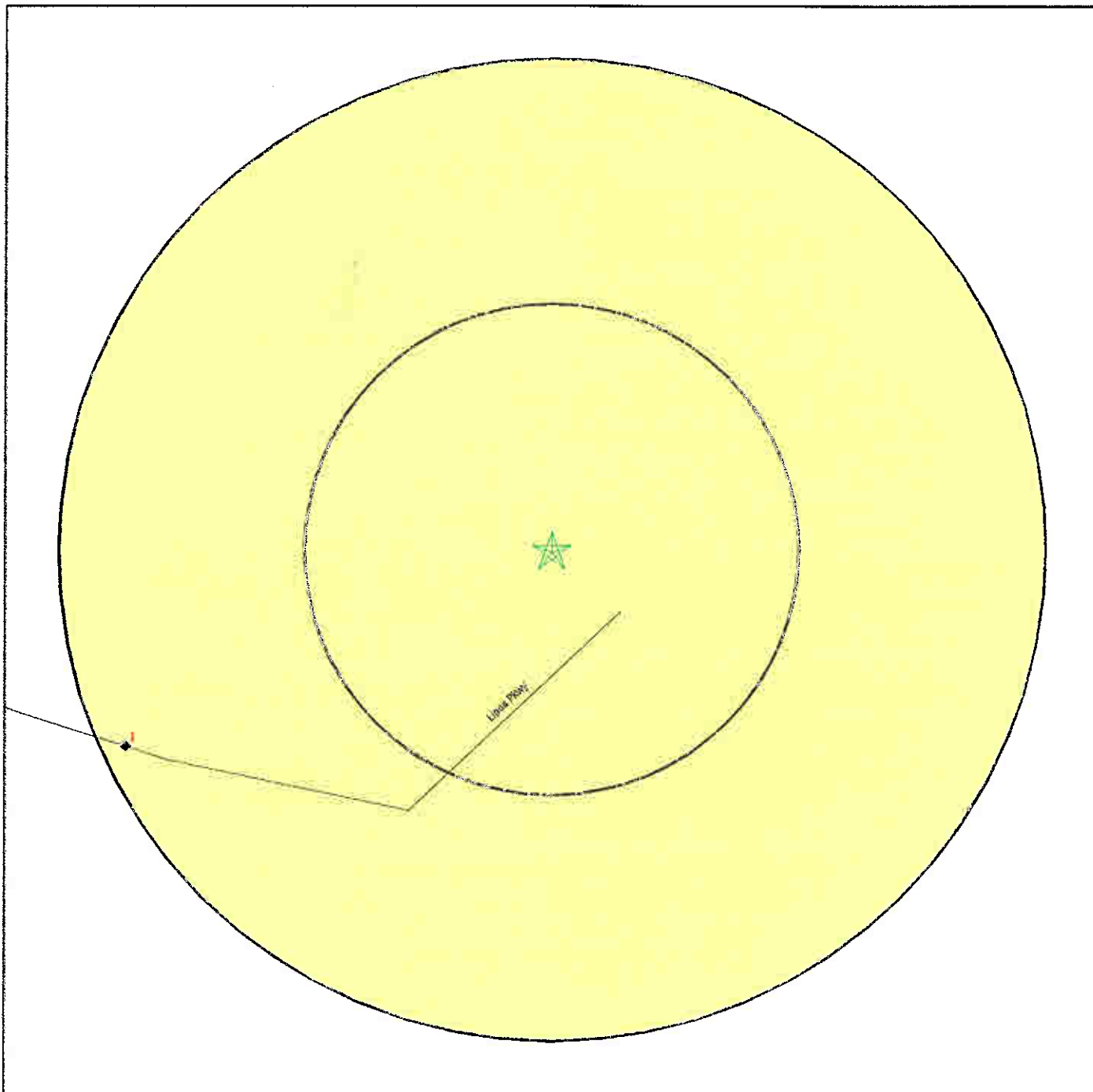







-  Target Property
-  Sites at elevations higher than or equal to the target property
-  Sites at elevations lower than the target property
-  Manufactured Gas Plants
-  National Priority List Sites
-  Dept. Defense Sites
-  Indian Reservations BIA
-  Oil & Gas pipelines
-  100-year flood zone
-  500-year flood zone
-  National Wetland Inventory





SITE NAME: Maui Research & Technology Park - Undeveloped Lots
ADDRESS: Lipoa Parkway
 Kihel HI 96753
LAT/LONG: 20.7504 / 156.4351

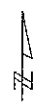
CLIENT: MEV, LLC
CONTACT: J. Kermode
INQUIRY #: 1930257.1s
DATE: May 17, 2007 11:41 am

DETAIL MAP - 1930257.1s



-  Target Property
-  Sites at elevations higher than or equal to the target property
-  Sites at elevations lower than the target property
-  Manufactured Gas Plants
-  Sensitive Receptors
-  National Priority List Sites
-  Dept. Defense Sites

-  Indian Reservations BIA
-  Oil & Gas pipelines
-  100-year flood zone
-  500-year flood zone



SITE NAME: Maui Research & Technology Park - Undeveloped Lots
ADDRESS: Lipoa Parkway
 Kihel HI 96753
LAT/LONG: 20.7504 / 156.4351

CLIENT: MEV, LLC
CONTACT: J. Kermode
INQUIRY #: 1930257.1s
DATE: May 17, 2007 11:41 am

MAP FINDINGS SUMMARY

<u>Database</u>	<u>Target Property</u>	<u>Search Distance (Miles)</u>	<u>< 1/8</u>	<u>1/8 - 1/4</u>	<u>1/4 - 1/2</u>	<u>1/2 - 1</u>	<u>> 1</u>	<u>Total Plotted</u>
<u>FEDERAL RECORDS</u>								
NPL		1.000	0	0	0	0	NR	0
Proposed NPL		1.000	0	0	0	0	NR	0
Delisted NPL		1.000	0	0	0	0	NR	0
NPL LIENS	TP		NR	NR	NR	NR	NR	0
CERCLIS		0.500	0	0	0	NR	NR	0
CERC-NFRAP		0.500	0	0	0	NR	NR	0
CORRACTS		1.000	0	0	0	0	NR	0
RCRA TSD		0.500	0	0	0	NR	NR	0
RCRA Lg. Quan. Gen.		0.250	0	0	NR	NR	NR	0
RCRA Sm. Quan. Gen.		0.250	0	1	NR	NR	NR	1
ERNS	TP		NR	NR	NR	NR	NR	0
HMIRS	TP		NR	NR	NR	NR	NR	0
US ENG CONTROLS		0.500	0	0	0	NR	NR	0
US INST CONTROL		0.500	0	0	0	NR	NR	0
DOD		1.000	0	0	0	0	NR	0
FUDS		1.000	0	0	0	0	NR	0
US BROWNFIELDS		0.500	0	0	0	NR	NR	0
CONSENT		1.000	0	0	0	0	NR	0
ROD		1.000	0	0	0	0	NR	0
UMTRA		0.500	0	0	0	NR	NR	0
ODI		0.500	0	0	0	NR	NR	0
TRIS	TP		NR	NR	NR	NR	NR	0
TSCA	TP		NR	NR	NR	NR	NR	0
FTTS	TP		NR	NR	NR	NR	NR	0
SSTS	TP		NR	NR	NR	NR	NR	0
CDL	TP		NR	NR	NR	NR	NR	0
DOT OPS	TP		NR	NR	NR	NR	NR	0
RADINFO	TP		NR	NR	NR	NR	NR	0
HIST FTTS	TP		NR	NR	NR	NR	NR	0
LUCIS		0.500	0	0	0	NR	NR	0
LIENS 2	TP		NR	NR	NR	NR	NR	0
ICIS	TP		NR	NR	NR	NR	NR	0
PADS	TP		NR	NR	NR	NR	NR	0
MLTS	TP		NR	NR	NR	NR	NR	0
MINES		0.250	0	0	NR	NR	NR	0
FINDS	TP		NR	NR	NR	NR	NR	0
RAATS	TP		NR	NR	NR	NR	NR	0
<u>STATE AND LOCAL RECORDS</u>								
SHWS		1.000	0	0	0	0	NR	0
State Landfill		0.500	0	0	0	NR	NR	0
LUST		0.500	0	0	0	NR	NR	0
UST		0.250	0	0	NR	NR	NR	0
SPILLS	TP		NR	NR	NR	NR	NR	0
INST CONTROL		0.500	0	0	0	NR	NR	0
VCP		0.500	0	0	0	NR	NR	0
DRYCLEANERS		0.250	0	0	NR	NR	NR	0

MAP FINDINGS SUMMARY

<u>Database</u>	<u>Target Property</u>	<u>Search Distance (Miles)</u>	<u>< 1/8</u>	<u>1/8 - 1/4</u>	<u>1/4 - 1/2</u>	<u>1/2 - 1</u>	<u>> 1</u>	<u>Total Plotted</u>
BROWNFIELDS		0.500	0	0	0	NR	NR	0
AIRS	TP		NR	NR	NR	NR	NR	0
<u>TRIBAL RECORDS</u>								
INDIAN RESERV		1.000	0	0	0	0	NR	0
INDIAN LUST		0.500	0	0	0	NR	NR	0
INDIAN UST		0.250	0	0	NR	NR	NR	0
<u>EDR PROPRIETARY RECORDS</u>								
Manufactured Gas Plants		1.000	0	0	0	0	NR	0

NOTES:

TP = Target Property

NR = Not Requested at this Search Distance

Sites may be listed in more than one database

MAP FINDINGS

Map ID
Direction
Distance
Distance (ft.)
Elevation

Site

Database(s) EDR ID Number
EPA ID Number

1 **TREX HAWAII LLC**
WSW **590 LIPOA PARKWAY**
1/8-1/4 **KIHEI, HI 96753**
1254 ft.

RCRA-SQG **1007989525**
HIR000136333

Relative:
Lower

RCRAInfo:
Owner: TREX HAWAII LLC
EPA ID: HIR000136333

Actual:
196 ft.

Contact: MICHAEL ABRAHAM
808-442-7015

Classification: Small Quantity Generator
TSDf Activities: Not reported

Violation Status: No violations found

ORPHAN SUMMARY

City	EDR ID	Site Name	Site Address	Zip	Database(s)
KIHEI	S108008651	100 YARDS OFF SHORE OF KIHEI MAUI	KIHEI ROAD	96753	SPILLS
KIHEI	1000486449	KAHOOLAWE ISLAND	LAT 20 32' 30", LONG 156 37' 30"	96753	CERCLIS
KIHEI	1005505462	MAUI OCEAN CENTER	MAALAEA HARBOR	96753	FINDS
KIHEI	S106084485	MAUI ELEC-MAALAEA GEN STATION	3 MI NW KIHEI HWT 30	96753	HAZNET, HAZNET
KIHEI	1008170106	MAUI ECONOMIC DEVELOPMENT BRD	1151 PUNCHBOWL ST, ROOM 431	96753	FINDS
KIHEI, MAUI	1008170126	MAUI NIUI PARK	KAMEHAMEHA HWY	96753	FINDS

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

To maintain currency of the following federal and state databases, EDR contacts the appropriate governmental agency on a monthly or quarterly basis, as required.

Number of Days to Update: Provides confirmation that EDR is reporting records that have been updated within 90 days from the date the government agency made the information available to the public.

FEDERAL RECORDS

NPL: National Priority List

National Priorities List (Superfund). The NPL is a subset of CERCLIS and identifies over 1,200 sites for priority cleanup under the Superfund Program. NPL sites may encompass relatively large areas. As such, EDR provides polygon coverage for over 1,000 NPL site boundaries produced by EPA's Environmental Photographic Interpretation Center (EPIC) and regional EPA offices.

Date of Government Version: 01/25/2007	Source: EPA
Date Data Arrived at EDR: 01/31/2007	Telephone: N/A
Date Made Active in Reports: 03/12/2007	Last EDR Contact: 05/03/2007
Number of Days to Update: 40	Next Scheduled EDR Contact: 07/30/2007
	Data Release Frequency: Quarterly

NPL Site Boundaries

Sources:

EPA's Environmental Photographic Interpretation Center (EPIC)
Telephone: 202-564-7333

EPA Region 1
Telephone 617-918-1143

EPA Region 6
Telephone: 214-655-6659

EPA Region 3
Telephone 215-814-5418

EPA Region 7
Telephone: 913-551-7247

EPA Region 4
Telephone 404-562-8033

EPA Region 8
Telephone: 303-312-6774

EPA Region 5
Telephone 312-886-6686

EPA Region 9
Telephone: 415-947-4246

EPA Region 10
Telephone 206-553-8665

Proposed NPL: Proposed National Priority List Sites

A site that has been proposed for listing on the National Priorities List through the issuance of a proposed rule in the Federal Register. EPA then accepts public comments on the site, responds to the comments, and places on the NPL those sites that continue to meet the requirements for listing.

Date of Government Version: 09/27/2006	Source: EPA
Date Data Arrived at EDR: 11/01/2006	Telephone: N/A
Date Made Active in Reports: 11/22/2006	Last EDR Contact: 05/03/2007
Number of Days to Update: 21	Next Scheduled EDR Contact: 07/30/2007
	Data Release Frequency: Quarterly

DELISTED NPL: National Priority List Deletions

The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) establishes the criteria that the EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425.(e), sites may be deleted from the NPL where no further response is appropriate.

Date of Government Version: 12/28/2006	Source: EPA
Date Data Arrived at EDR: 01/31/2007	Telephone: N/A
Date Made Active in Reports: 03/12/2007	Last EDR Contact: 05/03/2007
Number of Days to Update: 40	Next Scheduled EDR Contact: 07/30/2007
	Data Release Frequency: Quarterly

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

NPL LIENS: Federal Superfund Liens

Federal Superfund Liens. Under the authority granted the USEPA by CERCLA of 1980, the USEPA has the authority to file liens against real property in order to recover remedial action expenditures or when the property owner received notification of potential liability. USEPA compiles a listing of filed notices of Superfund Liens.

Date of Government Version: 10/15/1991	Source: EPA
Date Data Arrived at EDR: 02/02/1994	Telephone: 202-564-4267
Date Made Active in Reports: 03/30/1994	Last EDR Contact: 03/26/2007
Number of Days to Update: 56	Next Scheduled EDR Contact: 05/21/2007
	Data Release Frequency: No Update Planned

CERCLIS: Comprehensive Environmental Response, Compensation, and Liability Information System

CERCLIS contains data on potentially hazardous waste sites that have been reported to the USEPA by states, municipalities, private companies and private persons, pursuant to Section 103 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). CERCLIS contains sites which are either proposed to or on the National Priorities List (NPL) and sites which are in the screening and assessment phase for possible inclusion on the NPL.

Date of Government Version: 02/27/2007	Source: EPA
Date Data Arrived at EDR: 03/21/2007	Telephone: 703-603-8960
Date Made Active in Reports: 04/27/2007	Last EDR Contact: 03/21/2007
Number of Days to Update: 37	Next Scheduled EDR Contact: 06/18/2007
	Data Release Frequency: Quarterly

CERCLIS-NFRAP: CERCLIS No Further Remedial Action Planned

Archived sites are sites that have been removed and archived from the inventory of CERCLIS sites. Archived status indicates that, to the best of EPA's knowledge, assessment at a site has been completed and that EPA has determined no further steps will be taken to list this site on the National Priorities List (NPL), unless information indicates this decision was not appropriate or other considerations require a recommendation for listing at a later time. This decision does not necessarily mean that there is no hazard associated with a given site; it only means that, based upon available information, the location is not judged to be a potential NPL site.

Date of Government Version: 12/20/2006	Source: EPA
Date Data Arrived at EDR: 01/29/2007	Telephone: 703-603-8960
Date Made Active in Reports: 02/27/2007	Last EDR Contact: 03/19/2007
Number of Days to Update: 29	Next Scheduled EDR Contact: 06/18/2007
	Data Release Frequency: Quarterly

CORRACTS: Corrective Action Report

CORRACTS identifies hazardous waste handlers with RCRA corrective action activity.

Date of Government Version: 03/14/2007	Source: EPA
Date Data Arrived at EDR: 03/20/2007	Telephone: 800-424-9346
Date Made Active in Reports: 04/27/2007	Last EDR Contact: 03/05/2007
Number of Days to Update: 38	Next Scheduled EDR Contact: 06/04/2007
	Data Release Frequency: Quarterly

RCRA: Resource Conservation and Recovery Act Information

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

RCRAInfo is EPA's comprehensive information system, providing access to data supporting the Resource Conservation and Recovery Act (RCRA) of 1976 and the Hazardous and Solid Waste Amendments (HSWA) of 1984. RCRAInfo replaces the data recording and reporting abilities of the Resource Conservation and Recovery Information System (RCRIS). The database includes selective information on sites which generate, transport, store, treat and/or dispose of hazardous waste as defined by the Resource Conservation and Recovery Act (RCRA). Conditionally exempt small quantity generators (CESQGs) generate less than 100 kg of hazardous waste, or less than 1 kg of acutely hazardous waste per month. Small quantity generators (SQGs) generate between 100 kg and 1,000 kg of hazardous waste per month. Large quantity generators (LQGs) generate over 1,000 kilograms (kg) of hazardous waste, or over 1 kg of acutely hazardous waste per month. Transporters are individuals or entities that move hazardous waste from the generator off-site to a facility that can recycle, treat, store, or dispose of the waste. TSDFs treat, store, or dispose of the waste.

Date of Government Version: 06/13/2006	Source: EPA
Date Data Arrived at EDR: 06/28/2006	Telephone: (415) 495-8895
Date Made Active in Reports: 08/23/2006	Last EDR Contact: 05/16/2007
Number of Days to Update: 56	Next Scheduled EDR Contact: 07/16/2007
	Data Release Frequency: Quarterly

ERNS: Emergency Response Notification System

Emergency Response Notification System. ERNS records and stores information on reported releases of oil and hazardous substances.

Date of Government Version: 12/31/2006	Source: National Response Center, United States Coast Guard
Date Data Arrived at EDR: 01/24/2007	Telephone: 202-267-2180
Date Made Active in Reports: 03/12/2007	Last EDR Contact: 04/24/2007
Number of Days to Update: 47	Next Scheduled EDR Contact: 07/23/2007
	Data Release Frequency: Annually

HMIRS: Hazardous Materials Information Reporting System

Hazardous Materials Incident Report System. HMIRS contains hazardous material spill incidents reported to DOT.

Date of Government Version: 12/31/2005	Source: U.S. Department of Transportation
Date Data Arrived at EDR: 04/17/2007	Telephone: 202-366-4555
Date Made Active in Reports: 05/14/2007	Last EDR Contact: 04/17/2007
Number of Days to Update: 27	Next Scheduled EDR Contact: 07/16/2007
	Data Release Frequency: Annually

US ENG CONTROLS: Engineering Controls Sites List

A listing of sites with engineering controls in place. Engineering controls include various forms of caps, building foundations, liners, and treatment methods to create pathway elimination for regulated substances to enter environmental media or effect human health.

Date of Government Version: 01/24/2007	Source: Environmental Protection Agency
Date Data Arrived at EDR: 01/31/2007	Telephone: 703-603-8905
Date Made Active in Reports: 04/04/2007	Last EDR Contact: 04/02/2007
Number of Days to Update: 63	Next Scheduled EDR Contact: 07/02/2007
	Data Release Frequency: Varies

US INST CONTROL: Sites with Institutional Controls

A listing of sites with institutional controls in place. Institutional controls include administrative measures, such as groundwater use restrictions, construction restrictions, property use restrictions, and post remediation care requirements intended to prevent exposure to contaminants remaining on site. Deed restrictions are generally required as part of the institutional controls.

Date of Government Version: 01/24/2007	Source: Environmental Protection Agency
Date Data Arrived at EDR: 01/31/2007	Telephone: 703-603-8905
Date Made Active in Reports: 02/27/2007	Last EDR Contact: 04/02/2007
Number of Days to Update: 27	Next Scheduled EDR Contact: 07/02/2007
	Data Release Frequency: Varies

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

DOD: Department of Defense Sites

This data set consists of federally owned or administered lands, administered by the Department of Defense, that have any area equal to or greater than 640 acres of the United States, Puerto Rico, and the U.S. Virgin Islands.

Date of Government Version: 12/31/2005	Source: USGS
Date Data Arrived at EDR: 11/10/2006	Telephone: 703-692-8801
Date Made Active in Reports: 01/11/2007	Last EDR Contact: 05/11/2007
Number of Days to Update: 62	Next Scheduled EDR Contact: 08/06/2007
	Data Release Frequency: Semi-Annually

FUDS: Formerly Used Defense Sites

The listing includes locations of Formerly Used Defense Sites properties where the US Army Corps of Engineers is actively working or will take necessary cleanup actions.

Date of Government Version: 12/31/2005	Source: U.S. Army Corps of Engineers
Date Data Arrived at EDR: 09/20/2006	Telephone: 202-528-4285
Date Made Active in Reports: 11/22/2006	Last EDR Contact: 04/02/2007
Number of Days to Update: 63	Next Scheduled EDR Contact: 07/02/2007
	Data Release Frequency: Varies

US BROWNFIELDS: A Listing of Brownfields Sites

Included in the listing are brownfields properties addresses by Cooperative Agreement Recipients and brownfields properties addressed by Targeted Brownfields Assessments. Targeted Brownfields Assessments-EPA's Targeted Brownfields Assessments (TBA) program is designed to help states, tribes, and municipalities--especially those without EPA Brownfields Assessment Demonstration Pilots--minimize the uncertainties of contamination often associated with brownfields. Under the TBA program, EPA provides funding and/or technical assistance for environmental assessments at brownfields sites throughout the country. Targeted Brownfields Assessments supplement and work with other efforts under EPA's Brownfields Initiative to promote cleanup and redevelopment of brownfields. Cooperative Agreement Recipients-States, political subdivisions, territories, and Indian tribes become Brownfields Cleanup Revolving Loan Fund (BCRLF) cooperative agreement recipients when they enter into BCRLF cooperative agreements with the U.S. EPA. EPA selects BCRLF cooperative agreement recipients based on a proposal and application process. BCRLF cooperative agreement recipients must use EPA funds provided through BCRLF cooperative agreement for specified brownfields-related cleanup activities.

Date of Government Version: 01/29/2007	Source: Environmental Protection Agency
Date Data Arrived at EDR: 01/31/2007	Telephone: 202-566-2777
Date Made Active in Reports: 04/04/2007	Last EDR Contact: 03/12/2007
Number of Days to Update: 63	Next Scheduled EDR Contact: 06/11/2007
	Data Release Frequency: Semi-Annually

CONSENT: Superfund (CERCLA) Consent Decrees

Major legal settlements that establish responsibility and standards for cleanup at NPL (Superfund) sites. Released periodically by United States District Courts after settlement by parties to litigation matters.

Date of Government Version: 08/23/2006	Source: Department of Justice, Consent Decree Library
Date Data Arrived at EDR: 03/06/2007	Telephone: Varies
Date Made Active in Reports: 04/10/2007	Last EDR Contact: 04/23/2007
Number of Days to Update: 35	Next Scheduled EDR Contact: 07/23/2007
	Data Release Frequency: Varies

ROD: Records Of Decision

Record of Decision. ROD documents mandate a permanent remedy at an NPL (Superfund) site containing technical and health information to aid in the cleanup.

Date of Government Version: 03/27/2007	Source: EPA
Date Data Arrived at EDR: 03/27/2007	Telephone: 703-416-0223
Date Made Active in Reports: 04/27/2007	Last EDR Contact: 03/27/2007
Number of Days to Update: 31	Next Scheduled EDR Contact: 07/02/2007
	Data Release Frequency: Annually

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

UMTRA: Uranium Mill Tailings Sites

Uranium ore was mined by private companies for federal government use in national defense programs. When the mills shut down, large piles of the sand-like material (mill tailings) remain after uranium has been extracted from the ore. Levels of human exposure to radioactive materials from the piles are low; however, in some cases tailings were used as construction materials before the potential health hazards of the tailings were recognized.

Date of Government Version: 12/31/2005	Source: Department of Energy
Date Data Arrived at EDR: 11/08/2006	Telephone: 505-845-0011
Date Made Active in Reports: 01/29/2007	Last EDR Contact: 05/17/2007
Number of Days to Update: 82	Next Scheduled EDR Contact: 06/18/2007
	Data Release Frequency: Varies

ODI: Open Dump Inventory

An open dump is defined as a disposal facility that does not comply with one or more of the Part 257 or Part 258 Subtitle D Criteria.

Date of Government Version: 06/30/1985	Source: Environmental Protection Agency
Date Data Arrived at EDR: 08/09/2004	Telephone: 800-424-9346
Date Made Active in Reports: 09/17/2004	Last EDR Contact: 06/09/2004
Number of Days to Update: 39	Next Scheduled EDR Contact: N/A
	Data Release Frequency: No Update Planned

TRIS: Toxic Chemical Release Inventory System

Toxic Release Inventory System. TRIS identifies facilities which release toxic chemicals to the air, water and land in reportable quantities under SARA Title III Section 313.

Date of Government Version: 12/31/2004	Source: EPA
Date Data Arrived at EDR: 06/22/2006	Telephone: 202-566-0250
Date Made Active in Reports: 08/23/2006	Last EDR Contact: 04/27/2007
Number of Days to Update: 62	Next Scheduled EDR Contact: 06/18/2007
	Data Release Frequency: Annually

TSCA: Toxic Substances Control Act

Toxic Substances Control Act. TSCA identifies manufacturers and importers of chemical substances included on the TSCA Chemical Substance Inventory list. It includes data on the production volume of these substances by plant site.

Date of Government Version: 12/31/2002	Source: EPA
Date Data Arrived at EDR: 04/14/2006	Telephone: 202-260-5521
Date Made Active in Reports: 05/30/2006	Last EDR Contact: 04/16/2007
Number of Days to Update: 46	Next Scheduled EDR Contact: 07/16/2007
	Data Release Frequency: Every 4 Years

FTTS: FIFRA/ TSCA Tracking System - FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act)/TSCA (Toxic Substances Control Act)

FTTS tracks administrative cases and pesticide enforcement actions and compliance activities related to FIFRA, TSCA and EPCRA (Emergency Planning and Community Right-to-Know Act). To maintain currency, EDR contacts the Agency on a quarterly basis.

Date of Government Version: 02/26/2007	Source: EPA/Office of Prevention, Pesticides and Toxic Substances
Date Data Arrived at EDR: 03/01/2007	Telephone: 202-566-1667
Date Made Active in Reports: 04/10/2007	Last EDR Contact: 03/19/2007
Number of Days to Update: 40	Next Scheduled EDR Contact: 06/18/2007
	Data Release Frequency: Quarterly

FTTS INSP: FIFRA/ TSCA Tracking System - FIFRA (Federal Insecticide, Fungicide, & Rodenticide Act)/TSCA (Toxic Substances Control Act) A listing of FIFRA/TSCA Tracking System (FTTS) inspections and enforcements.

Date of Government Version: 02/26/2007	Source: EPA
Date Data Arrived at EDR: 03/01/2007	Telephone: 202-566-1667
Date Made Active in Reports: 04/10/2007	Last EDR Contact: 03/19/2007
Number of Days to Update: 40	Next Scheduled EDR Contact: 06/18/2007
	Data Release Frequency: Quarterly

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

SSTS: Section 7 Tracking Systems

Section 7 of the Federal Insecticide, Fungicide and Rodenticide Act, as amended (92 Stat. 829) requires all registered pesticide-producing establishments to submit a report to the Environmental Protection Agency by March 1st each year. Each establishment must report the types and amounts of pesticides, active ingredients and devices being produced, and those having been produced and sold or distributed in the past year.

Date of Government Version: 12/31/2005	Source: EPA
Date Data Arrived at EDR: 03/13/2007	Telephone: 202-564-4203
Date Made Active in Reports: 04/27/2007	Last EDR Contact: 04/12/2007
Number of Days to Update: 45	Next Scheduled EDR Contact: 07/16/2007
	Data Release Frequency: Annually

LIENS 2: CERCLA Lien Information

A Federal CERCLA ('Superfund') lien can exist by operation of law at any site or property at which EPA has spent Superfund monies. These monies are spent to investigate and address releases and threatened releases of contamination. CERCLIS provides information as to the identity of these sites and properties.

Date of Government Version: 03/08/2007	Source: Environmental Protection Agency
Date Data Arrived at EDR: 04/12/2007	Telephone: 202-564-6023
Date Made Active in Reports: 05/14/2007	Last EDR Contact: 02/20/2007
Number of Days to Update: 32	Next Scheduled EDR Contact: 05/21/2007
	Data Release Frequency: Varies

RADINFO: Radiation Information Database

The Radiation Information Database (RADINFO) contains information about facilities that are regulated by U.S. Environmental Protection Agency (EPA) regulations for radiation and radioactivity.

Date of Government Version: 01/30/2007	Source: Environmental Protection Agency
Date Data Arrived at EDR: 01/31/2007	Telephone: 202-343-9775
Date Made Active in Reports: 02/27/2007	Last EDR Contact: 05/03/2007
Number of Days to Update: 27	Next Scheduled EDR Contact: 07/30/2007
	Data Release Frequency: Quarterly

CDL: Clandestine Drug Labs

A listing of clandestine drug lab locations. The U.S. Department of Justice ("the Department") provides this web site as a public service. It contains addresses of some locations where law enforcement agencies reported they found chemicals or other items that indicated the presence of either clandestine drug laboratories or dumpsites. In most cases, the source of the entries is not the Department, and the Department has not verified the entry and does not guarantee its accuracy. Members of the public must verify the accuracy of all entries by, for example, contacting local law enforcement and local health departments.

Date of Government Version: 12/01/2006	Source: Drug Enforcement Administration
Date Data Arrived at EDR: 01/08/2007	Telephone: 202-307-1000
Date Made Active in Reports: 01/11/2007	Last EDR Contact: 05/11/2007
Number of Days to Update: 3	Next Scheduled EDR Contact: 06/25/2007
	Data Release Frequency: Quarterly

HIST FTTS: FIFRA/TSCA Tracking System Administrative Case Listing

A complete administrative case listing from the FIFRA/TSCA Tracking System (FTTS) for all ten EPA regions. The information was obtained from the National Compliance Database (NCDB). NCDB supports the implementation of FIFRA (Federal Insecticide, Fungicide, and Rodenticide Act) and TSCA (Toxic Substances Control Act). Some EPA regions are now closing out records. Because of that, and the fact that some EPA regions are not providing EPA Headquarters with updated records, it was decided to create a HIST FTTS database. It included records that may not be included in the newer FTTS database updates. This database is no longer updated.

Date of Government Version: 10/19/2006	Source: Environmental Protection Agency
Date Data Arrived at EDR: 03/01/2007	Telephone: 202-564-2501
Date Made Active in Reports: 04/10/2007	Last EDR Contact: 03/19/2007
Number of Days to Update: 40	Next Scheduled EDR Contact: 06/18/2007
	Data Release Frequency: No Update Planned

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

ICIS: Integrated Compliance Information System

The Integrated Compliance Information System (ICIS) supports the information needs of the national enforcement and compliance program as well as the unique needs of the National Pollutant Discharge Elimination System (NPDES) program.

Date of Government Version: 02/21/2007	Source: Environmental Protection Agency
Date Data Arrived at EDR: 04/03/2007	Telephone: 202-564-5088
Date Made Active in Reports: 05/14/2007	Last EDR Contact: 04/16/2007
Number of Days to Update: 41	Next Scheduled EDR Contact: 07/16/2007
	Data Release Frequency: Quarterly

LUCIS: Land Use Control Information System

LUCIS contains records of land use control information pertaining to the former Navy Base Realignment and Closure properties.

Date of Government Version: 12/09/2005	Source: Department of the Navy
Date Data Arrived at EDR: 12/11/2006	Telephone: 843-820-7326
Date Made Active in Reports: 01/11/2007	Last EDR Contact: 03/26/2007
Number of Days to Update: 31	Next Scheduled EDR Contact: 06/11/2007
	Data Release Frequency: Varies

DOT OPS: Incident and Accident Data

Department of Transportation, Office of Pipeline Safety Incident and Accident data.

Date of Government Version: 02/14/2007	Source: Department of Transportation, Office of Pipeline Safety
Date Data Arrived at EDR: 02/28/2007	Telephone: 202-366-4595
Date Made Active in Reports: 04/10/2007	Last EDR Contact: 02/28/2007
Number of Days to Update: 41	Next Scheduled EDR Contact: 05/28/2007
	Data Release Frequency: Varies

PADS: PCB Activity Database System

PCB Activity Database. PADS Identifies generators, transporters, commercial storers and/or brokers and disposers of PCB's who are required to notify the EPA of such activities.

Date of Government Version: 10/17/2006	Source: EPA
Date Data Arrived at EDR: 11/29/2006	Telephone: 202-566-0500
Date Made Active in Reports: 01/11/2007	Last EDR Contact: 05/11/2007
Number of Days to Update: 43	Next Scheduled EDR Contact: 08/06/2007
	Data Release Frequency: Annually

MLTS: Material Licensing Tracking System

MLTS is maintained by the Nuclear Regulatory Commission and contains a list of approximately 8,100 sites which possess or use radioactive materials and which are subject to NRC licensing requirements. To maintain currency, EDR contacts the Agency on a quarterly basis.

Date of Government Version: 01/11/2007	Source: Nuclear Regulatory Commission
Date Data Arrived at EDR: 01/26/2007	Telephone: 301-415-7169
Date Made Active in Reports: 02/27/2007	Last EDR Contact: 04/02/2007
Number of Days to Update: 32	Next Scheduled EDR Contact: 07/02/2007
	Data Release Frequency: Quarterly

MINES: Mines Master Index File

Contains all mine identification numbers issued for mines active or opened since 1971. The data also includes violation information.

Date of Government Version: 02/06/2007	Source: Department of Labor, Mine Safety and Health Administration
Date Data Arrived at EDR: 03/28/2007	Telephone: 303-231-5959
Date Made Active in Reports: 05/14/2007	Last EDR Contact: 03/28/2007
Number of Days to Update: 47	Next Scheduled EDR Contact: 06/25/2007
	Data Release Frequency: Semi-Annually

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

FINDS: Facility Index System/Facility Registry System

Facility Index System. FINDS contains both facility information and 'pointers' to other sources that contain more detail. EDR includes the following FINDS databases in this report: PCS (Permit Compliance System), AIRS (Aerometric Information Retrieval System), DOCKET (Enforcement Docket used to manage and track information on civil judicial enforcement cases for all environmental statutes), FURS (Federal Underground Injection Control), C-DOCKET (Criminal Docket System used to track criminal enforcement actions for all environmental statutes), FFIS (Federal Facilities Information System), STATE (State Environmental Laws and Statutes), and PADS (PCB Activity Data System).

Date of Government Version: 01/18/2007	Source: EPA
Date Data Arrived at EDR: 01/23/2007	Telephone: (415) 947-8000
Date Made Active in Reports: 02/27/2007	Last EDR Contact: 05/14/2007
Number of Days to Update: 35	Next Scheduled EDR Contact: 07/02/2007
	Data Release Frequency: Quarterly

RAATS: RCRA Administrative Action Tracking System

RCRA Administration Action Tracking System. RAATS contains records based on enforcement actions issued under RCRA pertaining to major violators and includes administrative and civil actions brought by the EPA. For administration actions after September 30, 1995, data entry in the RAATS database was discontinued. EPA will retain a copy of the database for historical records. It was necessary to terminate RAATS because a decrease in agency resources made it impossible to continue to update the information contained in the database.

Date of Government Version: 04/17/1995	Source: EPA
Date Data Arrived at EDR: 07/03/1995	Telephone: 202-564-4104
Date Made Active in Reports: 08/07/1995	Last EDR Contact: 03/05/2007
Number of Days to Update: 35	Next Scheduled EDR Contact: 06/04/2007
	Data Release Frequency: No Update Planned

BRS: Biennial Reporting System

The Biennial Reporting System is a national system administered by the EPA that collects data on the generation and management of hazardous waste. BRS captures detailed data from two groups: Large Quantity Generators (LQG) and Treatment, Storage, and Disposal Facilities.

Date of Government Version: 12/31/2005	Source: EPA/NTIS
Date Data Arrived at EDR: 03/06/2007	Telephone: 800-424-9346
Date Made Active in Reports: 04/13/2007	Last EDR Contact: 03/06/2007
Number of Days to Update: 38	Next Scheduled EDR Contact: 06/11/2007
	Data Release Frequency: Biennially

STATE AND LOCAL RECORDS

SHWS: Sites List

Facilities, sites or areas in which the Office of Hazard Evaluation and Emergency Response has an interest, has investigated or may investigate under HRS 128D (includes CERCLIS sites).

Date of Government Version: 07/24/2006	Source: Department of Health
Date Data Arrived at EDR: 07/27/2006	Telephone: 808-586-4249
Date Made Active in Reports: 08/30/2006	Last EDR Contact: 04/18/2007
Number of Days to Update: 34	Next Scheduled EDR Contact: 06/18/2007
	Data Release Frequency: Semi-Annually

SWF/LF: Permitted Landfills in the State of Hawaii

Solid Waste Facilities/Landfill Sites. SWF/LF type records typically contain an inventory of solid waste disposal facilities or landfills in a particular state. Depending on the state, these may be active or inactive facilities or open dumps that failed to meet RCRA Subtitle D Section 4004 criteria for solid waste landfills or disposal sites.

Date of Government Version: 05/19/2004	Source: Department of Health
Date Data Arrived at EDR: 05/20/2004	Telephone: 808-586-4245
Date Made Active in Reports: 06/22/2004	Last EDR Contact: 04/25/2007
Number of Days to Update: 33	Next Scheduled EDR Contact: 07/23/2007
	Data Release Frequency: Varies

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

LUST: Leaking Underground Storage Tank Database

Leaking Underground Storage Tank Incident Reports. LUST records contain an inventory of reported leaking underground storage tank incidents. Not all states maintain these records, and the information stored varies by state.

Date of Government Version: 01/30/2007	Source: Department of Health
Date Data Arrived at EDR: 02/13/2007	Telephone: 808-586-4228
Date Made Active in Reports: 03/12/2007	Last EDR Contact: 03/30/2007
Number of Days to Update: 27	Next Scheduled EDR Contact: 06/25/2007
	Data Release Frequency: Semi-Annually

UST: Underground Storage Tank Database

Registered Underground Storage Tanks. UST's are regulated under Subtitle I of the Resource Conservation and Recovery Act (RCRA) and must be registered with the state department responsible for administering the UST program. Available information varies by state program.

Date of Government Version: 01/30/2007	Source: Department of Health
Date Data Arrived at EDR: 02/13/2007	Telephone: 808-586-4228
Date Made Active in Reports: 03/21/2007	Last EDR Contact: 03/30/2007
Number of Days to Update: 36	Next Scheduled EDR Contact: 06/25/2007
	Data Release Frequency: Semi-Annually

SPILLS: Release Notifications

Releases of hazardous substances to the environment reported to the Office of Hazard Evaluation and Emergency Response since 1988.

Date of Government Version: 07/24/2006	Source: Department of Health
Date Data Arrived at EDR: 07/27/2006	Telephone: 808-586-4249
Date Made Active in Reports: 08/30/2006	Last EDR Contact: 04/18/2007
Number of Days to Update: 34	Next Scheduled EDR Contact: 06/18/2007
	Data Release Frequency: Varies

INST CONTROL: Sites with Institutional Controls

Voluntary Remediation Program and Brownfields sites with institutional controls in place.

Date of Government Version: 07/24/2006	Source: Department of Health
Date Data Arrived at EDR: 07/27/2006	Telephone: 808-586-4249
Date Made Active in Reports: 08/30/2006	Last EDR Contact: 04/18/2007
Number of Days to Update: 34	Next Scheduled EDR Contact: 06/18/2007
	Data Release Frequency: Varies

VCP: Voluntary Response Program Sites

Sites participating in the Voluntary Response Program. The purpose of the VRP is to streamline the cleanup process in a way that will encourage prospective developers, lenders, and purchasers to voluntarily cleanup properties.

Date of Government Version: 07/24/2006	Source: Department of Health
Date Data Arrived at EDR: 07/27/2006	Telephone: 808-586-4249
Date Made Active in Reports: 08/30/2006	Last EDR Contact: 04/18/2007
Number of Days to Update: 34	Next Scheduled EDR Contact: 06/18/2007
	Data Release Frequency: Varies

DRYCLEANERS: Permitted Drycleaner Facility Listing

A listing of permitted drycleaner facilities in the state.

Date of Government Version: 02/14/2007	Source: Department of Health
Date Data Arrived at EDR: 02/15/2007	Telephone: 808-586-4200
Date Made Active in Reports: 03/12/2007	Last EDR Contact: 04/30/2007
Number of Days to Update: 25	Next Scheduled EDR Contact: 07/30/2007
	Data Release Frequency: Varies

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

BROWNFIELDS: Brownfields Sites

With certain legal exclusions and additions, the term 'brownfield site' means real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

Date of Government Version: 07/24/2006	Source: Department of Health
Date Data Arrived at EDR: 07/27/2006	Telephone: 808-586-4249
Date Made Active in Reports: 08/30/2006	Last EDR Contact: 04/18/2007
Number of Days to Update: 34	Next Scheduled EDR Contact: 06/18/2007
	Data Release Frequency: Varies

AIRS: List of Permitted Facilities

A listing of permitted facilities in the state.

Date of Government Version: 09/07/2006	Source: Department of Health
Date Data Arrived at EDR: 09/08/2006	Telephone: 808-586-4200
Date Made Active in Reports: 10/13/2006	Last EDR Contact: 04/30/2007
Number of Days to Update: 35	Next Scheduled EDR Contact: 07/30/2007
	Data Release Frequency: Varies

TRIBAL RECORDS

INDIAN RESERV: Indian Reservations

This map layer portrays Indian administered lands of the United States that have any area equal to or greater than 640 acres.

Date of Government Version: 12/31/2005	Source: USGS
Date Data Arrived at EDR: 02/06/2006	Telephone: 202-208-3710
Date Made Active in Reports: 01/11/2007	Last EDR Contact: 05/11/2007
Number of Days to Update: 339	Next Scheduled EDR Contact: 08/06/2007
	Data Release Frequency: Semi-Annually

INDIAN LUST R7: Leaking Underground Storage Tanks on Indian Land

LUSTs on Indian land in Iowa, Kansas, and Nebraska

Date of Government Version: 09/06/2006	Source: EPA Region 7
Date Data Arrived at EDR: 10/04/2006	Telephone: 913-551-7003
Date Made Active in Reports: 11/08/2006	Last EDR Contact: 02/19/2007
Number of Days to Update: 35	Next Scheduled EDR Contact: 05/21/2007
	Data Release Frequency: Varies

INDIAN LUST R8: Leaking Underground Storage Tanks on Indian Land

LUSTs on Indian land in Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming.

Date of Government Version: 02/19/2007	Source: EPA Region 8
Date Data Arrived at EDR: 02/27/2007	Telephone: 303-312-6271
Date Made Active in Reports: 04/04/2007	Last EDR Contact: 02/19/2007
Number of Days to Update: 36	Next Scheduled EDR Contact: 05/21/2007
	Data Release Frequency: Quarterly

INDIAN LUST R6: Leaking Underground Storage Tanks on Indian Land

LUSTs on Indian land in New Mexico and Oklahoma.

Date of Government Version: 01/04/2005	Source: EPA Region 6
Date Data Arrived at EDR: 01/21/2005	Telephone: 214-665-6597
Date Made Active in Reports: 02/28/2005	Last EDR Contact: 02/19/2007
Number of Days to Update: 38	Next Scheduled EDR Contact: 05/21/2007
	Data Release Frequency: Varies

INDIAN LUST R4: Leaking Underground Storage Tanks on Indian Land

LUSTs on Indian land in Florida, Minnesota, Mississippi and North Carolina.

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Date of Government Version: 03/20/2007
Date Data Arrived at EDR: 04/16/2007
Date Made Active in Reports: 05/14/2007
Number of Days to Update: 28

Source: EPA Region 4
Telephone: 404-562-8677
Last EDR Contact: 02/19/2007
Next Scheduled EDR Contact: 05/21/2007
Data Release Frequency: Semi-Annually

INDIAN LUST R1: Leaking Underground Storage Tanks on Indian Land
A listing of leaking underground storage tank locations on Indian Land.

Date of Government Version: 12/01/2006
Date Data Arrived at EDR: 12/01/2006
Date Made Active in Reports: 01/29/2007
Number of Days to Update: 59

Source: EPA Region 1
Telephone: 617-918-1313
Last EDR Contact: 02/19/2007
Next Scheduled EDR Contact: 05/21/2007
Data Release Frequency: Varies

INDIAN LUST R10: Leaking Underground Storage Tanks on Indian Land
LUSTs on Indian land in Alaska, Idaho, Oregon and Washington.

Date of Government Version: 03/01/2007
Date Data Arrived at EDR: 03/01/2007
Date Made Active in Reports: 04/04/2007
Number of Days to Update: 34

Source: EPA Region 10
Telephone: 206-553-2857
Last EDR Contact: 02/19/2007
Next Scheduled EDR Contact: 02/21/2007
Data Release Frequency: Quarterly

INDIAN LUST R9: Leaking Underground Storage Tanks on Indian Land
LUSTs on Indian land in Arizona, California, New Mexico and Nevada

Date of Government Version: 03/30/2007
Date Data Arrived at EDR: 03/30/2007
Date Made Active in Reports: 04/27/2007
Number of Days to Update: 28

Source: Environmental Protection Agency
Telephone: 415-972-3372
Last EDR Contact: 02/19/2007
Next Scheduled EDR Contact: 05/21/2007
Data Release Frequency: Quarterly

INDIAN UST R8: Underground Storage Tanks on Indian Land

Date of Government Version: 02/19/2007
Date Data Arrived at EDR: 02/27/2007
Date Made Active in Reports: 04/04/2007
Number of Days to Update: 36

Source: EPA Region 8
Telephone: 303-312-6137
Last EDR Contact: 02/19/2007
Next Scheduled EDR Contact: 05/21/2007
Data Release Frequency: Quarterly

INDIAN UST R4: Underground Storage Tanks on Indian Land

Date of Government Version: 03/20/2007
Date Data Arrived at EDR: 04/16/2007
Date Made Active in Reports: 05/14/2007
Number of Days to Update: 28

Source: EPA Region 4
Telephone: 404-562-9424
Last EDR Contact: 02/19/2007
Next Scheduled EDR Contact: 05/21/2007
Data Release Frequency: Semi-Annually

INDIAN UST R7: Underground Storage Tanks on Indian Land

Date of Government Version: 09/06/2006
Date Data Arrived at EDR: 10/04/2006
Date Made Active in Reports: 11/08/2006
Number of Days to Update: 35

Source: EPA Region 7
Telephone: 913-551-7003
Last EDR Contact: 02/19/2007
Next Scheduled EDR Contact: 05/21/2007
Data Release Frequency: Varies

INDIAN UST R6: Underground Storage Tanks on Indian Land

Date of Government Version: 01/11/2007
Date Data Arrived at EDR: 01/12/2007
Date Made Active in Reports: 01/29/2007
Number of Days to Update: 17

Source: EPA Region 6
Telephone: 214-665-7591
Last EDR Contact: 02/19/2007
Next Scheduled EDR Contact: 05/21/2007
Data Release Frequency: Semi-Annually

GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

INDIAN UST R5: Underground Storage Tanks on Indian Land

Date of Government Version: 12/02/2004	Source: EPA Region 5
Date Data Arrived at EDR: 12/29/2004	Telephone: 312-886-6136
Date Made Active in Reports: 02/04/2005	Last EDR Contact: 02/19/2007
Number of Days to Update: 37	Next Scheduled EDR Contact: 05/21/2007
	Data Release Frequency: Varies

INDIAN UST R10: Underground Storage Tanks on Indian Land

Date of Government Version: 03/01/2007	Source: EPA Region 10
Date Data Arrived at EDR: 03/01/2007	Telephone: 206-553-2857
Date Made Active in Reports: 04/04/2007	Last EDR Contact: 02/19/2007
Number of Days to Update: 34	Next Scheduled EDR Contact: 05/21/2007
	Data Release Frequency: Quarterly

INDIAN UST R9: Underground Storage Tanks on Indian Land

Date of Government Version: 03/26/2007	Source: EPA Region 9
Date Data Arrived at EDR: 03/27/2007	Telephone: 415-972-3368
Date Made Active in Reports: 04/27/2007	Last EDR Contact: 02/19/2007
Number of Days to Update: 31	Next Scheduled EDR Contact: 05/21/2007
	Data Release Frequency: Quarterly

INDIAN UST R1: Underground Storage Tanks on Indian Land

A listing of underground storage tank locations on Indian Land.

Date of Government Version: 12/01/2006	Source: EPA, Region 1
Date Data Arrived at EDR: 12/01/2006	Telephone: 617-918-1313
Date Made Active in Reports: 01/29/2007	Last EDR Contact: 02/19/2007
Number of Days to Update: 59	Next Scheduled EDR Contact: 05/21/2007
	Data Release Frequency: Varies

EDR PROPRIETARY RECORDS

Manufactured Gas Plants: EDR Proprietary Manufactured Gas Plants

The EDR Proprietary Manufactured Gas Plant Database includes records of coal gas plants (manufactured gas plants) compiled by EDR's researchers. Manufactured gas sites were used in the United States from the 1800's to 1950's to produce a gas that could be distributed and used as fuel. These plants used whale oil, rosin, coal, or a mixture of coal, oil, and water that also produced a significant amount of waste. Many of the byproducts of the gas production, such as coal tar (oily waste containing volatile and non-volatile chemicals), sludges, oils and other compounds are potentially hazardous to human health and the environment. The byproduct from this process was frequently disposed of directly at the plant site and can remain or spread slowly, serving as a continuous source of soil and groundwater contamination.

Date of Government Version: N/A	Source: EDR, Inc.
Date Data Arrived at EDR: N/A	Telephone: N/A
Date Made Active in Reports: N/A	Last EDR Contact: N/A
Number of Days to Update: N/A	Next Scheduled EDR Contact: N/A
	Data Release Frequency: No Update Planned

OTHER DATABASE(S)

Depending on the geographic area covered by this report, the data provided in these specialty databases may or may not be complete. For example, the existence of wetlands information data in a specific report does not mean that all wetlands in the area covered by the report are included. Moreover, the absence of any reported wetlands information does not necessarily mean that wetlands do not exist in the area covered by the report.

Oil/Gas Pipelines: This data was obtained by EDR from the USGS in 1994. It is referred to by USGS as GeoData Digital Line Graphs from 1:100,000-Scale Maps. It was extracted from the transportation category including some oil, but primarily gas pipelines.

Electric Power Transmission Line Data

Source: PennWell Corporation
Telephone: (800) 823-6277

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GOVERNMENT RECORDS SEARCHED / DATA CURRENCY TRACKING

Sensitive Receptors: There are individuals deemed sensitive receptors due to their fragile immune systems and special sensitivity to environmental discharges. These sensitive receptors typically include the elderly, the sick, and children. While the location of all sensitive receptors cannot be determined, EDR indicates those buildings and facilities - schools, daycares, hospitals, medical centers, and nursing homes - where individuals who are sensitive receptors are likely to be located.

AHA Hospitals:

Source: American Hospital Association, Inc.

Telephone: 312-280-5991

The database includes a listing of hospitals based on the American Hospital Association's annual survey of hospitals.

Medical Centers: Provider of Services Listing

Source: Centers for Medicare & Medicaid Services

Telephone: 410-786-3000

A listing of hospitals with Medicare provider number, produced by Centers of Medicare & Medicaid Services, a federal agency within the U.S. Department of Health and Human Services.

Nursing Homes

Source: National Institutes of Health

Telephone: 301-594-6248

Information on Medicare and Medicaid certified nursing homes in the United States.

Public Schools

Source: National Center for Education Statistics

Telephone: 202-502-7300

The National Center for Education Statistics' primary database on elementary and secondary public education in the United States. It is a comprehensive, annual, national statistical database of all public elementary and secondary schools and school districts, which contains data that are comparable across all states.

Private Schools

Source: National Center for Education Statistics

Telephone: 202-502-7300

The National Center for Education Statistics' primary database on private school locations in the United States.

Flood Zone Data: This data, available in select counties across the country, was obtained by EDR in 1999 from the Federal Emergency Management Agency (FEMA). Data depicts 100-year and 500-year flood zones as defined by FEMA.

NWI: National Wetlands Inventory. This data, available in select counties across the country, was obtained by EDR in 2002 and 2005 from the U.S. Fish and Wildlife Service.

STREET AND ADDRESS INFORMATION

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MEV, LLC
MAIAMA ENVIRONMENTAL

**PRELIMINARY INFORMATION
FOR ENVIRONMENTAL INVESTIGATION**

According to ASTM Standard 1527-05, the user's (or client's) responsibility in this investigation is to help identify the possibility of recognized environmental conditions in connection with the property. In order to qualify for one of the *Land Owner Liability Protections (LLPs)* offered by the small Business Liability Relief and Brownfields Revitalization Act of 2001 (the "Brownfields Amendments"), the user must provide the following information (if available) to the environmental professional. Failure to provide this information could result in a determination that "all appropriate inquiry" is not complete. Please assist us by responding to the following request for ASTM required data and other MEV requested information you may have, or of which you may have some specialized knowledge. This questionnaire will be included in the Appendices of the final report as an indication of user assistance.

Project Name: Mauji R & T Park - Kihai, 370 Acres MEV Project No: 0703-0047

Please supply as many of the following documents as possible:

- A. Tax Map Key Number/Tax Code Number 2-2-24: 04, 08, 09, 14, 15, 16, 17, 18, Pn 54
- B. Title Information (Current, and any previous ownership.)
- C. Property Legal Description (If Title Information is not available)
- D. Tax Map and/or Site Development Drawing/Plat
- E. Special Property Information (Well development data, endangered species listings, historical registration or environmental deed restrictions.)
- F. Real Estate Appraisal Report
- G. Special Management Area Permit Report (SMA) NA

Please provide the following information to the best of your ability:

1. Environmental clean-up liens that are filed or recorded against the site (40 CFR 312.25)
 Are you aware of any environmental clean up liens against the property that are filed or recorded under federal, tribal, state or local law?
NONE

2. Activity and land use limitations (AULs) that are in place on the site or that have been filed or recorded in a registry (40 CFR 312.26).
 Are you aware of any AULs, such as engineering controls, land use restrictions or institutional controls that are in place at the site and/or have been filed or recorded in a registry under federal, tribal, state, or local law?
NONE KNOWN

3. Specialized knowledge or experience of the person seeking to qualify for the LLP (40 CFR 312.28).
 As the user of this ESA, do you have any specialized knowledge or experience related to the property or nearby properties? For example, are you involved in the same line of business as the current or former occupants of the property or an adjoining property so that you would have specialized knowledge of the chemicals and processes used by this type of business?
NA - PASTURE LAND
AGRICULTURAL

MEV, LLC

MALAMA ENVIRONMENTAL

4. Relationship of the purchase price to the fair market value of the property if it were not contaminated (40 CFR 312.29).

Does the purchase price being paid for this property reasonably reflect the fair market value of the property? If you conclude that there is a difference, have you considered whether the lower purchase price is because contamination is known or believed to be present at the property?

YES.

5. Commonly known or reasonably ascertainable information about the property if it were not contaminated (40 CFR 312.30).

Are you aware of commonly known or reasonably ascertainable information about the property that would help the environmental professional to identify conditions indicative of releases or threatened releases? For example, as user,

- a) Do you know the past uses of the property? CATTLE GRAZING
- b) Do you know of specific chemicals that are present or once were present at the property? NO
- c) Do you know of spills or other chemical releases that have taken place at the property? NO
- d) Do you know of any environmental cleanups that have taken place at the property? NOT TO MY KNOWLEDGE

6. The degree of obvlouansess of the presence or likely presence of contamination at the property, and the ability to detect the contamination by appropriate investigation (40 CFR 312.31).

As the user of this ESA, based on your knowledge and experience related to the property, are there any obvious indicators that point to the presence or likely presence of contamination at the property?

NO

Additional Information Request:

1. Name of Current Owner: MAUI R & T PARK PARTNERS & HALEAKALA BANK

2. Name of Former Owner: PARTIAL - HALEAKALA BANK

3. Environmental Site Assessments (ESA): Are you aware of any previous assessments: Phase I/II ESAs Cleanup Closure Reports, Permit Characterization Reports, etc. conducted on the subject site or within the immediate area? If yes, please supply details. NOT TO MY KNOWLEDGE

4. Local-State-Federal Inspections: Are you aware of any environmental inspections conducted by any regulatory agency, i.e., Hawaii Dept. of Health (Environmental Health Services), OSHA, U.S. Army Corps of Engineers, Department of Land & Natural Resources, Fish & Wildlife Services, HUD, EPA, or County Wastewater or Solid Waste Division of the Public Works/Waste Management Department etc.? If yes, please supply details.

NO

5. Structures/Buildings: Are there any as-built or other construction drawings available for review? Contact Name and Telephone Number: EXISTING MARTP BLDG - JOHN MALONEY 879-5263

6. Site improvements? (Renovation Date & Extent) LI

7. Proceedings Against the Property: Are you aware of any administrative or legal proceedings against the property for environmental concerns i.e., Compliance Orders, Notices of Violation? If yes, please supply details. NO

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8. Specialized Historic Information: Are you aware of any previous owner, neighbor, business affiliate or other individual who might have knowledge of any special or unusual historic use of, and/or previous operations conducted on the subject property? Contact Name and Telephone Number: ARCH SURVEY COMPANY
SCS ARCHAEOLOGISTS - MIKE DEGA - 808-597-1182
9. Manufacturing or Processing: If there are manufacturing or processing activities conducted on-site, is there an operation flow chart, diagram or procedures manual available for review? Contact Name and Telephone Number: None on site

This Phase I ESA Report is being prepared for: (Please Print)


Attention: John Maloney
 Organization: PACIFIC RIM LAND, INC.
 Address: 381 HUKULI'I PLACE, SUITE 202, KIHU, HI. 96753
 Phone no.: 808-879-5263 Fax no.: 808-879-2557

Please List Other Organizations (Lenders) Who Will Require a Listing as "Also Prepared For:" on the Phase I ESA report cover and signature page.

- (1) Attention: _____
 Organization: _____
 Address: _____
- (2) Attention: _____
 Organization: _____
 Address: _____

We will submit 2 signed reports for each project. If additional copies are required, an additional fee will be charged for processing.

Who Prepared This Starter Package Information?

Print Name	<u>JOHN MALONEY</u>	Title	<u>DEVELOPMENT MANAGER</u>
Company	<u>PACIFIC RIM LAND, INC.</u>		
Address	<u>381 HUKULI'I PLACE, SUITE 202, KIHU, HI. 96753</u>		
Tel. No.	<u>808-879-5263</u>	Fax No.	<u>808-879-2557</u>
Signature		Date	<u>3-29-2007</u>

HALEAKALA RANCH C O M P A N Y

ESTABLISHED IN 1888

April 25, 2007

Mr. Jeff Kermode
Malama Environmental, LLC
P.O. Box 880487
Pukalani, HI 96788-0487

Subject: TMK parcels (2)2-2-24: 4, 8, 9, 14, 15, 16, 17, 18 and (2)2-2-2: por. 54

Dear Mr. Kermode:

I am responding to your letter dated April 16, 2007. Haleakala Ranch Company has no knowledge of any of the activities, conditions or events cited in your inquiry related to the noted parcels. Please feel free to contact me if I can be of further assistance.

Sincerely,


J. Scott Meidell
VP/Land and Resource Manager

LINDA LINGLE
GOVERNOR OF HAWAII



CHIYOME L. FUKINO, M.D.
DIRECTOR OF HEALTH

STATE OF HAWAII
DEPARTMENT OF HEALTH

P.O. BOX 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
EMD/SDWB

April 27, 2007

Mr. Jeffrey Kermode
MEV, LLC
Malama Environmental
P.O. Box 880487
Fukalani, Hawai'i 96788-0487

Dear Mr. Kermode:

SUBJECT: UNDERGROUND INJECTION CONTROL (UIC);
REPLY TO YOUR INFORMATION REQUEST FOR
[REDACTED]

2. TMK: (2) 2-2-24: 04, 08, 09, 14, 15, 16 (PORTION),
17 (PORTION), 18, AND (2) 2-2-02: 54 (PORTION)
MAUI RESEARCH AND TECHNOLOGY PARK
(OFF LIPOA PARKWAY), KIHEI, MAUI, HI

Based on your submitted information, there are no UIC permits associated with the subject properties.

If a well is found at any property, please contact us so that we can determine if the injection well regulations are applicable.

If you have any questions about this subject, please call Chauncey Hew at (808) 586-4258 (Honolulu) or call direct toll free from Maui at 984-2400, ext. 64258.

Sincerely,

Handwritten signature of Stuart Yamada in cursive.

STUART YAMADA, P.E., CHIEF
Safe Drinking Water Branch
Environmental Management Division

CH:cb

LINDA LINGLE
GOVERNOR OF HAWAII



CHIYOME LEINAALA FUKINO, M.D.
DIRECTOR OF HEALTH

**STATE OF HAWAII
DEPARTMENT OF HEALTH**

P.O. BOX 3378
HONOLULU, HAWAII 96801

In reply, please refer to:
EMD / WB

RFI-MEV6.wpd

April 27, 2007

Mr. Jeffrey Kermode
MEV, LLC
Malama Environmental
P.O. Box 880487
Pukalani, Hawaii 96788-0487

Dear Mr. Kermode:

Subject: Your Request for Public Records
TMK: (2) 2-2-024: 004, 008, 009, 014, 015, 016, 017, 018, &
(2) 2-2-002: 054

In response to your request, our Wastewater Branch does not have any records of pending environmental permits, licenses, citations, releases, or other information for the subject properties.

Should you have any questions, please call Marshall Lum at direct toll-free 984-2400, ext. 64294.

Sincerely,

A handwritten signature in cursive script, appearing to read "Harold K. Yee".

HAROLD K. YEE, CHIEF
Wastewater Branch

ML/mt

Notice to Requester

DATE: 4/30/07
 TO: Jeffrey Kamada, MENV, LLC FAX: (808) 573 0210
Solid and Hazardous Waste Branch
 FROM: 919 Ala Moana Boulevard, Room 212 PHONE: (808) 586-4226 FAX: (808) 586-7509

ACCESS TO THE GOVERNMENT RECORD YOU REQUESTED (copy of request attached or brief description below)

1. Maui Research and Technology Park
2. (various TUK's)
3. _____
4. _____
5. _____

will be granted in its entirety.
 cannot be granted because
 agency does not maintain the requested record.
 agency needs a further description or clarification of the requested record. Please contact the agency within _____ days or your request will be considered abandoned.
 the request would require the agency to create a summary or compilation from records that are not readily retrievable.
 _____ is denied in its entirety or will be granted only to certain part(s) of this government record. Denial of access to this or portions of this government record is denied based upon the following subsections of section 92F-13, Hawaii Revised Statutes, or other laws as cited below. The portions of the record that the agency will not disclose are described in general terms.

STATUTE

RECORD OR PORTIONS WITHHELD

METHOD AND DATE OF DISCLOSURE:

_____ Inspection at the following location: 919 Ala Moana Boulevard Rm. 212 On (date/time): 7:45 am-4:30pm (Mon-Fri)
 _____ Copy provided to you:
 _____ available for pick-up at the agency on (date/time): _____
 _____ to be mailed
 _____ transmitted by other means as requested
 _____ Incremental Disclosure: The record will be disclosed incrementally. (The agency must attach a description of extenuating circumstances that support its intention to disclose incrementally. See section 2-71-16H.A.R.)
 The first increment will be available on _____.

Should you have question about the agency's responses you may contact the department named above. If you are not satisfied with the agency's response, you may call the Office of Information Practices at (808) 586-1400

AGENCY WILL CONTACT REQUESTER WHEN RECORDS ARE AVAILABLE FOR REVIEW

MALAMA ENVIRONMENTAL (MEV, LLC)

P.O. Box 880487, Pukalani, Maui, Hawaii 96788-0487

April 16, 2007

Mr. Scott Meidell
Haleakala Ranch Co.
529 Kealaloa Avenue
Makawao, Hawaii 96768

Dear Mr. Meidell,

As requested by our client, Pacific Rim Land, Inc., Malama Environmental (MEV, LLC) is conducting a Phase I Environmental Site Assessment (ESA) on the following parcels of land, TMK (2) 2-2-24: 4, 8, 9, 14, 15, 16, 17, 18 and (2) 2-2-2: portion of 54. . Tax records indicate that Haleakala Ranch Co. was a previous owner and current owner of these parcels. See attached TMK maps.

If it applies to these land parcels, could you please let us know if you have any knowledge of the following site specific information?

- knowledge of past/present on-site equipment maintenance locations or construction baseyards;
- presence of former or current underground or above-ground fuel storage tanks;
- location of bulk fertilizer/pesticide storage and/or mixing areas;
- list (inventory) of any pesticides historically/currently used on these land parcels;
- knowledge of any significant spills (petroleum or pesticides);
- location of historic/current on-site landfills (waste dumps), cesspools and/or septic tanks;
- location of any on-site groundwater wells.

Mahalo for your time and assistance. Please call me if you have any questions.



Jeff Kermode

Site Investigator

MALAMA ENVIRONMENTAL (MEV, LLC)

P.O. Box 880487, Pukalani, Maui, Hawaii 96788-0487

April 30, 2007

Administration Manager
Maui R&T Partners
360 Hoohana Street, Suite 209
Kahului, Hawaii 96732

Dear Sir / Madam,

As requested by our client, Pacific Rim Land, Inc., Malama Environmental (MEV, LLC) is conducting a Phase I Environmental Site Assessment (ESA) on the following parcels of land, TMK (2) 2-2-24: 4, 8, 9, 14, 15, 16, 17, 18 and (2) 2-2-2: portion of 54. Tax records indicate that Maui R&T Partners is a current owner of some of these parcels. See attached TMK maps.

If it applies to these land parcels, could you please let us know if you have any knowledge of the following site specific information?

- knowledge of past/present on-site equipment maintenance locations or construction baseyards;
- presence of former or current underground or above-ground fuel storage tanks;
- location of bulk fertilizer/pesticide storage and/or mixing areas;
- list (inventory) of any pesticides historically/currently used on these land parcels;
- knowledge of any significant spills (petroleum or pesticides);
- location of historic/current on-site landfills (waste dumps), cesspools and/or septic tanks;
- location of any on-site groundwater wells.

Mahalo for your time and assistance. Please call me if you have any questions.



Jeff Kermod
Site Investigator

MEV, LLC

MALAMA ENVIRONMENTAL

April 10, 2007

Maui County Fire Department
Hazardous Materials Division
200 Dairy Road
Kahului, Hawaii 96732

Attn: Mr. Jeffrey M. Kihune

RE: Request for Public Records

Dear Mr. Kihune:

We are requesting a search for any past or pending environmental permits, licenses, citations, releases, fires or other information pertaining to the site(s) described below.

SITE INFORMATION:

Project Number: 0703-0047

Tax Map Key No.: (2) 2-2-24: 04, 08, 09, 14, 15, 16 (portion), 17 (portion), 18, + (2) 2-2-02: 54 (portion).

Address: Maui Research and Technology Park
(Off Lipoa Parkway)
Kihei, Maui HI

Current Owner: Maui R & T Park Partners &
Haleakala Ranch

Former Owner: Partial - Haleakala Ranch

Current Occupant: Predominantly Undeveloped Land and Roadway

Type of Business: Grazing land and roadway access for Maui Research and
Technology Park.

Tax Map Key is enclosed.

Truly yours,


Jeff Kermode

MEV, LLC

MALAMA ENVIRONMENTAL

April 10, 2007

State of Hawaii Department of Health
Environmental Management Division
919 Ala Moana Boulevard, Room 206
Honolulu, HI 96814
Phone: (808) 586-4249
Via Fax: (808) 586-7537
Attn: Office of Hazard Evaluation
& Emergency Response (HEER)

Subject: REQUEST FOR PUBLIC RECORDS

Dear Sir/Madam:

We are requesting a search for any past or pending environmental permits, licenses, citations, releases, or other information pertaining to the site(s) described below.

SITE INFORMATION:

Project Number: 0703-0047

Tax Map Key No.: (2) 2-2-24: 04, 08, 09, 14, 15, 16 (portion), 17 (portion), 18, + (2) 2-2-02:
54 (portion).

Address: Maui Research and Technology Park
(Off Lipoa Parkway)
Kihei, Maui HI

Current Owner: Maui R & T Park Partners &
Haleakala Ranch

Former Owner: Partial - Haleakala Ranch

Current Occupant: Predominantly Undeveloped Land and Roadway

Type of Business: Grazing land and roadway access for Maui Research and
Technology Park.

Tax Map Key is enclosed.

Truly yours,



Jeffrey Kermodé

Project Manager

Date

MEV, LLC

MALAMA ENVIRONMENTAL

April 10, 2007

State of Hawaii Department of Health
Environmental Management Division
919 Ala Moana Boulevard, Room 212
Honolulu, HI 96814
Phone: (808) 586-4226

Attn: Solid & Hazardous Waste Branch

Subject: REQUEST FOR PUBLIC RECORDS

Dear Sir/Madam:

We are requesting a search for any past or pending environmental permits, licenses, citations, releases, or other information pertaining to the site(s) described below.

SITE INFORMATION:

Project Number: 0703-0047

Tax Map Key No.: (2) 2-2-24: 04, 08, 09, 14, 15, 16 (portion), 17 (portion), 18, + (2) 2-2-02: 54 (portion).

Address: Maui Research and Technology Park
(Off Lipoa Parkway)
Kihei, Maui HI

Current Owner: Maui R & T Park Partners &
Haleakala Ranch

Former Owner: Partial - Haleakala Ranch

Current Occupant: Predominantly Undeveloped Land and Roadway

Type of Business: Grazing land and roadway access for Maui Research and
Technology Park.

Tax Map Key is enclosed.

Truly yours,



Jeffrey Kermode

MEV, LLC

MALAMA ENVIRONMENTAL

April 10, 2007

State of Hawaii Department of Health
Environmental Management Division
919 Ala Moana Boulevard, Room 301
Honolulu, HI 96814
Phone: (808) 586-4309
Attn: Clean Water Branch

VERBAL RESPONSE RECEIVED
• NO RECORD
• DATE: 5/9/07
• BY: [Signature]

Subject: REQUEST FOR PUBLIC RECORDS

Dear Sir/Madam:

We are requesting a search for any past or pending environmental permits, licenses, citations, releases, or other information pertaining to the site(s) described below.

SITE INFORMATION:

Project Number: 0703-0047

Tax Map Key No.: (2) 2-2-24: 04, 08, 09, 14, 15, 16 (portion), 17 (portion), 18, (2) 2-2-02: 54 (portion).

Address: Maui Research and Technology Park
(Off Lipoa Parkway)
Kihei, Maui HI

Current Owner: Maui R & T Park Partners &
Haleakala Ranch

Former Owner: Partial - Haleakala Ranch

Current Occupant: Predominantly Undeveloped Land and Roadway

Type of Business: Grazing land and roadway access for Maui Research and
Technology Park.

Tax Map Key is enclosed.

Truly yours,


Jeffrey Kermode

MEV, LLC

MALAMA ENVIRONMENTAL

April 10, 2007

State of Hawaii Department of Health
Environmental Management Division
919 Ala Moana Boulevard, Room 308
Honolulu, HI 96814
Phone: (808) 586-4258
Fax: (808) 586-4370

Attn: Safe Drinking Water Branch

Subject: REQUEST FOR PUBLIC RECORDS

Dear Sir/Madam:

We are requesting a search for any past or pending environmental permits, licenses, citations, releases, or other information pertaining to the site(s) described below.

SITE INFORMATION:

Project Number: 0703-0047

Tax Map Key No.: (2) 2-2-24: 04, 08, 09, 14, 15, 16 (portion), 17 (portion), 18, +(2) 2-2-02: 54 (portion).

Address: Maui Research and Technology Park
(Off Lipoa Parkway)
Kihei, Maui HI

Current Owner: Maui R & T Park Partners &
Haleakala Ranch

Former Owner: Partial - Haleakala Ranch

Current Occupant: Predominantly Undeveloped Land and Roadway

Type of Business: Grazing land and roadway access for Maui Research and
Technology Park.

Tax Map Key is enclosed.

Truly yours,



Jeffrey Kermode

MEV, LLC

MALAMA ENVIRONMENTAL

April 10, 2007

Hawaii State Department of Health
919 Ala Moana Blvd., Room 203
Honolulu, HI 96814
Attn: Wastewater Branch

Subject: REQUEST FOR PUBLIC RECORDS

Dear Sir:

We are requesting a search for any past or pending environmental permits, licenses, citations, releases, or other information pertaining to the site(s) described below.

SITE INFORMATION:

Project Number: 0703-0047

Tax Map Key No.: (2) 2-2-24: 04, 08, 09, 14, 15, 16 (portion), 17 (portion), 18, & (2) 2-2-02:54 (portion).

Address: Maui Research and Technology Park
(Off Lipoa Parkway)
Kihei, Maui HI

Current Owner: Maui R & T Park Partners &
Haleakala Ranch

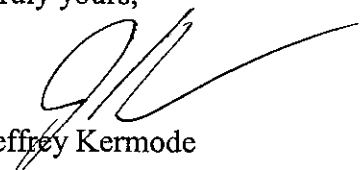
Former Owner: Partial - Haleakala Ranch

Current Occupant: Predominantly Undeveloped Land and Roadway

Type of Business: Grazing land and roadway access for Maui Research and
Technology Park.

Tax Map Key is enclosed.

Truly yours,


Jeffrey Kermode

Appendix C:

Qualifications of Environmental Professionals

MEV, LLC

Malama Environmental

STATEMENT OF QUALIFICATIONS

for

Jeffrey E. Kermode, Environmental Projects' Manager

Company Position

Environmental Projects Manager

**Responsibilities
and Duties:**

- Phase I & II Environmental Site Assessments/Investigations
- Phase III Remediation Projects
- Underground Storage Tank (UST) Closures
- Asbestos Inspections, Air Monitoring and Supervision of Removal
- Lead-Based Paint Inspections, Risk Assessments and Supervision of Removal
- Indoor Air Quality Investigations and Mold Remediation Project Management
- Erosion Control Plan (BMP) Development
- Site Safety Officer for Sampling/Remediation Projects

Experience:

- Soil and Groundwater Investigations/Remediation
- UST Removal and Closure
- Hazardous Materials Management
- Asbestos and Lead-Based Paint Projects (Inspections, Monitoring, Removal)
- Air Quality Sampling for Particulate and Microbiological Contaminants
- Wetland Delineation
- Erosion Control and Pollution Prevention Planning and Implementation for Large Scale Construction Projects
- Underground Injection Control (UIC) Permitting
- Environmental Report Writing and Compilation
- Conducted On-Site Oil Spill Response Training Courses, Assessed Clients' Response Preparedness, and Assisted in the Development of Oil Spill Contingency Plans
- Oil Spill Clean-Up Operations
- Pelagic and Coastal Fisheries Research as a Scientific Observer

**Training &
Education**

- Registered Environmental Assessor I, State of California
- Bachelor of Technology Program, Environmental Engineering, B.C.I.T. Burnaby, B.C., 1997-1999.
- Bachelor of Arts, Geography, University of B.C., Vancouver, Canada, 1989
- AHERA (Asbestos Hazard Emergency Response Act) Inspector for Asbestos, US EPA Certified
- OSHA HAZWOPER Certification (40 Hr)
- Lead-Based Paint Risk Assessor, US EPA Certified
- Lead-Based Paint Contractor Supervisor, US EPA Certified

MEV, LLC

Malama Environmental

JOHN S. VUICH
President & CEO

STATEMENT OF QUALIFICATIONS:

M. S. Geological Engineering, University of Arizona
B. S. Geological Engineering, University of Arizona
Registered Geologist (California)
Registered Environmental Assessor (California)
Certified Environmental Manager (Nevada)

AREAS OF EXPERTISE

ENVIRONMENTAL

- ▼ Site Assessments, Phase I, II, III Investigations
- ▼ Underground Storage Tank Closure
- ▼ Asbestos Inspection and Monitoring, Management Planning, and Abatement Project Design and Removal
- ▼ Lead-Containing Paint Surveys and Inspections, and Disturbance Design and Removal
- ▼ Site Characterization for Remedial Investigations
- ▼ Facility Operation Compliance Audits-ISO 14000 Audits
- ▼ Soils/Groundwater Remediation
- ▼ Hazardous Waste Management
- ▼ Risk Assessment Investigations
- ▼ RCRA Compliance and Closure Projects
- ▼ Expert Witness/Litigation Support
- ▼ Industrial Hygiene Qualified/Competent Person
- ▼ Mold/Fungi Sampling, Remediation and Abatement Design and Removal

GEOLOGICAL

- ▼ Hydrogeology
- ▼ Geologic Hazards Analysis
- ▼ Subsurface Excavations and Drilling Investigations and Sampling

RELEVANT EXPERIENCE

Owner-President • MEV, LLC.

Maui, HI • (June 2006 - Present)

Consulting services and project management for remediation projects, property transfers, sampling and site characterization plans, hazardous and toxic waste management, underground storage tanks, regulatory compliance, permit applications and litigation support.

Owner-President • Vuich Environmental Consultants, Inc.

Maui, and Honolulu, Oahu • (March, 1994 - Present)

Licensed contractor for asbestos, mold and lead-based paint abatement, general demolition and construction cleanup.

Project Manager • Various Environmental and Geological Companies

Southwest U.S.A • (1972-1994)

Hazardous materials' and environmental assessment. Site characterization and remediation.

OTHER CERTIFICATIONS AND TRAINING

- ▼ Asbestos & Demolition Contractor (C-19, C-24) **HI LIC #21212**
- ▼ Accredited Asbestos Contractor/Supervisor
- ▼ Continuing Education in Hazardous Materials Management, Environmental Studies and Environmental Regulations.

Appendix D:

Acronyms and Abbreviations

Abbreviation	Definition
AST	Aboveground Storage Tank
AHERA	(Federal) Asbestos Hazard Emergency Response Act
ASTM	American Society for Testing and Materials
BACT	Best Available Control Technology
BLM	Bureau of Land Management
BTEX	Benzene, Toluene, Ethylbenzene, and Xylenes
CAA	Clean Air Act: Regulates Air Quality
CAMU	Corrective Action management Unit
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act: Federal Superfund for Cleanup of Environmental Contamination (1980, 1986)
CERCLIS	CERCLA Information System (data base)
CESQG	Conditionally Exempt SQG: Hazardous Waste Generator less than 100 kg/mo.
C.F.R.	Code of Federal Regulations: National Standard Regulations
COLIWASA	Composite Liquid Waste Sampler
CRC	Chlorofluorocarbon
CMU	Concrete Masonry Unit
CWA	Clean Water Act: Regulates Water Quality (1972, 1987)
CZMA	Coastal Zone Management Act
DLNR	Department of Land and Natural Resources
DOT	Department of Transportation: Administers hazardous Waste Containers-Marking-Labeling-Placarding and Transportation Procedures.
DOH	Department Of Health (State Of Hawaii)
DRASTIC	EPA Standardized System for Evaluating Groundwater Pollution Potential Using Hydrogeologic Settings.
EIS	Environmental Impact Statement
EPA	Environmental Protection Agency: Administers CERCLA, RCRA and SARA
FID	Flame Ionization Detector
FIFRA	Federal Insecticide, Fungicide and Rodenticide Act: Regulates Pesticides (1972, 1988)
FSP	Field Sampling Plan
FWPCA	Federal Water Pollution Control Act
HAP	Hazardous Air Pollutant
HCS	(OSHA) Hazard Communication Standard
HSWA	(Federal) Hazardous and Solid Waste Amendments of 1984
LEL	Lower Explosive Limit
LQG	Large Quantity Generators; Hazardous Waste Generator in Excess of 100 kg/mo.
LUST	Leaking Underground Storage Tank.
MCL	Maximum Contaminant Level
MCLG	Maximum Contaminant Level Goal
MSDS	Material Safety Data Sheets: Hazard Information Required for Chemical Substances by OSHA
NAAQs	National Ambient Air Quality Standards
NEPA	National Environmental Policy Act
NESHAP	National Emission Standards for Hazardous Air Pollutants (Under CAA Regulations)
NPDES	National Pollutant Discharge Elimination System
NPL	National Priorities List
O&M	Operating and Maintenance
OCS	Outer Continental Shelf
OSHA	Occupational Safety and Health Act: Established Hazard Communication Program and Employee Right-to-Know Law (1970)
OVA	Organic Vapor Analyzer
PCB	Polychlorinated Biphenyls: Toxic Substance Used in Electric-Device Cooling.
PCI/l	Picocuries Per Liter
PEL	Permissible Airborne Exposure Level
PID	Photoionization Detector

POTW	Publicly Owned Treatment Works
ppb	parts per billion
ppm	parts per million
PWP	Project Work Plan
PRPs	Potentially Responsible Parties
QA/QC	Quality Assurance/Quality Control
QAPP	Quality Assurance Project Plan
RBCA	Risk Based Corrective Action and Decision-Making at Sites with Contaminated Soil and Groundwater. (Hawaii DOH)
RCRA	Resource Conservation and Recovery Act: Federal Hazardous Waste Management Law. Regulates Waste Generation, Transportation, Treatment, Storage or Disposal Sites (1976, 1984)
RQ	Reportable Quantity
RUST	Registry of Underground Storage Tanks
SAP	Sampling & Analysis Plan
SARA	Superfund Amendments and Reauthorization Act: Amends CERCLA and includes Community Right to Know Law. Requires facilities report their chemical inventories and emissions (1986).
SDWA	Safe Drinking Water Act: Establishes maximum contaminant levels for drinking water (1974, 1986).
SHSP	Site Health & Safety Plan
SIC	Standard Industrial Classification
SIP	State implementation plan
SPCC	Spill Prevention Control and Countermeasure
SQG	Small Quantity Generator: Hazardous Waste Generator between 100-1000 kg/mo.
TCLP	Toxicity Characteristic Leaching Procedure: A toxicity test for certain substances declared hazardous by the EPA.
TMK	(Hawaii) Tax Map Key
TPH	Total Petroleum Hydrocarbons
TPQ	Threshold Planning Quantity
TSCA	Toxic Substances Control Act: Regulates PCBs in electrical devices and chromium in evaporative cooling towers, asbestos in schools. (1976)
TSD	Treatment, Storage, and Disposal
UEL	Upper Explosive Limit
UIC	Underground Injection Control
USGS	United States Geological Survey
UST	Underground Storage Tank
VOA	Volatile Organic Analyses
VOC	Volatile Organic Compound: EPA listed toxic or carcinogenic organic substances.
Minimal, Minor or Not Significant	1) An unlikely or remote event, i.e., possible, but not anticipated under current conditions and observed features. 2) Insignificant when compared to regulatory acceptance levels, guideline action levels or when compared to background and/or baseline conditions of the local environment. 3) Any potential effect or impact attributed to the subject factor may be considered as the least likely source among a number of potentially responsible factors. 4) Any potential effect may not be measurable or detected by current technology. 5) Education, experience, and background of the investigator were utilized to conclude the situation or condition as trifle.