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COUNTY COUNCIL

COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

November 30, 2023

Mr. Shayne Agawa, Director
Department of Environmental Management
County of Maui
Wailuku, Hawaii 96793

Dear Mr. Agawa:

SUBJECT: BILL 120 (2023), RELATING TO THE ISSUANCE OF A MANAGEMENT RIGHT-OF-ENTRY FOR THE LAHAINA WILDFIRE FINAL DISPOSITION PROJECT (WAI-15)

Thank you for participating in the Water and Infrastructure Committee meeting of November 27, 2023, discussing Bill 120 (2023), entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF HAWAII, DEPARTMENT OF LAND AND NATURAL RESOURCES, REGARDING THE ISSUANCE OF A MANAGEMENT RIGHT-OF-ENTRY FOR THE LAHAINA WILDFIRE FINAL DISPOSITION PROJECT."

May I please request a written response to the following:

1. The United States Environmental Protection Agency defines a Subtitle C landfill as a Hazardous Waste Landfill used specifically for the disposal of hazardous waste, not solid waste.
 - a. What are the parameters needed to meet the regulations of a Subtitle C landfill?
 - b. Has the Department considered other options for a Subtitle C landfill and why was this option selected?
 - c. What are the pros and cons of shipping the hazardous debris off-island?

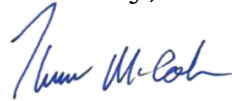
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2. Is the 80-millimeter hazardous waste liner puncture resistant? In the event the hazardous waste liner is punctured or breaks down over time, what is the remediation plan? What are the steps to prevent leaks or tears in the hazardous waste liner?
3. Is the Department responsible for debris removal if a landowner does not sign a right-of-entry and does not find an alternative contractor? Further, will there be a change to the tipping fees charged to landowners?
4. How does community opposition from lineal descendants of West Maui factor into the Department's decision making for Bill 120?
5. What are the risks if the Council decides not to take action on Bill 120?
6. What is the permitting process for a Subtitle C landfill under the Mayor's current emergency proclamation? Please identify what parts are exempted from permit requirements, if any.

May I further request your written response by **December 14, 2023**. To ensure efficient processing, please transmit your response to wai.committee@mauicounty.us and include the relevant Committee item number in the subject line of your response.

Should you have any questions, please contact me or the Committee staff (Jarret Pascual at ext. 7141, or Clarita Balala at ext. 7668).

Sincerely,



TOM COOK, Chair

Water and Infrastructure Committee

wai:ltr:015aem01:alkl

cc: Mayor Richard T. Bissen, Jr.