

For Carroll Cox

Please attribute to George Atta, Director, Department of Planning and Permitting

Does the Hawaii Kai Marina Association or its' contractors have a valid Grading or Stockpiling permit for the dredged materials it process from the marina. (The activity occurs on land near the intersection of *Kalaniana'ole Hwy.*) If yes please provide a copy by email.

A stockpiling permit (GP2013-04-0199) was issued to the Hawaii Kai Marina Community Association on April 24, 2013, to temporarily stockpile the dredged material at Kalaniana'ole Highway between Keahole Street and Hawaii Kai Drive. The permit expires one year from the date of issuance.

Did the DPP issue a Notice of Violation to Hawaii Kai Marina or its' contractors or SER Trucking? if yes, please provide a copy.

No, not for the work related to stockpiling permit (GP2013-04-0199).

Did the DPP issue a cease and desist order to SER Trucking to stop dumping the dredged materials from the Hawaii Kai Marina? If yes, when or what date was it issued? If no, why was one not issued?

The Department of Planning and Permitting on September 6, 2013, issued a Notice of Violation (NOV) to property owner Sandy Silva and lessee Xian Xing and Fanny Huang for grading without a permit on the property at 85-1383C Waianae Valley Road (TMK 8-5-004:004)

What is the date of the first complaint the DPP received regarding the dumping of the Hawaii Kai dredge materials? How did the DPP address these complaints?

DPP received a complaint on August 20, 2013, regarding the Waianae Valley Road property. An inspector was sent to investigate that same day.

Has the DPP received any test results of the dredged marina material? If yes, what is the date? Please email a copy of the test results.

No.

What is the official date the DPP will start assessing a penalty for the unlawful grading and stockpiling? What is the daily fine for the unlawful grading and stockpiling? Will the daily fines be assessed for the unlawful activity committed before the NOV is issued?

The NOV states that the violation must be corrected by October 7, 2013. If not corrected, DPP will issue a Notice of Order (NOO) and impose an initial civil fine

of \$150, and if no corrective action is taken by that date, daily fines of \$150 will be assessed.

Has the DPP received other complaints against SER Trucking? If yes, were notices of Violations issued? Please provide the number of the NOV'S that were issued.

DPP has not received complaints against SER Trucking.

Will the DPP require SER Trucking to remove the illegally dumped dredge marina materials from its' property? If yes, when?

The NOV to the property owner and lessee states: "STOP WORK! You are hereby ordered to stop illegal work immediately. You are hereby ordered to take immediate measures to stabilize the site and protect abutting properties. You are hereby ordered to obtain permit(s) and/or correct the violation by October 7, 2013."

NOTE: Sandy Silva was issued a stockpiling permit (GP2013-04-0159) on April 1, 2013, to stockpile dirt and rocks for farming and a gravel roadway. However, this permit does not cover the dredged material, and it also is for another location on the property.