
HOUSE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF HEALTH TO REPORT ON THE STATUS OF ITS LITIGATION AGAINST WASTE MANAGEMENT OF HAWAII, INC. AND THE CITY AND COUNTY OF HONOLULU AND REPORT ON HOW THE DEPARTMENT OF HEALTH CONDUCTS HEALTH SURVEILLANCES RELATED TO ENVIRONMENTAL FACTORS, SUCH AS LANDFILLS AND INFECTIOUS DISEASE, AND HOW THE DIVISIONS OF THE DEPARTMENT OF HEALTH WORK TOGETHER TO SHARE INFORMATION AND DETERMINE ANY ACTIONS TO BE TAKEN.

1 WHEREAS, the Waimanalo Gulch Sanitary Landfill in West Oahu
2 is a municipal landfill owned by the City and County of Honolulu
3 and operated by Waste Management of Hawaii, Incorporated, that
4 accepts on a daily basis:

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6 (1) Over fourteen hundred tons of municipal solid waste
7 from county collection routes and transfer stations,
8 private collection companies, and residential and
9 commercial haulers; and

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11 (2) Nearly four hundred tons of ash from the nearby H-
12 Power plant; and

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14 WHEREAS, a recent Department of Health order issued to the
15 City and County of Honolulu and Waste Management of Hawaii,
16 Incorporated, lists eighteen violations of the operating permit
17 for the landfill, including, for example, the following
18 violations:

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20 (1) Exceeding the landfill's allowed height;

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22 (2) Allowing too much leachate to collect at the bottom of
23 the landfill liner, raising structural stability
24 concerns;

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26 (3) Failing to cover garbage daily with soil on at least
27 twenty-seven working days;
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- 1 (4) Failing to submit annual operating reports on time;
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- 3 (5) Failing to report overfilling in a timely manner;
- 4
- 5 (6) Failing to place soil on the H-Power ash portion of
- 6 the landfill for more than a year;
- 7
- 8 (7) Allowing excessive liquids in landfill sump pumps for
- 9 more than four months;
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- 11 (8) Failing to measure and maintain records of liquid
- 12 levels in landfill sump pumps for more than a year;
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- 14 (9) Failing to record the location of asbestos disposal
- 15 and maintain records for over six months;
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- 17 (10) Failing to monitor methane gas and maintain records
- 18 for two years; and
- 19
- 20 (11) Failing to comply with other conditions of the
- 21 landfill's permit; and
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23 WHEREAS, in the areas surrounding Waimanalo Gulch Sanitary
 24 Landfill there are thousands of residences, many businesses, a
 25 resort hotel, schools, and much development and construction
 26 activity; and

27
 28 WHEREAS, the people in those areas, and the people working
 29 at the landfill, are interested in the protection of their
 30 health and the environment and the progress and results of the
 31 Department's enforcement case; and

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 33 WHEREAS, information is needed regarding how the Department
 34 of Health conducts health surveillances related to environmental
 35 factors, such as landfills and infectious disease; and

36
 37 WHEREAS, information is also needed regarding how the
 38 divisions of the Department of Health work together to share
 39 information on environmental matters and determine any actions
 40 to be taken; now, therefore,

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 42 BE IT RESOLVED by the House of Representatives of the
 43 Twenty-third Legislature of the State of Hawaii, Regular Session
 44 of 2006, the Senate concurring, that the Department of Health is

1 requested to prepare an interim and final report on the status
2 and outcome of the litigation in Department of Health, State of
3 Hawaii vs. Waste Management of Hawaii, Incorporated and City and
4 County of Honolulu (Docket No. 05-SHW-SWS-004); and
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6 BE IT FURTHER RESOLVED that the Department of Health is
7 requested to submit the interim report to the Legislature no
8 later than twenty days prior to the convening of the Regular
9 Session of 2007 and the final report no later than one hundred
10 twenty days after the foregoing case against Waste Management of
11 Hawaii, Incorporated and the City and County of Honolulu is
12 resolved; and
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14 BE IT FURTHER RESOLVED that the Department of Health is
15 requested to prepare a report explaining:
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- 17 (1) How it conducts health surveillances related to
18 environmental factors, such as landfills and
19 infectious disease; and
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21 (2) How the divisions of the Department of Health work
22 together to share information on environmental matters
23 and determine any actions to be taken; and
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25 BE IT FURTHER RESOLVED that the Department of Health is
26 requested to submit its report on health surveillances and the
27 procedures of its divisions to the Legislature no later than
28 twenty days prior to the convening of the Regular Session of
29 2007; and
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31 BE IT FURTHER RESOLVED that certified copies of this
32 Concurrent Resolution be transmitted to the Director of Health;
33 the Mayor and Managing Director of the City and County of
34 Honolulu; and the President of Waste Management of Hawaii,
35 Incorporated.

