

1 Director with Maui Tomorrow Foundation.

2 And I just wanted to comment on the discussion
3 that you have been having about the leachate and the
4 injection wells. I have some concerns over that. I did
5 have an email this morning stating that the injection
6 well application and the currently effective permits for
7 the -- are for treated municipal wastewater and they do
8 not report that landfill leachate is part of the waste
9 stream. It says that landfill leachate is very
10 different in characteristics from municipal sewage. The
11 toxic chemicals are at a higher concentration. So I
12 would really ask that that be looked at further to see
13 if that is true. Then there may be a violation of the
14 existing permits at the wastewater treatment facility
15 for that leachate.

16 Also, I would just say that there has been a
17 de -- an increase -- we -- Maui County is double the
18 amount of staph infections with the national average.
19 And the whole issue of injection wells is really
20 something that needs to be looked at. So I think it
21 seems to be that there is -- at least a quarter of the
22 leachate from the Central Maui Landfill is going into
23 these injection wells in Kihei and Kahului. And I think
24 that's something, again, that you would look at.

25 I would -- I would ask this Commission to hold

1 off on granting that SMA for the 10-year extension until
2 some of these things have been looked at.

3 One -- one other thing I would like to
4 mention, that since this Commission looked at the Hana
5 landfill a number of months ago, I have been having
6 conversations with EPA and with the Department of
7 Health. And one of the things that really seems to be
8 overlooked is any kind of testing of the nearshore
9 waters. We talk about the monitoring on the land, but
10 we absolutely don't talk about the nearshore waters.
11 And I think the case in Hana was you had an unlined
12 landfill on lava 350 feet from the ocean. So all of
13 that is going directly in.

14 Members of the Department of Health in
15 Honolulu have said that no testing has ever been done on
16 that. And that's a glaring oversight that absolutely
17 that testing should be done. So it's kind of
18 interesting that the Central Maui Landfill is a lined
19 landfill, which is a good thing, but we take that
20 leachate, then, and at least a good portion of it we're
21 pumping into the injection wells which does go into our
22 nearshore waters.

23 Now what I was also told by both EPA and the
24 Department of Health is the testing that you do on this
25 is not testing the water itself, but you collect

1 specimens. You collect sea urchins and crabs and other
2 things, and you test the fatty tissues, and that's how
3 will you tell. Because they say that the waters on any
4 given day --

5 MS. TAKAYAMA-CORDAN: Three minutes.

6 MS. IRENE BOWIE: -- could move those -- those
7 toxins and those pollutants, and you would never get a
8 good reading. But those -- those heavy metals and other
9 chemicals and pollutants that could be in our waters
10 would go into the fatty tissues of these animals and
11 that would really give you a good testing.

12 And I think it's important not only for things
13 like staph infections, quality of life, the condition of
14 our reefs, which we know are dying, also for people that
15 are eating the fish in the water, subsistence people. I
16 mean, as we talk about a more sustainable future for
17 this county, we need to be looking at what -- what we
18 can live on that comes from the ocean and we need to be
19 protecting the health of our nearshore waters.

20 So, again, I -- you know, I am certainly not a
21 scientist. I belong to a watchdog organization. We are
22 just taking a look at these things. But I would really
23 request that this body hold off on any kind of a 10-year
24 extension at this point and really try to find some
25 answers to that.

1 Thank you.

2 CHAIR STARR: Commissioner Mardfin.

3 COMMISSIONER MARDFIN: I'm sorry. What was
4 your organization?

5 MS. IRENE BOWIE: Maui Tomorrow Foundation.

6 COMMISSIONER MARDFIN: And I want to thank you
7 for your concern about that. And I agree. They -- they
8 do test groundwater, but the well -- the -- the
9 downgradient well is not in a position that would pick
10 up anything that's going on, that's wrongly placed, and
11 they don't test anything in the ocean.

12 MS. IRENE BOWIE: They really are not.

13 COMMISSIONER MARDFIN: I have been asking for
14 that. Haven't been getting it. But I like your idea
15 about the fatty tissues.

16 I defer to Doc, but comparing our staph
17 infections to mainland staph infections I don't think
18 tells us much of anything. Because we just -- we have a
19 different climate out here. But you might want to look
20 at staph infections in Hana versus staph infections in
21 Kihei or something like that.

22 MS. IRENE BOWIE: Of course.

23 COMMISSIONER MARDFIN: That would be a way to
24 test that.

25 MS. IRENE BOWIE: If we've got these injection

1 wells, though, in Kihei and Kahului, I don't know that
2 we're gonna be any better. But maybe with the rest of
3 the state, where this isn't really maybe going on to
4 that degree.

5 CHAIR STARR: Commissioner Hedani.

6 COMMISSIONER HEDANI: Irene, does Maui
7 Tomorrow have a recommendation on a better handling of
8 leachate?

9 MS. IRENE BOWIE: No. Absolutely. This is --
10 this is just something that's really come to our
11 attention. I -- I would, you know, love to look further
12 into that and see what can be found. But I --
13 unfortunately, I don't come to you today with a
14 solution; only concerns.

15 COMMISSIONER HEDANI: Thank you.

16 CHAIR STARR: Doctor.

17 COMMISSIONER IACONETTI: Would you comment
18 again? You said something about staph. What was it
19 exactly?

20 MS. IRENE BOWIE: Well, what -- Maui Tomorrow
21 has joined a group of residents and local organizations
22 looking at the injection wells. The group is called
23 DIRE. And we're just taking a look at the injection
24 wells on the islands. And some of the facts that we've
25 gotten from that, it says that there's been a dramatic

1 rise in staph -- in hospitalizations for staph
2 infections in Maui County since 1995. It has gone up.
3 And it said that right now -- or, in 2007, we are at 188
4 cases per 100,000, where the national average is 88
5 cases per 100,000. So I don't know that it's a cause,
6 but it's one more thing to take a look at.

7 COMMISSIONER IACONETTI: Is the staph
8 infection here coming from the ocean or from the land or
9 where?

10 MS. IRENE BOWIE: I don't -- I don't know that
11 they know that. But, again, I think that's --

12 COMMISSIONER IACONETTI: I mean, that's pretty
13 important.

14 MS. IRENE BOWIE: -- something to take a look
15 at, though. I mean, whatever, we need to be looking at
16 why -- why it's increasing. I think you are right that
17 staph has always, you know, traditionally been more here
18 in this climate, but if those numbers are really going
19 up, we need to take a look at that. Again,
20 unfortunately, I am not a scientist. I can't --

21 COMMISSIONER IACONETTI: It's going up all
22 over.

23 MS. IRENE BOWIE: Right. Right. But I think,
24 you know, looking at the things like this that we are
25 doing, where we are not really saying that we know for

1 sure what's going into our ocean waters, that we are all
2 in, that we take food from, that we swim in, our
3 children are in it, you know, we just -- I think err on
4 the side of caution. And, again, I would just urge you
5 to go slowly on issuing a 10-year extension before this
6 is really -- more information is known.

7 CHAIR STARR: Doctor.

8 COMMISSIONER IACONETTI: And this is probably
9 just a comment. But going over all of this material, I
10 keep wondering what alternative do we have, what else
11 can we do with this material, where else are we going to
12 put it. This is it. And, yes, we should do the very
13 best we can as far as cleaning it up and taking care of
14 it, but, really, we don't have another alternative.

15 MS. IRENE BOWIE: If I could just make a
16 comment on that. I would say that the part that
17 concerns Maui Tomorrow is more the part that's going
18 into the injection wells. I think it was brought up
19 here, is there more of that leachate that you can, you
20 know, use as the cover or into eco composting, things
21 like that, but we already know that the injection wells
22 are -- are a problem. And we need to be looking at
23 those more closely. So to compound that and say that
24 this toxic leachate is being injected into our nearshore
25 waters is really more, I think, the issue.

1 CHAIR STARR: Yeah, Commissioner Hedani.

2 COMMISSIONER HEDANI: Yes. Irene, Maui
3 Tomorrow isn't advocating that we shut the landfill
4 down --

5 MS. IRENE BOWIE: No.

6 COMMISSIONER HEDANI: -- and cause them not to
7 be able to operate?

8 MS. IRENE BOWIE: No. No, not at all. Again,
9 I would just say if you want to really take a look at
10 the permitting, because, as I say, this was from a water
11 quality consultant that sent me an email this morning
12 that said that the landfill leachate is not part of what
13 they're looking at, at the wastewater treatment plant,
14 that that's not in their current permitting. So right
15 there, that really needs to be taken -- looked at
16 closely.

17 CHAIR STARR: Okay. Thank you very much for
18 coming forward and sharing that. And I do encourage you
19 to continue to advocate.

20 Okay. Any other members of the public wishing
21 to give testimony on this item, please?

22 Not seeing any, public testimony for this
23 portion is closed.

24 Oh, there you are. I'm sorry. Please,
25 Planner Loudermilk, give us your recommendation.

1 MS. ROBYN LOUDERMILK: The first
2 recommendation that I have is for the County Special Use
3 Permit. And the Department has concluded that the
4 application does comply with the standards and that we
5 would recommend approval of the County Special Use
6 Permit for a period of 10 years subject to 16
7 conditions.

8 And that will conclude the Department's
9 recommendation on the County Special Use Permit.

10 CHAIR STARR: Okay. Members, time we can have
11 discussion and some possible motion. Dr. Iaconetti.

12 COMMISSIONER IACONETTI: I am wondering, the
13 land that is being utilized now will eventually be
14 turned back to agriculture once they build the landfill?

15 MS. ROBYN LOUDERMILK: No. There are specific
16 procedures required for the closing of a landfill.

17 COMMISSIONER IACONETTI: Okay. So once it's
18 closed?

19 MS. CHERYL OKUMA: Okay. Let me try to
20 address that. By law, upon closure, the entity, in this
21 case the County, would have 30 years responsibility as
22 far as continuing to monitor that landfill. I think
23 what you are talking about is, is there any possibility
24 to reuse or reclaim this land for some other use, some
25 other purpose.

1 We have tried to look at that. Because, as
2 you well know, we have about four or five closed
3 landfills already in the County of Maui. The problem is
4 -- is resources, money, basically, to -- to move in that
5 kind of direction. We have attempted to look at the
6 Brownfields Program funding, things that are attached to
7 that. We haven't gotten very far with that because it
8 turns out we, as a -- we, as a County, because we either
9 owned or operated the landfills, until they were closed,
10 are ineligible for some of these grants and fundings
11 that are available on the Federal level.

12 So I guess the point is, I think you raise a
13 really good point in terms of is there any potential for
14 reclaiming or reusing land. We, in fact, have had that
15 discussion. We will continue those discussions along
16 those lines to see if there is anything we can do with
17 respect to all of our closed landfills, or perhaps at
18 least some of them.

19 But in terms of that particular question
20 you're asking now, I don't have an answer for you. All
21 I can say is that we are aware that, in other places,
22 they have actually reclaimed landfills, but it's a very
23 -- it's a process in and of itself. And it -- it is
24 going to cost something for that.

25 CHAIR STARR: I -- I -- oh, Doctor, please.

1 COMMISSIONER IACONETTI: So, in essence, then,
2 this land is gone forever, we can't -- at this point,
3 we'll never be able to use that area for anything?

4 MS. CHERYL OKUMA: I can only say, at this
5 point, we haven't envisioned any use in the future.
6 But, again, as I said, we are looking at all our closed
7 landfills and potential use. We haven't been able to
8 move at all on -- on those closed landfills because, to
9 a large extent, we have been looking at funding.
10 Resources are very tight. We had hoped we could tap
11 into Federal funding in terms of some of these programs
12 they have. We have been in a lot of discussions with --
13 on the EPA level and Department of Health and have
14 determined -- they have determined that we are not
15 eligible because we either owned or operated those
16 landfills at some point in time.

17 COMMISSIONER IACONETTI: Thank you.

18 CHAIR STARR: Yeah, Commissioner Mardfin.

19 COMMISSIONER MARDFIN: Is there any -- I don't
20 know. This might be for Tracy or it might be for
21 Cheryl. Is there any technological or economic reason
22 we couldn't do 100 percent of the leachate being reused
23 onsite? Is there any reason, technological or economic
24 reason, we send any leachate off to the wastewater
25 treatment plant?

1 MS. CHERYL OKUMA: We have our expert.

2 MR. ALI McROSELENE: I can answer that
3 question. There is a lot of capacity in the trash. We
4 can put almost all the liquids, all the leachate that
5 generates the --

6 CHAIR STARR: Yeah. Please raise the
7 microphone.

8 MR. ALI McROSELENE: Sorry.

9 CHAIR STARR: And give your name.

10 MR. ALI McROSELENE: Ali McRoselene. We can
11 put all the leachate that the landfill generates into
12 the landfill and we would only reach 10 percent of the
13 capacity that the porous parts of the trash can -- can
14 take it. So we -- there is capacity, we have a permit
15 to recirculate it over the lined areas, and we are doing
16 that. So the answer to your question is, yes, we can do
17 100 percent. It's, actually, a good thing, it's a
18 positive thing, and it's economic feasibly better.

19 COMMISSIONER MARDFIN: Do you happen to know
20 why we are not doing that in the present?

21 MR. ALI McROSELENE: In the -- part of -- I
22 kind of know, it's really Tracy can answer that
23 question. But part of it, before, we didn't have lined
24 areas that had enough trash in it so we can put the
25 leachate on it. We just recently got the permission to

1 do it in -- in -- we were working on getting that
2 permission. And we couldn't do it on the unlined areas,
3 it had to be on the lined areas.

4 CHAIR STARR: This is for Cheryl. Is there a
5 willingness to allow us to condition so that all the
6 leachate shall be returned to the lined areas?

7 MS. CHERYL OKUMA: Okay. My -- our expert is
8 nodding his head and saying that we should be able to do
9 it. However, I would just ask that, perhaps, you -- if
10 you could consider a strong encouragement because --
11 just because, you know, there might be some things
12 unknown at this point. But I think we would have a
13 strong desire to utilize the leachate in the landfill.

14 Right? What is that?

15 CHAIR STARR: To the extent -- to the extent
16 practicable, would that be --

17 MR. TRACY TAKAMINE: Yeah, I would appreciate
18 it. Because we -- we need -- I don't want to close the
19 door on anything. If we have -- by our permit, if we
20 have more than 5,000 gallons of leachate -- I think it's
21 5,000 -- stored above ground, we have to get rid of it.
22 And we -- we are limited to how much we can actually
23 dispose in the working face. So we need ability, if we
24 have an excess amount, for some reason, that we can go
25 to the wastewater treatment plant for disposal.

1 CHAIR STARR: Okay. I'd like to ask Planner
2 Loudermilk to create a -- craft a condition that they
3 shall keep the -- use the leachate in -- you know, in
4 the lined area, around the face, to the maximum extent
5 practicable or something like that. We will give them
6 some wiggle room.

7 MS. ROBYN LOUDERMILK: Okay. I'll work on the
8 language right now.

9 CHAIR STARR: Okay. Members -- Commissioner
10 Hedani.

11 COMMISSIONER HEDANI: It's a question for
12 Cheryl, I guess. Is there a reason why the Department
13 is requesting a 10-year time extension if the life of
14 the landfill is to extend until the year 2042?

15 MS. CHERYL OKUMA: No. I mean, we were
16 actually looking for as much of a time extension as we
17 could get. So I don't know that there was any
18 particular reason.

19 COMMISSIONER HEDANI: And there's no alternate
20 use that the property is going to be put to, right?

21 MS. CHERYL OKUMA: No. Right.

22 CHAIR STARR: Okay. Members, any other
23 questions or is anyone ready for a motion?

24 Commissioner Hedani.

25 COMMISSIONER HEDANI: Move to approve as

1 recommended.

2 COMMISSIONER U'U: Second.

3 COMMISSIONER IACONETTI: Second.

4 CHAIR STARR: Okay. We have a motion by
5 Commissioner Hedani, seconded by Commissioner Iaconetti.
6 The motion reads -- and before we vote, we'll clarify
7 this last condition. Clayton.

8 MR. CLAYTON YOSHIDA: To approve the County
9 Special Use Permit as recommended by the Planning
10 Department.

11 CHAIR STARR: Okay. And I'm gonna take a very
12 short recess to the call of the Chair just until I see
13 that they are ready with the condition. So don't go
14 anywhere.

15 (Recess, 10:42 a.m. to 10:43 a.m.)

16 CHAIR STARR: Back in session.

17 Planner Loudermilk.

18 MS. ROBYN LOUDERMILK: I -- so the motion is
19 for the Department's recommendation as proposed. I
20 believe there are -- there were some discussions about
21 additional or modification to conditions. So at this
22 point in time, based upon motions, the Planner will
23 provide the requested information.

24 CHAIR STARR: Okay. You have an additional
25 condition that will be part of the Department's

1 recommendation?

2 MS. ROBYN LOUDERMILK: Yes, we can. And that
3 would be an additional condition, Number 17. And that
4 has to do with the leachate, the discussion that we just
5 had. The proposed condition is, that, to the extent
6 practicable, leachate generated at the landfill shall be
7 used on the landfill working face.

8 CHAIR STARR: Okay. Is that satisfactory to
9 Commissioner Hiranaga?

10 COMMISSIONER HIRANAGA: I would like to
11 suggest inserting the word "reasonably" practicable.

12 MS. ROBYN LOUDERMILK: So the suggestion -- so
13 the condition would then now read, "That, to the extent
14 reasonably practicable" --

15 CHAIR STARR: Corp Counsel has pointed out
16 that -- that reasonable is part of the definition of
17 practicable. So we are just -- we're being redundant.
18 So I don't think it's --

19 MS. ROBYN LOUDERMILK: Thank you for that,
20 Mr. Giroux.

21 CHAIR STARR: Yeah.

22 MS. ROBYN LOUDERMILK: And I just also
23 received additional change in language that I would like
24 to relate to you. So we will take out "reasonable."
25 "That to the extent practicable, leachate generated at

1 the landfill shall be returned to the landfill."

2 Instead of "on the face" --

3 CHAIR STARR: Yeah.

4 MS. ROBYN LOUDERMILK: It would just, in
5 general, say it will return to the landfill, whether
6 it's on the face or in another format. I think it was
7 -- it is --

8 CHAIR STARR: Okay. Is that satisfactory to
9 the maker and the second and all Members? Okay. So
10 then that becomes part of the -- of the motion as -- as
11 the recommendation.

12 Commissioner Hiranaga.

13 COMMISSIONER HIRANAGA: Question. What was
14 the basis for the 10-year term versus a longer term?

15 MS. ROBYN LOUDERMILK: Department preference
16 at the time.

17 COMMISSIONER HIRANAGA: What was the basis for
18 the preference?

19 MS. ROBYN LOUDERMILK: Basis for the
20 preference is basic Department policy that we -- we, as
21 a department, usually do not recommend greater than 10
22 years. That's it.

23 COMMISSIONER HIRANAGA: Because?

24 MS. ROBYN LOUDERMILK: In a majority of the
25 cases, we would like to have the opportunity to review

1 operations of a use, generally. But I think Mr. Yoshida
2 has raised his hand.

3 MR. CLAYTON YOSHIDA: Yes. I believe because
4 it was for a public purpose. And I guess we couldn't
5 change the use from the landfill. Typically we would --
6 on a Special Use Permit, we would recommend one year.
7 But because this was for a public purpose and it would
8 remain a landfill, for a while at least, we recommended
9 10 years.

10 COMMISSIONER HIRANAGA: Thank you.

11 CHAIR STARR: Commissioner Hedani.

12 COMMISSIONER HEDANI: Clayton, the original
13 Land Use Commission approval for the landfill, I
14 believe, was not restricted on timeframe, it was
15 open-ended. Is there any reason why we couldn't do the
16 same thing in this particular case?

17 MR. CLAYTON YOSHIDA: I think when we're
18 dealing with this in '97, or whatever, we were only
19 looking at Phase IV. You know, now we're looking at
20 additional phases. Maybe if the Commission wants to
21 recommend longer period of time, they can do so.

22 CHAIR STARR: Commissioner Hedani.

23 COMMISSIONER HEDANI: I would move to amend
24 the -- or amend the motion to alter the timeframe from
25 10 years to 34 years, which is the life of the landfill.

1 COMMISSIONER IACONETTI: Second.

2 CHAIR STARR: So we have an amendment, moved
3 by Commissioner Hedani, seconded by Commissioner
4 Iaconetti, to amend from 10 years to 34 years?

5 MS. ROBYN LOUDERMILK: Yes, that's what I
6 have.

7 UNIDENTIFIED SPEAKER: Yes.

8 MS. ROBYN LOUDERMILK: Yes.

9 CHAIR STARR: Okay. Discussion on the
10 amendment? Commissioner Mardfin.

11 COMMISSIONER MARDFIN: I am gonna vote against
12 the amendment. I think we've had enough testimony today
13 that there is concern about the leachate and other
14 things, technological changes can happen. The Solid
15 Waste Management Plan is still in flux. I think 10
16 years is a long enough time for them to be able to
17 operate without having to worry. But I don't want to
18 make this a totally open-ended thing. I want to be able
19 to come back and have the Department at least look at
20 what's been happening. I think there are potentials for
21 serious impacts on the environment and so I don't want
22 to make it for a third of a century.

23 CHAIR STARR: Commissioner Hiranaga, did you
24 have something?

25 COMMISSIONER HIRANAGA: Yeah. I would be in

1 favor of a longer term, but maybe not as long as 34
2 years, because I think there should be an opportunity --
3 like Commissioner Mardfin said, there may be some issues
4 that may arise in the future. So I would be in favor
5 of, say, 20 years, so they would have to come back one
6 more time before the term of the life of the landfill
7 is -- expected life of the landfill is completed. Or --
8 so the current motion to amend, I would be voting
9 against it, but I would entertain, say, 20 years.

10 CHAIR STARR: Commissioner Hedani.

11 COMMISSIONER HEDANI: Well, at the consent of
12 the second, I would amend my motion to read 20 years.

13 COMMISSIONER IACONETTI: Approved.

14 CHAIR STARR: Okay. So we have an amendment
15 on the floor. And the amendment currently states?

16 MR. CLAYTON YOSHIDA: To amend the term of the
17 permit to 20 years, which would be Condition Number 1.

18 CHAIR STARR: Commissioner Hiranaga.

19 COMMISSIONER HIRANAGA: I would just like to
20 comment that, you know, as Federal and State laws evolve
21 and change, the County will have to comply with all new
22 regulations. So it's not like they're given carte
23 blanche, that they are gonna to be frozen in time and
24 that new regulations will not apply. All new
25 regulations will apply.

1 MS. ROBYN LOUDERMILK: That is true.

2 COMMISSIONER HIRANAGA: So it's a matter of
3 them just coming back for this particular use. Which,
4 you know, there is no other use for it because it's
5 already been designated a landfill. So I just want to
6 make sure everyone knows that it won't be exempt from
7 any new laws.

8 CHAIR STARR: Okay. Commissioner Hedani.

9 COMMISSIONER HEDANI: The only other comment
10 that I would like to make is that, you know, after
11 inspecting the landfill, going on a site inspection and
12 reviewing the operations, I am fairly comfortable with
13 the Department's handling of the landfill.

14 I remember when we used to have a rubbish dump
15 right behind the hospital where we would all drive up
16 and throw our stuff right over a hill and set it on
17 fire. So we've come a long way since then.

18 And as an admonition to the Department, I
19 would recommend that they continue investigation of
20 alternate technologies, which do exist, which can
21 further extend the life of the landfill as well as
22 improve the handling of solid waste. But I think, all
23 things considered, they're doing a pretty good job.

24 CHAIR STARR: Okay. Dr. Iaconetti.

25 COMMISSIONER IACONETTI: Well, I've -- I've

1 just got a philosophical comment to make. Do we realize
2 that -- and I don't expect to be around at this point --
3 that at some point in the far future, the entire island
4 is going to be a landfill and we won't be able to exist
5 on it? And I hope that there are new technologies to
6 take care of this material.

7 CHAIR STARR: Chair would like to comment that
8 I think Dr. Iaconetti is right. And I think that, you
9 know, we do need to continue to find better ways of
10 doing it. You know, to take another 40 acres of ag land
11 and turn it into a landfill is a sad thing to do. You
12 know, and I do -- but I do feel that this process is --
13 is useful. I think -- you know, the landfill, although
14 it shouldn't be there because we should be recycling
15 instead, it is being handled well. But we did find one
16 possible flaw. And I appreciate that the Department is
17 willing to find a way to -- to contain the leachate.
18 But I do hope that they improve and that, years from
19 now, they're doing it in much better ways. And I know
20 their planning process will lead to that.

21 Anyway, are we ready to -- let's -- let's --
22 okay. Commissioner Mardfin.

23 COMMISSIONER MARDFIN: I'm still going to vote
24 against this. And I appreciate Commissioner Hiranaga's
25 effort to find a middle ground here. But, you know, I

1 think the middle ground is between one year or five
2 years. And 34 years -- and for me, the middle ground is
3 still 10 years. The fact that we were able to address
4 the leachate situation, I think 10 years is plenty to
5 find new technological ways of doing things, new
6 concerns. I think 10 years is more than enough. So I'm
7 going to vote against the extension to 20.

8 CHAIR STARR: Okay. Are we ready to vote on
9 the amendment? Okay.

10 All in favor of the amendment, please raise
11 your hand.

12 All opposed, please raise your hand.

13 The vote?

14 MR. CLAYTON YOSHIDA: We have five in favor;
15 two noes, Commissioner Mardfin and Chair Starr; and one
16 excused, Commissioner Guard.

17 CHAIR STARR: Okay.

18 MR. CLAYTON YOSHIDA: The motion passes.

19 CHAIR STARR: Okay. I think two excused.

20 Pawsat --

21 MR. CLAYTON YOSHIDA: I believe that she did
22 submit her letter of resignation.

23 CHAIR STARR: Did she submit to the
24 Department? Because I wasn't made aware of it.

25 MR. CLAYTON YOSHIDA: Yeah. It was published

1 in the Maui News.

2 CHAIR STARR: No. Did she submit it?

3 MR. CLAYTON YOSHIDA: Yeah. I believe she
4 submitted it to the Mayor's office.

5 CHAIR STARR: Okay. That's the first I've
6 heard of it. Thank you. Okay.

7 Are we ready for the main motion or are there
8 other amendments or comments?

9 Not seeing any, we're ready for the main
10 motion. And the motion is to approve, with
11 recommendations, with the extension to 20 years.

12 All in favor, please raise your hand.

13 All opposed.

14 MR. CLAYTON YOSHIDA: We have seven in favor;
15 one excused, Commissioner Guard. Motion passes.

16 MS. ROBYN LOUDERMILK: Thank you.

17 CHAIR STARR: And thank you for that.

18 Now we have another agenda item which is
19 similar, and it's also regarding the same Central Maui
20 Landfill. It's further down in our agenda, under C-1.
21 If any of the Members would like to amend the agenda to
22 move that up, so we can take that serially, I would
23 be --

24 COMMISSIONER IACONETTI: So moved.

25 CHAIR STARR: Is there a second?

1 COMMISSIONER DOMINGO: Second.

2 CHAIR STARR: Okay. We have a motion by
3 Dr. Iaconetti, seconded by Commissioner Donna Domingo to
4 move up Item C-1 and handle that next. All in favor,
5 please raise your hand.

6 MS. ROBYN LOUDERMILK: He says yes.

7 CHAIR STARR: Okay. Proxy.

8 MS. ROBYN LOUDERMILK: Proxy, yes.

9 CHAIR STARR: All opposed. Okay.

10 That's unanimous. We're going to take up now
11 Item C-1. And we're in the able hands, once again, of
12 Planner Robyn Loudermilk.

13 MS. ROBYN LOUDERMILK: Thank you, Commissioner
14 Starr.

15 As indicated earlier, there are a number of
16 amendments to the Land Use Commission Special Use
17 Permit. The Department would recommend approval of the
18 amendments subject to 16 conditions.

19 The new condition being proposed is Number 16,
20 to clarifying the acreage. Should the Commission want
21 to add an addition -- the additional condition regarding
22 the leachates, staff can include that.

23 There -- staff would like to note that, on
24 Page 5, there is a typographical error under Condition
25 Number 2, approximately four lines from the bottom up.

1 It should read 30, 3-0 days. I have three days. So
2 that would be changed to 30.

3 And that the -- I believe, again -- I believe,
4 again, that's the fifth line up from the bottom. The
5 beginning of that sentence is, Deliver to the Planning
6 Department within 30, comma, 3 -- I mean, not comma,
7 parenthesis, three, parenthesis, days. That should be
8 read as 30.

9 COMMISSIONER MARDFIN: I am lost.

10 MS. ROBYN LOUDERMILK: Page 5. Page 5,
11 Condition Number 2. If we go to the bottom of that
12 condition -- got it? Okay, great.

13 And then the last condition that I want to
14 highlight to you is Condition Number 12, on Page Number
15 6. This is a Land Use Commission standard condition
16 that we will be receiving annual reports indicating the
17 compliance of the project with the conditions imposed.

18 And that concludes the Department's
19 recommendation at this time.

20 CHAIR STARR: Okay. What is our role in -- in
21 this? I believe we're advisory.

22 MS. ROBYN LOUDERMILK: Yes. Your role today
23 is to make a recommendation to the State Land Use
24 Commission. As the property in use is greater than 15
25 acres, the final decision-making on the special permit

1 is with the Land Use Commission. So our recommendation
2 to you as a body is to recommend to the State Land Use
3 Commission approval of the special permit subject to the
4 17 conditions.

5 CHAIR STARR: Okay. Before we take any
6 action, I do want to open up for any possible public
7 testimony on this item, similar to the last, but it is a
8 separate item. So any member of the public wishing to
9 give testimony C-1, please make yourself known.

10 Okay. Not seeing any, public testimony is
11 closed.

12 Now -- yeah, go ahead. Oh, did you have
13 anything else or --

14 MS. ROBYN LOUDERMILK: No.

15 CHAIR STARR: Okay. So questions, discussion
16 or action?

17 Commissioner Hedani.

18 COMMISSIONER HEDANI: Move to accept the Staff
19 recommendation with the amendment of the leachate
20 condition as indicated in the County permit and
21 alteration of the timeframe for a 20-year period, to
22 2028.

23 COMMISSIONER U'U: Second.

24 CHAIR STARR: Okay. I would -- I assume --
25 does Department have any problem with the added time

1 limit to 20 years?

2 MS. ROBYN LOUDERMILK: No.

3 MR. CLAYTON YOSHIDA: No. I guess it would be
4 consistent with the County Special Use Permit.

5 CHAIR STARR: Okay. So we have a motion by
6 Commissioner Hedani, seconded -- was that by
7 Commissioner U'u?

8 MS. ROBYN LOUDERMILK: Yes.

9 CHAIR STARR: And -- yeah.

10 COMMISSIONER HEDANI: I'm sorry. That would
11 be also with the corrections that was noted by staff.

12 CHAIR STARR: Yeah. Yeah. And I am going to
13 go to Mr. Yoshida to restate the motion.

14 MR. CLAYTON YOSHIDA: The motion is to accept
15 the Staff recommendation amending Condition Number 1 to
16 extend the time period to 20 years instead of 10 years,
17 making the corrections to Condition Number 2 as noted by
18 Staff Planner, and adding Number 17 from the County
19 Special Use Permit regarding the leachate remaining --
20 returning to the landfill.

21 CHAIR STARR: Okay. And that includes the
22 correction?

23 MS. ROBYN LOUDERMILK: Yes.

24 CHAIR STARR: The typo.

25 Commissioner Mardfin.

1 COMMISSIONER MARDFIN: I think I am asking for
2 point of parliamentary privilege. I would like the
3 separation of the issues -- I would like to have a
4 separate vote on the issue of the time extension.

5 CHAIR STARR: Well, I would be happy to put
6 that to the maker of the motion, whether there is a
7 willingness to do that. Otherwise, it could be done by
8 amendment.

9 COMMISSIONER HEDANI: I think we've actually
10 covered that already. And I think that having one
11 permit not coincide with the other permit doesn't make a
12 lot of sense.

13 CHAIR STARR: Okay. So it doesn't sound like
14 the maker is willing to change it. If you wish to do
15 that, I would ask you to do it by amendment.

16 COMMISSIONER MARDFIN: Okay.

17 CHAIR STARR: In other words, offer an
18 amendment. Go ahead, Commissioner Mardfin.

19 COMMISSIONER MARDFIN: I move to amend the
20 motion to change the 20-year term back to a 10-year
21 term.

22 CHAIR STARR: Okay. Is there a second to the
23 amendment? Okay. Not seeing any, the amendment dies.
24 Okay.

25 Any other comments or secondary amendments or

1 other amendments? Not seeing any, are we ready to call
2 the question on the main motion? Okay.

3 All in favor, please raise your hand.

4 All opposed, please raise your hand.

5 MR. CLAYTON YOSHIDA: We have seven in favor;
6 one excused, Commissioner Guard. The motion passes.

7 MS. ROBYN LOUDERMILK: Thank you very much.

8 CHAIR STARR: Okay. And thank you. Well
9 done, Robyn. And I would like to thank the Department
10 for their patience and encourage them to keep doing
11 their best to move us ahead to the future.

12 MS. ROBYN LOUDERMILK: Oh.

13 CHAIR STARR: Yeah. Go ahead.

14 MS. ROBYN LOUDERMILK: I forgot. We need to
15 transfer it to the new Department of Environmental
16 Management, the permit, Land Use Commission Special
17 Permit.

18 CHAIR STARR: Okay. So this would be a
19 separate motion that -- this is not a separate agenda
20 item, though, right?

21 MS. ROBYN LOUDERMILK: This is not a separate
22 agenda item. That was my error. There were -- there
23 were four items for the Land Use Commission; one was a
24 time extension, two was a transfer in permit holder,
25 three was the addition of the additional acreage.

1 CHAIR STARR: Uh-huh. Is there a fourth?

2 MS. ROBYN LOUDERMILK: And, yes, the addition
3 of the composting and quarrying related uses.

4 CHAIR STARR: So we will need to deal with
5 that as well?

6 MS. ROBYN LOUDERMILK: Yes. I apologize.

7 CHAIR STARR: Can we --

8 MS. ROBYN LOUDERMILK: We have it written down
9 in our recommendation.

10 CHAIR STARR: Okay. Well, just the wording
11 kind of intimates that part of it. Because I would
12 accept a motion to the effect that we -- we approve
13 those two additional items, the change in the name of
14 the department and the -- I forgot the last one.

15 MS. ROBYN LOUDERMILK: The quarrying and --
16 addition of quarrying and composting uses.

17 CHAIR STARR: Okay. Is there anyone desirous
18 of -- Commissioner Hedani.

19 COMMISSIONER HEDANI: So moved.

20 CHAIR STARR: Is there a second?

21 COMMISSIONER DOMINGO: Second.

22 CHAIR STARR: Okay. Moved by Commissioner
23 Hedani, seconded by Commissioner Domingo.

24 Mr. Yoshida.

25 MR. CLAYTON YOSHIDA: This is to transfer the

1 permit to the Department of Environmental Management and
2 to allow for the composting.

3 MS. ROBYN LOUDERMILK: And quarrying related
4 activities.

5 CHAIR STARR: Okay. Members, discussion,
6 amendments, whatever?

7 Not seeing any, all in favor, please raise
8 your hand.

9 All opposed.

10 MS. ROBYN LOUDERMILK: Thank you very much for
11 my oversight.

12 CHAIR STARR: Okay. No problem. Got it done.
13 Okay. Thank you very much.

14 Our next item, Mr. Yoshida, B-2.

15 MR. CLAYTON YOSHIDA: Yes. Our second public
16 hearing item is a request from Ameron Hawaii for a
17 Conditional Permit to continue batching and concrete
18 casting operations for its Puunene quarry in the County
19 Agricultural District, near Pulehu Road, at TMK:3-8-001,
20 portion of 001, 3-8-003, portion of 004, portion of 020
21 and portion of 021.

22 Related to that, as the Chair had noted, under
23 Communications, Item 2 is a Sixth Amendment request to
24 the -- of Ameron Hawaii to the Land Use Commission
25 Special Use Permit to allow for the continued operation

1 of a cement quarry on approximately 208.9 acres located
2 within the State Agricultural District.

3 And Item Number 3, Ameron Hawaii requesting a
4 nine-year time extension and amendment to the acreage on
5 the County Special Use Permit to continue operation of
6 the cement quarry within the County Agricultural
7 District.

8 Robyn Loudermilk is the staff planner on the
9 additional permit and State Special Use Permit
10 amendments, and Danny Dias is the staff planner on the
11 County Special Use Permit.

12 CHAIR STARR: Do you need time, a break to set
13 up?

14 MS. ROBYN LOUDERMILK: We're all ready for
15 you.

16 COMMISSIONER STARR: That's what I like.

17 MS. ROBYN LOUDERMILK: We're ready to roll.

18 CHAIR STARR: Go for it.

19 MS. ROBYN LOUDERMILK: Good morning again,
20 Commissioners. I would like to bring up Mike Munekiyo.
21 He will be doing approximately 10-minute PowerPoint
22 presentation. And then similar to the previous item,
23 Department Staff will then follow up on items specific
24 to the respective permits.

25 MR. MIKE MUNEKIYO: Good morning again,

1 Mr. Chair, Commissioners. My name is Mike Munekiyo.

2 I would like to do a brief Powerpoint, just to
3 compliment what it is that we presented this morning.
4 This is pertaining to the Ameron Puunene quarry site.

5 Next slide, Erin.

6 Okay. This is the same slide that I showed
7 earlier. But, again, the areas outlined in green are
8 where Ameron is currently permitted to operate, both in
9 terms of its quarrying operations as well as its
10 concrete and casting operations.

11 So what we have here, again, is this is the
12 area which is gonna be occupied by the County. Ameron
13 will withdraw this from the permit area. They are now
14 continuing the quarrying operations, as I mentioned
15 earlier, in this direction here. And, again, this is
16 where the production operations are contained.

17 Next slide.

18 Same feature here. I just want to point out,
19 again -- parcel numbers was the next slide that will
20 talk about land use designation. This is part of Parcel
21 4 and Parcel 20. This is part of Parcel 4 here. And
22 Parcel 4 and 21. This is a different tax parcel, but
23 portion of Parcel 4, and one here.

24 So if I can get the next slide.

25 Effectively, Commissioners, the lands

1 underlying the quarry site are designated Agricultural
2 by the -- Agricultural by the Community Plan,
3 Agricultural by zoning, and Agricultural by the State
4 Land Use Commission. So all of the lands utilized by
5 the quarry are agricultural lands.

6 Next slide.

7 This is just reflecting that -- that -- the
8 green here is -- this is Public/Quasi-Public, as we
9 noted earlier as part of the landfill operations, but
10 everything else agricultural.

11 Next slide.

12 Just a brief summary of what it is that will
13 be before the Commission today. Conditional Permit
14 request. Conditional Permit basically seeks approval
15 from the Commission to allow Ameron to continue its
16 concrete batching, asphalt batching operations, casting
17 operations. These are things which are -- previously
18 were not part of the County Special Use Permit approval.
19 It is approved under the State Land Use Commission
20 Special Use Permit. However, not under the County
21 Special Use. In fact, these are conditional permits --
22 conditional uses, the batching operations. So that's
23 one of them.

24 The second is to amend the boundaries of the
25 State Land Use Commission Special Use Permit by adding

1 nine and-a-half acres and withdrawing 41.2 acres.

2 Again, this 41.2 acres will be the land area occupied by
3 the landfill's Phases V and VI.

4 Third would be to amend the boundaries of the
5 County Special Use Permit by the same acreage, adding
6 nine and-a-half acres, and withdrawing 41.2 acres.

7 And, finally, to request that the Commission
8 grant a time extension on the County Special Use Permit
9 for nine years.

10 You may recall, Commissioners, last year the
11 Commission did grant a State Land Use Commission time
12 extension for 10 years. The County Special Use Permit
13 was granted for one year pending submittal of
14 information on quantification, which I will get to in a
15 minute. So we are asking for nine additional years so
16 that it can be aligned with the State Land Use
17 Commission permit.

18 Next slide.

19 This slide, Commissioners, kind of delineates
20 the expansion areas that we're looking for, that nine
21 and-a-half acres.

22 First of all, this two and-a-half acre here
23 has been part of the landfill operations. However, when
24 we did do a detailed overlay of the land -- special use
25 boundaries -- Special Use Permit boundaries, we saw that

1 this area really should be included. There are truck
2 routes going in through here. And so that should be a
3 part of the permit, 2.1 acres.

4 This additional 7.4 acres, this area here has
5 been used for parking for a long time. This is an area
6 which we noted that was part of the concrete casting
7 operations. You might recall that we did stop in this
8 area for those who did go to the site visit. So this --
9 these areas are operational. Total additional areas,
10 9.5 acres.

11 Next slide. Similar slide here. We'll move
12 on to the next slide.

13 What this slide shows is the withdrawal area.
14 So what we are currently permitted for, just as a matter
15 of information, is about 199 acres in total. We will
16 add 9.5 acres and we will take out this 41.2 acres. So
17 the net acreage to be permitted, roughly 167.7 acres.
18 And I think that's it.

19 Next slide.

20 Oh, sorry. As I mentioned earlier, the County
21 Special Use Permit was granted for a one-year period
22 last year by the Commission subject to the applicant
23 submitting a rock quantification study. That was
24 submitted. Just to summarize briefly, over the last 10
25 years, Ameron has quarried an annual average of about

1 353,000 cubic yards of rock. What Ameron did was to
2 then look at what is the remaining areas under its lease
3 agreement with A&B and then calculate what is the life
4 of that -- I guess the yield would be in terms of years.
5 And they determined that approximately 22 years of
6 additional yield is available from the leased areas
7 within the --

8 Last slide, right, Erin?

9 So that's the last slide that I have.

10 And if I may, Mr. Chairman, just as we did --
11 Tracy explained the operations of the landfill, I would
12 like to ask Mr. Yoshizawa to explain the operations of
13 the quarry site.

14 CHAIR STARR: Yeah, please proceed.

15 MR. ERIC YOSHIZAWA: I am Eric Yoshizawa. I
16 am Vice President of Operations for the Maui Division of
17 Ameron. And in our request, I did want to just clarify
18 that the rock study addresses areas that are currently
19 in our lease agreement with Alexander & Baldwin which
20 does business as HC&S. And that agreement was
21 negotiated in 1990. It's 21 years. It expires in 2011.
22 We will not be amending the land areas that were
23 embraced in there, but we could. And so in the normal
24 nature of lease discussions -- because, over time, the
25 rock mining continues and, over time, the rock resources

1 are depleted. And we also, not only before this body,
2 but with respect to A&B, need to expand future areas.
3 That's a mechanism for increasing the boundaries of the
4 site or amending it as well as what happens here. So
5 that additional 22-year yield really speaks to what
6 lands were embraced in a lease agreement that is pretty
7 much approaching expiration. We don't expect at this
8 time to modify those boundaries beyond that, but that --
9 that is a mechanism for expanding that.

10 So I just did want to clarify that that
11 doesn't cap or limit our rock resources on the adjacent
12 premises. So that the premise would be -- over time, we
13 would be able to go back to A&B, or HC&S, to
14 sequentially look at additional reserves. So they're --
15 we are pretty much surrounded by rock in all directions.

16 The nature of our business and what we do.
17 We're essentially on unimproved land. And for us to
18 develop the business, continue it, to work with the
19 fellow businesses who are also on this site, we are all
20 looking in multiyear planning directions and trying to
21 make provisions so that we are making the necessary
22 improvements for all of the business to continue and so
23 that we can continue to supply our different market
24 places. In the course of that, a really short-term
25 permit constrains that process because we really can't

1 get into multiyear agreements that make sense.

2 And, additionally, in terms of the type of
3 discussions we have with the landfill, we're really in
4 more like a 10-year planning process in terms of where
5 we are actually going, how we going to mine, how we
6 gonna get there.

7 And so we -- we do ask your strong
8 consideration in at least a 10-year life on this, which
9 allows us enough planning space to work with.

10 I think the County's presentation has at least
11 illustrated the linkage that goes on between our company
12 and theirs in terms of the connection that Ameron plays
13 with respect to helping develop more landfill space.
14 But beyond that, you know, I think my general statement
15 and comment is that we believe we have many products to
16 serve the community interest. We hope to continue to do
17 that.

18 This is the oldest quarry space on the island.
19 It actually was -- started in the late 1930s, first by
20 the Navy Seabees. It continued, was continued under
21 A&B, actually. And (inaudible) Railroad was kind of the
22 oversight branch of that. And Ameron acquired the
23 business from HC&S, along with its employees, in 1966.
24 So that's the history of the site.

25 And I would be happy to address any questions

1 you have.

2 CHAIR STARR: Okay. Members, questions?

3 Commissioner Hedani.

4 COMMISSIONER HEDANI: Eric, in light of the
5 changes that were made to the landfill operation time
6 frames, is there a logical timeframe that we should be
7 looking at for this application?

8 MR. ERIC YOSHIZAWA: We -- we would very much
9 like to see something that can parallel our lease or our
10 proposed lease with our landlord. The past lease was 21
11 years. And that's something that would help us in our
12 business planning. I think we recognize that we are
13 bound by conditions that we commit along the way. And
14 we report to you annually on that basis. So that would,
15 actually, indeed be quite helpful.

16 CHAIR STARR: I have some questions regarding
17 sand. When -- could we go back to the previous -- there
18 was another image that was just a -- yeah, that one.
19 That big white area in -- by the numbers 42, I believe
20 that was a big pile of sand that we saw and -- at the
21 site inspection. And when asked, we were told that a
22 lot of that sand or some of that sand was being exported
23 off island.

24 And I know for the last two years, at least,
25 we have been trying to get an inventory of what our sand

1 resources are. And we are -- we do know from the
2 County's own study that there is less than five years
3 availability of sand on Maui for use in construction and
4 beach nourishment. And that was, I believe, two years
5 ago. Which would lead me -- lead us to believe that,
6 within a few years, we'll be out of sand for
7 construction and we'll have to be importing sand.

8 And I know that Ameron has been exporting
9 sand. However, I see that, in this report, it says
10 that, within the past two months, the applicant did
11 export sand off island, the sand was stored at the
12 Central Maui Landfill expansion area, then says, sand
13 exports have since been curtailed. This leads me to
14 believe that Ameron will not be exporting sand. Is that
15 -- is that -- am I correct with that?

16 MR. ERIC YOSHIZAWA: Okay. And let me address
17 that and a number of questions that you have raised,
18 with your indulgence.

19 CHAIR STARR: Yeah.

20 MR. ERIC YOSHIZAWA: The sand that's shown on
21 that mapping essentially came in -- we did one agreement
22 back around 2004. And that's -- that's our sand supply
23 that's expected to carry us through the near term. It
24 is from that 2004, going forward. And the supplier
25 there, we understand the sensitivity of that. We are

1 prepared as a company to earmark all of that to stay on
2 Maui and for Maui uses.

3 The -- one of the operational matters between
4 us and the County of Maui landfill is that that sand
5 resides on the expansion space that is to become Phase
6 V. And the timeframe for developing V and occupying it,
7 getting it constructed, has been advanced and
8 accelerated. We thought -- we had earlier planned that
9 that be a -- a working space for that. The sand is an
10 ingredient of raw material using concrete. And that was
11 a primary benefit on a use for that on the -- on this
12 particular entire quarry site. And for about a
13 two-month period, when we're accelerating out, we did --
14 there was some sand shipments that left the island.
15 Anyhow, that has stopped.

16 This site -- all of the sand in this area will
17 be designated and moved elsewhere. We need to move off
18 that 41.2 acres. Some of that has started. But that
19 sand has been earmarked. So we will dedicate that sand
20 here.

21 And -- and the intention is that our sand
22 resources are fundamental for concrete use and that we
23 also have some occasional purchases. Some of those
24 other purchases may run from those who want to use sand
25 as a masonry product, to create their mortar in larger

1 measures, some others take it for projects like beach
2 nourishment. We've had four of those just this year.
3 And maybe another use might be golf course. They might
4 use it in bunkers, they might use it in top tracings.
5 So those seem to be the uses for the Grade A sand.

6 I -- I'll just speak to our entire company.
7 We made a deal in 2004. And the landowner at that time
8 had some time in front of them where they could consider
9 a situation where their project that was to be
10 developed, there was some time for -- sand would
11 normally be left under that project, or perhaps to be in
12 its natural state. Once it's disturbed, you start to
13 commingle what's the purer sands with other organics on
14 the site. And -- and, you know, in the normal economics
15 of site development and construction, you -- it's
16 awkward to impose that on any developer, to say, well,
17 somehow compartmentalize what you have and still have it
18 remain under the site.

19 So we -- it was a large commitment that was
20 made financially, but it was based on the premise that
21 it would satisfy our Maui demand and part of our Oahu
22 demand. So in terms of that premises, at the time we
23 made that agreement, we have contracts that are based on
24 that, we watched that play out.

25 But this is just on our reserves alone. We

1 think our total reserves will -- will last us probably
2 until about 2013 in total. And they can also supplement
3 what we have here.

4 I -- I would like to stipulate, though, that
5 the nature of all our inventories and our business, our
6 proprietary information, and that's kind of the aspect
7 that, you know, we -- we feel constitute our business
8 right to -- it's an important business asset. At the
9 same time, in terms of what is available for the
10 community, for all the period that we have it in
11 storage, we make it available.

12 We have tried to work with -- in the County of
13 Maui, the Coastal Zone Management Division, Thorne
14 Abbott has approached us. Our conversation was we were
15 the one known source of beach grade sand. And that's
16 because we took the time to separate it out, pulled it
17 off from the project before it became commingled or lost
18 to burial. That sand we are pretty much -- we have
19 committed quantity for five years to the County of Maui.
20 And we are doing that essentially -- we don't take a
21 profit on that portion of it. You know, that's --
22 that's been earmarked. So, you know, we are sensitive
23 to the uses out there.

24 I would just say that the public demand for
25 that, it's -- throughout our history, as long as we have

1 sand, it's been available. I think it might be more
2 matter of economics to the extent that how much of it
3 actually goes out to public use. But we have kept it
4 available. We've made special accommodation to CZM.
5 And our supplies are expected to carry us, more likely
6 now, to 2013, to just what we have on that purchase
7 consummated in 2004.

8 I can't speak to other areas of the island
9 that -- that may yield sand. We believe they are, but
10 we are not in active pursuit beyond going up to the
11 period of time that our inventories carry us. And the
12 -- the 2013 approximate date is something that we
13 believe our inventories will carry us for all activity
14 that we are doing.

15 We do have concerns about storing items like
16 sand for too long. And part of it is that it just does
17 not stay in stockpile well. You got wind movement, you
18 know. The wind sands were moved around and placed by
19 wind currents. They can be moved out of stockpile by
20 wind currents. We have things like bird and natural
21 droppings that cause the thing to seed. And then you
22 start to develop organics in your upper crust. So we
23 try and -- you know, effectively about five years has --
24 has kind of been a practical timeframe to -- to put
25 something aside and use it.

1 It so happens in this case, the way everything
2 played out, that it's really going to span about 2004 to
3 2013. But had we not made the move in 2004, we wouldn't
4 have access to it on either island.

5 CHAIR STARR: Are you -- are you going to
6 export more sand from Maui to Oahu or other places?

7 MR. ERIC YOSHIZAWA: Part of the premise for
8 the purchase was for --

9 CHAIR STARR: I'm talking about going forward.
10 I'm not talking about --

11 MR. ERIC YOSHIZAWA: Not -- not from this
12 site. But from the total reserves, we -- Oahu will also
13 be part.

14 CHAIR STARR: So, in other words, we have five
15 years' sand, that's what the County said, in five years,
16 we will be out of sand, we've either built over it or
17 we've used it, and, out of that five-year supply of
18 sand, you're still going to continue shipping it to
19 Oahu, is that what you are telling me?

20 MR. ERIC YOSHIZAWA: No, I'm not. I think
21 just to clarify what I mentioned, our --

22 CHAIR STARR: Yes or no, please?

23 MR. ERIC YOSHIZAWA: Our company inventory is
24 what I am talking about. I'm not talking about the
25 island inventory. And what we have now -- no one else

1 has an inventory. No one else has an inventory that
2 goes over any extended timeframe. That inventory, what
3 is there, from 2004 to 2013. I am not talking about any
4 other inventories on the island, other projects. This
5 is just what we have in.

6 CHAIR STARR: Well, Hawaiian Cement has agreed
7 not -- to stop their export of sand. And, you know, I
8 consider them a good neighbor. Unfortunately, Ameron is
9 proving to be somewhat else. Here is from your -- your
10 -- your comments, requests to the detail of sand
11 inventory in utilization are an important component of
12 Ameron's business and financial plan; in this context,
13 Ameron regards this information as proprietary. So you
14 are not willing to share any real information and you're
15 exporting sand.

16 Now, you know, I had a conversation with a
17 gentleman who is the main importer of sand to Oahu for
18 the construction industry, that that doesn't come from
19 Maui. He's got a company that imports sand from the
20 Philippines. He said one of their big issues is that
21 there is a very poisonous snake that they have been
22 finding coming over in the barges of sand. And they
23 have been trying to find them, but it's kind of like a
24 needle in a haystack.

25 Now, it sounds like, in five years, we'll be

1 importing our sand. That means our construction costs
2 for anything that utilizes sand will at least double.
3 And you're able to get a little more money for the sand
4 sold on Oahu than you can on Maui because they've used
5 up all their sand. Now you're continuing to send sand
6 from here over to there.

7 I -- you know, I don't know about other
8 Members. I know I have a very great difficulty in
9 supporting anything that your company is going to do,
10 anything, if you continue to send sand over when, in
11 five years, it will be out.

12 Now, I understand it's very difficult under
13 State law for us to regulate that. You know, it's kind
14 of a loophole you're taking advantage of to really take
15 one of our precious resources and send it away. And it
16 means that, in five years, in 2012, we are not going to
17 have any construction sand left or beach nourishment
18 sand. We will be bringing it from the Philippines,
19 along with the snakes. And you will be responsible for
20 that.

21 I mean, are you willing to voluntarily curtail
22 that export of sand from Maui while we still have five
23 years of it, at least we can get five years for our
24 construction industry and beach nourishment without
25 having to bring it in?

1 MR. ERIC YOSHIZAWA: We're saying that --
2 Mr. Starr, we're saying that we do have what we believe
3 is five years' worth going forward left. And that had
4 we not been able to construct this in a way that we
5 could have a use beyond Maui -- the fact that the Oahu
6 component for this is an important part of the decision
7 by our company to make this purchase and commitment, so
8 we would not be sitting on this 2004 stockpile that we
9 have that currently benefits all of us. So this was a
10 part and parcel of the decision.

11 And I do understand the sensitivity. At the
12 same time, there's some realities, the scale of
13 commitment that needs to be made to these projects on
14 whether you take it or you don't take it. And it was
15 the nature of that scale that we -- we need to do that.

16 The Oahu use is by our Oahu counterpart. It's
17 by Ameron. It's not -- it is used in concrete as well.
18 And so, you know, we're a company that operates on more
19 than one island. This was done jointly, but it was also
20 funded jointly. And the funding was considerable, but
21 at least we're able to benefit for this period of time.
22 We -- we, alternatively, would have had to pass on that.

23 CHAIR STARR: Members?

24 Commissioner Hiranaga.

25 COMMISSIONER HIRANAGA: This sand that we're

1 talking about, it's already been mined and taken off of
2 the original site, or is it still sitting?

3 MR. ERIC YOSHIZAWA: No. The mining
4 essentially is completed. We -- we are still doing some
5 follow-up obligations on the site as a result of this
6 contract. We needed to put the site back in certain
7 contours. We are still actively doing that. It's been
8 a very large obligation. And that's -- that's been
9 pretty much our major activity over the -- over the past
10 two years, to get the site restored.

11 One other benefit of that is it will help
12 those who buy into the site -- you know, that project
13 has benefited in that extent from the fact that our
14 activity helped contribute to the site work.

15 But in terms of the quarry, there isn't sand
16 that's harvested on the quarry site. It's -- it's a
17 component that's used in the manufacture of concrete
18 that comes from this site.

19 COMMISSIONER HIRANAGA: So the sand has
20 already been mined and removed from the site that you
21 had contracted it for. And you are storing it where?

22 MR. ERIC YOSHIZAWA: So we have our storage
23 sites. We have this storage site and we also have an
24 area that's outside of the development parcel from which
25 it came.

1 COMMISSIONER HIRANAGA: So it's been
2 manually -- or it's been excavated and piled up,
3 basically?

4 MR. ERIC YOSHIZAWA: That's correct.

5 COMMISSIONER HIRANAGA: Okay. Thank you.

6 CHAIR STARR: Commissioner Mardfin.

7 COMMISSIONER MARDFIN: I thought I was hearing
8 you say one thing, and then Commissioner Starr's
9 comments made me think maybe I hadn't heard correctly.
10 I thought, when you were doing most of your talk, you
11 were speaking mostly about Maui. Now it sounds like
12 you're -- you were talking about the entire state
13 operation. Is that --

14 MR. ERIC YOSHIZAWA: Chairman Starr had asked
15 whether we do any exporting of sand. And I was
16 addressing the fact that the sand is consumed not only
17 on Maui, but we do have elements of our Oahu operation
18 that uses sand, also, in concrete.

19 COMMISSIONER MARDFIN: Uses sand from Maui?

20 MR. ERIC YOSHIZAWA: That's correct.

21 COMMISSIONER MARDFIN: So when he was talking
22 about exporting, I don't think he was asking you about
23 out of state. I think he was meaning exporting from
24 Maui to Oahu. Is that --

25 MR. ERIC YOSHIZAWA: That's how I understood

1 it.

2 COMMISSIONER MARDFIN: I understand why you
3 wouldn't want to have more than a five-year stock kind
4 of handy. That kind of makes sense to me. Petroleum
5 companies do the same thing. Once they get a certain
6 reserve, they don't have to keep going out until that
7 starts to run down. So you never -- you never have a
8 200-year supply of petroleum. I understand that. I
9 guess what I don't see -- and I haven't heard -- well, I
10 think you implied this, but I'm not sure -- I don't
11 think you said it. As we get to, say, 2011 or 2012,
12 would Ameron then be trying to acquire new sources of
13 sand?

14 MR. ERIC YOSHIZAWA: That's our expectation.
15 Yes.

16 COMMISSIONER MARDFIN: And some of that would
17 be left here on Maui and some might be sent to Oahu?

18 MR. ERIC YOSHIZAWA: I would like to have the
19 option of that. I think, you know, depending on where
20 the site is, you know, there may be conditions set in
21 the future on a given site. We understand that. I
22 don't know. I can't speak to what future sites they
23 are.

24 This particular deal that was consummated in
25 2004 was of a given scale. We weren't able to scale

1 that to our needs, and we had to take it all or nothing.
2 That -- that was a business decision we had to make at
3 that time. And the premise was that we -- we would do
4 it on the basis of our combined operation. And that was
5 consummated in 2004.

6 I think the good news is that we are going a
7 bit farther, quite a bit farther, than we had
8 anticipated. And I think the sand study talked about
9 known sources. We don't feel that all the sources are
10 necessarily exhausted.

11 Understandably, as you develop the island, you
12 cover more ground area up and you cover whatever
13 resources are below the ground. We still feel going
14 forward that there are sources out there.

15 But, you know, in 2004, we were faced with a
16 business decision. But we do honestly believe it did
17 result in benefit to this community.

18 CHAIR STARR: Yeah. Let the record show the
19 County study said that there are no more sources, that
20 all the additional sand has either been built -- built
21 over.

22 MS. ROBYN LOUDERMILK: That's not true.

23 CHAIR STARR: Yeah. Look at the sand
24 quantification study. Do you have that, Robyn?

25 MS. ROBYN LOUDERMILK: Yes, I did. And I was

1 a participant in it.

2 CHAIR STARR: Yeah.

3 COMMISSIONER MARDFIN: Do you concur?

4 MS. ROBYN LOUDERMILK: No, I do not. I do not
5 concur. What the study did was identify known areas,
6 built and not built. And if the County really needed
7 additional sand, they have lands in which sand are on
8 that they can also excavate. Of course, that includes
9 golf courses and other areas.

10 But I just want to leave it at that because
11 our focus -- sand is one component of the operation.
12 And since I was asked if I concurred with the statement,
13 I -- I gave my response and that -- and that should --

14 CHAIR STARR: Do you have a copy of that study
15 that we can enter into the record?

16 MS. ROBYN LOUDERMILK: No, I do not.

17 CHAIR STARR: Can we get one and enter it into
18 the record?

19 MS. ROBYN LOUDERMILK: How does the -- how
20 does the sand study affect -- my question in terms of an
21 exhibit, because I will have to defend it, is there is
22 no sand mining occurring on the project site. How --
23 how does the quarrying operation relate if there is no
24 sand being quarried on the site?

25 CHAIR STARR: There is discussion regarding

1 sand exports as also -- in the Munekiyo & Hiraga letter
2 dated October 9th, it talks about request a detail of
3 sand inventory and utilization. So in the presentations
4 by Munekiyo & Hiraga to us, it talks about inventories
5 of sand, you know, inventories of sand. So since that's
6 the only one that exists, it makes sense. Commissioner
7 -- please get us a copy and enter it into the record.

8 James, do you have a problem with that?

9 MR. JAMES GIROUX: No, Chair. It's just that
10 if -- if we are going to be discussing facts, they
11 should be facts that are substantiated by some
12 documents. So I am not comfortable with conjecture
13 about what -- what the report says or does not say. If
14 you are going to rely on it, it needs to be entered into
15 the record.

16 CHAIR STARR: Yeah. So let's get a copy of
17 the study.

18 Commissioner U'u.

19 COMMISSIONER U'U: It's been answered.

20 CHAIR STARR: Okay.

21 COMMISSIONER U'U: The question has been
22 answered.

23 CHAIR STARR: Okay. Members?

24 Yeah, Commissioner Mardfin.

25 COMMISSIONER MARDFIN: I asked a question

1 earlier about the County with respect to the landfill.
2 On the new land for quarry -- I am going to ask you a
3 similar question on the land that you are expanding for
4 quarrying operation. Is that -- the ownership is under
5 A&B?

6 MR. MIKE MUNEKIYO: That's correct.

7 COMMISSIONER MARDFIN: And it's a lease from
8 them to quarry?

9 MR. MIKE MUNEKIYO: That's correct.

10 COMMISSIONER MARDFIN: Can I ask Cheryl if --
11 if -- is that -- the land that they would be quarrying
12 now, would that -- could that later turn into landfill
13 or was that quarry plant to be into landfill?

14 MS. CHERYL OKUMA: Those are the areas of
15 Phase V and VI.

16 COMMISSIONER MARDFIN: Okay.

17 MS. CHERYL OKUMA: And as I mentioned, Phase
18 V, we're currently acquiring.

19 COMMISSIONER MARDFIN: Okay.

20 MS. CHERYL OKUMA: Phase VI, that's a little
21 bit down the future.

22 COMMISSIONER MARDFIN: So the idea is they
23 quarry it now so that there's a puka so that we can fill
24 it in --

25 MS. CHERYL OKUMA: Yes.

1 COMMISSIONER MARDFIN: -- later with our
2 garbage?

3 MS. CHERYL OKUMA: That's right. That's
4 right.

5 COMMISSIONER MARDFIN: Is there anybody else,
6 besides Ameron, that would be in a position to be able
7 to do this work?

8 MS. CHERYL OKUMA: To do the quarrying?

9 COMMISSIONER MARDFIN: Uh-huh.

10 MS. CHERYL OKUMA: You mean to dig the pits?

11 COMMISSIONER MARDFIN: Uh-huh.

12 MS. CHERYL OKUMA: I don't know that I can
13 answer that question.

14 COMMISSIONER MARDFIN: Okay.

15 CHAIR STARR: Okay. Members, any other
16 questions for the applicant or for staff?

17 Seeing none, I will open it up for public
18 testimony on this item. Any members of the public
19 wishing to give testimony, please make yourself known.
20 Okay.

21 Seeing none, public testimony is closed.

22 Our next step would be to have our Staff
23 recommendation, unless there's any questions.

24 Mr. Dias, are you on this same one or are you
25 on the C -- the Communications one?

1 MR. DANNY DIAS: I'm on the Communications
2 item. I am not sure where Robyn is right now.

3 CHAIR STARR: I know we'll have to move --
4 we'll have to move that forward to take it up. But if
5 we have a couple -- if you want to give us -- I think we
6 better recess 'til Robyn gets back. I'm gonna recess to
7 the call of the Chair. We'll have to take that up
8 serially then.

9 (Recess, 11:45 a.m. to 11:51 a.m.)

10 CHAIR STARR: Okay. We're gonna bring the
11 meeting back to order. While we're waiting for Planner
12 Loudermilk to bring the sand -- County sand study,
13 Mr. Yoshida will give us the recommendations on the
14 Conditional Permit, Item B-2. And then we can take it
15 from there.

16 Please, go ahead.

17 MR. CLAYTON YOSHIDA: Thank you, Mr. Chair,
18 Members of the Commission.

19 This is for the Conditional Permit request.
20 The Department recommends -- finds that the application
21 does comply with the applicable standards for
22 Conditional Permit as the batching and casting
23 operations are similar, related or compatible with the
24 existing uses. And, therefore, we recommend that you
25 recommend to the County Council approval of the request

1 subject to the five conditions as stated in the report.
2 The time limit would be for 10 years.

3 CHAIR STARR: Okay. So just to be clear,
4 we're -- we're making a recommendation to the County
5 Council which will then act on it?

6 MR. CLAYTON YOSHIDA: Yes, that's correct.

7 CHAIR STARR: Okay. Members, any questions,
8 comments or a motion?

9 Commissioner Hedani.

10 COMMISSIONER HEDANI: Move to approve as
11 recommended.

12 COMMISSIONER DOMINGO: Second.

13 CHAIR STARR: Okay. We have a motion by
14 Commissioner Hedani, seconded by Commissioner Domingo.
15 The motion is to recommend approval as --

16 MR. CLAYTON YOSHIDA: Recommended by the
17 Planning Department for the Conditional Permit for
18 batching and casting operations for Ameron.

19 CHAIR STARR: Okay. Commissioner Hiranaga.

20 COMMISSIONER HIRANAGA: Just going back to
21 sand. There was a statement in the Staff Report that
22 the exporting of sand on this site was curtailed. So
23 what is the cubic yards or tonnage that's stored on this
24 site and versus the other site in Central Maui?

25 CHAIR STARR: Eric, I think Mr. -- yeah,

1 please come forward.

2 COMMISSIONER HIRANAGA: What is the cubic
3 yardage or tonnage stored on this site, the sand? And
4 as far as your other stockpile, what is the cubic
5 yardage or tonnage that's stored there?

6 MR. ERIC YOSHIZAWA: This stockpile is
7 probably about 50,000 or 60,000 tons. And the other
8 stockpile is a bit larger. It's -- well, we're -- we're
9 more than double on the other side. But the total
10 reserves constitute our inventory. And I think what we
11 already talked about is we're -- as far as what's on
12 this site, we're -- we earmarked that for this purpose.
13 Then it's back-stocked by what do we have on our -- our
14 other site.

15 COMMISSIONER HIRANAGA: So you never transfer
16 sand from the other stockpile to this stockpile?

17 MR. ERIC YOSHIZAWA: Oh, no.

18 COMMISSIONER HIRANAGA: So the other stockpile
19 goes directly to Oahu and --

20 MR. ERIC YOSHIZAWA: No.

21 COMMISSIONER HIRANAGA: -- this one stays
22 here?

23 MR. ERIC YOSHIZAWA: No. That is -- we have
24 used sand from that stockpile in this operation, maybe
25 much earlier. But that will stop -- that will augment

1 whatever is there.

2 COMMISSIONER HIRANAGA: So you bring -- you do
3 bring -- transfer sand from the offsite stockpile to
4 this stockpile? Once it gets here, it won't go to Oahu?

5 MR. ERIC YOSHIZAWA: Yeah. We don't expect to
6 use this as a staging platform to go anywhere else. I
7 think what I am saying is what's here alone should take
8 care of us for about three years. And then when that
9 depletes, we will replenish. But we have enough here,
10 stored in here, to take us about that far out. And
11 beyond that, we'll supplement. But I don't intend to be
12 supplementing now what we have in inventory at the site.
13 We'll --

14 COMMISSIONER HIRANAGA: So what you are
15 saying, during the term of this permit, any sand that
16 goes on this site will not be exported off island?

17 MR. ERIC YOSHIZAWA: Yeah. I'm saying -- I am
18 saying that we -- we won't use this as a staging
19 platform for -- for anything. You know, I -- I think
20 with respect to -- with respect to our uses to do any
21 commercial shipments, we won't do that from -- from this
22 site.

23 Now, in terms of our customer base, whatever
24 uses they have, we sell it to them, that's their --

25 COMMISSIONER HIRANAGA: Right.

1 MR. ERIC YOSHIZAWA: You know, I mean, I don't
2 try to define what they are intending it for. Those
3 are, as far as we can tell, permanent Maui uses. But,
4 you know, I -- I think we have some restraint of trade
5 issues if we start to condition a site on that kind of
6 expectation.

7 But in terms of how we manage it, how we do
8 it, this is not a staging platform. And the only reason
9 that it ever left this site, what portion, the quantity,
10 we're trying to do an accommodation to the County of
11 Maui on the landfill side. We understand there was a
12 concern with that, we stopped that. That won't go
13 anywhere else.

14 CHAIR STARR: Commissioner U'u.

15 COMMISSIONER U'U: This may seem like a simple
16 question, but has Oahu depleted its sand resources?

17 MR. ERIC YOSHIZAWA: They've depleted their
18 known sand resources, yes. They're -- they're currently
19 exporting -- I'm sorry. They're currently importing.
20 Every player on that island is importing sand from
21 somewhere.

22 COMMISSIONER U'U: Importing from different
23 islands? Importing from --

24 MR. ERIC YOSHIZAWA: The -- the largest import
25 right now is, I believe, British Columbia location. I

1 don't know the extent of how long those agreements
2 continue, but that's currently where the largest import
3 source is. And then our company uses sand from Maui,
4 partly. We also use some of that British Columbia
5 material as well on Oahu.

6 COMMISSIONER U'U: Cost-effective? Is it
7 cost-effective to import sand and -- say you concrete,
8 you are importing sand on Oahu. Would the price be the
9 same or, statewide, it kind of balances itself?

10 MR. ERIC YOSHIZAWA: Our view -- I can't speak
11 for other companies. Our view is that the British
12 Columbia import, or imports like that, are much more
13 expensive. And the cost of shipping rises more
14 dramatically on the large transpacific crossings. So
15 certainly for us, the local supply at least, whether
16 it's Maui on Maui, or Maui to Honolulu, has been the
17 better solution and has been more cost beneficial.

18 COMMISSIONER U'U: Until the services get
19 depleted here?

20 MR. ERIC YOSHIZAWA: That's correct.

21 COMMISSIONER U'U: How long have we been
22 shipping sand over to Oahu?

23 MR. ERIC YOSHIZAWA: Probably for 22 years.

24 COMMISSIONER U'U: Thank you.

25 CHAIR STARR: Okay. Commissioner Mardfin.

1 COMMISSIONER MARDFIN: This isn't a question.
2 I am going to make a motion eventually.

3 I want to thank you. I think your company has
4 done a good job. I think you're helping out our
5 landfill situation. I think your quarrying is a good
6 thing. We had testimony earlier today from some of your
7 employees. You employ people, you make contributions to
8 the community. You've -- you've made some of your sand
9 available to the County. And I'm impressed by what
10 you've done. However, this sand issue is one of serious
11 interest. You've said that we have until about 2013,
12 which is about five years from now.

13 So I am going to move that we amend this
14 recommendation to be for a period of five years rather
15 than 10. I would like -- in five years, we'll be able
16 to revisit the sand situation. And so my motion is to
17 change recommendation -- Condition Number 2, the
18 Conditional Permit shall be valid for a period of five
19 years from the effective date of this ordinance,
20 provided that the extension of the permit beyond the
21 five-year period may be granted pursuant to, dah, dah,
22 dah.

23 CHAIR STARR: Okay. Do we have a second to
24 that motion? Seeing none, no second, the motion dies.

25 The floor is open for additional discussion or

1 motions.

2 Commissioner Hedani.

3 COMMISSIONER HEDANI: You know, we seem to be
4 getting our underwear in a bunch over this sand issue.
5 A lot of the sand sources that we have on the island, I
6 believe, are not suitable for beach replenishment. In
7 the case of Kaanapali, where we have serious erosion
8 issues, over the past three years, we've done a series
9 of studies to try to locate offshore sources of sand for
10 replenishment of the beach. And what we were told was
11 that current sand sources on the island are of such a
12 granular texture, they're too fine for us to use for
13 beach replenishment at Kaanapali. If we put it there,
14 the waves would just take it away and wash it off and it
15 would disappear very shortly.

16 So from the standpoint of beach replenishment,
17 I'm not sure where the sand is being used or whether or
18 not different conditions occur at those locations as
19 opposed to Kaanapali, but it's not as if the sand is
20 perfectly suitable for beach replenishment in all
21 conditions.

22 We did locate a source of sand off of
23 Kaanapali that has probably a million cubic yards of
24 sand in it that's potentially useful for beach
25 nourishment. And so that's something that we're

1 exploring right now in terms of usability and for beach
2 replenishment. I don't know that we will move forward
3 because it has like 16 permits attached to the effort in
4 order to just try to replenish the beach. But it's
5 something that's not black and white and settled from
6 the standpoint of uses.

7 I think, in this particular case, the
8 quarrying operation, the casting operations, the mining
9 operation of rock, is important from the standpoint of
10 its synergy with the County and its solid waste program
11 and is something that should be supported. And I think
12 that, you know, they have been a good community partner.

13 If we could commit to not sending sand to
14 other sources off of our island, then I think it's
15 similar -- it is restraint of trade. And I think it is
16 something that's -- when you think about it, all the
17 concrete that we manufacture here cannot be manufactured
18 from sources on the island. We import, I think, 100
19 percent of the Portland cement that we use in concrete.

20 CHAIR STARR: Anyone want to make a motion?

21 COMMISSIONER DOMINGO: There is a motion.

22 COMMISSIONER HEDANI: We do have a motion.

23 COMMISSIONER MARDFIN: That's what I moved to
24 amend.

25 CHAIR STARR: Oh, okay. So we have a motion

1 to approve the recommendation and that's been seconded.
2 And the motion to amend was not successful. So are we
3 ready to call the question? Okay.

4 All in favor, please raise your hand.

5 All those opposed.

6 Okay, Clayton.

7 MR. CLAYTON YOSHIDA: Five in favor; two
8 against, Chair Starr and Commissioner Mardfin; and one
9 excused, Commissioner Guard. The motion passes.

10 CHAIR STARR: Okay. Can we possibly move
11 forward C-2 and C-3 and deal with those? If anyone
12 wishes to make a motion to amend, we can do that.

13 COMMISSIONER HEDANI: So moved.

14 CHAIR STARR: Okay. Commissioner Hedani
15 moves, Commissioner U'u seconded that Item C-2 and C-3
16 be moved up in the agenda. Discussion?

17 All in favor, please raise your hand.

18 All opposed.

19 Unanimous motion. We'll deal with Item C-2
20 and C-3.

21 Danny.

22 MR. CLAYTON YOSHIDA: I have C-2.

23 CHAIR STARR: Oh, I'm sorry. Go ahead.

24 MR. CLAYTON YOSHIDA: This is the Land Use --
25 amendment to the Land Use Commission Special Use Permit

1 acreage to add approximately nine and-a-half acres and
2 withdraw 41.2 acres. We find that this meets the
3 criteria for an unusual and reasonable use within the
4 State Agricultural District. And, therefore, we
5 recommend that the Commission recommend to the State
6 Land Use Commission approval of these amendments to the
7 acreages to the State Land Use Commission Special Use
8 Permit without imposing additional conditions.

9 CHAIR STARR: Okay. Commissioner Hedani.

10 COMMISSIONER HEDANI: So moved.

11 CHAIR STARR: Oh, no, not yet. The motion is
12 out of order because we need to take public testimony.

13 So before we take public testimony,
14 Commissioner Mardfin.

15 COMMISSIONER MARDFIN: Is there a time
16 dimension to this, or is this an acreage amendment?

17 MR. CLAYTON YOSHIDA: The current permit is
18 good, I believe, until August of 2017. Because the time
19 extension was granted last year, for 10 years, by this
20 Commission -- I mean, by the State Land Use Commission.

21 COMMISSIONER MARDFIN: But this motion --

22 MR. CLAYTON YOSHIDA: And the County Special
23 Use Permit was only for one year.

24 COMMISSIONER MARDFIN: But this motion, the
25 one for C-2, is only a boundary amendment, is that

1 correct?

2 MR. CLAYTON YOSHIDA: Yes. Deleting -- adding
3 the nine and-a-half -- adding nine and-a-half acres and
4 withdrawing 41.2 acres which is part of the expansion
5 area for the Central Maui Landfill.

6 COMMISSIONER MARDFIN: So that per se doesn't
7 have a time dimension to it except it -- except insofar
8 as the underlying permit does?

9 MR. CLAYTON YOSHIDA: Yeah. It would just --
10 it would still fall under the existing State Special Use
11 Permit granted by the Land Use Commission last year,
12 which, under Exhibit 5 in the Staff Report, is the fifth
13 amendment to the Land Use Commission Special Use Permit
14 which grants the permit until -- it's valid until August
15 5th, 2017.

16 CHAIR STARR: This is a recommendation of the
17 Land Use Commission, I believe, is that correct?

18 MR. CLAYTON YOSHIDA: Yes.

19 CHAIR STARR: Okay. Are we ready for public
20 testimony?

21 COMMISSIONER U'U: Yeah.

22 CHAIR STARR: Okay. I will open the floor for
23 public testimony. If anyone wishes to testify on Item
24 C-2, please make yourself known.

25 Okay. Seeing none, public testimony on it is

1 closed.

2 Commissioner Mardfin, is your question
3 answered?

4 COMMISSIONER MARDFIN: Yeah, it was. Even
5 though there is an underlying time dimension, a previous
6 board had recommended that time dimension. So I am not
7 quibbling about that. To my mind, this is only a
8 geographic alteration.

9 CHAIR STARR: Okay. And before we proceed, I
10 just want to understand that the sand study, the County
11 sand study will be attached to the record, at least
12 these items.

13 Commissioner Hedani, your motion is in order
14 now. Oh, wait. Let me get the recommendation. We did?
15 Okay.

16 MR. CLAYTON YOSHIDA: Yeah, we did.

17 CHAIR STARR: Okay, we did. I'm sorry.

18 COMMISSIONER HEDANI: Move to approve as
19 recommended.

20 COMMISSIONER DOMINGO: Second.

21 CHAIR STARR: Okay. Moved by Commissioner
22 Hedani, seconded by Commissioner Domingo to approve as
23 recommended.

24 Any discussion, amendments?

25 Seeing none, all in favor please raise your

1 hand.

2 All opposed. Okay.

3 MR. CLAYTON YOSHIDA: It's unanimous; one
4 excused, Commissioner Guard. Motion passes.

5 CHAIR STARR: Okay. Thank you.

6 The next item, for this we have Danny Dias.

7 MR. DANNY DIAS: Good afternoon.

8 Really quick --

9 CHAIR STARR: Wait a second. I'm sorry. We
10 still need -- we need to move that up on our agenda,
11 which we haven't done yet. We just moved the other
12 item.

13 Anyone wish to move Item C-3 up?

14 COMMISSIONER IACONETTI: So moved.

15 COMMISSIONER DOMINGO: Second.

16 CHAIR STARR: Moved by Dr. Iaconetti, seconded
17 by Commissioner Domingo, to move Item C-3 up on the
18 agenda.

19 All in favor please, raise your hand.

20 Any opposed? None.

21 Okay. Go ahead, Danny. Sorry about that.

22 MR. DANNY DIAS: No problem. Okay. So this
23 item is similar to -- to the last item. This has to do
24 with the County Special Use Permit. There's, basically,
25 three things going on here.

1 One is a request for a nine-year time
2 extension. And the reason why it's nine years versus
3 ten is this item came before the Commission last year,
4 and the Commission chose to -- to approve a one-year
5 time extension with a condition that the applicant
6 provide a rock quantification study prior to any further
7 time extensions, which the applicant did. And a copy of
8 that is in the report. So that -- that's the first
9 request.

10 The second request is to add that nine
11 and-a-half acres to the conditional -- I'm sorry -- to
12 the County Special Use Permit.

13 And, third, is to take away that 41.2-acre
14 portion which will now be utilized by the landfill. And
15 so --

16 CHAIR STARR: Okay. Any questions, Members?
17 Commissioner Mardfin.

18 COMMISSIONER MARDFIN: Where is that rock
19 quantification study? I was looking for it.

20 CHAIR STARR: Yeah, it's in here somewhere.

21 MR. DANNY DIAS: Exhibit Number 5. There is a
22 bunch of reports, so just make sure that it's Docket
23 Number CUP 2001/90001.

24 CHAIR STARR: Ward?

25 COMMISSIONER MARDFIN: I don't have this one.

1 CHAIR STARR: Commissioner Mardfin?

2 COMMISSIONER MARDFIN: I found it.

3 CHAIR STARR: Do you have a question? Okay,
4 Members.

5 UNIDENTIFIED SPEAKER: Take public testimony?

6 CHAIR STARR: Commissioner U'u.

7 COMMISSIONER U'U: I would like to make a
8 motion.

9 CHAIR STARR: Wait, wait, wait. Any members
10 of the public wishing to give testimony on this item,
11 please make yourself known.

12 Seeing none, public testimony is closed.

13 Commissioner U'u.

14 COMMISSIONER U'U: Motion to approve as
15 recommended.

16 COMMISSIONER DOMINGO: Second.

17 CHAIR STARR: Okay. Moved by Commissioner
18 U'u, seconded by Commissioner Domingo, to approve as
19 recommended.

20 This one we are the deciding agency, Danny,
21 right?

22 MR. DANNY DIAS: Correct.

23 CHAIR STARR: Yeah. Okay. Any discussion?
24 Commissioner Mardfin.

25 COMMISSIONER MARDFIN: I move to amend the

1 motion to turn it into a five-year permit rather than a
2 nine-year permit.

3 COMMISSIONER STARR: Okay. An amendment has
4 been offered. Is there a second? Seeing none,
5 amendment dies.

6 Any other possible amendments or other
7 discussion? Seeing none, we're ready to call the
8 question.

9 All in favor, please raise your hand.

10 All opposed.

11 MR. CLAYTON YOSHIDA: We have five votes in
12 favor; two nays, Commissioner Mardfin and Chair Starr;
13 and one excused, Commissioner Guard. Motion passes.

14 CHAIR STARR: Okay. Thank you, everyone. And
15 we will recess for lunch. We will be back at 1:15 to
16 take up airport and, also, the College of Nursing.

17 (Recess, 12:15 p.m. to 1:15 p.m.)

18 CHAIR STARR: The Maui Planning Commission
19 meeting of October 28th is back in session. And we have
20 two items that we had asked if -- been asked to try to
21 do at 1:00 because we have consultants here at the
22 airport and then the Maui Community College nursing
23 temporaries. If any Members would like to oblige, the
24 Chair would be open for a motion to move them up on the
25 agenda. And I think we can handle them with dispatch.