



RESOLUTION

GRANTING A SPECIAL MANAGEMENT AREA USE PERMIT TO CONSTRUCT AND OPERATE A BIODIESEL PRODUCTION FACILITY.

WHEREAS, the Department of Planning and Permitting (DPP) on July 3, 2007, accepted the application of Imperium Renewables Hawaii LLC, herein referred to as the Applicant, for a Special Management Area Use Permit (SMP) to construct a biodiesel production facility on land zoned I-3 Waterfront Industrial District, located at the corner of Malakole Road and John Wayne Avenue at Kalaeloa Barbers Point Harbor, in Ewa, Oahu and identified by Tax Map Key 9-1-14: por 24 and 36; Reference Number 2007/SMA-35; and

WHEREAS, on July 31, 2007, the DPP held a public hearing which was attended by five (5) representatives of the applicant and three (3) other representatives of the public relations firm and general contractor. One (1) person from Life of the Land presented oral testimony at the hearing and no written testimony was submitted for the project; and

WHEREAS, on August 9, 2007, within ten (10) working days after the close of the public hearing, the DPP, having duly considered all evidence and reports of said public hearing and the review guidelines as established in Sections 25-3.1 and 25-3.2, Revised Ordinances of Honolulu (ROH), completed its report and transmitted its findings and recommendation of approval to the Council; and

WHEREAS, the City Council, having received the findings and recommendation of DPP on August 9, 2007, and its meeting of SEP 19 2007, having duly considered all of the findings and reports on the matter, approved the subject application for an SMP with the conditions enumerated below; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that an SMP be issued to the Applicant under the following conditions:

- A. Approval of this permit covers the construction of a biodiesel production facility, as depicted in Exhibits A through D, attached hereto.

DPP07SMA35.R07



RESOLUTION

- B. If, during construction, any previously unidentified archaeological sites or remains (such as artifacts, shell, bone, or charcoal deposits, human burials, rock or coral alignments, paving, or walls) are encountered, the applicant shall stop work and contact the SHPD immediately. Work in the immediate area shall be stopped until the SHPD is able to assess the impact and make further recommendations for mitigative activity.
- C. The applicant shall obtain a development permit within three (3) years of the date of the SMP. Failure to obtain a development permit within this period shall render the SMP null and void, provided that this period may be extended as follows: The Director of Planning and Permitting may extend this period if the applicant demonstrates good cause, but the period shall not be extended beyond one (1) year from the initial deadline without the approval of the City Council, which may grant or deny the approval in its complete discretion. If the applicant has demonstrated good cause for the extension, the Director shall prepare and submit to the Council a report on the proposed extension, which report shall include the Director's findings and recommendations thereon. The Council may approve the proposed extension or an extension for a shorter or longer period, or deny the proposed extension, by adoption of a committee report or resolution. If the Council fails to take final action on the proposed extension within the first to occur of: (i) 60 days after receipt of the Director's report; or (ii) the applicant's then-existing deadline for obtaining a development permit, the extension shall be deemed to be denied.
- D. Approval of this SMP does not constitute compliance with other Land Use Ordinance (LUO) or governmental agencies' requirements, including building permit approval. They are subject to separate review and approval. The applicant shall be responsible for ensuring that the final plans for the project approved under this permit comply with all applicable LUO and other governmental agencies' provisions and requirements.
- E. Construction shall be in general conformity with the plans on file with the DPP and in accordance with the LUO. Any change in the size or nature of the project which have a significant effect on coastal resources addressed in Chapter 25, Revised Ordinances of Honolulu, shall require a new application. Any change which does not have a significant effect on coastal resources shall be considered a minor modification, and therefore permitted under this resolution, upon review and approval of the Director of Planning and Permitting.



CITY COUNCIL
 CITY AND COUNTY OF HONOLULU
 HONOLULU, HAWAII

07-252

No. _____

RESOLUTION

BE IT FINALLY RESOLVED by the Council of the City and County of Honolulu that the Clerk be and is directed to transmit copies of this Resolution to Mr. Henry Eng, FAICP, Director of Planning and Permitting; Ms Adrienne Barnes, 1099 Alakea Street, Suite 1800, Honolulu, Hawaii 96813; Mr. Lee Sichter, Belt Collins Hawaii, Ltd., 2153 North King Street, Suite 200, Honolulu, Hawaii 96819; and Mr. Glenn Okimoto, State Department of Transportation, Harbors Division, 79 South Nimitz Highway, Honolulu, Hawaii 96813.

INTRODUCED BY:

Bob Bennett

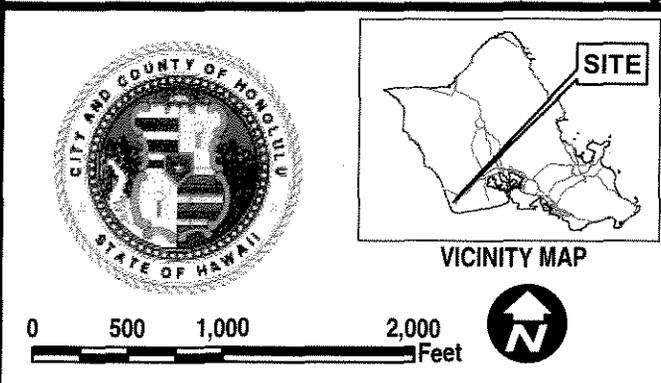
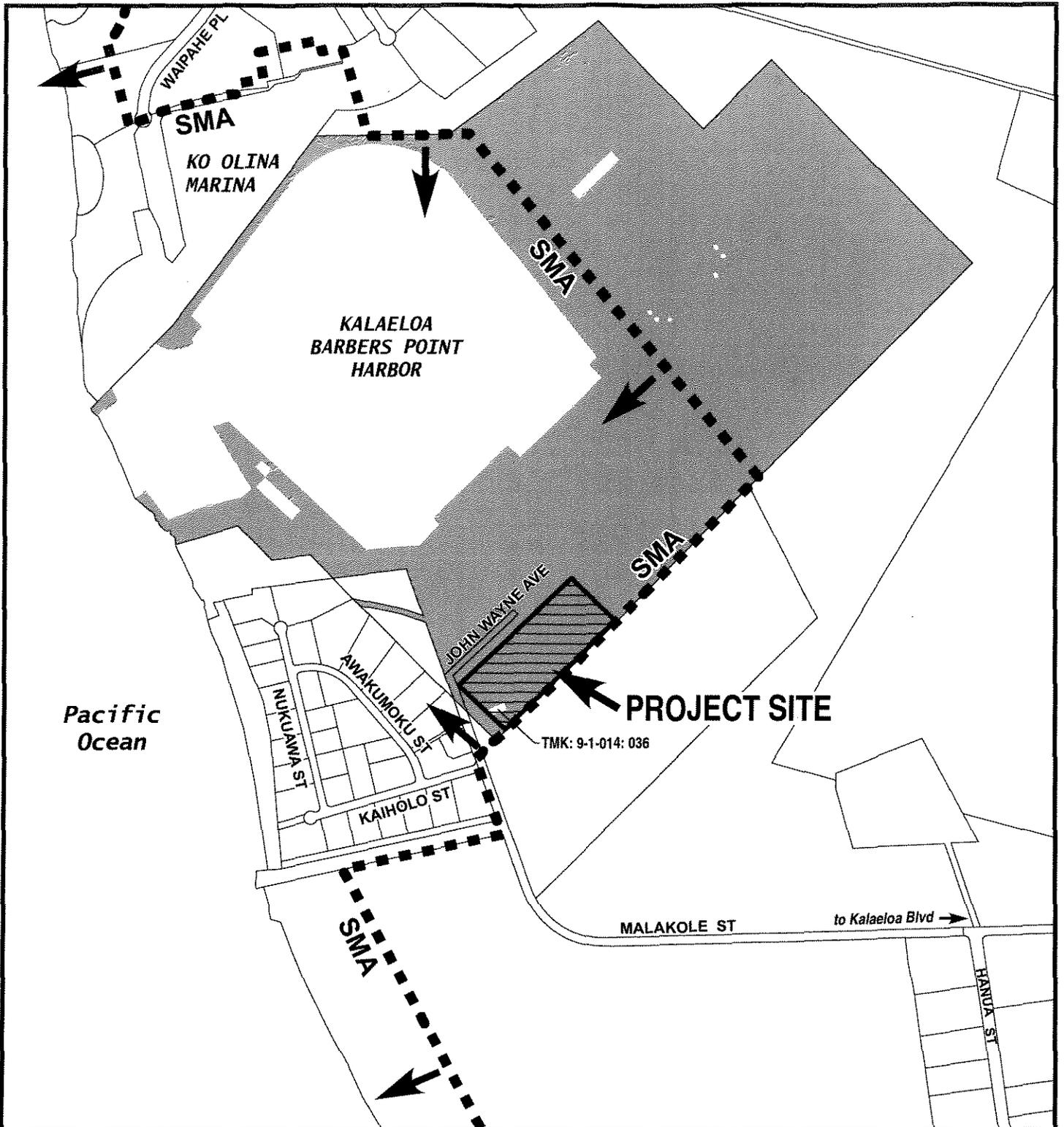
(br)

DATE OF INTRODUCTION:

AUG 14 2007

 Honolulu, Hawaii

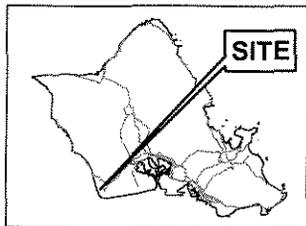
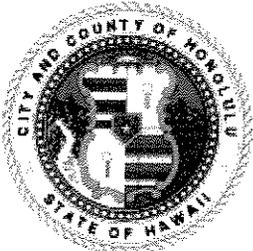
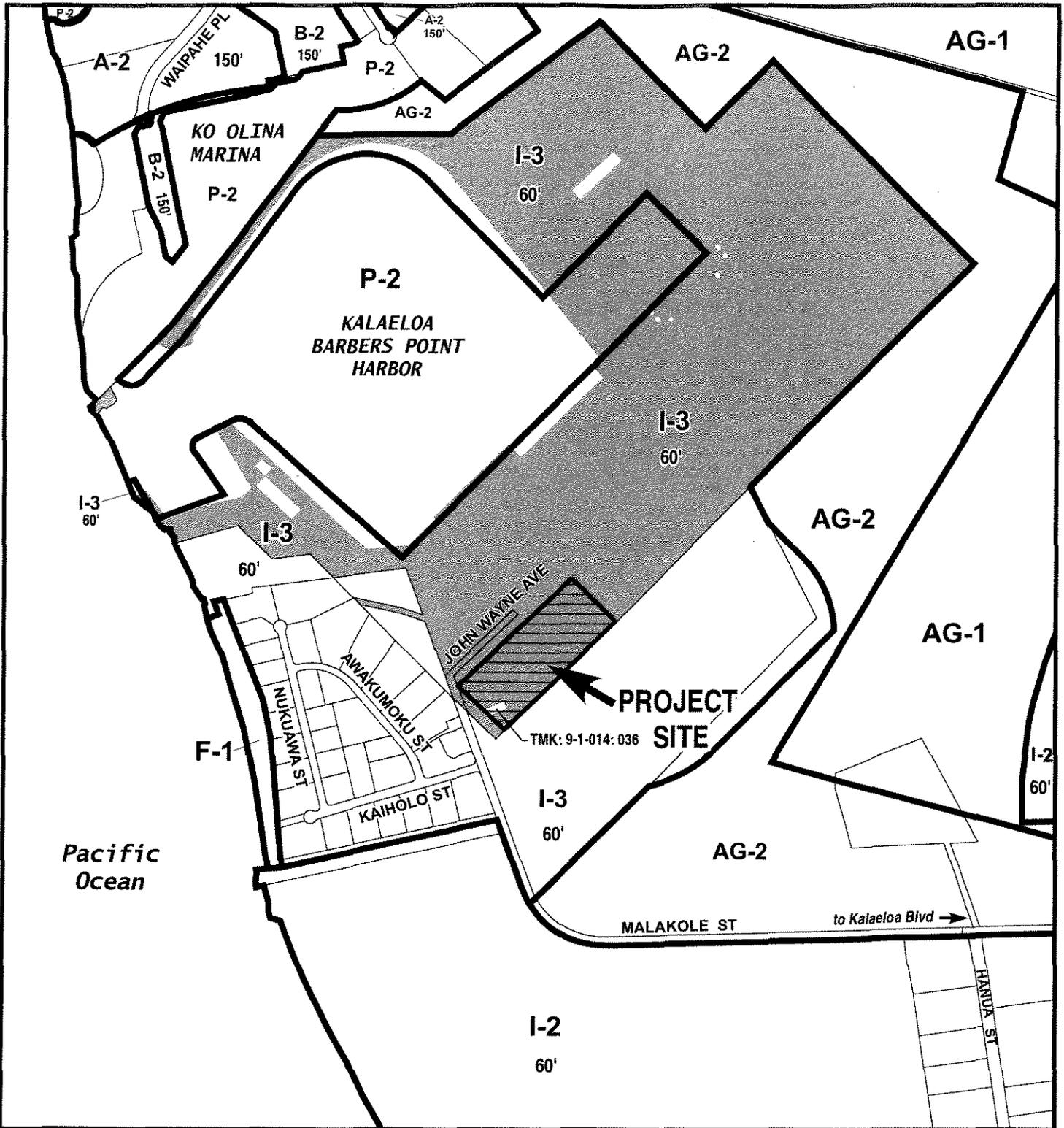
 Councilmembers



LOCATION MAP
KALAELOA BARBERS POINT HARBOR
 FILE NO. 2007/SMA-35

 TMK(S): 9-1-014: POR. OF 024 & 036
 TMK: 9-1-014: 024
 IN SPECIAL MANAGEMENT AREA (SMA)

EXHIBIT A



VICINITY MAP



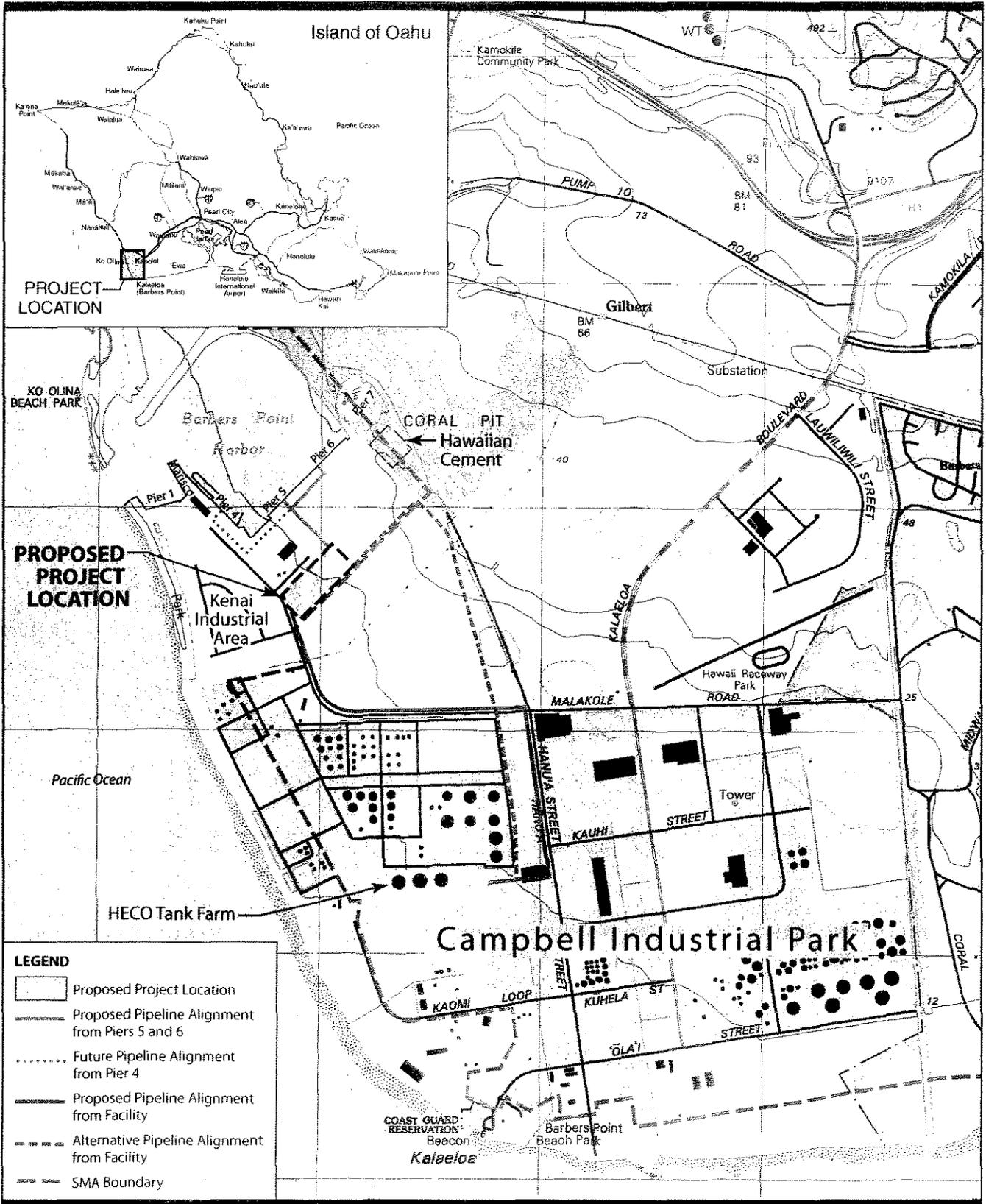
ZONING MAP BARBERS POINT - NANAKULI

FILE NO. 2007/SMA-35

 TMK(S): 9-1-014: POR. OF 024 & 036

 TMK: 9-1-014: 024

EXHIBIT B



Source: USGS Ewa 7.5-minute Quadrangle, 1998

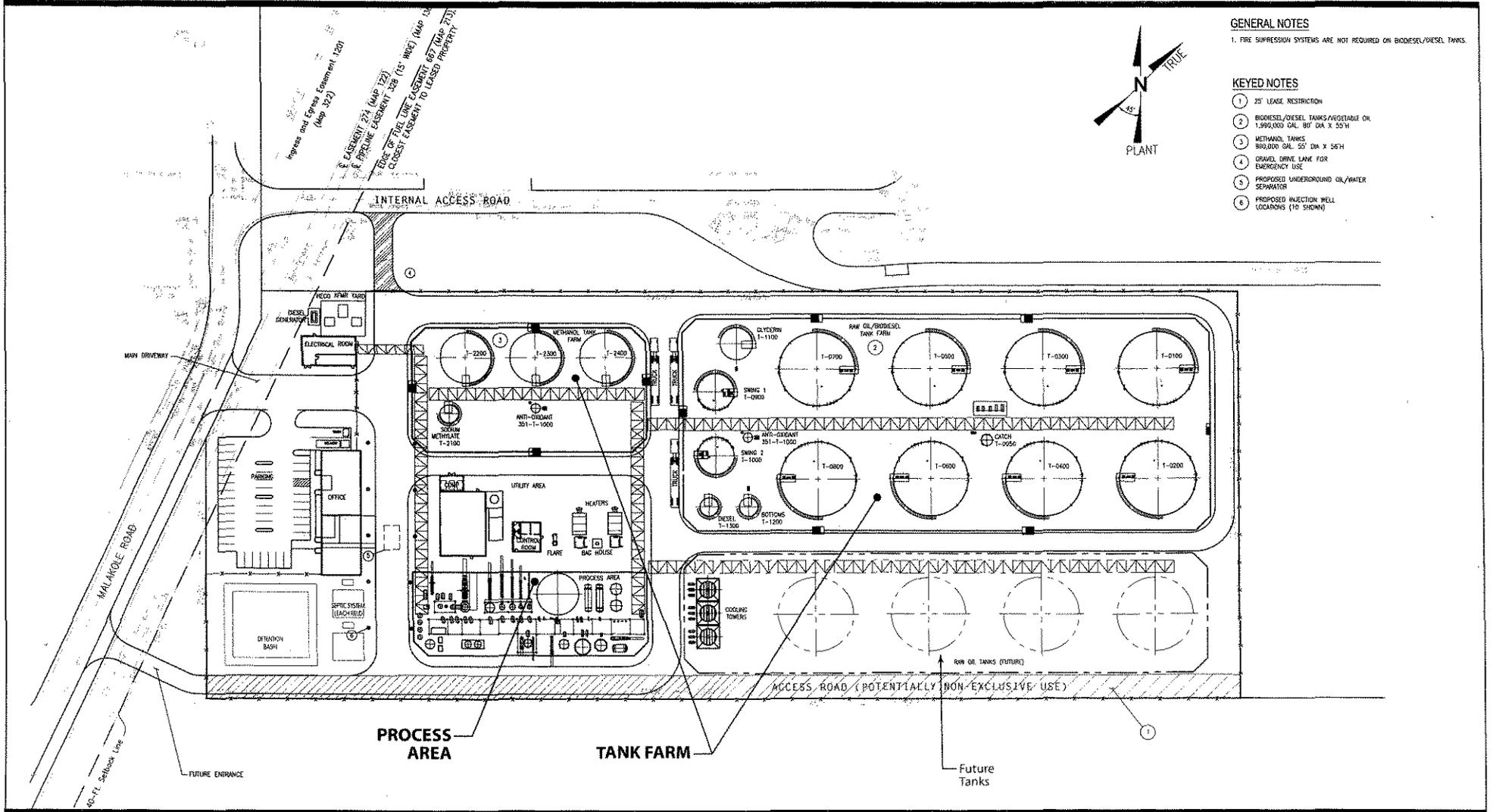


NORTH



Figure 1
SITE FIGURE

Imperium Hawaii Biodiesel Facility
June 2007



GENERAL NOTES

1. FIRE SUPPRESSION SYSTEMS ARE NOT REQUIRED ON BIODIESEL/DIESEL TANKS.

KEYED NOTES

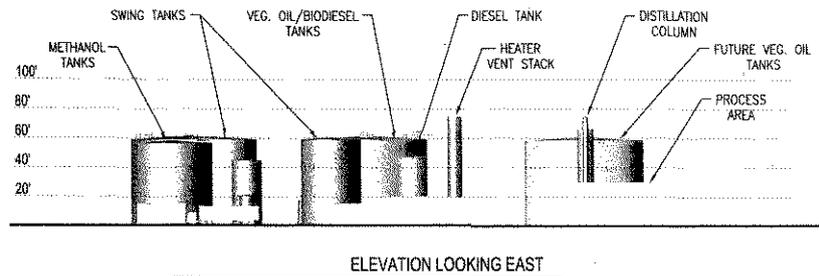
- ① 25' LEASE RESTRICTION
- ② BIODIESEL/DIESEL TANKS/VEGETABLE OIL
1,990,000 GAL. 80' DIA X 55'H
- ③ METHANOL TANKS
880,000 GAL. 55' DIA X 55'H
- ④ GRAVEL DRIVE LANE FOR
EMERGENCY USE
- ⑤ PROPOSED UNDERGROUND OIL/WATER
SEPARATOR
- ⑥ PROPOSED INJECTION WELL
(LOCATIONS 10' SHOWN)

Belt Collins
NORTH
SCALE IN FEET
0 50 100

PRELIMINARY—NOT FOR CONSTRUCTION

Figure 2
PROPOSED FACILITY LAYOUT

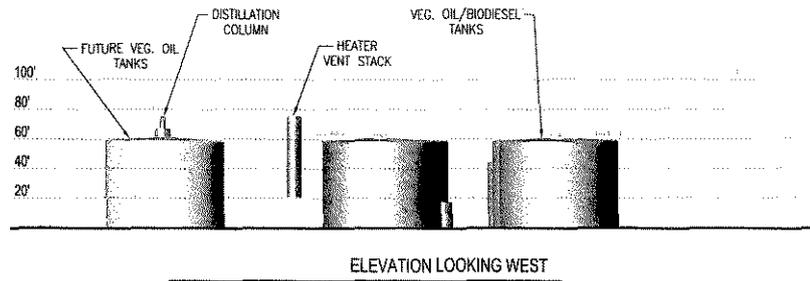
Imperium Hawaii Biodiesel Facility
June 2007



LEGEND
Proposed Tanks
Future Tanks

**Supplemental Figure 1
SITE ELEVATION—EAST**

SMA Use Permit Application
Imperium Hawaii Biodiesel Facility
July 2007

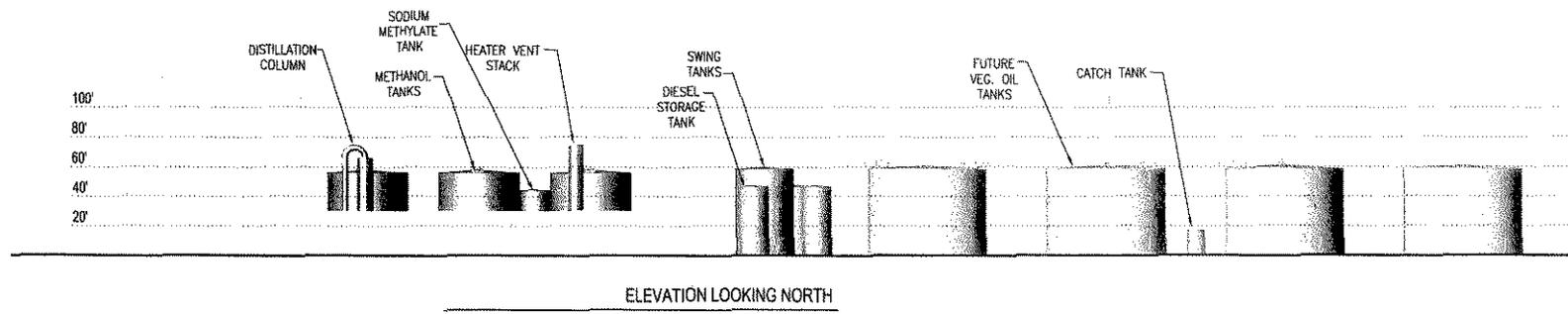


0 40 80
SCALE IN FEET

LEGEND
Proposed Tanks
Future Tanks

**Supplemental Figure 2
SITE ELEVATION—WEST**

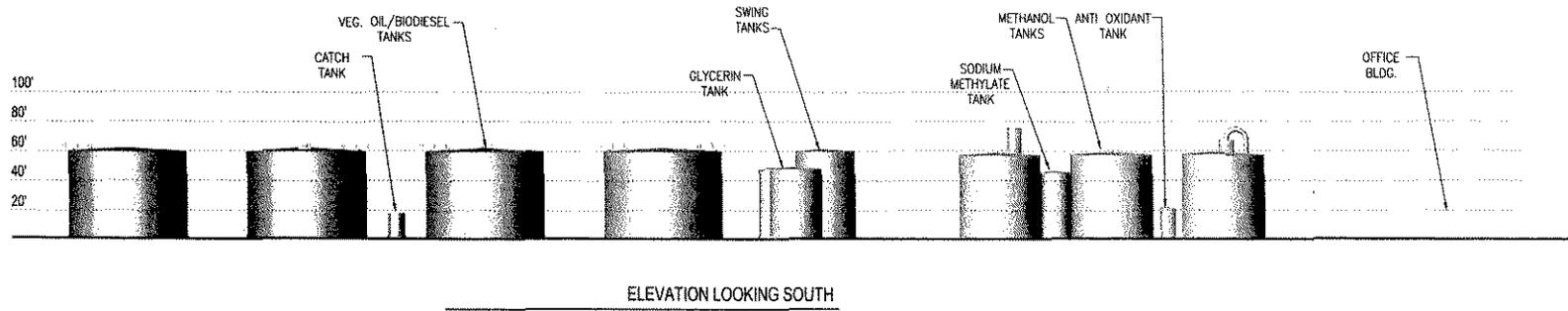
SMA Use Permit Application
Imperium Hawaii Biodiesel Facility
July 2007



LEGEND
Proposed Tanks
Future Tanks

**Supplemental Figure 3
SITE ELEVATION—NORTH**

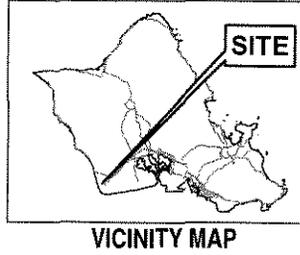
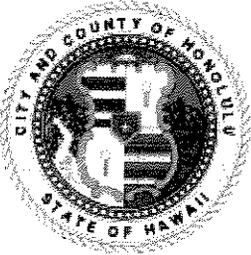
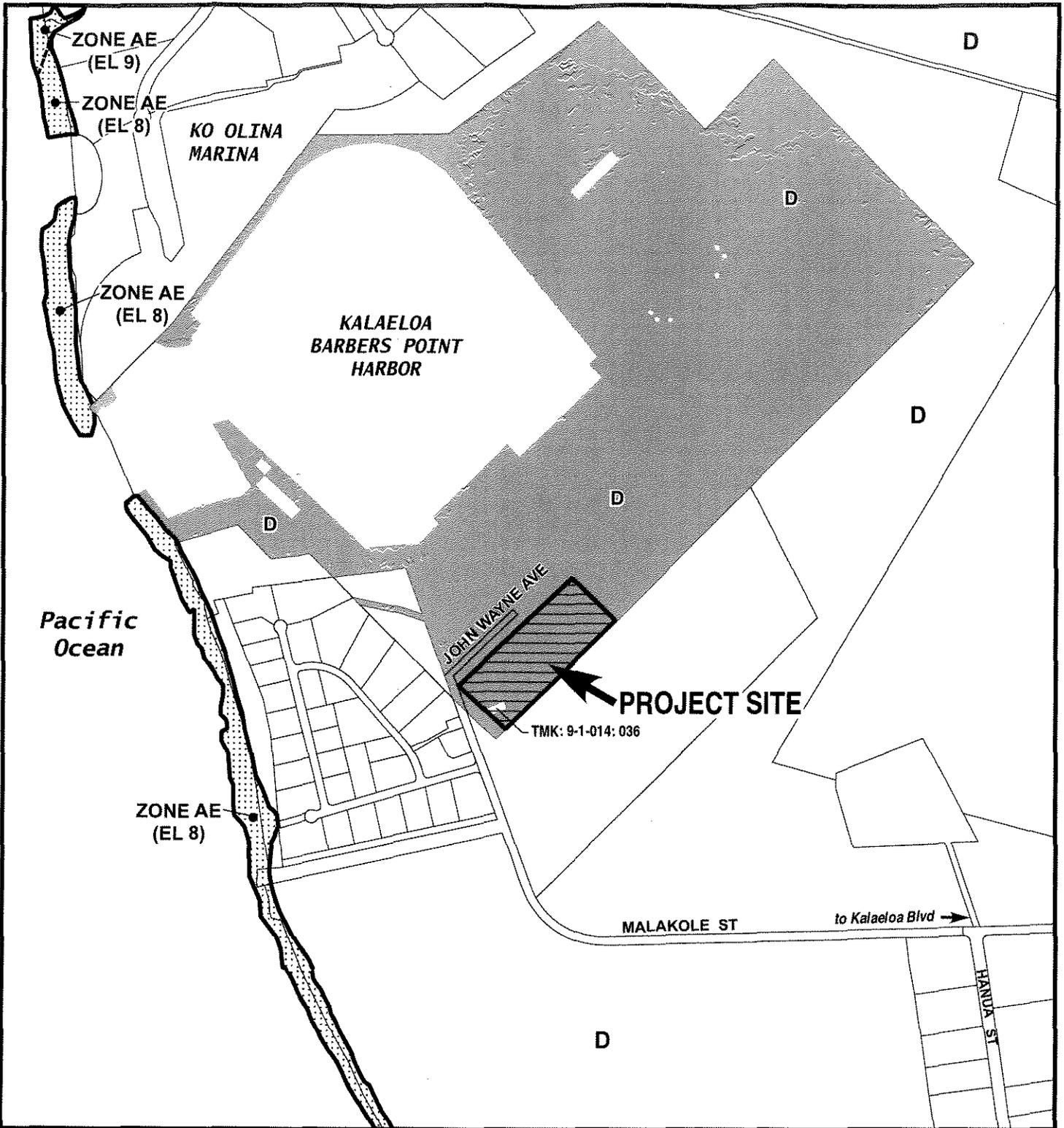
SMA Use Permit Application
Imperium Hawaii Biodiesel Facility
July 2007



LEGEND
Proposed Tanks
Future Tanks

Supplemental Figure 4
SITE ELEVATION—SOUTH

SMA Use Permit Application
Imperium Hawaii Biodiesel Facility
July 2007



FLOOD MAP
KALAELOA BARBERS POINT HARBOR
 FILE NO. 2007/SMA-35

-  TMK(S): 9-1-014: POR. OF 024 & 036
-  AE (Base flood Elevations Determined)
-  D (Undetermined Flood Hazard)
-  TMK: 9-1-014: 024

EXHIBIT D

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 07-252

Introduced: 08/14/07 By: BARBARA MARSHALL (BR)

Committee: ZONING

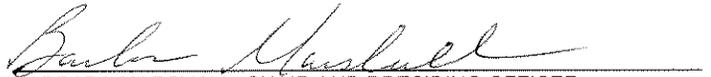
Title: RESOLUTION GRANTING A SPECIAL MANAGEMENT AREA USE PERMIT TO CONSTRUCT AND OPERATE A BIODIESEL PRODUCTION FACILITY.

Links: [RES07-252](#)
[D-635\(07\)](#)

ZONING	09/04/07	CR-306 – RESOLUTION REPORTED OUT OF COMMITTEE FOR ADOPTION. (Deadline: 10/8/07)				
COUNCIL	09/19/07	CR-306 AND RESOLUTION 07-252 WERE ADOPTED.				
	APO Y	CACHOLA Y	DELA CRUZ Y	DJOU Y	GARCIA Y	
	KOBAYASHI Y	MARSHALL Y	OKINO Y	TAM Y		

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.


DENISE C. DE COSTA, CITY CLERK


BARBARA MARSHALL, CHAIR AND PRESIDING OFFICER