

LAND USE COMMISSION
MINUTES OF MEETING

November 5, 2004

Haleakala Ballroom
Maui Prince Hotel Makena Resort
5400 Makena Alanui
Makena, Maui, Hawaii

COMMISSIONERS PRESENT: Pravin Desai
Michael Formby
Kyong-Su Im
Steven Montgomery
Randall Sakumoto
Peter Yukimura

COMMISSIONERS ABSENT: P. Roy Catalani
Isaac Fiesta, Jr.
Lisa Judge

STAFF PRESENT: Diane Erickson, Deputy Attorney General
Anthony Ching, Executive Officer
Bert Saruwatari, Staff Planner
Sandra Matsushima, Chief Clerk
Holly Hackett, Court Reporter
Wade Leland Kersey, Audio Technician

Presiding Officer Sakumoto called the meeting to order at 8:50 a.m.

A04-748 CONSOLIDATED BASEYARDS, LLC (Maui)

Presiding Officer Sakumoto announced that the Commission will continue the Consolidated Baseyards, LLC hearing and allowed the Petitioner's next witness to proceed.

APPEARANCES

Martin Luna, Esq., represented Consolidated Baseyards, LLC
Madelyn D'enbeau, represented County of Maui Department of Planning
John Chang, Esq., represented State Office of Planning
Abe Mitsuda, State Office of Planning

PETITIONER'S WITNESSES

1. Tom Nance

Mr. Nance's testimony was submitted as Exhibit 18. Mr. Nance summarized his testimony and discussed issues of the ground water drawn from the well, water pump mechanics, and the sustainable yield of the Kahului Aquifer.

Mr. Chang's questions were relative to the individual wastewater systems, leech fields, and the 1,000-foot setback required for IWS and potable water sources.

Commissioner Im had questions and concerns regarding wastewater flowing through the cemented sand of the Kahului Aquifer and location of the individual wastewater systems.

Vice Chair Montgomery had questions in reference to fertilization or chemicals in the fields, such as herbicides commonly used in cane fields.

Ms. D'enbeau had questions and concerns related to the water usage by the prospective occupants, such as food processors that use excessive amounts of potable water.

After a brief discussion, there were no further questions.

2. Michael Munekiyo

Mr. Munekiyo stated that he was engaged by Consolidated Baseyards to conduct the environmental assessment. Mr. Munekiyo summarized his report and discussed the criteria used for the assessment.

Ms. D'enbeau's questions were in reference to the testimony of the DOH and the County's sewer system.

Mr. Chang had questions and concerns related to previous meetings petitioner had with the DOH, and alternate wastewater systems for the project.

Commissioner Im's questions were regarding the distance of the County's sewer system from the project and petitioner's possible connection to the county lines once the other developments in the area are completed.

Commissioner Formby had questions and concerns regarding other alternatives that may have been considered for wastewater treatment.

Presiding Officer Sakumoto noted that the map in figure 2 in the EA is different from the presentation copy being referred to by the witness and if Petitioner would like to introduce this other figure as Exhibit 25.

Mr. Luna replied in the affirmative and Figure 2 in the EA was introduced as Exhibit 25. There were no objections by the State and County. Said exhibit was admitted into the record.

Ms. D'enbeau requested that petitioner provide copies of Exhibit 25 to the parties and the Commission. Mr. Luna replied in the affirmative.

Mr. Munekiyo continued with his discussion and referred to Exhibit 25, summarizing the location of the project area.

After a discussion, Mr. Luna requested that the Commission keep the Petitioner's portion of the proceedings open to allow the petitioner to present additional witnesses who could address the late breaking issues and concerns of wastewater disposal, potable water sources, and status of further discussions with the DOH.

Ms. D'enbeau had questions and concerns relative to the position of the DOH and indicated that additional witnesses would be helpful in this proceeding.

Mr. Chang stated that they have no objections allowing the petitioner to continue at the next meeting with additional witnesses to address these issues.

Presiding Officer Sakumoto concurred that the hearing be kept open until the next meeting to hear testimony and the DOH's discussion on the wastewater issues.

A recess break was taken at 10:00 a.m. The meeting reconvened at 10:15 a.m.

SP97-390 DEPARTMENT OF PUBLIC WORKS & WASTE MANAGEMENT, SOLID WASTE DIVISION (Maui)

Presiding Officer Sakumoto stated that this was an action meeting to consider a site plan modification to the entrance facility and time extension in which to initiate construction of the expansion to the Central Maui Sanitary Landfill located within the Agricultural District at Puunene, Maui, Hawaii.

APPEARANCES

Bruce Mizel, Public Works Solid Waste Division

Michael Souza, Acting Chief, Public Works

Madelyn D'enbeau, represented County of Maui Department of Planning

John Chang, Esq., represented State Office of Planning

Abe Mitsuda, State Office of Planning

Presiding Officer Sakumoto noted that there was no public testimony.

Staff Report

Staff Planner Bert Saruwatari provided the Commission with a staff report and a map orientation of the subject docket using LUC maps of the subject docket area. Mr. Saruwatari also discussed staff's issues and recommendations. There were no questions by the parties and the Commission.

Mr. Souza apologized that staff engineers were not able to attend the meeting and explained that he had no knowledge of the delay in this special permit process. He discussed issues of the DOH required remedial measures, the current construction, and the estimated completion date for the facility.

Vice Chair Montgomery had questions regarding the long-range plan and the landfill's capacity.

After a brief discussion, there were no further questions.

Commissioner Im moved that the Commission adopt staff's recommendation to amend condition number 6 and to amend the site plan to include the expansion. Vice Chair Montgomery seconded the motion. The Commission was polled as follows:

Ayes: Commissioners Im, Montgomery, Desai, Formby, Yukimura, and Sakumoto.
Nays: None

The motion passed with 6 ayes, 3 absent.

The meeting adjourned at 10:35 a.m.

(Please refer to LUC Transcript of November 5, 2004 for more details on this matter.)