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DIRECTOR OF HEALTH

UDB/MSC

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STATE OF HAWAII  
DEPARTMENT OF HEALTH  
DEPT OF PLANNING ENVIRONMENTAL MANAGEMENT DIVISION  
AND PERMITTING SOLID AND HAZARDOUS WASTE BRANCH  
CITY & COUNTY OF HONOLULU  
919 ALA MOANA BOULEVARD, #212  
HONOLULU, HAWAII 96814

In reply, please refer to:  
EMD/SHWB

February 26, 2013

S0233SL

Mr. Matthew Mooney, Project Engineer  
Road and Highway Builders, LLC  
P. O. Box 30208  
Honolulu, Hawaii 96819

Dear Mr. Mooney:

**SUBJECT:** Clarification on Solid Waste Permitting Requirement  
Asphalt Pavement Milling Use at: 1730 Kitty Hawk Street, Barbers Point  
(TMK 9-1-013:061)

The Department of Health (DOH), Solid Waste Section (SWS) received your letter dated November 13, 2012, requesting clarification on whether a solid waste permit is required to further crush asphalt pavement milling that the facility has stored at the subject site.

According to your letter, Road and Highway Builders, LLC (RHB) intends to use the asphalt pavement millings that are currently stored at the subject site as material for new asphalt mixes. Your letter also stated that the asphalt pavement millings were cold planed by RHB and was composed of uncontaminated asphalt. The asphalt was milled on the project sites by your cold planer into sizes ranging from 1.5"-2.5" before being transported to the subject site. Your letter further stated that no asphalt larger than 8" was accepted at the subject site.

We understand via your email on October 19, 2012 that you were in the process of preparing an application for a solid waste permit for future incoming material so that RHB would be covered in case non-inert fill material is generated from your project sites and transported to the subject site. However, based on our telephone conversation with you on December 4, 2012, RHB decided not to apply for a solid waste permit.

During our inspection of the site on October 17 and December 3, 2012, we noted that asphalt pieces greater than 8" were present at the site. Since we observed asphalt pieces greater than 8" present at the site, we asked that these large pieces be removed from the site. We understand that two hundred twenty-five (225) tons of asphalt material was removed from the site to West Oahu Aggregate Company. A receipt was submitted to our office. During our site visit on February 7, 2013, asphalt pieces greater than 8" were not seen at the site.

Below is our understanding based on the information you provided in your letter:

1. Only cured asphalt millings ranging from 1.5"-2.5" in size currently remain at the subject site. It is not contaminated such that it will not create a threat to human health and the environment, does not contain any hazardous waste, meets the inert fill definition of

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Hawaii Revised Statutes (HRS) Section 342H-1, and will not be mixed with any solid waste.

2. These cured asphalt millings will be further crushed before being used to produce new asphalt mixes at the subject site.

At this time, we agree that a solid waste management permit is not required for further crushing of the inert fill that is currently stored at the subject site. However, should your operation deviate from our understanding, a solid waste management permit may be required. We intend to conduct periodic site inspections of the site to confirm your proposed operation and our understanding.

Although this crushing activity may not require a solid waste management permit, RHB may still be required to obtain permits and/or approvals from other agencies, such as the City and County of Honolulu, Department of Planning and Permitting, and Clean Water Branch and Clean Air Branch of the DOH.

Please be aware that violations of state solid waste regulations could result in formal enforcement, which would carry a monetary penalty of up to ten thousand dollars (\$10,000) for each separate offense, for each separate day of the offense, in accordance with HRS 342H-9. The DOH-SWS reserves the right to take enforcement actions on past and current solid waste violations.

During our February 7, 2013 site visit, we also noted an oil-like fluid on the ground at the base of the southern portion of the pile. This oil-like substance did not appear to come from the pile. While we have asked Mr. Russ Turley to clean up the oily substance, we have also referred this issue to our Hazardous Waste Section.

Should you have any questions regarding this letter or if our understanding of the project is incorrect, please contact Ms. Sue Liu of our Solid Waste Section at (808) 586-4226.

Sincerely,

  
STEVEN Y.K. CHANG, P.E., CHIEF  
Solid and Hazardous Waste Branch

- c: Department of Health-Clean Air Branch  
Department of Health-Clean Water Branch  
Jiro A. Sumada, Department of Planning and Permitting, City and County of Honolulu  
Department of Hawaiian Home Lands