STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

January 10, 2025

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Ref No.: GLS-4275

Kauai

Consent to Assign General Lease No. S-4275, Denny's Repair & Service, Inc., Assignor, to Garden Island Marine LLC, Assignee; Approval of 10-year Term Extension of General Lease No. S-4275, Hanapepe, Waimea (Kona), Kauai, Hawaii; Tax Map Key: (4) 1-9-005:009.

APPLICANT:

Denny's Repair & Service, Inc. (DRS), as Assignor, to Garden Island Marine LLC (GIM), a Hawaii profit corporation, as Assignee.

Upon approval of the assignment, GIM requests a ten (10) year extension of the lease based on proposed improvements to leasehold property that will be financed by GIM pursuant to Act 207, Session Laws of Hawaii 2011, and Section 171-36(b), Hawaii Revised Statutes, in the amount of approximately $38,000.00.

In order for GIM to fully amortize its expenditures, it is requesting a 10-year extension of General Lease No. S-4275. The extension will commence on February 25, 2025, and expire on February 24, 2035, for an aggregate term of 65 years (original 55-year term plus requested 10-year extension).

LEGAL REFERENCE:

Section 171-36 and other relevant sections of Chapter 171, Hawaii Revised Statutes (HRS), as amended.

LOCATION:

Portion of Government lands of Hanapepe Town, Waimea (Kona), Kauai, identified by Tax Map Key: (4) 1-9-005:009, as shown on the attached map labeled **Exhibit A**.

AREA:

0.1580 acre, more or less.

TRUST LAND STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State Constitution: NO

CHARACTER OF USE:

Business purposes.

LEASE TERM:

Original term of 55 years, commencing on February 25, 1970, and expiring on February 24, 2025. GIM is requesting a 10-year extension. The proposed extension would change the aggregate term of the lease to 65 years. The last rental reopening occurred on February 25, 2020.

ANNUAL RENT:

$16,500.00 annual.

RENTAL REOPENINGS:

The reopenings in the original term were at the 20th year, 30th year, 40th year and 50th year of the lease. The last rental reopening occurred on February 25, 2020.

Rent for the extended term shall be determined by an independent appraisal establishing fair market rent as of February 25, 2025, subject to review and approval by the Chairperson.

CONSIDERATION FOR ASSIGNMENT:

This is an older lease that does not provide for the assessment of a premium on assignment. Further, there is less than one year remaining on the current lease term. While the assignee may be eligible for up to a 10-year extension under Section 171-36(b), HRS, or a one-year holdover, the lease will not be eligible for a long-term extension after assignment under Act 236 Session Laws of Hawaii 2021 until GIM has held the lease for at least 10 years. In any event, the consideration paid for the assignment is nominal since the current Lessee is retiring and giving the business to his nephew (the Applicant).

RECCOMMENDED PREMIUM:

None.

PROPOSED IMPROVEMENTS:

GIM intends to make significant improvements to the structures currently onsite. GIM plans to invest approximately $38,000.00 in renovations of the premises (See Attached **Exhibit B**). The proposed improvements include removing and replacing existing storefront windows and window frames with tempered glass vinyl frame windows, repairing, and replacing dry rot exposed siding, building a new frame wall to repair wall damage to repair shop interior, and repainting the exterior of both buildings on the property.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

In accordance with Hawaii Administrative Rules (HAR) § 11-200.1-16 and the Exemption List for the Department of Land and Natural Resources reviewed and concurred on by the Environmental Council on November 10, 2020, the subject request is exempt from the preparation of an environmental assessment pursuant to General Exemption Type 1, that states "Operations, repairs or maintenance of existing structures, facilities, equipment, or topographical features, involving negligible or no expansion or change of use beyond that previously existing," And Part 1, Item 40, which states, "Leases of state land involving negligible or no expansion or change of use beyond that previously existed." The proposed lease assignment, extension and improvements are a de minimis actions that will probably have minimal or no significant effect on the environment and should be declared exempt from the preparation of an environmental assessment and the requirements of § 11-200.1-17, HAR, as de minimis actions.

DCCA VERIFICATION:

ASSIGNOR:

Place of business registration confirmed:	YES x	NO __
Registered business name confirmed:	YES x	NO __
Applicant in good standing confirmed:	YES x	NO __

ASSIGNEE:

Place of business registration confirmed:	YES x	NO __
Registered business name confirmed:	YES x	NO __
Applicant in good standing confirmed:	YES x	NO __

APPLICANT REQUIREMENTS:

GIM shall be required to:

1. Complete approximately $38,000.00 of proposed improvements to the lease premises and provide the Kauai District Land Office with copies of receipts for the improvements made prior to February 25, 2026.

REMARKS:

At its meeting of February 14, 1969, the Board of Land and Natural Resources (Board) approved General Lease No. S-4275 (GL-4275) by sale at public auction to Katsuyoshi and Jane Kurokawa dba Kat's Repair and Service, for a term of 55 years commencing February 25, 1970, to February 24, 2025.

At its meeting of September 22, 1978, under item F-1-I, GL-4275 the Board consented to an assignment of lease to Denny's Repair & Service, Inc. The subject property is improved with two buildings. The rear building is operated as a repair and maintenance shop, and front building has historically been utilized for commercial purposes.

At meeting of June 24, 1997, under item D-16, the Board approved subleases of GL-4275 to Automotive Warehouse, Inc., dba Kauai Carquest Distribution Center, and Katherine Reposar, dba Kathleen's Video.

At its meeting of June 10, 1999, under item D-2, the Board approved a sublease of GL-4275 to Catamaran Kahanu, for a term of one year, with a 2-year option to extend.

Kauai District staff confirmed with DRS on October 18, 2024, that there are currently no subleases.

Garden Island Marine LLC, was formed in 2021 and is a marine repair and outboard motor dealer.

KDLO staff completed its most recent inspection of the property in May of 2024, see attached Inspection Report in **Exhibit C**. KDLO also contracted with HCA Consulting Group International, who performed a property inspection on October 30, 2024, see attached draft inspection report in Exhibit **D.** The current 55-year lease is set to expire on February 24, 2024, and DRS is requesting consent to the assignment to GIM, and GIM is requesting a 10-year extension, pursuant to Act 207, Session Laws of Hawaii 2011, in order to amortize the cost of substantial improvements to the property. Both inspection reports cited deficiencies to the structure's exterior facades. As such, GIM intends to improve the premises by making renovations to windows, walls, and exterior spaces. Estimates for the total cost of the building and associated fixtures are in the vicinity of 38,000.00. DRS has obtained a valuation letter from an appraiser determining the intended repairs and improvements to the buildings will add a remaining economic life of 30 years in as-is condition (See attached **Exhibit E**).

There are no outstanding rental reopening issues. Staff is of the opinion that an expenditure of $38,000.00 in improvements justifies a 10-year extension, as permitted under Act 207, Session Laws of Hawaii 2011. DRS is current with rent, insurance, and performance bond. In accordance with the current practice of the Department of the Attorney General, the lease will be updated in the extension period to incorporate the provisions of the current general lease form including, without limitation, provisions relating to assignment, subletting, inspections, and bonding the removal of improvements upon expiration or earlier termination of the lease.

Applicant has not had a lease, permit, easement, or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

RECOMMENDATION: That the Board:

A. Declare that, after considering the potential effects of the proposed disposition as provided by Chapter 343, HRS, and Section 11-200.1-16, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment as de minimis actions.

B. Consent to the assignment of General Lease No. S-4275 from Denny's Repair & Service, Inc., as Assignor, to Garden Island Marine LLC, as Assignee, subject to the following:

1. The standard terms and conditions of the most current consent to assignment form, as may be amended from time to time;

2. Review and approval by the Department of the Attorney General; and

3. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

C. Authorize the extension of General Lease No. S-4275 under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:

1. The standard terms and conditions of the most current lease extension form, as may be amended from time to time;

2. Complete approximately $38,000.00 of proposed improvements as described above to the lease premises and provide the Kauai District Land Office with copies of receipts for the improvements made prior to February 25, 2026;

3. Review and approval by the Department of the Attorney General; and

4. Such other conditions as may be prescribed by the Chairperson, which are in the best interests of the State.

Respectfully Submitted,

James C. Turner
Land Agent

APPROVED FOR SUBMITTAL:

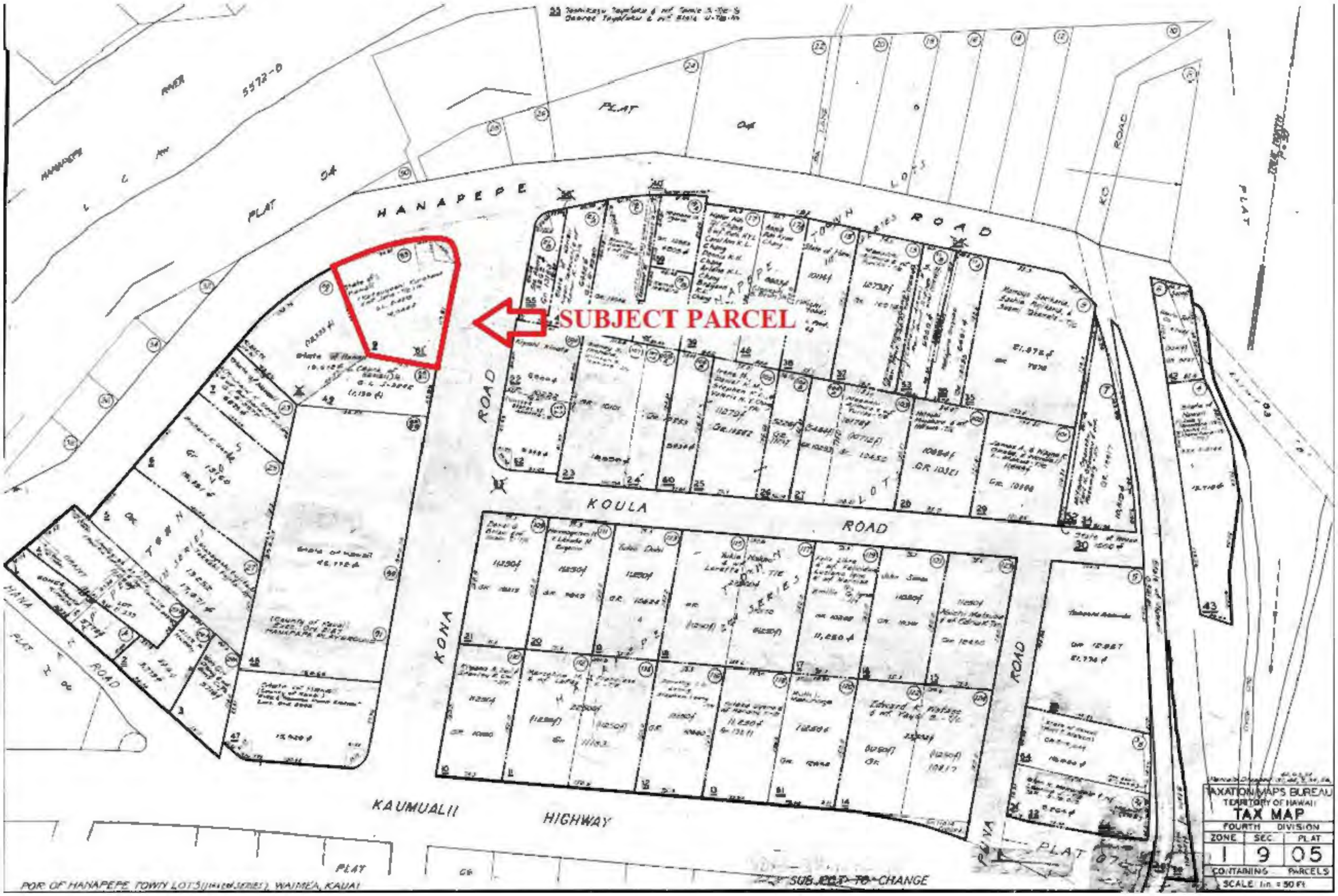
Dawn N. S. Chang, Chairperson


Search for an address or location
SUBJECT PARCEL
Resource Mapping Hawaii
esri


Search for an address or location
Pa Ln
3851
3851
Hanapepe
3799
4598
Kona Rd
SUBJECT PARCEL
Hanapepe Rd
3801
3917
Koula Rd
4001
Esri, HERE, Garmin, NGA, USGS
esri

EXHIBIT A

EXHIBIT A


SUBJECT PARCEL
HANAPEPE ROAD
KOULA ROAD
KONA ROAD
KAUMUALII HIGHWAY
PLAT 04
PLAT 06
TAXATION MAPS BUREAU
TERRITORY OF HAWAII
TAX MAP
FOURTH DIVISION
ZONE 1
SEC. 9
PLAT 05
CONTAINING PARCELS
SCALE: 1in. = 50 Ft.
SUBJECT TO CHANGE
POR. OF HANAPEPE TOWN LOTS, WAIMEA, KAUAI

SN CONSTRUCTION

License No. BC-37086
P.O. Box 47
Lawai HI, 96765
(808) 634-8024

Proposal submitted to:

Date: 11/16/2023

Steven Kurokawa
4545 Kona rd.
Hanapepe HI, 96716

All materials guaranteed to be as specified.
All work to be completed In a workmanlike manner according to standard practices.
Any alterations or deviations from specifications below, involving extra costs will be executed only upon written orders and will become an extra charge over the above estimate.
All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, and any other necessary insurance, our workers are fully covered by workman's compensation insurance.

NOTE:
This proposal may be withdrawn if not accepted within 30 days

Authorized Signature _____

Work Scope:

- Remove current art gallery storefront windows (4) and install new framing/header with new tempered glass vinyl frame windows
- Install new window trims with Windsor pre primed pine finish lumber and replace/repair dry rotted exposed siding
- Construct new 2x6 frame wall along interior of south end of building to repair current wall damage caused by vehicle, install new drywall and tape/texture to match existing
- Paint exterior of building with minimum of two coats semi gloss exterior grade paint
- Clean up and dispose of all materials/debris to completion

Material cost	$14,790.00
Labor cost	$21,600.00
Sub total	$36,390.00
Tax (4.712%)	$1,714.70
Total	**$38,104.70**

***Payment to be at 50% deposit to start and balance to be paid in full upon completion. Any work outside scope of work is subject to a change order based on time and materials plus O&P and GE Tax of 4.712%.*

EXHIBIT B

Acceptance of proposal: I/we do hereby agree to the price, specifications and conditions herein and authorize the contractor named herein to perform the work as specified with payment to be made as specified above.

SIGNATURE: _____

SIGNATURE: _____

DATE: _____

EXHIBIT B

State of Hawai`i
DLNR, Land Division

INSPECTION REPORT

Commercial/Industrial/Resort/Other Business

General Information

Document Number: GLS 4275 *or* RPS _____ **Character of Use** Business

Inspection Date: _____ **Inspection Time:** 1130 **Land Agent:** JCT

TENANT INFORMATION

Name: Denny's Repair & Service, Inc. **Home Phone:** _____

Address: [redacted] **Business Phone:** _____

Hanapepe HI 96716 **Fax:** _____

Contact Person: Steve Kurokawa **Contact Phone:** _____

SITE INFORMATION

TMK: (4) 1-9-005:009 **Area:** _____

Site Address: 4545 Kona Rd Hanapepe HI 96716

FISCAL INFORMATION

ITEM	N/A	CURRENT= COMPLIANCE	DEFAULT = NON-COMPLIANCE	COMMENTS
Rent		current		
Liability Insurance		current		
Fire Insurance		current		
Bond		current		

FIELD INSPECTION RESULTS (refer to Field Inspection Worksheet)

ITEM	N/A	COMPLIANCE	NONCOMPLIANCE	COMMENTS
Subleases			**X**	**Subleases expired 2019**
Improvements			**X**	**One structure shows damage and termite damage around window frames**
Premises		**X**		

Exhibit C

Character of Use		**X**		

Exhibit C

State of Hawai`i
DLNR, Land Division

Field Inspection Worksheet
Commercial/Industrial/Resort/Other Business

File Review

LICENSES/PERMITS/CONSENTS

ITEM	DLNR Approval Docs in File N/A	YES	NO	COMMENTS/NOTES/LISTS
Subletting			X	attach copy of list or map if applicable
Improvement Construction Buildings	X			note deadlines for % completion
Improvement Construction Other structures/misc.	X			note deadlines for % completion

Field Inspection

ITEM	SATISFACTORY? N/A	YES	NO	COMMENTS/NOTES
SUBLEASES Consents approved	X			
Use adheres to lease purpose		X		
IMPROVEMENTS Buildings/Residences: roof	X			
paint		X		
exterior			X	
interior		X		
Structures: roads	X			
walkways	X			
fencelines	X			
others	X			
PREMISES clean, sanitary, orderly		X		
appropriate storage/use of hazardous materials		X		
CHARACTER OF USE adheres to lease purpose		X		

Exhibit C

ITEM	SATISFACTORY? N/A	YES	NO	COMMENTS/NOTES
Other:				

Exhibit C

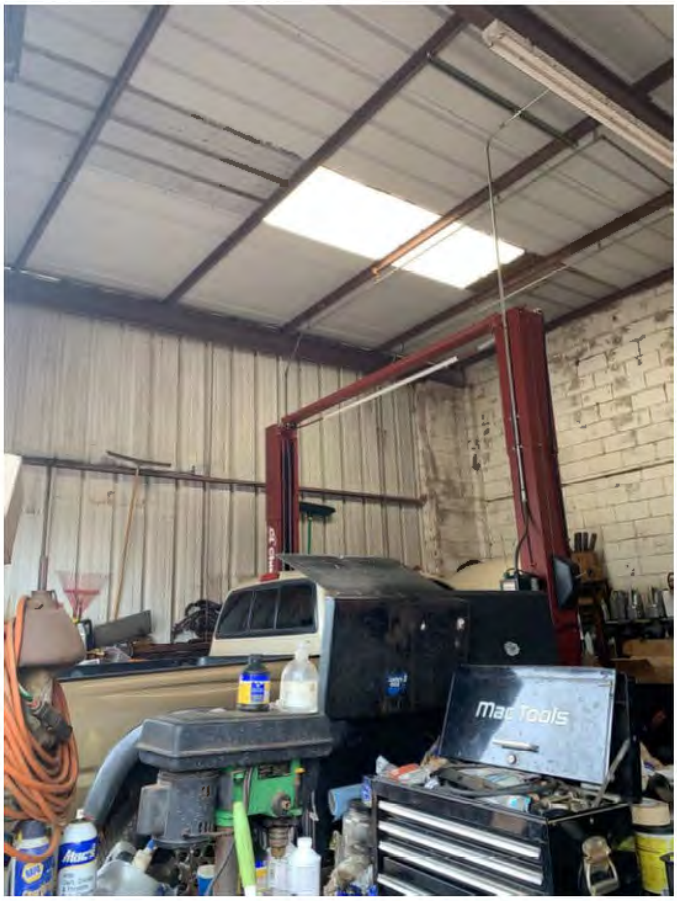


Exhibit C

Exhibit C

Exhibit C

December 2, 2024

VIA EMAIL: [redacted]
Mr. James C. Turner, Land Agent
Land Division
Department of Land and Natural Resources
State of Hawai'i
3060 Eiwa Street, Room 208
Lihue, HI 96766

Re: Conduct Inspections of Leased Properties as Identified, and Provide Building Condition Reports with Photos and an Assessment of the Conditions of Existing Improvements, Including Identifying and Deficiencies and Recommended Repair and Maintenance

Subject: 4545 Kona Road, Hanapēpē, Kaua'i, Hawai'i 96716

Dear Mr. Turner,

Pursuant to your request Herbert Chock & Associates, Inc. dba HCA Consulting Group International ("HCA") performed a site inspection of the property and building conditions for the property located at 4545 Kona Road, Hanapēpē, Kaua'i, Hawai'i. We are pleased to submit this report of an assessment of the conditions of existing improvements, including identifying any deficiencies and recommended repair and maintenance.

I. GUIDELINES

This report is based on visual observations during our site inspection and review of public records. Guidelines used in this inspection and assessment are consistent with the generally accepted principles of engineering practices of the Hawai'i construction industry.

II. BACKGROUND

A. REAL PROPERTY TAX RECORDS

We researched the subject property with the County of Kaua'i, Real Property Assessment website and found out that the property Fee Owner is the State of Hawai'i, and

Exhibit D

the Lessee is Denny's Repair & Service, Inc. The property Land Area is 0.3224 acres / approximately 14,044 square feet and consists of two (2 each) buildings: Building Number 1, built in 1950, is a single-story retail store with an area of 1,505 square feet, wood frame construction. Building Number 2, built in 1979, is a single-story warehouse with an area of 1,500 square feet, steel / masonry construction.[1]

Figure 1. Property and buildings location.

B. PERMIT RECORDS

Research of the County of Kaua'i, Public Works Department, Building Division, Building Permit's *Click2Gov* Building Permits website indicates a permit history from 1991 through 2009. Telephone discussion with the Building Division also indicated that the permit history on the *Click2Gov* Building Permits website has all of the permit information

[1] Exhibit "1"

Exhibit D

available. A permit was issued on July 12, 1991, for Plumbing work; a permit was issued on August 26, 1994, for Alter/Repair Commercial; and a permit was issued on August 11, 1994, for Interior Renovations.[2]

C. SATELLITE IMAGES

Google Earth Pro satellite images were taken from 1985 to 2024. The following are semi-visible images of the subject property.

Figure 2. Google Earth March 2005.

Figure 3. Google Earth February 2011.

Figure 4. Google Earth December 2013.

Figure 5. Google Earth February 2024.

[2] Exhibit "2"

Exhibit D

III. OCTOBER 30, 2024, SITE INSPECTION

On October 30, 2024, HCA performed a site inspection of the subject property. The property is bordered by Hanapēpē Road to the north, Kona Road to the east and private property to the west and south. HCA first took photographs of the property perimeter, then photographs of Building No. 2 exterior and interior, and finally Building No. 1 exterior and interior. HCA provides all of the photographs and videos taken, as an Exhibit.[3]

A. THE PROPERTY PERIMETER

HCA took a series of photographs around the perimeter of the property:

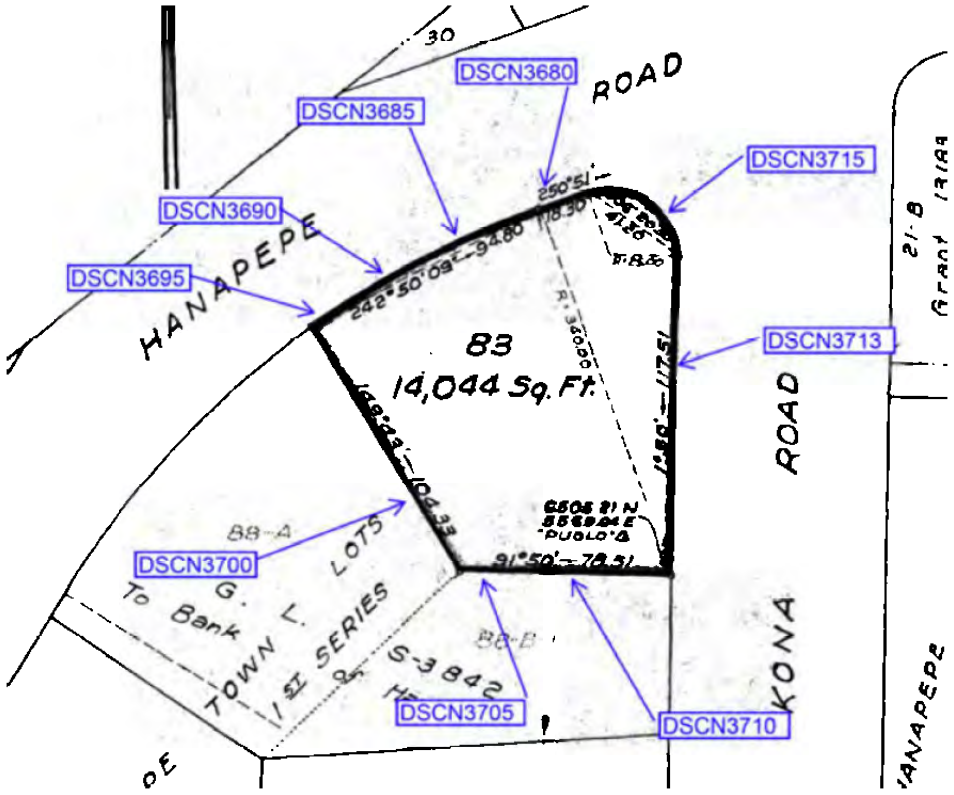


Figure 6. Approximate locations and angle of view of various property perimeter photographs.

[3] Exhibit "3"

Exhibit D

Figure 7. Perimeter (DSCN3680).

Figure 8. Perimeter (DSCN3685).

Figure 9. Perimeter (DSCN3690).

Figure 10. Perimeter (DSCN3695).

Exhibit D

Figure 11. Perimeter (DSCN3700).

Figure 12. Perimeter (DSCN3705).

Figure 13. Perimeter (DSCN3710).

Figure 14. Perimeter (DSCN3713).

Exhibit D

Figure 15. Perimeter (DSCN3715).

1. <u>The Property Perimeter Deficiencies</u>

HCA observed that the parking lots are gravel and parking stall markings to distinguish parking allocations would not work, but the installation of either curbs or wheel stops around the property where vehicles could park, would help protect the buildings.

Figure 16. No parking stall markings or wheel stops in front of the art gallery (DSCN3687).

Exhibit D

Figure 17. No parking stall markings or wheel stops in front of the art gallery or auto repair shop (DSCN3688).

2. The Property Perimeter Recommended Repairs

It was observed that street lighting around the property is very limited. The existing white painted stones along the property line on Kona Road and ē Road should be re-painted with white florescent paint to provide a clear a clear property border for vehicles of the property line and from driving through the landscaping.

Figures 18 & Figure 19. Property perimeter painted stones (DSCN3680 & DSCN3714).

Exhibit D

The north, west / south-west and south side concrete masonry unit ("CMU") walls of the auto repair shop should be re-painted to remove the graffiti, provide a clean surface and protect / seal the CMU.

Figures 20 & Figure 21. Existing west / south-west CMU wall of auto repair shop with faded paint and graffiti (DSCN3699 & DSCN3700).

The south-west concrete slab next to the graffiti CMU wall is cracking and should be repaired. The CMU wall edge at the south side of the property is crumbling and should be repaired to prevent further crumbling and loss of the chain-link fence on top of the CMU wall.

Figure 22. Locations of cracked concrete slab and crumbling CMU wall (DSCN3701).

Exhibit D

Low lying areas of the property should be filled in to prevent potential trip and falls by pedestrians (future legal cases) and breeding ground for mosquitoes and other insects.

Figure 23. Low lying areas of property (DSCN3711).

3. <u>The Property Perimeter Recommended Maintenance</u>

Better landscape demarcation lines between grass and roads. The overgrown trees / bushes and weeds on the south side of the property should be removed to prevent any potential damage to the south side CMU wall.

Figures 24 & 25. Overgrown landscaping (DSCN3703 & DSCN3704).

Stored vehicles on the property should have the proper Best Management Practices ("BMP") such as drip pans and absorbent material (changed our frequently), installed

Exhibit D

under the vehicle(s) to capture any leaking fuel, oil or other fluids dripping from the vehicle. Leaking vehicle fluids on the bare ground are potential storm water run-off pollutants which could travel to the ocean via island waterways. Storm water run-off is a potential fine from the Department of Health, Clean Water Branch.

Figure 26. Stored vehicles without the proper storm water run-off BMP's (DSCN3710).

B. BUILDING #1 EXTERIOR

1. Building #1 Exterior Deficiencies

HCA observed that the gravel areas in front, side and back of the building do not have either curbs or wheel stops to prevent vehicles from damaging the building. HCA was informed that on Friday nights Hanapēpē has outdoor music and events which attract large crowds and parking around the building is very likely. Per the repair proposal (discussed below) vehicle damage to the building exterior walls has occurred. Installation of curbs or wheel stops would help protect the building.

Figure 27. No parking curb or wheel stops (DSCN3712).

2. Building #1 Exterior Repairs

HCA observed that the building's exterior wall stucco finish is crumbling. Repairs or replacement of crumbling stucco should be made especially at the base of the wall where water penetration could occur.

Figure 28. Exterior wall stucco (DSCN3884).

Figure 29. Exterior wall stucco (DSCN3881).

Exhibit D

Figure 30. Exterior wall stucco (DSCN3905).

Figure 31. Exterior wall stucco (DSCN3924).

Figure 32. Exterior wall stucco (DSCN3927).

Figure 33. Exterior wall stucco (DSCN3930).

HCA also observed dry rot and termite damage to the exterior walls and windows which should be repaired or replaced.

Exhibit D

Figure 34. Exterior wood wall (DSCN3887).

Figure 35. Exterior wood wall (DSCN3896).

Figure 36. Exterior wood wall (DSCN3899).

Figure 37. Exterior wood wall (DSCN3942).

Figure 38. Exterior wood wall (DSCN3944).

Figure 39. Exterior wood wall (DSCN3952).

Exhibit D

Figure 40. Exterior wood wall (DSCN3960).

Figure 41. Exterior wood wall (DSCN3967).

Figure 42. Termite damage to window seal, typical (DSCN3971).

HCA also observed that the entire building exterior should be cleaned up and painted after all needed repairs / replacements have taken place.

Exhibit D

Figure 43. Exterior painting (DSCN3888).

Figure 44. Exterior painting (DSCN3895).

Figure 45. Exterior painting (DSCN3915).

Figure 46. Exterior painting (DSCN3917).

Figure 47. Exterior painting (DSCN3949).

Figure 48. Exterior painting (DSCN3959).

Exhibit D

Figure 49. Exterior painting (DSCN3963).

Figure 50. Exterior painting (DSCN3973).

3. <u>Building #1 Exterior Recommended Maintenance</u>

The overgrown trees / bushes and weeds on the south-west side of the property should be removed or trimmed.

Figure 51. Overgrown bushes and weeds (DSCN3898).

HCA also recommends that the entire building be tented and fumigated on a regular maintenance schedule to help prevent further deterioration of the building.

Exhibit D

C. BUILDING #1 INTERIOR

1. Building #1 Interior Deficiencies

HCA found the electrical panel box on the south side wall. HCA removed the electrical panel cover and found several concerns including but not limited to wire nuts inside the electrical panel:

Figure 52. Electrical panel in Building #1, south wall (DSCN4079).

- Ground wires capped off with wire nuts (top center) these should be installed into the ground bar
- Neutral (white) wires individually capped (top right and bottom)

Exhibit D

- Positive (Red & Black) wires individually capped (top, bottom and left)
- This panel appears to be undersized. Circuits have been replaced and or abandoned. The ground bar is completely filled (which mean the capped circuits noted above were never removed from the bar), the new circuits are capped to one another and not properly grounded.

HCA recommends that a licensed electrician review the electrical panel, remove the existing panel and upgrade it with a properly sized panel. In addition, any circuits that have been abandoned need to be removed from the panel box and each of the switches or outlets on these circuits removed and blank covers provided at these locations.

HCA does not believe there is a fire hazard, but there is definitely an electrical shock hazard. If there are other electrical panel boxes within Building #1, HCA recommends they also be reviewed by a licensed electrician for any potential issues.

2. Building #1 Interior Repairs

As a word of caution, HCA observed that many of the interior walls and the ceiling are Canec[4] panels. Please observe caution when disturbing these panels and follow Hawaii State Department of Health guidelines.

[4] Exhibit "4". Canac is the common name for a fiberboard building material that was made from sugar cane bagasse, the residual fiber that remains after the juice has been extracted from the sugar cane. Canec contains inorganic arsenic. Arsenic in Canec Fact Sheet, September 2010, rev. May 2018, Hawaii State Department of Health.

Figures 53 & 54. Canec wall & ceiling panels (DSCN3997 & DSCN4025).

Figure 55 & 56. Canec wall & ceiling panels (DSCN4038 & DSCN4058).

HCA also observed that the painted vinyl flooring tiles are very old and may include asbestos-containing material ("ACM") – this may also include the adhesive below the tile.

Exhibit D

Research on the property shows that the building was constructed in 1950 when ACM vinyl floor tiles and adhesive were commonly used. ACM vinyl floor tiles are considered non-friable asbestos, meaning it cannot be damaged by the human hand. This does not mean the possible ACM vinyl floor tiles in Building #1 are safe to demolish without the necessary precautions. If the ACM vinyl flooring is ever to be disturbed, it is recommended that a professional, licensed, environmental firm should be hired to inspect and test the vinyl tiles and adhesive prior to planned work.

Figure 57. Possible ACM vinyl floor tiles (DSCN3994 Close Up).

HCA observed dry rot and/or termite damage to interior wood elements. Repair or replacement of damaged wood elements along with a termite treatment program is recommended.

Exhibit D

Figures 58 & 59. Dry rot and/or termite damage (DSCN3996 & DSCN4002).

Figure 60. Dry rot and/or termite damage (DSCN4010).

Exhibit D

HCA observed several areas of wall where the paint is cracking and flaking off. The building may have original paint from 1950, which may contain lead, another hazardous material that should be properly contained if disturbed.

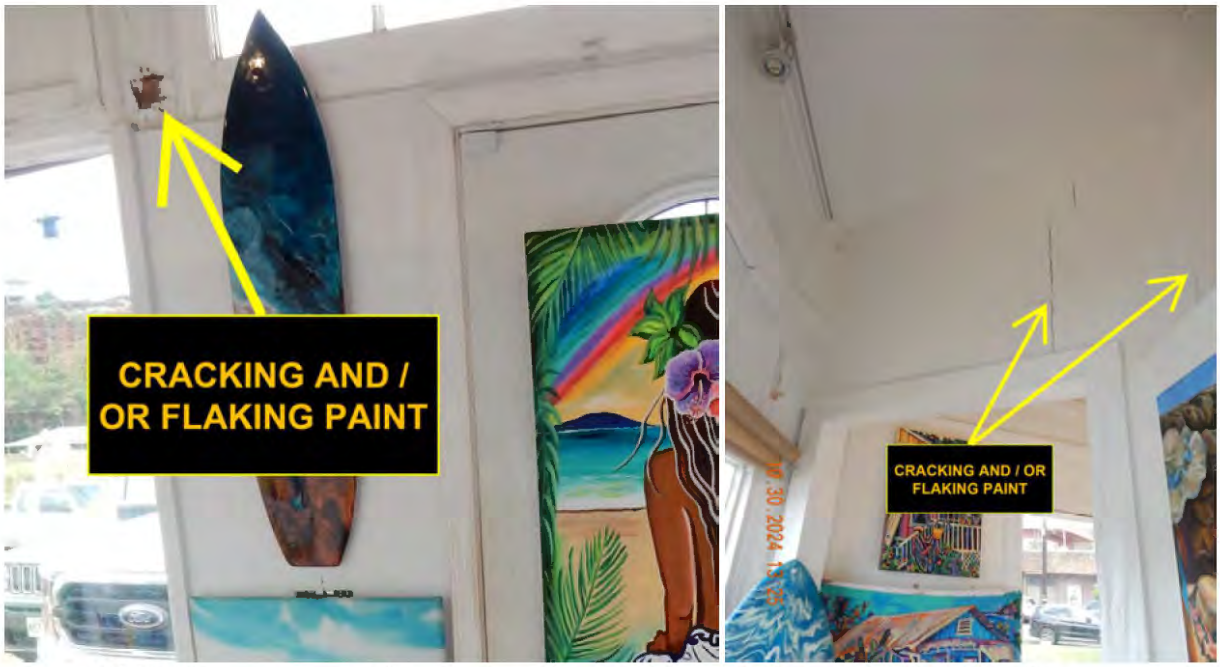


Figure 61 & 62. Cracking and / or flaking interior paint (DSCN3994 closeup & DSCN4004).

Figure 63. Cracking and / or flaking interior paint (DSCN4041).

Exhibit D

3. Building #1 Interior Recommended Maintenance

HCA also recommends that the entire building be tented and fumigated on a regular maintenance schedule to help prevent further termite deterioration of the building.

4. Building #1 Proposed Repairs

The Department of Land and Natural Resources ("DLNR") has provided HCA with a copy of a November 16, 2023, Proposal from SN Construction to Steven Kurokawa (lessee) for repair work to the art gallery (Building #1). Work Scope includes:

- Remove current art gallery storefront windows (4) and install new framing/header with new tempered glass vinyl frame windows
- Install new window trims with Windsor pre primed pine finish lumber and replace/repair dry rotted exposed siding
- Construct new 2x6 frame wall along interior of south end of building to repair current wall damage caused by vehicle, install new drywall and tape/texture to match existing *(this may apply to a section of Building #1 that HCA did not have access too. This may be the interior wall opposite of the exterior painted Disney wall)*
- Paint exterior of building with minimum of two coats semi-gloss exterior grade paint
- Clean up and dispose of all materials/debris to completion

At the time of HCA site visit, none of the items have been started but would address some of the issues that HCA has observed above.

D. BUILDING #2 EXTERIOR

1. Building #2 Exterior Deficiencies

HCA observed steel drums stored at the south side and plastic drums on the north side of Building #2, uncovered and no secondary containment BMP's for capturing and containing leaking fluids, such as oil and fuel. Tapping on the drums indicated to HCA that

these drums were full. Oil sheens mixed with rain water were observed on the top of the drums. It is recommended that the drums be covered and placed in secondary containment to capture and contain any possible leaking fluids that could be exposed to the ground and become storm water runoff pollutants. Storm water can pick up pollutants that wash off or dissolve in water from materials that are exposed to rain or runoff flowing through the storage area. Pollutants in storm water runoff may flow directly into streams and coastal waters leading to a fine for either the Lessee and/or Lessor from the County of Kaua'i and/or the State Department of Health, Clean Water Branch.

Both the Lessee and Lessor are encouraged to familiarize themselves with BMP management. Attached are documents that pertain to BMP's.[5] Lessee and Lessor reach out to the County of Kaua'i for additional BMP information is also encouraged.

Figure 64. Uncovered and no secondary containment BMP's for capturing and containing possible leaking fluids (DSCN3741).

[5] Exhibit "5"

Exhibit D

Figure 65. Uncovered and no secondary containment BMP's for capturing and containing possible leaking fluids (DSCN3747).

2. Building #2 Exterior Repairs

HCA observed that the top of the south-west CMU wall has cracked and partially crumbled away. HCA recommends that the top or CMU cap be repaired to prevent a falling hazard and to protect the CMU wall.

Exhibit D

Figure 66. Cracked and crumbling CMU wall top (DSCN3735).

HCA observed that the majority of steel roof and exterior wall components are rusting and should be treated to preserve the life of the roof and walls.

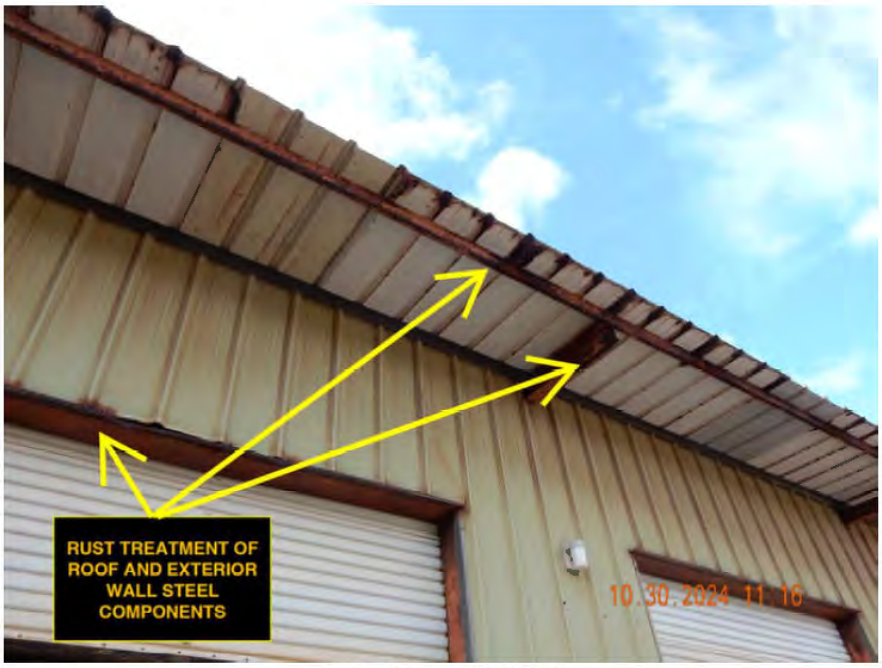


Figure 67. Rusting roof and exterior wall steel components (DSCN3757).

Exhibit D

Figure 68. Rusting exterior wall steel components (DSCN3760).

HCA observed that the concrete slab between Building #1 and Building #2 has numerous cracks. Recommend that the cracks be filled in to prevent motor vehicle fluids from leaching into the ground and becoming a possible storm water runoff pollutant.

Figure 69 & 70. Cracks in concrete slab (DSCN3856 & DSCN3871).

Exhibit D

3. Building #2 Exterior Recommended Maintenance

Recommend that all outside stored fluid drums / containers, etc. be continuously checked for coverage and leaks. Make sure all stored fluid drums / containers have secondary containment. Review County of Kaua'i storm water run-off policies to protect the property and the environment. Unwanted materials around the building should be routinely removed from the property to help prevent damage to concrete slab and building. And recommend routine rust treatment and/or replacement of exterior roof and wall rusted materials.

Figure 71. Unwanted materials around building (DSCN3726).

Recommend setup of routine rust treatment program for all exterior building components.

E. BUILDING #2 INTERIOR

1. Building #2 Interior Deficiencies

HCA observed interior CMU cracking and crumbling where the end of a structural I-beam sits. HCA recommends that the CMU be repaired to prevent further cracking and crumbling and to prevent a possible structural issue in the future.

Figure 72. CMU cracking and crumbling at a structural point (DSCN3828).

2. Building #2 Interior Repairs

HCA observed that several roof panels next to sky lights are rusted and should be either rust treated and/or replace.

Figure 73 & 74. Rusted roof panels (DSCN3815 & DSCN3824).

3. Building #2 Interior Recommended Maintenance

Recommend routine rust treatment and/or replacement of interior roof and wall rusted materials.

IV. CONCLUSIONS

Based on the site inspection and photographs taken, HCA recommends that the following items be addressed:

A. DEFICIENCIES

Property Perimeter

- Recommend that parking curbs or wheel stops be installed in the parking areas around the buildings to help prevent vehicles from hitting buildings;

Building #1

- Recommend that parking curbs or wheel stops be installed in the parking areas around the building to help prevent vehicles from hitting the building;

Exhibit D

- Recommend that a licensed electrician review all electrical panels, upgrade them with properly sized panels, remove any abandoned circuits from the panel box and each of the switches or outlets on these circuits be removed and blank covers provided at these locations.

Building #2

- Recommended that steel / plastic drums and containers holding motor vehicle fluids or other chemicals be covered and secondary containment BMP's be placed under each container for capturing and containing of possible leaking fluids, such as oil and fuel that could be exposed to the ground. Storm water can pick up pollutants that wash off or dissolve in water from materials that are exposed to rain or runoff flowing through the storage area.

B. REPAIRS

Property Perimeter

- With very limited street lighting around the property, it is recommended that the existing white painted stones along the property line on Kona Road and Hanapēpē Road should be re-painted with white florescent paint to provide a clear property border for vehicles.

Building #1

- Recommended that the crumbling building's exterior stucco finish be repaired or replaced especially at the base of the walls where water penetration could occur;
- Recommended that dry rot and termite damage to the exterior and interior walls, door / opening frames and windows be repaired or replaced;

- Recommended that the exterior of the entire building be cleaned up and painted;
- Words of caution: Hazardous materials were found in the building and any repair work that might disturb these materials must be properly and safely removed. Recommend contractors follow Hawai'i State Department of Health guidlines.

C. MAINTENANCE

Property Perimeter

- Recommend that overgrown trees / bushes / plants / weeds be pruned and / or removed;
- Recommend that stored vehicle(s) have the proper BMP's such as drip pans and absorbent material (change our frequently) installed under the vehicle(s) to capture any leaking fuel, oil or other fluids dripping from the vehicle(s);

Building #1

- Recommend that overgrown trees / bushes / plants / weeds be pruned and / or removed;
- Recommend that the entire building be tented and fumigated on a regular maintenance schedule;

Building #2

- Recommend that all outside stored fluid drums / containers, etc. be continuously checked for coverage and leaks. Make sure all stored fluid drums / containers have secondary containment. Review County of Kaua'i storm water run-off policies to protect the property and the environment;
- Unwanted materials around the building should be routinely removed from the property to help prevent damage to concrete slab and building;

- Recommend routine rust treatment and/or replacement of exterior / interior roof and wall rusted materials.

This report is based upon information currently available. If new or additional information becomes available, HCA reserves its right to revise this report accordingly.

Should you have any questions, please feel free to contact our office.

Sincerely,
HCA Consulting Group

Joseph B. Hart, CCM
Vice President Construction Management

Exhibits 1 - 5

Exhibit D

EXHIBIT "1"

County of Kauaʻi

Real Property Assessment

Exhibit D

Parcel Information

Parcel Number (TAX MAP KEY)	190050090000
Location Address	4545 KONA RD HANAPEPE HI 96716
Project Name	
Tax Classification	COMMERCIAL (Note: This is for tax purposes only. Not to be used for zoning.)
Neighborhood Code	1922-3
Legal Information	
Zoning	CG
Non Taxable Status	
Land Area (acres)	0.3224
Land Area (approximate sq ft)	14,044
Living Units	0

View Map

Owner Information

Owner Names
STATE OF HAWAII Fee Owner
DENNYS REPAIR & SERVICE INC Lessee

Mailing Address
STATE OF HAWAII

⊟ Hide All Owners and Addresses

Owner Name	Owner Type	Owner Address
STATE OF HAWAII	Fee Owner	
DENNYS REPAIR & SERVICE INC	Lessee	[redacted]

Assessment Information

⊞ Show Historical Assessments

Year	Property Class	Total Market Value	Total Property Assessed Value	Total Property Exemption	Total Net Taxable Value
2024	COMMERCIAL	$667,600	$667,600	$0	$667,600

How to calculate real property taxes

Assessment Notices

2024 (PDF) | 2023 (PDF) | 2022 (PDF) | 2021 (PDF) | 2020-3 (PDF) | 2019-3 (PDF)

Online Assessment Notices will include one PDF per parcel for each class. For multi-owner copies please contact rpassessment@kauai.gov.

Commercial Improvement Information

Building Number	1	**Effective Year Built**	1965
Building Type		**Building Square Footage**	0
Structure	233-COMM C-3	**Percent Complete**	0%
Year Built	1950		

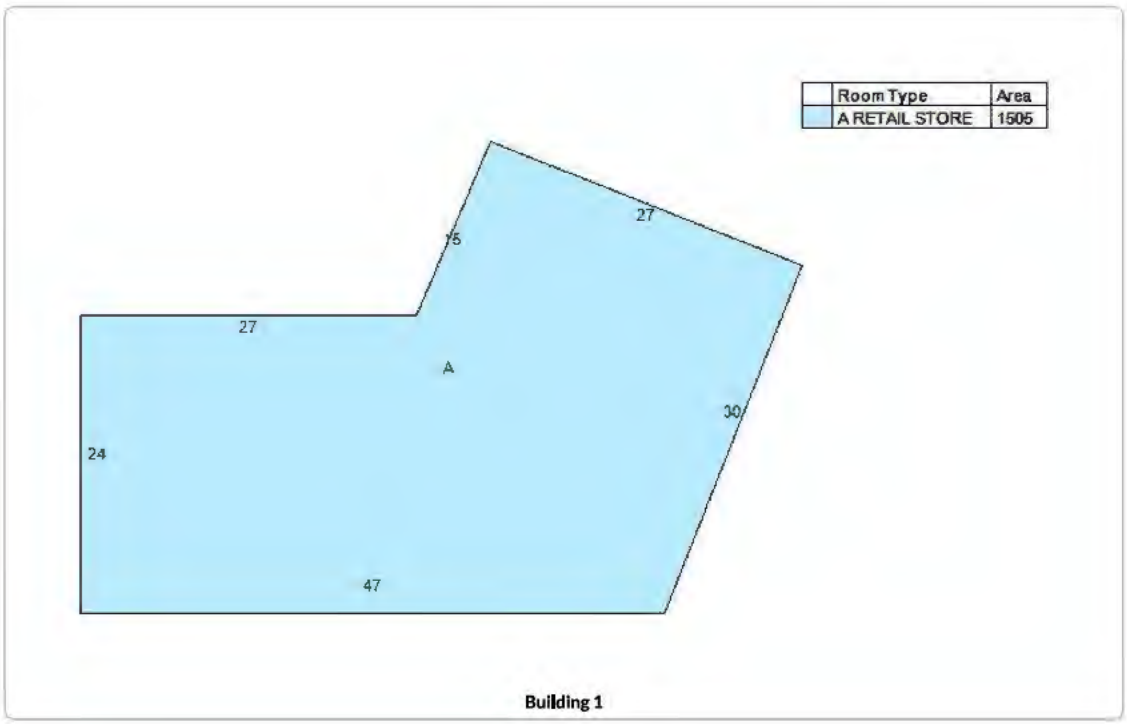
Card	Section	Floor #	Area	Perimeter	Usage	Occupancy	Wall Height	Exterior Wall	Construction
1	1	01	1,505	170	RETAIL STORE		14	MASONRY	WOOD FRAME

Building Number	2	**Effective Year Built**	1985
Building Type	DENNYS REPAIR	**Building Square Footage**	0
Structure	344-WHSE MM AV	**Percent Complete**	0%
Year Built	1979		

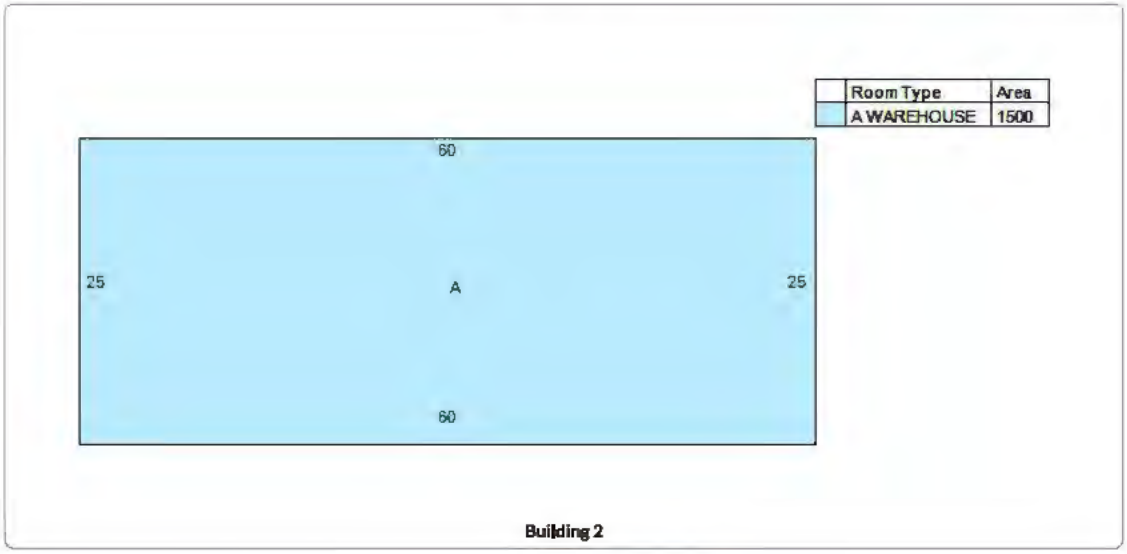
Card	Section	Floor #	Area	Perimeter	Usage	Occupancy	Wall Height	Exterior Wall	Construction
2	1	01	1,500	170	WAREHOUSE		15	MASONRY	STEEL/MASONRY

Sketches

Exhibit D



Building 1



Building 2

Print Sketches

Other Building and Yard Improvements

Description	METAL UTILITY SHED	**Area**	90
Quantity	1	**Percent Complete**	
Year Built	1979		

Permit Information

Date	Permit Number	Reason	Permit Amount
6/27/1979	13513	STORAGE	$25.000
2/11/1976	9078	DEMOLITION	$1,500

Current Tax Bill Information

Tax Period	Description	Original Due Date	Taxes Assessment	Tax Credits	Net Tax	Penalty	Interest	Other	Amount Due
2024-2	Real Property Tax	02/20/2025	$2,703.78	$0.00	$2,703.78	$0.00	$0.00	$0.00	$2,703.78
	Tax Bill with Interest computed through 11/30/2024		$2,703.78	$0.00	$2,703.78	$0.00	$0.00	$0.00	$2,703.78

Historical Payment Information

Exhibit D

Year	Tax	Payments and Credits	Penalty	Interest	Other
⊞ 2024	$5,407.56	($2,703.78)	$0.00	$0.00	$0.00
⊞ 2023	$5,072.22	($5,072.22)	$0.00	$0.00	$0.00
⊞ 2022	$3,878.28	($3,878.28)	$0.00	$0.00	$0.00
⊞ 2021	$3,681.45	($3,681.45)	$0.00	$0.00	$0.00
⊞ 2020	$3,690.36	($3,690.36)	$0.00	$0.00	$0.00
⊞ 2019	$3,713.04	($3,713.04)	$0.00	$0.00	$0.00
⊞ 2018	$4,120.47	($4,120.47)	$0.00	$0.00	$0.00
⊞ 2017	$4,661.55	($4,661.55)	$0.00	$0.00	$0.00
⊞ 2016	$3,696.03	($3,696.03)	$0.00	$0.00	$0.00
⊞ 2015	$3,652.29	($3,652.29)	$0.00	$0.00	$0.00
⊞ 2014	$3,652.29	($3,652.29)	$0.00	$0.00	$0.00
⊞ 2013	$3,607.20	($3,607.20)	$0.00	$0.00	$0.00
⊞ 2012	$3,249.51	($3,249.51)	$0.00	$0.00	$0.00
⊞ 2011	$3,371.64	($3,371.64)	$0.00	$0.00	$0.00
⊞ 2010	$3,690.94	($3,690.94)	$0.00	$0.00	$0.00
⊞ 2009	$3,554.15	($3,554.15)	$0.00	$0.00	$0.00
⊞ 2008	$3,181.92	($3,181.92)	$0.00	$0.00	$0.00
⊞ 2007	$3,192.19	($3,192.19)	$0.00	$0.00	$0.00
⊞ 2006	$3,214.35	($3,214.35)	$0.00	$0.00	$0.00
⊞ 2005	$3,214.35	($3,214.35)	$0.00	$0.00	$0.00
⊞ 2004	$2,739.77	($2,739.77)	$0.00	$0.00	$0.00
⊞ 2003	$2,187.53	($2,187.53)	$0.00	$0.00	$0.00
⊞ 2002	$2,191.60	($2,191.60)	$0.00	$0.00	$0.00
⊞ 2001	$2,250.64	($2,250.64)	$0.00	$0.00	$0.00

Map

No data available for the following modules: CPR/Condo/Apt Unit Information, Appeal Information, Improvement Information, Conveyance Information.

Exhibit D

EXHIBIT "2"

County of Kauaʻi

Building Permits

Exhibit D

EXHIBIT “2.1”

Building Permit

000 000 PLBG 00-PLUMBING 1985

July 12, 1991

Exhibit D

Click2GovBP

Status Detail

Parcel ID:
1-9-005-009

Address:
4545 KONA RD

Application Date:
07/12/91

Owner:
DENNY'S REPAIR

Application #:
91 - 453

Application Type:
ZZ PLUMBING PERMIT APPLICATION

Valuation:
$0

Square Footage:
000000000

Tenant Name:

Application Status:
APPROVED

Tenant Unit Number:

General Contractor:

Zoning Description:
GENERAL COMMERCIAL DIST

Structure Detail

Exhibit D

Click2GovBP

Structure Detail

Parcel ID:
1-9-005-009

Address:
4545 KONA RD

Application Date:
07/12/91

Owner:
DENNY'S REPAIR

Application #:
91 - 453

Application Type:
ZZ PLUMBING PERMIT APPLICATION

Valuation:
$0

Square Footage:
000000000

Tenant Name:

Application Status:
APPROVED

Tenant Unit Number:

General Contractor:

Zoning Description:
GENERAL COMMERCIAL DIST

Str# / Seq#:
000 / 000

Structure Description:

Description	Value
NBR OF UNITS FOR CENSUS	1.00

Showing 1 to 1 of 1 entries

Exhibit D

Click2GovBP

Application Fees

Parcel ID:
1-9-005-009

Address:
4545 KONA RD

Application Date:
07/12/91

Owner:
DENNY'S REPAIR

Application #:
91 - 453

Application Type:
ZZ PLUMBING PERMIT APPLICATION

No fees payable online for this application.

Total:
$0.00

Fees payable online

Fee Description	Amt Charged	Amt Due
PERMIT FEES-ALL	$15.00	$0.00
Total	**$15.00**	**$0.00**

Showing 1 to 1 of 1 entries

Exhibit D

Click2GovBP

Permit Status List

Parcel ID:
1-9-005-009

Address:
4545 KONA RD

Application Date:
07/12/91

Owner:
DENNY'S REPAIR

Application #:
91 - 453

Application Type:
ZZ PLUMBING PERMIT APPLICATION

Application Status:
APPROVED

Related Structures and Permits:

Select one of the following to view more information:

Str/Seq/Permit	Permit Description	Contractor/Sub
000 / 000 / PLBG / 00	PLUMBING 1985	BRIANT CONSTRUCTION

Showing 1 to 1 of 1 entries

Project Inspections

Click2GovBP

Permit Status Detail

Select to view permit fees or related inspections.

Parcel ID:
1-9-005-009

Address:
4545 KONA RD

Application Date:
07/12/91

Owner:
DENNY'S REPAIR

Application #:
91 - 453

Application Type:
ZZ PLUMBING PERMIT APPLICATION

General Contractor:

Permit Number: 000 000 PLBG 00 - PLUMBING 1985

Status for Permit Number:
PERMIT PRINTED

Permit Date:
07/12/91

Permit Value:
$0

Issue Date:
07/12/91

Permit Square Footage:
0

Expiration Date:

Additional Permit Description:
26.242

Reissue Date:

Subcontractor(s)
BRIANT CONSTRUCTION

Showing 1 to 1 of 1 entries

View Related Inspections

Exhibit D

Click2GovBP

Inspection List

View inspection comments by choosing an inspection below.

Parcel ID:
1-9-005-009

Address:
4545 KONA RD

Application Date:
07/12/91

Owner:
DENNY'S REPAIR

Application #:
91 - 453

Application Type:
ZZ PLUMBING PERMIT APPLICATION

Inspections for Permit Number: 000 000 PLBG 00 - PLUMBING 1985

No Related Inspections Found

Required Inspections

Exhibit D

Click2GovBP

Plan Tracking Agency List

Parcel ID:
1-9-005-009

Address:
4545 KONA RD

Application Date:
07/12/91

Owner:
DENNY'S REPAIR

Application #:
91 - 453

Application Type:
ZZ PLUMBING PERMIT APPLICATION

Select a plan below, to view agency comments.

No Plan Tracking Status found for this Application Number

Exhibit D

Click2GovBP

Application Inspections for 91 - 00000453

No Related Inspections Found

Exhibit D

EXHIBIT “2.2”

Building Permit

000 000 BLDG 00-BUILDING 1985

August 26, 1994

Exhibit D

Click2GovBP

Status Detail

Parcel ID:
1-9-005-009

Address:
4545 KONA RD

Application Date:
08/03/94

Owner:
DENNY'S REPAIR & SERVICE INC

Application #:
94 - 2669

Application Type:
ALTER/REPAIR COMMERCIAL

Valuation:
$10,000

Square Footage:
000000000

Tenant Name:

Application Status:
APPROVED

Tenant Unit Number:

General Contractor:

Zoning Description:
GENERAL COMMERCIAL DIST

Structure Detail

Click2GovBP

Structure Detail

Parcel ID:
1-9-005-009

Address:
4545 KONA RD

Application Date:
08/03/94

Owner:
DENNY'S REPAIR & SERVICE INC

Application #:
94 - 2669

Application Type:
ALTER/REPAIR COMMERCIAL

Valuation:
$10,000

Square Footage:
000000000

Tenant Name:

Application Status:
APPROVED

Tenant Unit Number:

General Contractor:

Zoning Description:
GENERAL COMMERCIAL DIST

Str# / Seq#:
000 / 000

Structure Description:
INTERIOR IMPROVEMENT FOR OFFICE

Description	Value
CONSTRUCTION TYPE	TYPE V NON-RATED
OCCUPANCY TYPE	STORE/OFC/WHSE
FULL BATHROOMS:	0
1/2 BATHROOMS:	0
BEDROOMS:	0
TOTAL FLOOR AREA: (SF)	288
PRINCIPAL FRAMING	WOOD

Exhibit D

Click2GovBP

OFF ST PARKING OUTDOORS	0
OFF STREET PARKING ENCL	0
TYPE OF SEWAGE:	NA
NUMBER OF STORIES:	1
NBR OF UNITS FOR CENSUS	1.00

Showing 1 to 12 of 12 entries

Exhibit D

Click2GovBP

Application Fees

Parcel ID:
1-9-005-009

Address:
4545 KONA RD

Application Date:
08/03/94

Owner:
DENNY'S REPAIR & SERVICE INC

Application #:
94 - 2669

Application Type:
ALTER/REPAIR COMMERCIAL

No fees payable online for this application.

Total:
$0.00

Fees payable online

Fee Description	Amt Charged	Amt Due
PERMIT FEES-ALL	$60.00	$0.00
Total	**$60.00**	**$0.00**

Showing 1 to 1 of 1 entries

Exhibit D

Click2GovBP

Permit Status List

Parcel ID:
1-9-005-009

Address:
4545 KONA RD

Application Date:
08/03/94

Owner:
DENNY'S REPAIR & SERVICE INC

Application #:
94 - 2669

Application Type:
ALTER/REPAIR COMMERCIAL

Application Status:
APPROVED

Related Structures and Permits:

Select one of the following to view more information:

Str/Seq/Permit	Permit Description	Contractor/Sub
000 / 000 / BLDG / 00	BUILDING 1985	

Showing 1 to 1 of 1 entries

Project Inspections

Click2GovBP

Permit Status Detail

Select to view permit fees or related inspections.

Parcel ID:
1-9-005-009

Address:
4545 KONA RD

Application Date:
08/03/94

Owner:
DENNY'S REPAIR & SERVICE INC

Application #:
94 - 2669

Application Type:
ALTER/REPAIR COMMERCIAL

General Contractor:

Permit Number: 000 000 BLDG 00 - BUILDING 1985

Status for Permit Number:
PERMIT PRINTED

Permit Date:
08/26/94

Permit Value:
$10,000

Issue Date:
08/26/94

Permit Square Footage:
0

Expiration Date:

Additional Permit Description:

Reissue Date:
08/26/94

No Sub Contractor Found

View Related Inspections

Click2GovBP

Inspection Status Permit List

Select a structure / permit selection to view an inspection.

Parcel ID:
1-9-005-009

Address:
4545 KONA RD

Application Date:
08/03/94

Owner:
DENNY'S REPAIR & SERVICE INC

Application #:
94 - 2669

Application Type:
ALTER/REPAIR COMMERCIAL

Application Status:
APPROVED

Related Structures and Permits:

Select one of the following to view more information:

Str/Seq/Permit	Permit Description	Contractor/Sub
000 / 000 / BLDG / 00	BUILDING 1985	

Showing 1 to 1 of 1 entries

Click2GovBP

Inspection List

View inspection comments by choosing an inspection below.

Parcel ID:
1-9-005-009

Address:
4545 KONA RD

Application Date:
08/03/94

Owner:
DENNY'S REPAIR & SERVICE INC

Application #:
94 - 2669

Application Type:
ALTER/REPAIR COMMERCIAL

Inspections for Permit Number: 000 000 BLDG 00 - BUILDING 1985

No Related Inspections Found

Required Inspections

Parcel ID:
1-9-005-009

Address:
4545 KONA RD

Application Date:
08/03/94

Owner:
DENNY'S REPAIR & SERVICE INC

Application #:
94 - 2669

Application Type:
ALTER/REPAIR COMMERCIAL

000 000 BLDG00 - BUILDING1985

Inspection Description	Result Code	Result Description
BUILDING FOUNDATION		
BUILDING FRAMING		
BUILDING LATH/GYPSUM		
BUILDING LOAD PATH/UPLIFT TIES		
BUILDING SLAB/FLOOR		
BUILDING FINAL		

Click2GovBP

Plan Tracking Agency List

Parcel ID:
1-9-005-009

Address:
4545 KONA RD

Application Date:
08/03/94

Owner:
DENNY'S REPAIR & SERVICE INC

Application #:
94 - 2669

Application Type:
ALTER/REPAIR COMMERCIAL

Select a plan below, to view agency comments.

	Key Dates		Action Summary			Revision	
Agency Description	In	Est. Comp.	Last	Type	By	No.	Description
PLANNING DEPT	08/03/94	09/01/94	08/04/94	APP	V8		
DEPT OF WATER	08/03/94	08/10/94	08/04/94	APP	GF		
DEPT OF HEALTH (STATE)	08/03/94	08/10/94	08/17/94	APP	JS		
FIRE DEPARTMENT	08/03/94	08/10/94	08/03/94	APP	P2		
ENGINEERING DIVISION	08/04/94	08/10/94	08/04/94	APP	WMK		
BUILDING REVIEW	08/18/94	09/21/94	08/25/94	APP	OS		
ELECTRICAL REVIEW	08/25/94	08/03/94	08/25/94	APP	NR		

Showing 1 to 7 of 7 entries

Exhibit D

Click2GovBP

Plan Tracking Status Detail

To view other plan comments, click the Browser's Back button or select the Option Menu to choose another building permits option for this application.

Parcel ID:
1-9-005-009

Address:
4545 KONA RD

Application Date:
08/03/94

Owner:
DENNY'S REPAIR & SERVICE INC

Application #:
94 - 2669

Application Type:
ALTER/REPAIR COMMERCIAL

Agency Description:
PLANNING DEPT

Comments from: Building Department

No Step Comment found.

Action History

Date	Plan Reviewed by	Action Description
08/04/94	BALISACAN,VILLAMOR/PLAN'G	XX DO NOT USE-APPROVED

Showing 1 to 1 of 1 entries

Exhibit D

Click2GovBP

Plan Tracking Action Comments

Parcel ID:
1-9-005-009

Address:
4545 KONA RD

Application Date:
08/03/94

Owner:
DENNY'S REPAIR & SERVICE INC

Application #:
94 - 2669

Application Type:
ALTER/REPAIR COMMERCIAL

Agency Description:
PLANNING DEPT

Action Description:
XX DO NOT USE-APPROVED

No Action Log Comment found.

« Plan Tracking Status Detail

Click2GovBP

Plan Tracking Status Detail

To view other plan comments, click the Browser's Back button or select the Option Menu to choose another building permits option for this application.

Parcel ID:
1-9-005-009

Address:
4545 KONA RD

Application Date:
08/03/94

Owner:
DENNY'S REPAIR & SERVICE INC

Application #:
94 - 2669

Application Type:
ALTER/REPAIR COMMERCIAL

Agency Description:
DEPT OF WATER

Comments from: Building Department

No Step Comment found.

Action History

No Action History found.

Exhibit D

Click2GovBP

Plan Tracking Status Detail

To view other plan comments, click the Browser's Back button or select the Option Menu to choose another building permits option for this application.

Parcel ID:
1-9-005-009

Address:
4545 KONA RD

Application Date:
08/03/94

Owner:
DENNY'S REPAIR & SERVICE INC

Application #:
94 - 2669

Application Type:
ALTER/REPAIR COMMERCIAL

Agency Description:
DEPT OF HEALTH (STATE)

Comments from: Building Department

No Step Comment found.

Action History

No Action History found.

Click2GovBP

Plan Tracking Status Detail

To view other plan comments, click the Browser's Back button or select the Option Menu to choose another building permits option for this application.

Parcel ID:
1-9-005-009

Address:
4545 KONA RD

Application Date:
08/03/94

Owner:
DENNY'S REPAIR & SERVICE INC

Application #:
94 - 2669

Application Type:
ALTER/REPAIR COMMERCIAL

Agency Description:
FIRE DEPARTMENT

Comments from: Building Department

No Step Comment found.

Action History

No Action History found.

Exhibit D

Click2GovBP

Plan Tracking Status Detail

To view other plan comments, click the Browser's Back button or select the Option Menu to choose another building permits option for this application.

Parcel ID:
1-9-005-009

Address:
4545 KONA RD

Application Date:
08/03/94

Owner:
DENNY'S REPAIR & SERVICE INC

Application #:
94 - 2669

Application Type:
ALTER/REPAIR COMMERCIAL

Agency Description:
ENGINEERING DMISION

Comments from: Building Department

No Step Comment found.

Action History

Date	Plan Reviewed by	Action Description
08/04/94	KUDO,WALLY/ENGINEERING	XX DO NOT USE-APPROVED

Showing 1 to 1 of 1 entries

Exhibit D

Click2GovBP

Plan Tracking Action Comments

Parcel ID:
1-9-005-009

Address:
4545 KONA RD

Application Date:
08/03/94

Owner:
DENNY'S REPAIR & SERVICE INC

Application #:
94 - 2669

Application Type:
ALTER/REPAIR COMMERCIAL

Agency Description:
ENGINEERING DMISION

Action Description:
XX DO NOT USE-APPROVED

Comment
APPLICATION IS FOR AN OFFICE SPACE ADDTION TO EXISTING
BUILDING. SEWER CHECK OK 8/4/94.

Showing 1 to 2 of 2 entries

« Plan Tracking Status Detail

Exhibit D

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Plan Tracking Status Detail

To view other plan comments, click the Browser's Back button or select the Option Menu to choose another building permits option for this application.

Parcel ID:
1-9-005-009

Address:
4545 KONA RD

Application Date:
08/03/94

Owner:
DENNY'S REPAIR & SERVICE INC

Application #:
94 - 2669

Application Type:
ALTER/REPAIR COMMERCIAL

Agency Description:
BUILDING REVIEW

Comments from: Building Department

No Step Comment found.

Action History

No Action History found.

Click2GovBP

Plan Tracking Status Detail

To view other plan comments, click the Browser's Back button or select the Option Menu to choose another building permits option for this application.

Parcel ID:
1-9-005-009

Address:
4545 KONA RD

Application Date:
08/03/94

Owner:
DENNY'S REPAIR & SERVICE INC

Application #:
94 - 2669

Application Type:
ALTER/REPAIR COMMERCIAL

Agency Description:
ELECTRICAL REVIEW

Comments from: Building Department

No Step Comment found.

Action History

Date	Plan Reviewed by	Action Description
08/25/94	RIVERA,NORBERTO	XX DO NOT USE-APPROVED

Showing 1 to 1 of 1 entries

Exhibit D

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Plan Tracking Action Comments

Parcel ID:
1-9-005-009

Address:
4545 KONA RD

Application Date:
08/03/94

Owner:
DENNY'S REPAIR & SERVICE INC

Application #:
94 - 2669

Application Type:
ALTER/REPAIR COMMERCIAL

Agency Description:
ELECTRICAL REVIEW

Action Description:
XX DO NOT USE-APPROVED

No Action Log Comment found.

« Plan Tracking Status Detail

Click2GovBP

Project Inspections for 94 - 00002669

Permit Description	Inspection Type	Scheduled Date	Status	Result Date	Min	Max
	BUILDING FOUNDATION				10	0
	BUILDING FRAMING				10	0
	BUILDING LATH/GYPSUM				10	0
	BUILDING SLAB/FLOOR				10	0
	BUILDING LOAD PATH/UPLIFT TIES				10	0
	BUILDING FINAL				20	0

Showing 1 to 6 of 6 entries

Exhibit D

EXHIBIT “2.3”

Building Permit

000 000 ZP01 00-ZONING PERMIT

CLASS I

August 11, 1994

Exhibit D

Click2GovBP

Status Detail

Parcel ID:
1-9-005-009

Address:
4545 KONA RD

Application Date:
08/11/94

Owner:
STATE OF HAWAII

Application #:
94 - 2743

Application Type:
ZONING PERMIT APPLICATION-CLASS I

Valuation:
$0

Square Footage:
000000000

Tenant Name:

Application Status:
APPROVED

Tenant Unit Number:

General Contractor:

Zoning Description:
GENERAL COMMERCIAL DIST

Structure Detail

Exhibit D

Click2GovBP

Structure Detail

Parcel ID:
1-9-005-009

Address:
4545 KONA RD

Application Date:
08/11/94

Owner:
STATE OF HAWAII

Application #:
94 - 2743

Application Type:
ZONING PERMIT APPLICATION-CLASS I

Valuation:
$0

Square Footage:
000000000

Tenant Name:

Application Status:
APPROVED

Tenant Unit Number:

General Contractor:

Zoning Description:
GENERAL COMMERCIAL DIST

Str# / Seq#:
000 / 000

Structure Description:
INTERIOR RENOVATIONS

Description	Value
OCCUPANCY TYPE	IND. WAREHOUSE
FENCE TYPE	NONE
ZONING PERMIT NO	Z-118-95
STATE/FED. HIST REGISTER	Y
SCALED DRAWING(S)	5
SCALED PLOT PLAN(S)	5
BUILDING HEIGHT	EX.

Exhibit D

Click2GovBP

TOTAL LAND AREA(SF)	14,044 S.F.

Showing 1 to 8 of 8 entries

Exhibit D

Click2GovBP

Application Fees

Parcel ID:
1-9-005-009

Address:
4545 KONA RD

Application Date:
08/11/94

Owner:
STATE OF HAWAII

Application #:
94 - 2743

Application Type:
ZONING PERMIT APPLICATION-CLASS I

No fees payable online for this application.

Total:
$0.00

Fees payable online

Fee Description	Amt Charged	Amt Due
PERMIT FEES-ALL	$5.00	$0.00
Total	**$5.00**	**$0.00**

Showing 1 to 1 of 1 entries

Exhibit D

Click2GovBP

Permit Status List

Parcel ID:
1-9-005-009

Address:
4545 KONA RD

Application Date:
08/11/94

Owner:
STATE OF HAWAII

Application #:
94 - 2743

Application Type:
ZONING PERMIT APPLICATION-CLASS I

Application Status:
APPROVED

Related Structures and Permits:

Select one of the following to view more information:

Str/Seq/Permit	Permit Description	Contractor/Sub
000 / 000 / ZP01 / 00	ZONING PERMIT CLASS I	

Showing 1 to 1 of 1 entries

Project Inspections

Click2GovBP

Permit Status Detail

Select to view permit fees or related inspections.

Parcel ID:
1-9-005-009

Address:
4545 KONA RD

Application Date:
08/11/94

Owner:
STATE OF HAWAII

Application #:
94 - 2743

Application Type:
ZONING PERMIT APPLICATION-CLASS I

General Contractor:

Permit Number: 000 000 ZP01 00 - ZONING PERMIT CLASS I

Status for Permit Number:
PERMIT PRINTED

Permit Date:
08/11/94

Permit Value:
$0

Issue Date:
08/11/94

Permit Square Footage:
0

Expiration Date:

Additional Permit Description:

Reissue Date:
08/11/94

No Sub Contractor Found

View Related Inspections

Click2GovBP

Inspection Status Permit List

Select a structure / permit selection to view an inspection.

Parcel ID:
1-9-005-009

Address:
4545 KONA RD

Application Date:
08/11/94

Owner:
STATE OF HAWAII

Application #:
94 - 2743

Application Type:
ZONING PERMIT APPLICATION-CLASS I

Application Status:
APPROVED

Related Structures and Permits:

Select one of the following to view more information:

Str/Seq/Permit	Permit Description	Contractor/Sub
000 / 000 / ZP01 / 00	ZONING PERMIT CLASS I	

Showing 1 to 1 of 1 entries

Click2GovBP

Inspection List

View inspection comments by choosing an inspection below.

Parcel ID:
1-9-005-009

Address:
4545 KONA RD

Application Date:
08/11/94

Owner:
STATE OF HAWAII

Application #:
94 - 2743

Application Type:
ZONING PERMIT APPLICATION-CLASS I

Inspections for Permit Number: 000 000 ZP01 00 - ZONING PERMIT CLASS I

No Related Inspections Found

Required Inspections

Exhibit D

Click2GovBP

Plan Tracking Agency List

Parcel ID:
1-9-005-009

Address:
4545 KONA RD

Application Date:
08/11/94

Owner:
STATE OF HAWAII

Application #:
94 - 2743

Application Type:
ZONING PERMIT APPLICATION-CLASS I

Select a plan below, to view agency comments.

	Key Dates		Action Summary			Revision	
Agency Description	In	Est. Comp.	Last	Type	By	No.	Description
PLANNING DEPT	08/11/94	09/09/94	08/11/94	APP	VB		

Showing 1 to 1 of 1 entries

Exhibit D

Click2GovBP

Plan Tracking Status Detail

To view other plan comments, click the Browser's Back button or select the Option Menu to choose another building permits option for this application.

Parcel ID:
1-9-005-009

Address:
4545 KONA RD

Application Date:
08/11/94

Owner:
STATE OF HAWAII

Application #:
94 - 2743

Application Type:
ZONING PERMIT APPLICATION-CLASS I

Agency Description:
PLANNING DEPT

Comments from: Building Department

No Step Comment found.

Action History

Date	Plan Reviewed by	Action Description
08/11/94	BALISACAN,VILLAMOR/PLAN'G	XX DO NOT USE-APPROVED

Showing 1 to 1 of 1 entries

Exhibit D

Click2GovBP

Plan Tracking Action Comments

Parcel ID:
1-9-005-009

Address:
4545 KONA RD

Application Date:
08/11/94

Owner:
STATE OF HAWAII

Application #:
94 - 2743

Application Type:
ZONING PERMIT APPLICATION-CLASS I

Agency Description:
PLANNING DEPT

Action Description:
XX DO NOT USE-APPROVED

No Action Log Comment found.

« Plan Tracking Status Detail

Click2GovBP

Application Inspections for 94 - 00002743

No Related Inspections Found

Exhibit D

EXHIBIT “2.4”

Building Permit

000 000 ELE2 00-ELECTRICAL

DECEMBER 11, 2009

Exhibit D

Click2GovBP

Status Detail

Parcel ID:
1-9-005-009

Address:
4545 KONA RD

Application Date:
12/07/09

Owner:
KUROKAWA,STEVEN

Application #:
09 - 2128

Application Type:
ELECTRICAL PERMIT 2008

Valuation:
$0

Square Footage:
000000000

Tenant Name:
REPLACE RUSTY METER

Application Status:
APPROVED

Tenant Unit Number:

General Contractor:
WHEATLEY ELECTRIC INC

Zoning Description:
GENERAL COMMERCIAL DIST

Structure Detail

Exhibit D

Click2GovBP

Permit Status List

Parcel ID:
1-9-005-009

Address:
4545 KONA RD

Application Date:
12/07/09

Owner:
KUROKAWA,STEVEN

Application #:
09 - 2128

Application Type:
ELECTRICAL PERMIT 2008

Application Status:
APPROVED

Related Structures and Permits:

Select one of the following to view more information:

Str/Seq/Permit	Permit Description	Contractor/Sub
000 / 000 / ELE2 / 00	ELECTRICAL	WHEATLEY ELECTRIC INC

Showing 1 to 1 of 1 entries

Project Inspections

Click2GovBP

Permit Status Detail

Select to view permit fees or related inspections.

Parcel ID:
1-9-005-009

Address:
4545 KONA RD

Application Date:
12/07/09

Owner:
KUROKAWA,STEVEN

Application #:
09 - 2128

Application Type:
ELECTRICAL PERMIT 2008

General Contractor:
WHEATLEY ELECTRIC INC

Permit Number: 000 000 ELE2 00 - ELECTRICAL

Status for Permit Number:
FINAL INSPECTION COMPLETE

Permit Date:
12/11/09

Permit Value:
$0

Issue Date:
12/07/09

Permit Square Footage:
0

Expiration Date:

Additional Permit Description:

Reissue Date:
12/07/09

No Sub Contractor Found

View Related Inspections

Click2GovBP

Inspection Status Permit List

Select a structure / permit selection to view an inspection.

Parcel ID:
1-9-005-009

Address:
4545 KONA RD

Application Date:
12/07/09

Owner:
KUROKAWA,STEVEN

Application #:
09 - 2128

Application Type:
ELECTRICAL PERMIT 2008

Application Status:
APPROVED

Related Structures and Permits:

Select one of the following to view more information:

Str/Seq/Permit	Permit Description	Contractor/Sub
000 / 000 / ELE2 / 00	ELECTRICAL	WHEATLEY ELECTRIC INC

Showing 1 to 1 of 1 entries

Exhibit D

Click2GovBP

Inspection List

View inspection comments by choosing an inspection below.

Parcel ID:
1-9-005-009

Address:
4545 KONA RD

Application Date:
12/07/09

Owner:
KUROKAWA,STEVEN

Application #:
09 - 2128

Application Type:
ELECTRICAL PERMIT 2008

Inspections for Permit Number: 000 000 ELE2 00 - ELECTRICAL

Inspection Type	Sched Date	Status	Results Date
ELECTRICAL ROUGH-IN SLAB	12/09/09	WAIVED	12/09/09
ELECTRICAL ROUGH-IN WALL	12/09/09	APPROVED	12/09/09
ELECTRICAL FINAL	12/10/09	APPROVED	12/10/09

Showing 1 to 3 of 3 entries

Required Inspections

Exhibit D

Click2GovBP

Inspection Status Detail

Use Back button to select another inspection or select Options Menu to choose another building permits option.

Parcel ID:
1-9-005-009

Address:
4545 KONA RD

Application Date:
12/07/09

Owner:
KUROKAWA,STEVEN

Application #:
09 - 2128

Application Type:
ELECTRICAL PERMIT 2008

Inspections for Permit Number: 000 000 ELE2 00 - ELECTRICAL

Inspection type/sequence:
ELECTRICAL ROUGH-IN SLAB/0001

Inspector assigned:
ILORETA,JIMMY

Schedule Date:
12/09/09

Results Date:
12/09/09

Results Status:
WAIVED

Result Comments:

no slab rough in.

Inspection Status List

Click2GovBP

Inspection Status Detail

Use Back button to select another inspection or select Options Menu to choose another building permits option.

Parcel ID:
1-9-005-009

Address:
4545 KONA RD

Application Date:
12/07/09

Owner:
KUROKAWA,STEVEN

Application #:
09 - 2128

Application Type:
ELECTRICAL PERMIT 2008

Inspections for Permit Number: 000 000 ELE2 00 - ELECTRICAL

Inspection type/sequence:
ELECTRICAL ROUGH-IN WALL/0001

Inspector assigned:
ILORETA,JIMMY

Schedule Date:
12/09/09

Results Date:
12/09/09

Results Status:
APPROVED

Result Comments:

wall rough in inspection approved.

Inspection Status List

Click2GovBP

Inspection Status Detail

Use Back button to select another inspection or select Options Menu to choose another building permits option.

Parcel ID:
1-9-005-009

Address:
4545 KONA RD

Application Date:
12/07/09

Owner:
KUROKAWA,STEVEN

Application #:
09 - 2128

Application Type:
ELECTRICAL PERMIT 2008

Inspections for Permit Number: 000 000 ELE2 00 - ELECTRICAL

Inspection type/sequence:
ELECTRICAL FINAL/0001

Inspector assigned:
ILORETA,JIMMY

Schedule Date:
12/10/09

Results Date:
12/10/09

Results Status:
APPROVED

Result Comments:

final inspection for changing rustedd meter box approved.

Inspection Status List

Click2GovBP

Plan Tracking Agency List

Parcel ID:
1-9-005-009

Address:
4545 KONA RD

Application Date:
12/07/09

Owner:
KUROKAWA,STEVEN

Application #:
09 - 2128

Application Type:
ELECTRICAL PERMIT 2008

Select a plan below, to view agency comments.

No Plan Tracking Status found for this Application Number

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Click2GovBP

Project Inspections for 09 - 00002128

Permit Description	Inspection Type	Scheduled Date	Status	Result Date	Min	Max
ELECTRICAL PERMIT-NEC	ELECTRICAL ROUGH-IN SLAB	12/09/2009	WAIVED	12/09/2009	10	0
ELECTRICAL PERMIT-NEC	ELECTRICAL ROUGH-IN WALL	12/09/2009	APPROVED	12/09/2009	10	0
ELECTRICAL PERMIT-NEC	ELECTRICAL FINAL	12/10/2009	APPROVED	12/10/2009	20	0

Showing 1 to 3 of 3 entries

EXHIBIT “3”

Site Visit Photographs & Videos

Provided via an Egnyte Folder Link

October 30, 2024

Exhibit D

EXHIBIT “4”

Arsenic in Canec Ceilings and Wallboard in Hawai‘i

May 2018

Exhibit D

HAWAII STATE DEPARTMENT OF HEALTH

The **Hawai'i Department of Health (HDOH), Hazard Evaluation and Emergency Response Office (HEER Office)** is a state environmental health division whose mission is to protect human health and the environment. The HEER Office provides leadership, support, and partnership in preventing, planning for, responding to, and enforcing environmental laws relating to releases or threats of releases of hazardous substances.

Arsenic in Canec Ceilings and Wallboard in Hawai'i

This fact sheet provides homeowners, commercial building owners and operators, demolition and construction contractors, realtors, and others with an overview of the potential public health concerns associated with arsenic found in canec building materials, which were manufactured in Hawai'i from the early 1930s to the early 1960s. Additionally, this fact sheet discusses how to determine if canec is present, safe management practices during handling, demolition, and disposal, and provides resources for further information.

Background

What is canec?

Canec is the common name for a fiberboard building material that was made from sugar cane bagasse, the residual fiber that remains after the juice has been extracted from the sugar cane. In the early 1930s, Hawaiian Cane Products Ltd. established a bagasse fiberboard manufacturing plant in Hilo, along the banks of Waiakea Pond. Hawaiian Cane Products was sold to the Flintkote Company in 1948, which continued to operate the canec plant until about 1960. Canec was treated with inorganic arsenic compounds as an anti-termite agent. The plant produced canec in sheets similar in size to drywall, as well as other sizes for use as ceiling and wallboard. Canec was used for interior ceilings and walls in many residential and commercial structures throughout the state of Hawai'i.

Photo Source: Hawaii Business and Industry Cover, October 1963

ABOVE: This is a historic photo of the canec plant formerly located in Hilo, Hawai'i. Flintkote Company owned and operated the plant from 1948 until about 1960.

LEFT: Sugar cane bagasse is the residual fiber that remains after the juice has been extracted from the sugar cane.

Exhibit D

Identifying Canec Materials

Canec ceiling panels with characteristic V-shaped groove joints.

A canec panel that is broken. Note the characteristic fibrous texture and brownish color.

How do I determine if canec building materials are present in my structure?

Canec may be found in ceilings and/or interior walls as a tile or panel in buildings constructed prior to 1964. On ceilings, canec is often characterized with V-shaped groove joints that are arranged in linear patterns. The material itself is a fiberboard that is brownish-orange in color, though the exposed surface is typically finished smooth and painted, making it look similar to modern drywall. The individual fibers in canec building materials are fine and are not uniformly oriented. Canec is noticeably softer than drywall and can be dented with a firm press of a fingernail.

If a visual check of the material is inconclusive, then a sample of the material can be sent to a laboratory for evaluation and testing for inorganic arsenic. Based on a review of reports to the HEER Office, which included canec building material samples collected from four different sites in Hawai'i, canec samples have contained arsenic in the range of 1,000 to 4,000 mg/kg (parts per million). By comparison, the volcanic soils in Hawai'i typically have a natural background concentration of arsenic less than 20 mg/kg. Natural arsenic in soil does not pose a public health concern.

Health Concerns

What are the human health concerns associated with canec?

Although elevated in comparison to natural background, inorganic arsenic in canec material does not pose exposure or potential health concerns for building residents or workers, provided that the canec is in good condition and not rotting or "powdering away." No health effects caused by short time (acute) exposure to high levels of arsenic in canec, or to lower concentrations for a long time (chronic exposure) have been reported to HDOH. However, daily exposure to very high levels of inorganic arsenic over many years can result in various health effects, including an increased risk of cancer. As a result, exposure to deteriorating canec should be minimized.

Arsenic compounds in the environment have no distinct smell, taste, or visible appearance, so it is difficult to know when exposure is occurring. The arsenic in canec is not "volatile", so it is not released as a gas or vapor over time. However, it is possible that canec particles with inorganic arsenic could be physically released to the environment depending on the age, condition, and handling of the canec. For example, if canec materials become worn and brittle due to age or structural or water damage, or damaged during renovation or demolition activities (e.g., breaking, cutting, drilling, etc.), then potential for exposure to dust or fibers containing arsenic is increased.

Exhibit D

Parents who have young children are advised to pay special attention to their child's actions in structures with deteriorated canec or during renovation projects involving canec, due to a child's increased vulnerability to exposure from common and frequent hand-to-mouth activities. Demolition contractors or those renovating canec ceilings and walls may also be exposed to higher concentrations of inorganic arsenic-containing dusts if precautions are not taken. Exposures to deteriorated canec or canec dust during renovation or demolition projects should be avoided.

Removal, Handling, and Disposal of Canec

Should all canec building materials be removed from my structure?

If the canec building materials are in good condition, leaving them in place should not result in arsenic exposure. Throughout the lifetime of the structure, care should be taken to avoid damage to the canec building materials. If the canec is deteriorated or damaged, it can be carefully repaired and painted or removed and replaced.

How do you handle or dispose of canec building materials?

If removing, repairing, or replacing canec building materials is necessary, the HEER Office recommends the following protective measures:

Work Practices

- Wear a dust mask (N95 type), gloves, a long-sleeved shirt, and safety glasses when cutting or handling canec.
- Wash hands and other exposed skin thoroughly after working with canec and prior to eating or drinking.
- Wash work clothes separately from other household clothing to avoid cross-contamination.
- Employers on jobs involving canec handling/demolition work should ensure protection of their employees by addressing potential exposures in their safety and health programs.

Limiting Exposures

- During renovation or demolition of canec, limit cutting, breaking, drilling, sawing, or creating dust as much as possible.
- After completing removal/replacement activities, the work area should be thoroughly cleaned with a vacuum containing a high efficiency particulate air (HEPA) filter.
- Do not reuse canec where it may come into direct or indirect contact with drinking water.
- Do not reuse canec where it may become mixed into food (e.g., animal feed or beehives).
- Do not shred or break up canec for another use, for example as compost or mulch.
- Do not burn canec in open fires, stoves, fireplaces, or residential boilers because toxic substances may be produced as part of the smoke and ashes.

Disposal

Wrap waste canec in plastic or place in plastic bags to avoid spreading dust during transportation and disposal. Canec from residential, commercial, and industrial sites must be disposed of at a permitted landfill facility. Canec building materials are exempt from State laws requiring a hazardous waste determination to be made prior to disposal. As a result of this exemption, testing canec for arsenic content or leaching characteristics is not required by the state for disposal. The exemption applies whenever canec building materials are

Exhibit D

segregated from other building materials and disposed of separately. When canec is mixed with other building demolition waste, the combined waste could be subject to hazardous waste characterization before disposal – contact the HDOH Solid and Hazardous Waste Branch for questions on testing mixed demolition wastes containing canec, or other questions on disposal of canec. The permitted landfill should be notified prior to disposal of canec materials so the canec can be appropriately segregated or handled in a manner to prevent landfill employees from being exposed during their operations. All disposal of canec should comply with applicable county and state landfill rules.

Testing Canec for Asbestos (demolition/renovation of certain building types)

A HDOH certified asbestos inspector is generally required to inspect and sample suspect building materials for presence of asbestos prior to demolition or renovation activities for institutional, commercial, public, industrial, and certain residential structures such as condominiums, apartments, and co-ops (not private single family homes). Canec is considered a suspect building material for demolition/renovation related asbestos surveys in these types of buildings. Although canec is not known to have contained asbestos as part of its manufacturing process, in certain cases an asbestos-containing paint or surface coating could have been applied to the canec after it was installed. The HDOH Indoor and Radiological Health Branch can answer questions regarding asbestos surveys.

Further Information

For questions about this fact sheet, contact:
Hawai'i Department of Health, Hazard Evaluation and Emergency Response Office,
Website: http://hawaii.gov/health/environmental/hazard/index.html
Phone: (808) 586-4249

For questions about the disposal of canec materials, contact:
Hawai'i Department of Health, Solid and Hazardous Waste Branch,
Website: http://health.hawaii.gov/shwb/
Phone: (808) 586-4226

For questions about asbestos sampling requirements of canec building materials contact:
Hawai'i Department of Health, Indoor and Radiological Health Branch,
Website: http://health.hawaii.gov/irhb/
Phone: (808) 586-5800

Links

HAR 11.261.4(b)(9) – Describes the exemption applicable to canec building materials that allows disposal in permitted landfills without special testing procedures.
https://health.hawaii.gov/opppd/files/2015/06/11-261.1-1.pdf

U.S. Occupational Safety and Health Administration (OSHA) link on arsenic – provides information on maximum airborne arsenic exposures allowable for employees in the workplace, and required protections if the maximum airborne exposure levels are exceeded.
http://www.osha.gov/SLTC/arsenic/index.html

This fact sheet was created with assistance and funding from USEPA's Region 9 Superfund Division.

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EXHIBIT “5”

Storm Water Best Management Practice’s (BMP)

Exhibit D

EXHIBIT “5.1”

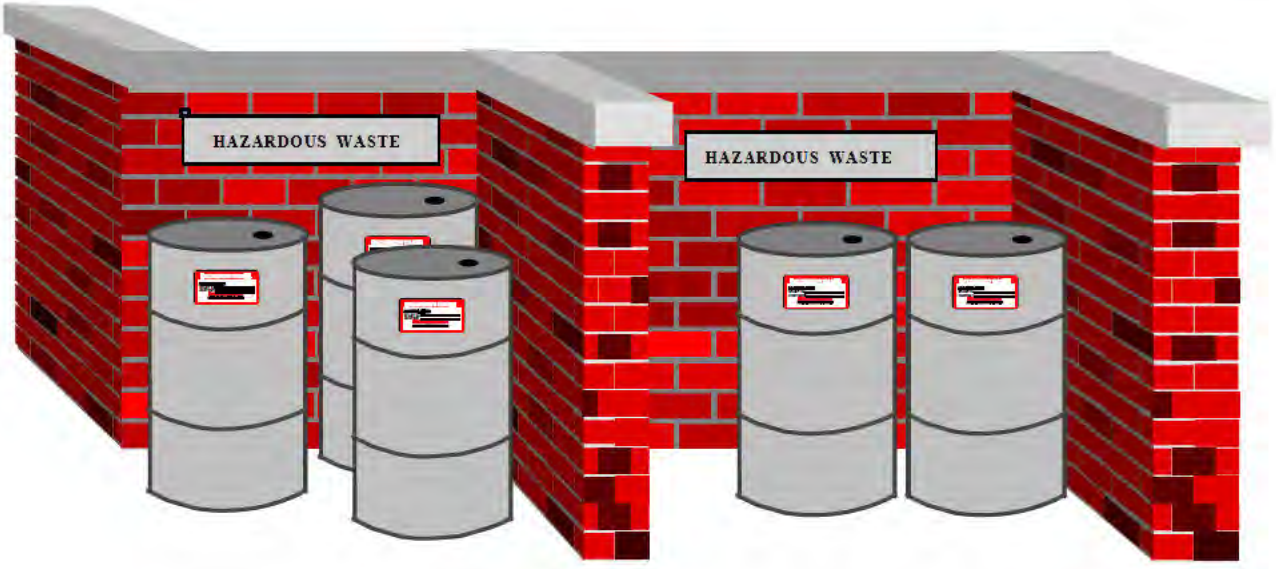
Best Management Practices

Handbook for Hazardous Waste Containers

Exhibit D

Best Management Practices

Handbook for
Hazardous Waste Containers



U.S. EPA Region 6, 1997

Exhibit D

FOREWORD

This handbook was produced by A.T. Kearney, Inc., under contract to the Environmental Protection Agency (EPA) Region 6, for the Compliance Assurance and Enforcement Division of EPA Region 6. The idea to construct the handbook came from a RCRA workgroup composed of members of several oil and gas companies, the American Petroleum Institute (API), the Texas Mid Continent Oil and Gas Association (TMOGA), EPA, and environmental consulting firms. The RCRA workgroup is one of several workgroups making up the "Refinery Roundtable." The overall mission of the Refinery Roundtable is to develop methods by which petroleum refineries can achieve better compliance with the environmental regulations.

This handbook is to be used solely as guidance and cannot be relied upon to create any rights, substantive or procedural enforceable by any party in litigation with the United States. EPA reserves the right to act at variance with the policies and procedures herein, and to change them at any time without public notice.

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Table of Contents

Exhibit D

1. INTRODUCTION

Who will the Best Management Practices Handbook Help?

This handbook was written for anyone who, manages, or supervises the management of hazardous waste containers.

This handbook is a user-friendly training tool or reference that identifies and explains the regulations for managing hazardous waste containers safely in lay terms. The handbook also provides "Best Management Practices" (BMP) -- real world methods, examples, and tips for meeting and exceeding regulatory requirements. When workers understand what regulations mean and ***how*** to comply, environmental performance will improve.

Why did EPA develop the handbook?

The U.S. Environmental Protection Agency (EPA), Region 6, is working with the regulated community to ensure compliance with the regulations under the Resource Conservation and Recovery Act (RCRA). RCRA is the Federal government's regulatory program for managing hazardous wastes in order to protect human health and the environment.

EPA has found that the most common problem with generators of hazardous waste is the failure to meet the permit exemption requirements (for containers) as defined in 40 CFR 262.34(a)(1)(i). This regulation allows generators to temporarily store their hazardous wastes onsite, in containers, without a permit, provided that they meet certain container management requirements. A review of the findings from all the inspections conducted at petroleum refineries in Region 6 showed violations related to container management occur twice as often as any other type of RCRA violation.

Exhibit D

§262.34(a)(1)(i) -- Except as provided in paragraphs (d), (e), and (f) of this section, a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that:

(1) The waste is placed:
(i) In containers and the generator complies with subpart I, AA, BB and CC of 40 CFR Part 265.

Generators can store hazardous wastes in containers on-site for 90 days or less without a RCRA permit. The waste must be stored under certain conditions:

1) The waste must be stored in containers which meet the definition of a portable device (e.g., 55-gallon drums). Permanently-mounted tanks, surface impoundments, and waste piles **would not** be considered containers.
2) the waste must be stored according to the full set of regulatory requirements outlined in 40 CFR 265, Subpart I.

Requirements of 40 CFR 265, Subpart I will be discussed throughout this handbook.

How is the handbook organized?

The handbook is organized around the container management process -- from the time a waste is generated and placed in a container, to the time the waste-filled container is shipped off site for disposal.

A flow diagram of the container management process is shown first, followed by a discussion of the process. The discussion explains real world container management requirements and operations and fits the regulations into those operations.

Management of containers in less than 90 day storage areas are also discussed in detail providing additional tips for compliance.

A listing of Federal and state contacts who can help you comply with the regulations is also provided.

Finally, two compliance tools are included at the back of the handbook. The first tool is a generic container inspection checklist (see page 16) that may be tailored for use at your facility. The second tool is a poster (see page 18) that uses simple, clear pictures to show best management practices for container management. You can tear the poster out of the handbook and display it for quick referencing at your facility.

CONTAINER MANAGEMENT PROCESS

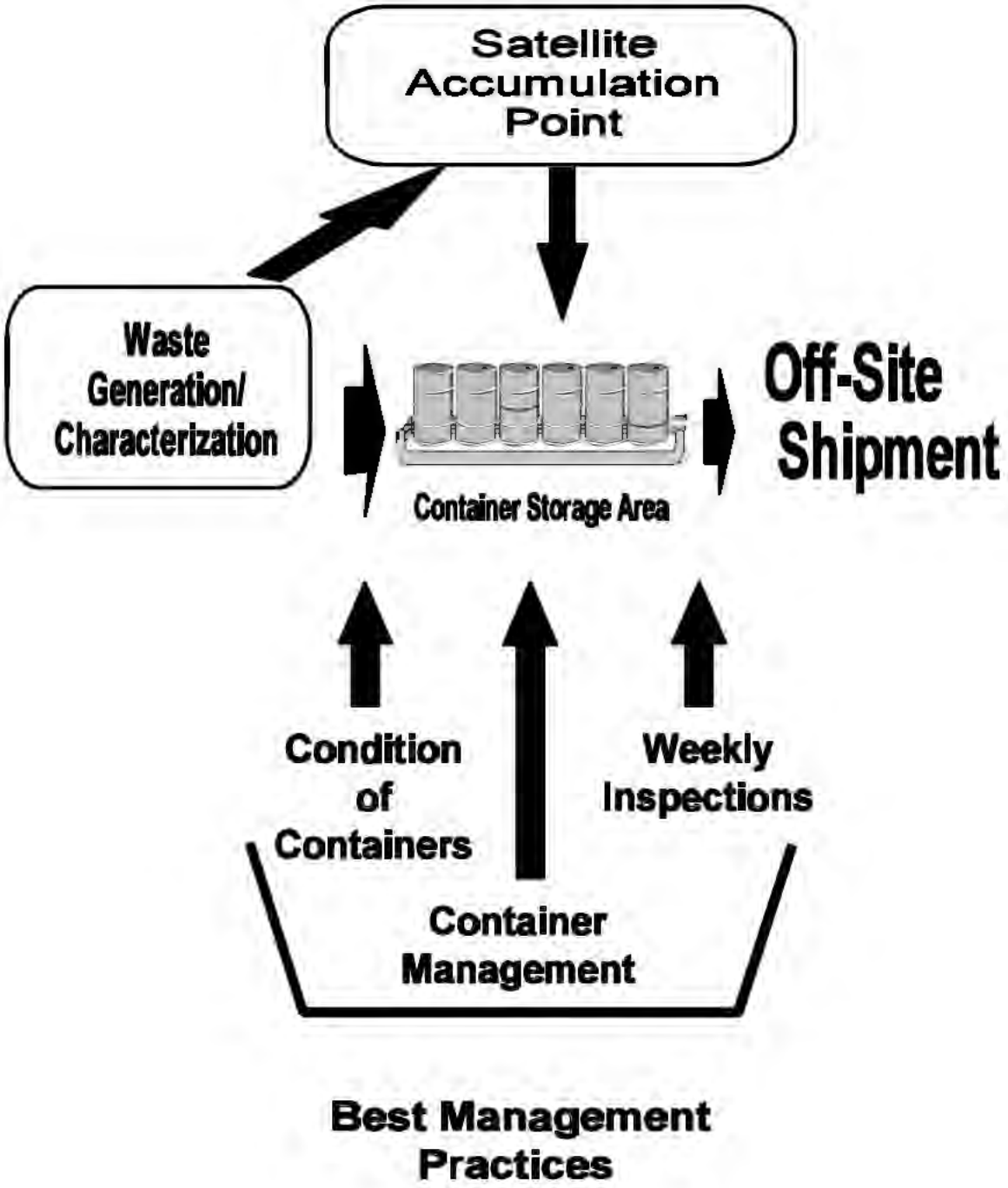


Exhibit D

2. BEST MANAGEMENT PRACTICES FOR CONTAINERS

The following sections will explain how to successfully manage hazardous wastes in containers. All relevant regulations are identified and explained. From these sections, you will...

A. Learn why waste characterization, or identifying and understanding your wastes, is important.
B. Learn how to select and label containers.
C. Learn methods to safely manage containers of hazardous waste.

A. WASTE CHARACTERIZATION

To safely manage hazardous waste, you must know exactly what a waste is, how it will act, and what its properties are. Is the waste extremely toxic? Do workers need special protection? Is the waste corrosive, will it corrode certain types of containers? Is the waste incompatible with other wastes -- will it react (explode, catch on fire) if it is mixed with another waste or water?

Once a waste is generated, it should be characterized, ***before*** you place the waste in a container. Waste characterization can be done by either:

1) sampling and analyzing the waste, or
2) identify the waste based on process knowledge (you know the constituents in the process and therefore you can use that knowledge to determine if the resulting waste has characteristics that could make the waste hazardous).

Best Management Practice

Tips *for Waste Characterization*

1) Look at a material safety data sheet (MSDS) if it is available. Some information areas on the MSDS to look for are physical property, reactivity, fire and explosion hazard, and special protection information.
2) If a product being used in a process meets one or more hazardous characteristics, the waste generated may exhibit some of the same characteristics.

Exhibit D

3) Be aware of any changes in a production process which could alter the composition of the waste generated.

Best Management Practice

***Tips* for Waste Characterization of Containerized Waste**

1) Pay attention to marking/labeling which may indicate that a material is flammable, corrosive, etc.
2) Always check with your supervisor before handling unknown drums, or drums which you feel are labeled or marked incorrectly.
3) Look at a material safety data sheet (MSDS) if it is available.
4) If waste is in a plastic drum it is a good indication the waste may be corrosive.

Special methods and equipment may be required to manage wastes which are:

1) Corrosive
2) Combustible
3) Flammable
4) Oxidizer
5) Poison
6) Toxic
7) Reactive

Putting Wastes in Containers - Reactive or Incompatible Wastes

Through waste characterization, you learn if a waste is reactive or incompatible with other wastes. Before putting wastes into a container it is necessary to identify and segregate wastes if they are incompatible and/or reactive. **This is important!! *Incompatible and/or reactive hazardous wastes must be stored in a manner to prevent fires or explosions.***

§265.177 -- Special requirements for incompatible wastes

(a) Incompatible wastes, or incompatible wastes and materials (see appendix V for examples), must not be placed in the same container, unless 265.17 (b) is complied with.

The regulations state that incompatible wastes cannot be placed in the same container, unless you comply with other requirements found in §265.17 (b). This prevents the wastes from reacting with each other (e.g., exploding, catching on fire).

Exhibit D

§265.17(b) ...the mixture or commingling of incompatible wastes, or incompatible wastes and materials, must be conducted so that it does not:
(1) Generate extreme heat or pressure, fire or explosion, or violent reaction;
(2) Produce uncontrolled toxic mists, fumes, dusts, or gases in sufficient quantities to threaten human health;
(3) Produce uncontrolled flammable fumes or gases in sufficient quantities to pose a risk of fire or explosions;
(4) Damage the structural integrity of the device or facility containing the waste; or
(5) Through other like means threaten human health or the environment.

The regulations allow you to put incompatible wastes in the same container, under the conditions found in §265.17(b) **(Warning: "*Always talk to your supervisor or environmental coordinator before mixing any materials or wastes*").** If you have to mix incompatible wastes in the same container you must make sure that the wastes won't react. This means that you must:

1) keep the waste from becoming too hot (*this will prevent fire or explosions*);
2) keep the wastes from producing toxic and/or flammable mists, gases, fumes, or dust (*this will prevent workers from being exposed to the waste and will prevent fire or explosions*);
3) make sure that mixing the incompatible wastes won't damage the container -- the container won't rupture or bulge; and
4) demonstrate that mixing the wastes won't threaten workers, or the environment in any way.

B. CONTAINER SELECTION

The best management practice for incompatible wastes is to store them separately. It is safer and easier to simply put incompatible wastes in separate containers and separate storage areas.

Once the waste has been characterized and you know if the wastes are incompatible or reactive, you then can select an appropriate container.

When selecting a container consider the amount of waste and type (characteristic) of waste.

First, you should consider the amount of waste you have -- it makes more sense to put 20 to 25 gallons of waste into a 30-gallon drum rather than a 55-gallon drum. On the other hand, a 55-gallon drum is better for storing contaminated gloves/coveralls.

§265.172 Compatibility of Waste with Container

The owner or operator must use a container made of or lined with materials which will not react with, and are otherwise compatible with, the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired.

Best Management Practice

When selecting the container you must make sure that a waste won't react with the ***container*** itself. For example, highly corrosive wastes will react with a steel drum -- the drum may fail and waste may be released. How can you safely store corrosive wastes? Use plastic, or plastic-lined, steel drums to safely store corrosive wastes. To prevent drum failure, carefully "**match" the right waste with the right container**.

Tip for Container Selection

Consult a corrosion resistance guide to determine if the container and waste are compatible.

Match the waste with the correct type of container.

Exhibit D

§265.177 Special requirements for incompatible wastes

(b) Hazardous waste must not be placed in an unwashed container that previously held an incompatible waste or material (see appendix V for example), unless 265.177 (b) is complied with.

There's one more thing to think about when selecting a container. You can put wastes into unwashed containers that have held incompatible wastes, under regulation §265.177(b). **But**, you must make sure that you meet the conditions specified in §265.17 (b) (See page 6).

If a container has been used to store waste or other materials, you are required to make sure that:

1) the waste/material previously held in the container is compatible with the waste you are going to put in the container.

Best Management Practice

***TIPS* for Safely Putting Wastes in Containers**

1) Make sure you know which wastes are reactive and/or incompatible. Keep these wastes away from each other. Put them in separate containers.
2) Make sure the container cannot be harmed by the waste.
3) If you rinse out containers onsite, be aware that rinse water generated from drum washing must be contained and characterized prior to disposal.
4) If you frequently reuse containers, consider "assigning" wastes to certain containers. This will allow you to reuse the container without washing.
5) Use a funnel to prevent spills, and do not use the same funnel for all wastes.
6) Certain chemicals may need room for expansion, or they may require zero headspace depending on the characteristics of the waste and storage conditions (e.g., temperature fluctuations)

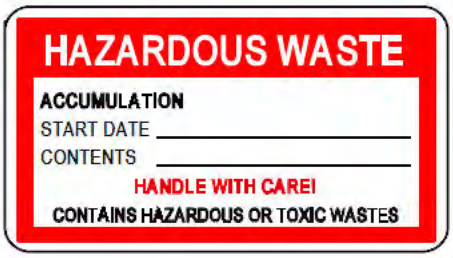
Marking & Labeling Containers

Hazardous waste generators can only accumulate or store waste on-site for less than 90 days without a permit. The 90-day limit starts the moment the container is full. If your facility is a small quantity generator shipping wastes over 200 miles you can store wastes up to 270 days. If less than 200 miles, you can store waste up to 180 days.

Exhibit D

§262.34(a)(2) The date upon which each period of accumulation began is clearly marked and visible for inspection on each container.

§262.34(a)(3) While being accumulated on-site, each container and tank is labeled or marked clearly with the words, "Hazardous Waste"...



Best Management Practice

You must be able to prove to inspectors that you have not exceeded the time limit for accumulation.

The regulations require that you clearly mark on the container the date hazardous waste completely filled the container. In addition, you must clearly mark all containers holding hazardous waste with the words "HAZARDOUS WASTE".

Besides the required markings, you will have to comply with all Department of Transportation (DOT) labeling requirements on the container before the waste can be shipped off site. The DOT label exactly identifies the waste, including name, characteristics, and handling requirements.

(More specific information on DOT labeling can be found in 49 CFR Part 172)

***Tips* for Marking/Labeling Containers**

1) Have all personnel use the same method (e.g., handwritten, prepared labels) to label containers. Make sure all handlers know what the markings mean.
2) Besides the start date and the words "Hazardous Waste," include information about contents (e.g., toxic, reactive, incompatible).
3) Apply DOT labels to the container when waste is first placed in the container. The label will be in place for shipment and provides information about the waste to drum handlers.
4) Before reusing containers, make sure all old markings/labels are washed off or blacked out.

Satellite Accumulation Points

It is important to mention satellite accumulation points (SAP) before discussing the requirements for managing hazardous waste at less than 90-day areas.

Exhibit D

262.34(c)(1) A generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in 261.33(e) in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with paragraph (a) of this section provided he:

(i) Complies with 265.171, 265.172, and 265.173(a) of this chapter; and
(ii) Marks his containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.
(2) A generator who accumulates either hazardous waste or acutely hazardous waste listed in 261.33(e) in excess of the amounts listed in paragraph (c)(1) of this section at or near any point of generation must, with respect to that amount of excess waste, comply within three days with paragraph (a) of this section or other applicable provisions of this chapter. During the three day period the generator must continue to comply with paragraphs (c)(1)(i) through (ii) of this section. The generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

You can store up to 55 gallons of hazardous waste (or up to 1 quart of acutely hazardous waste) at a SAP for an unlimited amount of time and following only some of the requirements for 90-day areas. To store waste at a SAP you must simply:

1) keep the containers in good condition;
2) make sure the waste is compatible with the container; and
3) keep containers closed when not adding or removing waste. Make sure you handle the containers to prevent leaks or spills.
4) Mark container with words "Hazardous Waste" or words which identify the contents.

Because of fewer requirements, facilities like to designate storage areas as SAPs. This can be a problem. The definition of a SAP is specific. SAPs can **only** be located at or near the point of waste generation (where the waste is generated) ***AND*** the SAP has to be under the control of the person generating the waste. To be a SAP a storage area must:

1) only accumulate waste generated at the SAP -- SAPs can't be used as temporary staging areas for wastes collected from other areas; and
2) be located as near the point of generation as safety allows. For example, lab wastes may be accumulated in safety cans in the lab.

If you accumulate in **excess** of 55 gallons of hazardous waste or one quart of acutely hazardous waste at a SAP you must:

1) mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.
2) move the container holding the excess accumulation to a container storage area within 3 days.

If your company incorrectly manages a 90-day storage area as a SAP, your company will be in violation of the regulations.

Exhibit D

C. MANAGING CONTAINERS AT 90-DAY AREAS

The moment that waste is placed in the container, containers holding hazardous waste must be managed to prevent spills of hazardous waste.

Keeping Containers in Good Condition

§265.171 Condition of containers

If a container holding hazardous waste is not in good condition, or if it begins to leak, the owner or operator must transfer the hazardous waste from this container to a container that is in good condition, or manage the waste in some other way that complies with the requirements of this part.

One of the easiest ways to prevent spills is to make sure that containers are kept in good condition -- both before the waste is put in the container and while you are managing the container. What does good condition mean?

1) Containers must be free of dents and corrosion -- these weaken the container.
2) Containers must not leak -- the container must be structurally sound.
3) Containers must not bulge.

If you find any of these problems, you must transfer the waste from the "problem" container to a sound container.

Managing Filled Containers

§265.173 Management of containers

(a) A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

(b) A container holding hazardous waste must not be opened, handled, or stored in a manner which may rupture the container or cause it to leak.

How can you keep containers in good condition? Your company should have written procedures for managing containers. All employees should be trained in these procedures. At a minimum, you must:

1) keep containers closed at all times, except when you are adding or removing waste from the container;
2) be careful when you are handling the containers. You must open, handle, and store containers to prevent ruptures or leaks. For example, use drum grapplers to lift and move drums -- don't hand-roll the drums from one area to another; and
3) if the container begins to leak, or you notice dents or bulges, transfer the waste to another container.

Exhibit D

You must also prevent reactions of ignitable and/or incompatible wastes. EPA developed three special management requirements for these wastes:

1) incompatible wastes must be physically separated
2) store ignitible and/or reactive wastes at least 50 feet from your property line
3) manage ignitable and/or reactive wastes to prevent fire and/or explosions.

Managing Incompatible, Ignitable and/or Reactive Wastes

§265.177 A storage container holding a hazardous waste that is incompatible with any waste or other materials stored nearby in other containers, piles, open tanks, or surface impoundments must be separated from the other materials or protected from them by means of a dike, berm, wall, or other device.

Physically separate containers holding incompatible wastes from other wastes or materials. Store the containers in an area surrounded by a berm, dike, wall, or other physical structure.

Keep incompatible wastes from contacting/reacting with other wastes and materials.

§265.176 Special requirements for ignitible or reactive waste

Containers holding ignitable or reactive waste must be located at least 15 meters (50 feet) from the facility's property line.

Store ignitible and/or reactive wastes at least 50 feet from the property line of your facility. Many facilities stack drums along fence lines for storage space -- this may be a convenient storage area that maximizes use of facility space, **however**, ignitable and/or reactive wastes **CANNOT** be stored this way. Locating these wastes well within the property boundaries provides two safeguards:

1) reduces the risk of the general public reaching/contacting the waste or being harmed in an explosion; and
2) if a release of hazardous waste does occur, this will help prevent the waste from migrating offsite.

Keep incompatible wastes from contacting/reacting with other wastes and materials

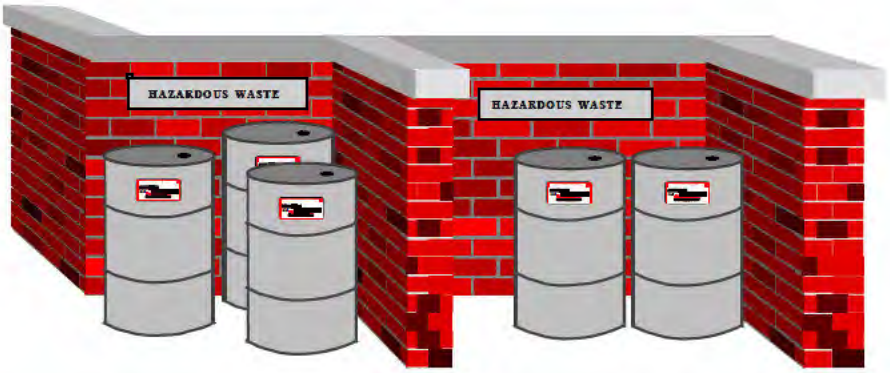


Exhibit D

§265.17(a) The owner or operator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste must be separated and protected from sources of ignition or reaction including but not limited to: Open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), and radiant heat. While ignitible or reactive waste is being handled, the owner or operator must confine smoking and open flame to specially designated locations. "No Smoking" signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

Manage ignitable and/or reactive wastes to prevent fire and/or explosions. At a minimum you must keep ignitable and/or reactive wastes away from:

1) fire;
2) hot surfaces like operating machinery, engines;
3) radiant heat or sunlight;
4) cutting and welding operations;
5) frictional heat -- keep drums stationary, don't pull drums along on the ground;
6) sparks from static electricity, electrical operations, or friction; and
7) some reactive wastes must be kept away from water.

Finally, you must ban smoking in all areas that manage ignitible or reactive wastes, especially when wastes are being transferred/placed into containers.

"NO SMOKING" signs must be posted at all areas near ignitible or reactive wastes.

Best Management Practices

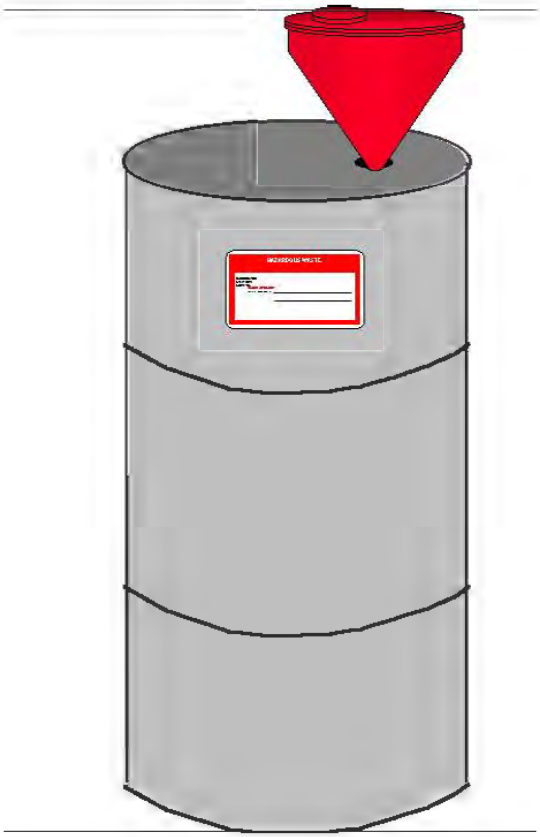
Tips for Safely Managing Containers

1) Use a funnel or hose to add or transfer wastes to drums. This will prevent spills. Remember to rinse the funnel and characterize the rinse water (a dedicated funnel would not have to be rinsed).
2) If you notice a leak, or a container is in poor condition, transfer the waste to a new container immediately.
3) Keep containers cool and dry.
4) Make sure all container storage areas are clearly marked -- keep ignitible/reactive wastes in their own area.
5) Don't stack ignitible/ reactive wastes.
6) Make sure to open and close steel drums with a spark proof bung wrench.

Exhibit D

Tips continued

7) Don't push, roll, or drag containers. Use the right equipment to move the drums.
8) Make sure the drums are easy to reach -- keep an open aisle space so that people and equipment can move freely.
9) Don't drive equipment (trucks, forklifts) into container storage areas unless you are moving containers.
10) Keep the containers in a "containment area" to hold spills. Containment can be provided by dikes, berms, or walls.



Use a funnel to add or transfer wastes to drums. Remember when not in use to keep funnel covered or closed

Exhibit D

3. INSPECTING CONTAINERS

§265.174 Inspections

The owner or operator must inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors.

Container storage areas must be **inspected weekly**. Inspections protect you, your company, and the public -- through inspections, you can stop spills ***before*** they happen.

Your company should develop and maintain a standard inspection checklist to be used during every weekly inspection. The checklist should be detailed and address the labeling and management procedures followed at your facility. An example of a checklist that can be modified to fit your facility is attached to the back of this booklet.

At a minimum, the inspection checklist should cover:

1) leaks or staining from containers;
2) container condition, including dents, bulging, and/or corrosion;
3) labeling -- start date, the words "Hazardous Waste" and other information; and
4) management practices -- such as aisle space, drum stacking.

Inspections should be detailed and methodical. Anyone doing inspections should be trained.

Best Management Practice

Tips for Conducting Inspections

1) Follow the inspection checklist -- make detailed notes if you find something wrong.
2) Be thorough. Check the tops of drums to look for waste residue or corrosion.
3) Walk all the way around containers -- check entire storage area.
4) Check containment area for stains.
5) Note anything unusual in containment area -- even if it might not be a problem.
6) If problems are found, get the problem taken care of immediately.
7) Keep a logbook of the facility's inspection checklist.

Exhibit D

Summary

The Best Management Practices Handbook for Hazardous Waste Containers was published with the intent of helping to interpret the regulations pertaining to the handling and management of hazardous waste containers. The Handbook is not meant to act as a replacement for the regulations, but simply to give some practical examples of how to comply with them. Generators of hazardous waste should be aware that they must adhere to all the applicable regulations found in Title 40 of the Code of Federal Regulations.

The Handbook is structured so that it follows the typical path a hazardous waste might take from the time it is generated, until the container is ready to be sent offsite for disposal. The first, and most important task is for the generator to determine the composition and characteristics of the hazardous waste. The next step is to use that knowledge regarding the characteristics of the waste, to choose a container which will be compatible with the waste. After the waste is containerized, it should be marked or labeled appropriately, and moved into a container storage area. Once the container is transferred to a container storage area, it must be inspected weekly and kept in good condition until it leaves the site. Generators must consult the appropriate Department of Transportation regulations found in Title 49 of the Code of Federal Regulations prior to shipping hazardous waste containers offsite for disposal.

Page 18 contains a list of phone numbers for both the EPA Region 6 office, as well as the various state agencies located in Region 6. If you have any questions regarding the handling and management of hazardous waste containers, please contact your appropriate state agency, or the EPA Region 6 office.

Exhibit D

4. HAZARDOUS WASTE CONTAINER STORAGE AREA INSPECTION CHECKLIST

Month: _____ Year: ____

Instructions: Weekly, place a "Yes" next to all inspection items that meet facility rules. Place a "No" next to all inspection items that do not meet the rules. Please provide specific comments on all "No-marked"items. When weekly inspection is completed, inspector **must** initial at the bottom of the table. Report all No-marked items to appropriate supervisor.

	Four-Week Inspection Period				Comments on Inspection Items
Inspection Item	**Date:** _____	**Date:** _____	**Date:** ____	**Date:** _____	
Number of Containers in Unit					
Containers Marked/Labeled Properly					
Containers Dated Properly					
Containers Stored 90 Days or Less					
Containers Observed to be free of Leaks/Staining					
Containers Observed with Closed Tops or Bungs					
Containers Observed without Dents or Corrosion					
Appropriate Aisle Space Maintained					
Containment System free of Water or Other Liquids					
Inspectors Initials					

Overall Comments:_____

_____

_____

_____

Reviewed by:_____ Date:_____

Note: State and Federal regulations require that this inspection be performed weekly.

Exhibit D

5. FEDERAL AND STATE CONTACTS

1) **National Spill Response Center** - (800) 424-8802

2) **EPA Region 6 Emergency Response** - (214) 665-2770

3) **EPA Region 6**
1445 Ross Avenue
Dallas, Texas 75202
(214) 665-6444

4) **RCRA/Superfund Hotline**
Washington, DC
(800) 424-9346

5) **State Agency Numbers**:

Arkansas Department of Pollution Control & Ecology (ADPC&E) -
8001 National Drive
Little Rock, Arkansas 72209
(501) 682-0744

Louisiana Department of Environmental Quality (LDEQ) -
7290 Bluebonnet Road
Baton Rouge, Louisiana 70810
(504) 765-0647

New Mexico Environmental Department (NMED) -
1190 St. Francis Drive
Room North 4050
Santa Fe, New Mexico 87505
(505) 827-6055

Oklahoma Department of Environmental Quality (ODEQ) -
1000 NE 10th Street
Oklahoma City, Oklahoma 73117
(405) 271-7363

Texas Natural Resources Conservation Commission (TNRCC) -
Austin Regional Office
1921 Cedar Bend Dr.
Suite 150
Austin, Texas 78758
(512) 339-2929

Exhibit D

Exhibit D

EXHIBIT “5.2”

Storm Water Best Management Practices

Industrial and Commercial Facilities

Exhibit D

BEST MANAGEMENT PRACTICES (BMPs)

INDUSTRIAL/COMMERCIAL FACILITIES

Industrial activities and storage and handling of materials at commercial and industrial facilities have the potential to pollute storm water runoff with sediment, chemicals, oil and grease, metals, and trash. Storm water runoff can pick up these items, thereby contaminating the storm water. It carries the pollutants right into the City's storm drainage system, which flows directly into our streams and coastal waters.

Best Management Practices (BMPs), simple and effective methods to prevent the pollution of storm water, should be implemented by commercial and industrial facilities to prevent pollutants from being picked up by storm water. Implementing storm water BMPs is a vital part of protecting Hawaii's waters for life.

VISIT THE WEBSITE

www.CLEANWATERHONOLULU.com

OR

CALL THE

ENVIRONMENTAL CONCERN LINE

768-3300

The Law: The Federal Clean Water Act gave the Environmental Protection Agency (EPA) the authority to implement water pollution control programs. Local statutes and ordinances address compliance and enforcement of the EPA's mandates.

The Ordinance: The Revised Ordinances of Honolulu, Section 14-12.23(a) Environmental Quality Control-Violation states, "It shall be unlawful for any person to discharge or cause to be discharged any pollutant into any drainage facility which causes a pollution problem in state waters, or causes a violation of any provision of the City NPDES [National Pollutant Discharge Elimination System] permit or the water quality standards of the State of Hawaii."

Discharging pollutants to the storm drain system is against the law. Violations can result in fines of up to $25,000 per violation, per day.

REFERENCES:

California Stormwater Quality Association. 2003. Stormwater Best Management Practice Handbook, Industrial and Commercial. http://www.cabmphandbooks.com

City and County of Honolulu. 2012. Storm Water BMP Guide. http://www.honoluludpp.org/ReportsNotices/StormWaterQualityPage.aspx

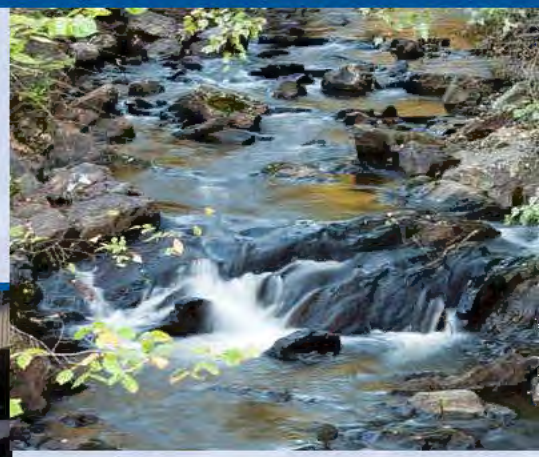
United States Environmental Protection Agency. 2009. Stormwater Discharges From Industrial Facilities. http://cfpub.epa.gov/npdes/stormwater/indust.cfm

STORM WATER BEST MANAGEMENT PRACTICES

INDUSTRIAL AND COMMERCIAL FACILITIES

City and County of Honolulu
Department of Environmental Services

7/2013



E Mālama I Ka Wai Ola
Protect our waters...
FOR LIFE

STORM WATER MANAGEMENT

PROTECTING OUR WATERS

Rain falling in urban areas flows along streets and gutters, and collects in drain inlets and catch basins. Storm water is then carried by drain pipes and channels into streams and the ocean. Dirt, debris, grime, automotive fluids, and other such loose materials on the ground can be picked up by storm water and end up polluting our island waters.

Streams and oceans are homes to fish, plants, and other aquatic life, and serve as major recreational areas for the Oahu community. They offer opportunities for activities such as fishing, swimming, surfing, diving, and paddling. Keeping storm water as clean as possible is in everyone's interest. The information in this brochure provides guidance on how to protect our streams and the ocean by reducing storm water pollution.

Exhibit D

CITY INSPECTIONS AND ENFORCEMENT

The City has developed an industrial and commercial discharge management program to reduce the discharge of pollutants from all industrial and commercial facilities and activities that discharge into the City's Municipal Separate Storm Sewer System (MS4), or drainage system. The management program includes inspections and enforcement actions for industrial and commercial facilities.

City inspectors visit facilities to assess potential sources of pollutants to the City's drainage system and potential impacts to receiving waters. They also evaluate any Best Management Practices (BMPs) that are used at the facility, as well as its Storm Water Pollution Control Plan (SWPCP), if applicable.

A facility representative must accompany the City inspector during the site visit. The inspector will point out any deficiencies observed and provide recommendations to the representative. A formal report will be sent to the facility within two weeks only if there are deficiencies that need to be addressed. These reports are also submitted to the State Department of Health (DOH) semi-annually on October 31 and April 30.

TYPICAL ISSUES CHECKED DURING INSPECTIONS

Illicit Discharge

The City's drainage system was designed to convey storm water, not trash or pollutants. It is illegal to discharge pollutants into the City's drainage system. Typical illegal pollutants from industrial/commercial facilities include oil, wash water (from washing vehicles, containers, pavement, etc.), and soil/sediment. For more information about pollutants and how they impact our environment, visit *www.cleanwaterhonolulu.com.*

Pollutants (wash water and cleaner) flowing into a drain inlet contaminate the drainage system.

Illegal Storm Drain Connection

All drainage connections from non-municipal and private property to a City drainage facility must have a storm drain connection license issued to the property owner. Examples of drainage connections include pipes or hoses that convey flow directly into a gutter, channel, or drainage structure; or a private drain inlet, catch basin, or channel that connects to the City's drainage system.

Sidewalk culverts are storm drain connections.

The application for a storm drain connection license can be downloaded from the *forms* link at *www.cleanwaterhonolulu.com* or can be requested by calling the Department of Planning and Permitting at 768-8106.

Materials Storage/ Good Housekeeping

Proper storage and good housekeeping methods should be implemented as Best Management Practices to minimize the potential for pollution.

Improper storage: This 55-gallon drum is unlabeled, rusted, and not stored under cover.

Storm water can pick up pollutants that wash off or dissolve in water from materials that are exposed to rain or runoff flowing through the storage area.

SUGGESTED BEST MANAGEMENT PRACTICES

Outside Areas

- Observe the natural flow pattern of water on your property to determine the best area to store materials and avoid contamination of storm water.
- Direct runoff from paved areas to landscaped areas.
- Clean and maintain drain inlets on property regularly.
- Keep materials and stockpiles covered or contained.
- Keep dumpster lids closed. Replace leaking dumpsters.
- Keep outside areas organized and clean. Dispose of empty containers, sweep regularly, remove scrap material, and clean up spills, oil, and hydraulic fluid leaks promptly.
- Conduct vehicle maintenance under covered areas. Use drip pans and absorbent materials.
- Washing vehicles is allowed only if:
  - vehicle wash water is kept on property so it does not flow into the City's drainage system.
  - used water is pretreated and discharged into the sewer system—such discharge must be approved by the City's Regulatory Control Branch (768-3262).

Storing dumpsters in covered areas minimizes storm water contact with trash.

Chemical Storage and Handling

- Store batteries under a roof and dispose of them properly.
- Store chemicals, fuel, and oil in marked, covered containers in a well-ventilated area under a roof. Use secondary containment (e.g., a containment pallet) if applicable.
- Provide clearly labeled spill response kits that are easily accessible near chemical storage areas.
- Schedule employee training for spill response, proper handling and disposal of chemicals, and pollution prevention on a regular basis.

Containment pallets prevent leaks from entering the drainage system.

DO YOU NEED AN NPDES PERMIT?

Industrial facilities may be required to obtain National Pollutant Discharge Elimination System (NPDES) permit coverage. In general, work that falls under the following categories requires permit coverage:

- Facilities subject to federal stormwater effluent discharge standards (e.g., those that process certain foods, or manufacture chemicals and metals)
- Heavy manufacturing facilities (e.g., paper and steel mills, chemical plants, and petroleum refineries)
- Coal/mineral mining and oil/gas exploration and processing
- Hazardous waste treatment, storage, or disposal facilities
- Landfills, land application sites, and open dumps
- Recycling facilities
- Steam electric power generating plants
- Transportation facilities
- Sewage or treatment works treating domestic sewage
- Light manufacturing (e.g., food processing, printing, electronics manufacturing, and public storage)

Facility activities are classified under a Standard Industrial Classification (SIC) code. Each facility is responsible for identifying its own code based on its activities.

If you think your facility may need NPDES coverage, contact the DOH Clean Water Branch at 586-4309.

For more information, visit the Environmental Protection Agency's website at *http://cfpub.epa.gov/npdes/stormwater/swcats.cfm.*

For More Information

Environmental Concern Line 768-3300
or www.cleanwaterhonolulu.com

REPORT UNCONTROLLABLE OR UNCONTAINABLE SPILLS IMMEDIATELY TO THE HAWAII DEPARTMENT OF HEALTH, HAZARD EVALUATION AND EMERGENCY RESPONSE AT (808) 586-4249 OR (808) 247-2191 (AFTER HOURS), OR CALL 911.

Exhibit D

Date: December 10, 2024

Steven Kurokawa
Denny's Repair & Services Inc
4545 Kona Rd
Hanapepe, HI 96716
[redacted]

RE: Denny's Repair & Services Inc, TMK: 4-1-9-5-9, General Lease No. S-4275
Kauai Valuation File No: K240121

Mr. Kurokawa:

At your request, I have prepared an opinion of estimated remaining economic life of the building improvements on the property located at 4545 Kona Rd, Hanapepe, Hawaii 96716, TMK: 4-1-9-5-9. The subject property is leased to Katsuyoshi Kurokawa and Jane Kurokawa (Lessee) from the State of Hawaii (Lessor): General Lease No. S-4275 dated January 27, 1970 for a term of 55 years beginning on February 25, 1970 and ending on February 24, 2025.

The subject property building improvements consist of 1) a concrete block and steel-frame warehouse structure built in 1979 having a gross building area of 1,500 SF measuring 60' x 25' and with a 15' wall height and having an actual age of 45 years 2) a wood frame retail building built in 1950 having a gross building area of 1,505 SF and with a wall height of 14' and having an actual age of 74 years.

Based on my observation of the building improvements on December 4, 2024 I have concluded that the subject building improvements have an estimated current effective age of 40 years with a remaining economic life of 20 years in the As-Is condition. The remaining economic life could be extended with regular maintenance and repairs as needed. Based on the scope of repairs presented in the Schedule of Planned Leasehold Improvements, the lessee plans the following repairs and renovations in 2025:

- Remove current art gallery storefront windows (4) and install new framing/header with new tempered glass vinyl frame windows
- Install new window trims with Windsor pre primed pine finish lumber and replace/repair dry rotted exposed siding
- Construct new 2x6 frame wall along interior of south end of building to repair current wall damage caused by vehicle, install new drywall and tape/texture to match existing
- Paint exterior of building with minimum of two coats semi-gloss exterior grade paint
- Clean up and dispose of all materials/debris to completion

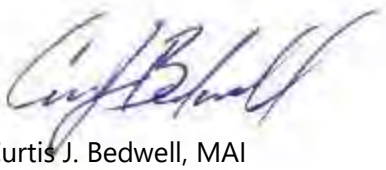
Total: **$38,104.70**

Exhibit E

Upon completion of the building repairs and renovations listed above, the remaining economic life of the building improvements could be extended to have an effective age of 30 years upon completion with a remaining economic life of 30 years upon completion. If there are any specific questions or concerns regarding this letter, or if Kauai Valuation can be of additional assistance, please call or email me.

Sincerely,

KAUAI VALUATION



Curtis J. Bedwell, MAI
Certified General Real Estate Appraiser
State of Hawaii License No. CGA-1007
Expiration Date 12/31/2025

Exhibit E