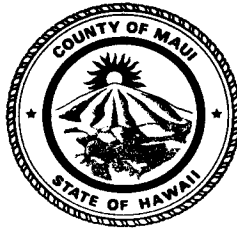


ALAN M. ARAKAWA
Mayor

STEWART STANT
Director

MICHAEL M. MIYAMOTO
Deputy Director



MICHAEL P. RATTE
Solid Waste Division

ERIC NAKAGAWA, P.E.
Wastewater Reclamation Division

**COUNTY OF MAUI
DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT**
2050 MAIN STREET, SUITE 2B
WAILUKU, MAUI, HAWAII 96793

March 17, 2017

2017 MAR 28 AM 9:28
OFFICE OF THE
COUNTY COUNCIL

RECEIVED

Ms. Lynn A.S. Araki-Regan
Budget Director, County of Maui
200 South High Street
Wailuku, Hawaii 96793

Honorable Alan M. Arakawa
Mayor, County of Maui
200 South High Street
Wailuku, Hawaii 96793

APPROVED FOR TRANSMITTAL
Alan Arakawa 3/24/17

Mayor Date

For Transmittal to:

Honorable Riki Hokama
Chair, Budget and Finance Committee
Maui County Council
200 South High Street
Wailuku, Hawaii 96793

Dear Chair Hokama:

SUBJECT: FISCAL YEAR ("FY") 2018 BUDGET (EM-3) (BF-1)

The County is in receipt of the above Budget and Finance (BF) Committee requested information dated March 6, 2017. Your request and the corresponding answer is provided below by the Department of Environmental Management (DEM).

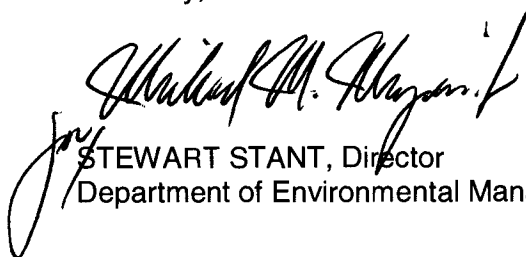
Please provide a list of all State and Federal violations for the County landfills from 2006 to date. Please include the landfill, the type of violation, the issuing agency, the date, the fine amount, and the resolution costs. Please include information on all consent decrees and settlement agreements.

Attached is a summary of the fines and/or penalties levied against the County through operation of the landfills from 2006 to present. The Council is also referred to a similar document (IEM-11(1)) provided to Council during FY 2016. The Solid Waste Division is proud to report that no new violations or fines have been incurred since that last status report.

Honorable Riki Hokama
BF Committee Chair
March 17, 2017
Page 2 of 2

Please note that the majority of historical fines are due to long standing issues, prior to current Solid Waste Division management and are now being addressed by the Solid Waste Division. The frequency and amounts are decreasing as shown by the attached chart and graph.

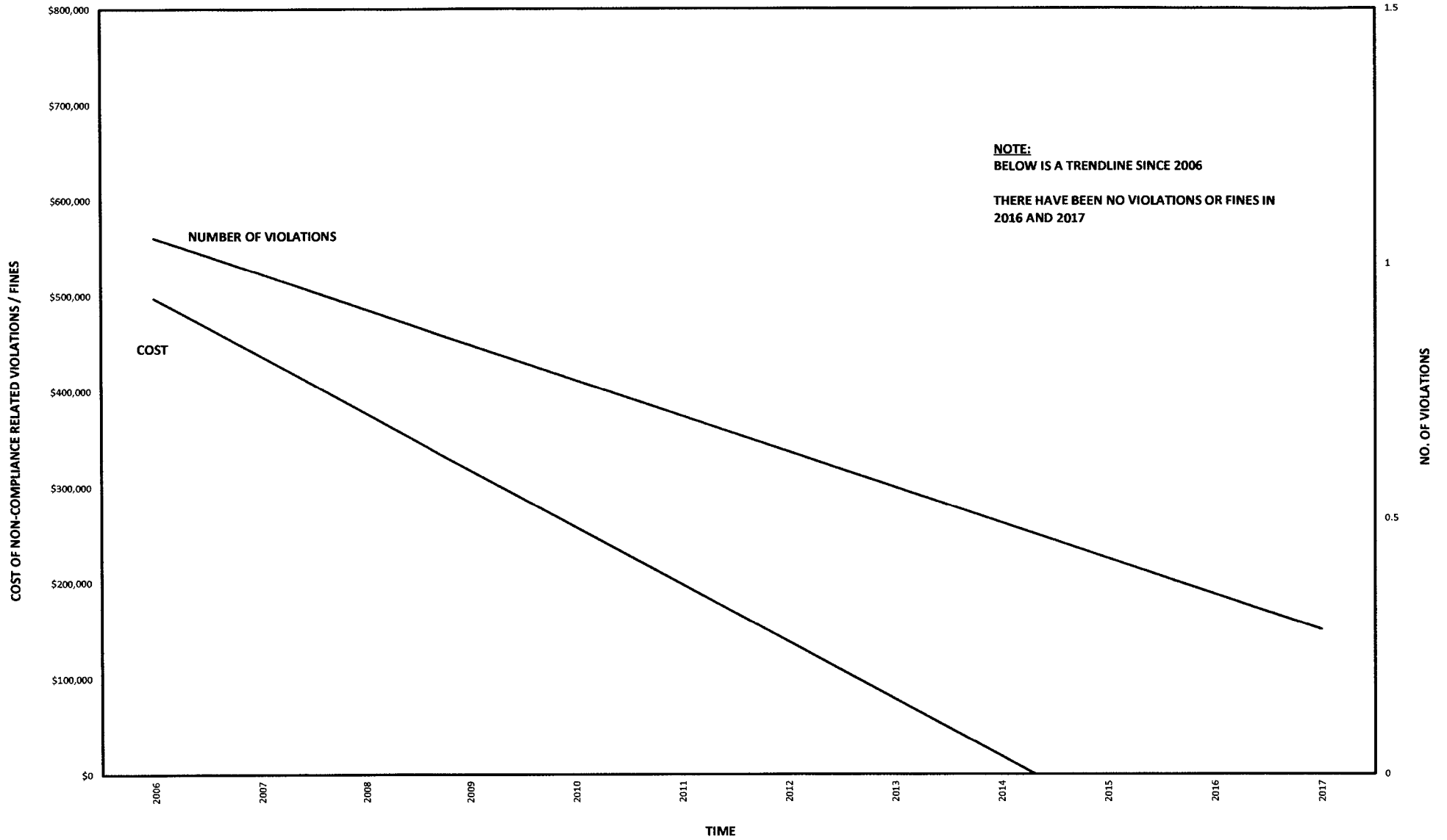
Sincerely,



STEWART STANT, Director
Department of Environmental Management

Attachments
cc: Michael Ratte

FISCAL YEAR 2018 BUDGET (EM-3) (BF-1)



**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
RESPONSE TO COUNCIL (IEM-11(1))
FINES AND PENALTIES AT LANDFILLS 2006 - MARCH 2016**

TYPE	ENTITY	DATE	FACILITY	ALLEGED VIOLATIONS	RESOLUTION
Settlement Agreement 05-SHW-SWS-002	State of Hawaii Solid and Hazardous Waste Branch	9/5/2006	Lanai	<ol style="list-style-type: none"> 1. Failure to meet daily cover. 2. Failure of on-site stormwater management. 3. Failure to control wind blown litter. 4. No all-weather access road. 5. No copy of permit on site. 6. Potential fire hazards. 7. Acceptance of liquids in bulk. 	<p>In accordance with the Settlement Agreement, the D-7 dozer was purchased in Dec. 2006 and the SEP project was completed on 8/15/2007 and the Drainage System Improvements were completed in July 2009.</p> <p>Corrective Action:</p> <ul style="list-style-type: none"> • D-7 Bulldozer = \$440,800 • Storm water Repair = \$2,400,000 <p>Fine:</p> <ul style="list-style-type: none"> • Fine = \$41,000 • SEP Minimum Amount = \$41,000 • SEP Actual = \$78,994 (Recycling Event on Lanai) <p>Total = \$119,994</p>
Settlement Agreement 04-SHW-SWS-004	State of Hawaii Solid and Hazardous Waste Branch	9/5/2006	Central Maui Landfill • Phases I and II • Phase IV Lanai Landfill	<ol style="list-style-type: none"> 1. Failure to meet daily cover. 2. No vector control program. 3. No on-site stormwater management. 4. Lack of hazardous waste screening. 5. Failure to control wind blown litter. 6. Failure to notify Department of Health on non-compliance. 	<p>Paid \$100,000 fine to Department of Health. Completed SEP project in 2009.</p> <ul style="list-style-type: none"> • Fine = \$100,000 • SEP Minimum Amount = \$100,000 • SEP Actual = \$223,967 (CML Landscape) <p>Total = \$323,967</p>
Notice and Finding of Violation & Order 06-CW-EO-08	State of Hawaii Clean Water Branch	2/2/2007	Molokai	<ol style="list-style-type: none"> 1. Failed to conduct stormwater sampling or submit annual Discharge Monitoring Reports as required. 2. Failed to implement Best Management Practices such as adequate containment for used oil, stormwater basins and swales. 3. Need to update Stormwater Pollution Control Plan. 	
Notice and Finding of Violation & Order 06-CW-EO-15	State of Hawaii Clean Water Branch	2/2/2007	Hana	<ol style="list-style-type: none"> 1. Failed to conduct stormwater sampling or submit annual Discharge Monitoring Reports as required. 2. Failed to implement Best Management Practices such as adequate containment for used oil, stormwater basins and swales. 3. Need to update Stormwater Pollution Control Plan. 	<p>Settlement Agreement signed with the State on 2/17/2010. Completed SEP project on 4/12/10.</p> <ul style="list-style-type: none"> • SEP min. amount: \$62,000 (\$32,000 - Molokai; \$12,700 - Hana; \$17,600 - Lanai) • SEP Actual = \$469,000 (MLF Metals Pad) <p>Total = \$469,000</p>
Notice and Finding of Violation & Order 06-CW-EO-16	State of Hawaii Clean Water Branch	2/2/2007	Lanai	<ol style="list-style-type: none"> 1. Failed to conduct stormwater sampling or submit annual Discharge Monitoring Reports as required. 2. Failed to maintain Best Management Practices including drainage swales, detention basin and vehicle oil containment. 	

**DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
RESPONSE TO COUNCIL (IEM-11(1))
FINES AND PENALTIES AT LANDFILLS 2006 - MARCH 2016**

TYPE	ENTITY	DATE	FACILITY	ALLEGED VIOLATIONS	RESOLUTION
Notice of Violation R9-07-05 Consent Decree CV 12-00571	Environmental Protection Agency	6/6/2007	Central Maui Landfill	1. Failed to submit Gas Collection and Control System design plan by January 2005. 2. Failed to install a Gas Collection and Control System by July 2006. 3. Failed to submit design documents in the proper format as required by 40 CFR.	Settlement negotiations on-going with U.S. EPA. • Fine = \$380,000 • SEP Design Fees > \$135,000 • SEP Minimum amount: \$250,000 • SEP Bid Amt. = \$430,945 (CML Wind Turbine) Total > \$945,945
Notice and Finding of Violation & Order 13-SHW-SWS-002	State of Hawaii Solid and Hazardous Waste Branch	1/25/2013	Central Maui Landfill	1. Failure to maintain leachate compliance levels at Phase IVA. 2. Failure to maintain leachate compliance levels at Phase IVB. 3. Failure to monitor and record leachate levels.	Settlement negotiations on-going with U.S. EPA. • Fine = \$50,000 • SEP Minimum amount: \$70,000 • SEP Actual Amt. = \$83,126 Total: \$ 133,126
Notice and Finding of Violation & Order 13-SHW-SWS-003	State of Hawaii Solid and Hazardous Waste Branch	1/25/2013	Naiwa, Molokai (Active Landfill)	1. Failure to minimize litter generation in the landfill. 2. Failure to place daily cover on Phase I.	Fine = \$20,000
Notice and Finding of Violation & Order 14-CA-EO-05	State of Hawaii Clean Air Branch	6/12/2015	Central Maui Landfill	1. Failure to operate landfill gas control system on 12/4/13 to reduce NMOC by 98% by weight; 2. Failure to operate landfill gas control system on 12/4/13 to reduce the outlet NMOC by 20ppm by volume.	Fines levied. (Can be fined up to \$25K/day/occurrence. Potential non-compliance duration would be 60+ days.) Fine: \$6,800
Notice and Finding of Violation	State of Hawaii Clean Water Branch	11/25/2015	Central Maui Landfill	On 1/28/15 CML Phase IV (Docket No. 2015-CW-EO-50FC) 1. Failed to correctly install, implement, maintain, or repair site best management practices as called for in their storm water pollution control plan or best management practices plan or other plan. On 1/28/15 CML Phase III (Maui Eco Systems) 1. Failed to correctly install, implement, maintain, or repair site best management practices as called for in their storm water pollution control plan. 2. Failed to retain a copy of the NPDES permit application or notice of intent or "No exposure" certification; storm water pollution control plan or best management plan, and all subsequent revisions; individual Nods permit or notice of general permit coverage.	Fine = \$500.00 (Docket No. 2015-CW-EO-50FC) Fine = \$600.00 (Docket No. 2015-CW-EO-49FC)

NOTES / ASSUMPTIONS:

Additional costs associated with all fines, SEP's and non-compliance for County involvement and management (SWD, DEM, Corporation Counsel, Administration involvement, etc.) are NOT included in above totals, however can be significant.

SEP = Supplemental Environmental Project County negotiated with DOH or EPA in lieu of paying a monetary fine.