

**RICHARD T. BISSEN, JR.**  
Mayor

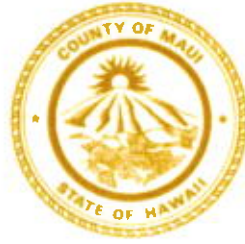
**SHAYNE R. AGAWA, P.E.**  
Director

**ROBERT SCHMIDT**  
Deputy Director

**MICHAEL KEHANO, P.E.**  
Solid Waste Division

**ERIC A. NAKAGAWA, P.E.**  
Wastewater Reclamation Division

Environmental Protection &  
Sustainability Division



**COUNTY OF MAUI**  
**DEPARTMENT OF**  
**ENVIRONMENTAL MANAGEMENT**  
2145 KAOHU STREET, SUITE 102  
WAILUKU, MAUI, HAWAII 96793

December 14, 2023

Honorable Richard T. Bissen, Jr.  
Mayor, County of Maui  
200 South High Street  
Wailuku, Hawaii 96793

**APPROVED FOR TRANSMITTAL**

  
Mayor  
12-15-23  
Date

For Transmittal to:

Honorable Tom Cook, Chair  
Water and Infrastructure Committee  
Maui County Council  
200 South High Street  
Wailuku, Hawaii 96793

Dear Chair Cook:

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

In response to your request for information dated November 30, 2023, your request and the corresponding answer(s) are provided below by the Department of Environmental Management (DEM):

- 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.**

Response:

The Department of Environmental Management (DEM) is fulfilling Mayor Bissen's request to provide the safest solid waste management facility possible for the debris. The strictest solid waste design requirements are for hazardous waste landfills; hence, Subtitle C design criteria are substantially being utilized as guidance for a final disposal site design.

**a. What are the parameters needed to meet the regulations of a Subtitle C landfill?**

Response:

Properly developing a disposal facility requires a complete Environmental Impact Statement, Special Land Use Permitting or District Boundary Amendment, Department of Health Solid Waste Facility Permitting, and other entitlements that can be up to a 10-year process.

Parameters for Subtitle C facilities can be found in Code of Federal Regulations, Title 40, Section 264. Parameters include, but are not limited to the following:

- Double protective liner system;
- Double leachate collection and removal systems;
- Leak detection system;
- Stormwater run-on & runoff, and wind dispersal controls;
- Construction quality assurance program;
- Installing and maintaining a final cover;
- Continuous operation of and monitoring the leachate collection and removal system;
- Maintaining and monitoring the leak detection system; and
- Maintaining ground water monitoring system.

**b. Has the Department considered other options for a Subtitle C landfill and why was this option selected?**

Response:

Off-island disposal was considered, however due to logistical and fiscal restraints this was not a practical solution.

Siting location options for final disposal were reviewed from Lahaina to Ukumehame, as well as Central Maui Landfill. Several criteria were considered such as impacts to public health & safety, the environment, and regulatory requirements. Along with typical landfill siting considerations, finding a site close to Lahaina to limit traffic interactions with the trucks hauling debris and minimizing impacts to the road on the Pali were also included in evaluating sites. (See Attached Exhibit A).

There is no perfect site. The proposed Olowalu location positively checks many of the boxes and is considered the best choice readily available to the County at this time. It is not an easy decision to choose the right site, but the County considers the Olowalu location a viable site.

**c. What are the pros and cons of shipping the hazardous debris off-island?**

Response:

Pros for shipping debris off-island:

- No need to build a final disposition site and use land on the island (although a TDS would still be required);
- No need for long-term care / monitoring of a final disposition site.

Cons for shipping debris off-island:

- Shipping the estimated 400,000-tons of debris would probably be done by cargo ship. Major harbor for the island of Maui is in Kahului.
- Approximately 40,000 truckloads needed to haul debris from Lahaina to Kahului. Only Honoapiilani Highway is capable of supporting truck weights and sizes. This will have a major impact to traffic safety to and from Lahaina.
- Temporary storage would need to be constructed at or near the harbor to support transfer. Temporarily storing debris adjacent to an operational harbor for a long period increases exposure risks.
- Though debris loads will be contained and covered during transport, accidental exposure is possible. Accidental exposure could occur during transport to Kahului Harbor, shipping overseas, and transport to final disposal facility.
- Due to program limitations, FEMA has already rejected the request for off-island disposal. Costs for off-island disposal would need to be borne by the County and/or State. High level estimates for off-island disposal are in the billions of dollars.

**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?**

Response:

Though the thick 80mil (0.08”) liner is puncture resistant, it is installed in such a manner to protect it from puncture during installation and waste placement. A protective geotextile liner along with a buffer layer of soil is placed atop to prevent waste materials from having any contact with the liner. There are many field construction quality assurance procedures in place as well as operational controls to prevent damaging the liner.

If the primary liner system leaks, there is a complete second leak detection liner system below the primary system. This complete second liner system makes this design many times safer than a single lined disposal cell. The County will regularly

monitor for and remove any liquid from the primary liner system to minimize exposure to the liner.

If a leak in the primary liner is confirmed, the County will remove liquid from both the primary and secondary liner systems and continue to monitor perimeter groundwater wells for problems. The County would continue to pump out liquid on both primary and secondary liners so there is no liquid there to escape.

**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?**

Response:

Ultimately, the landowner is responsible for debris removal and proper disposal. If the landowner does not sign a right-of-entry and fails to clean their property such that it poses a threat to human health and the environment, the County will step in to cleanup and charge the landowner associated cleanup costs.

The tipping fee to utilize the final disposition site will be the same for all users. Any other fees or costs associated with the cleanup or storage of debris (i.e. operational costs, hauling costs to final disposition site, etc.) prior to receipt at the final disposition site will be the responsibility of the land owner. The mechanism of how these additional costs reimbursed to the County by the landowner has yet to be determined.

**4. How does community opposition from lineal descendants of West Maui factor into the Department's decision making for Bill 120?**

Response:

The Department is committed to listening and to the extent possible responding to the concerns of lineal descendants and the entire Lahaina community in siting a final disposition site for the Lahaina fire debris. The Department is responsible to make decisions that best protect human health and the environment. No matter where a final site is placed, the impact to nearby residents is always considered and weighed against what is best for the whole of the community.

**5. What are the risks if the Council decides not to take action on Bill 120?**

Response:

Bill 120 potentially impacts both the proposed final disposition site and the current temporary debris site. Currently, the temporary debris site is operating under a

temporary right-of-entry that is in place for 90 days since acceptance by the County Council. If the Council decides not to take action on Bill 120, then a new temporary debris site would need to be identified, vetted, and temporary debris site constructed before any debris could be removed from Lahaina since cleanup efforts will continue beyond 90 days. Prolonging cleanup efforts, increases the risk of material mobilizing into nearby waters or into the air.

**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.**

Response:

The Governor's Eighth Proclamation exempts the County from State Department of Health (DOH) Solid Waste Permitting requirements. That being said, the County is, and has been, continuously working with both the State DOH and EPA on a final disposition project design and siting. Although not required under the Emergency Proclamation, the County will still work towards completing as many regulatory requirements (i.e., environmental impacts, historical impacts, land use, zoning, construction quality control, environmental monitoring requirements, etc.) normally required for permitting a landfill in the limited time available under these emergency conditions.

Thank you for the opportunity to provide you with information on this matter. Should you have any questions or concerns, please feel free to forward them to the Department of Environmental Management via transmittal through the Office of the Mayor.

Sincerely,



DN: cn=Shayne R. Agawa, ou=Director of the  
Dept. of Environmental Management,  
email=shayne.agawa@co.meui.hi.us, c=US  
Date: 2023.12.14 13:10:37 -1000'

SHAYNE R. AGAWA, P.E.  
Director of Environmental Management

cc: Mayor Richard T. Bissen, Jr.

**EVALUATION OF**

Evaluation Criteria	Importance to Public Health, Safety and Environmental responsibility (1-5)	Central Maui Landfill TMK 3-8-3-019	
		Score	
Time to acquire land	Green	Red	
Proximity to LAH (traffic/public safety, alternative access)	Green	Red	
Access into/out of site (Traffic impacts, turn movements)	Green	Red	
Distance to residential, school, hospital (1/2 mile buffer)	Yellow	Green	
Distance to drinking water	Green	Green	
Surface Water management	Green	Green	
Construction (stability, depressions)	Yellow	Green	
Natural/Environmental (Tsunami, flooding, wetlands, seismic, drinking water source)	Green	Green	
Adjacent Property Impacts (downwind, NIMBY)	Yellow	Green	
		<b>GREEN</b>	

## WAI Committee

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**From:** Michelle Santos <Michelle.Santos@co.maui.hi.us>  
**Sent:** Friday, December 15, 2023 8:53 AM  
**To:** WAI Committee  
**Cc:** Cynthia Sasada; Josiah Nishita; Kekuhaupio Akana; Leo Caires; Louise Batoon; Nadine Orikasa; Pili Nahooikaika; Robert Schmidt; Shayne Agawa  
**Subject:** MT#10430 bILL 120  
**Attachments:** image0120231215085117163.pdf

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*Michelle L. Santos*

## Office Operations Assistant

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