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# HOUSE 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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- 29           (4) Failing to submit annual operating reports on time;
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- 1 (5) Failing to report overfilling in a timely manner;  
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3 (6) Failing to place soil on the H-Power ash portion of  
4 the landfill for more than a year;  
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6 (7) Allowing excessive liquids in landfill sump pumps for  
7 more than four months;  
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9 (8) Failing to measure and maintain records of liquid  
10 levels in landfill sump pumps for more than a year;  
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12 (9) Failing to record the location of asbestos disposal  
13 and maintain records for over six months;  
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15 (10) Failing to monitor methane gas and maintain records  
16 for two years; and  
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18 (11) Failing to comply with other conditions of the  
19 landfill's permit; and  
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21 WHEREAS, in the areas surrounding Waimanalo Gulch Sanitary  
22 Landfill there are thousands of residences, many businesses, a  
23 resort hotel, schools, and much development and construction  
24 activity; and  
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26 WHEREAS, the people in those areas, and the people working  
27 at the landfill, are interested in the protection of their  
28 health and the environment and the progress and results of the  
29 Department's enforcement case; and  
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31 WHEREAS, information is needed regarding how the Department  
32 of Health conducts health surveillances related to environmental  
33 factors, such as landfills and infectious disease; and  
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35 WHEREAS, information is also needed regarding how the  
36 divisions of the Department of Health work together to share  
37 information on environmental matters and determine any actions  
38 to be taken; now, therefore,  
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40 BE IT RESOLVED by the House of Representatives of the  
41 Twenty-third Legislature of the State of Hawaii, Regular Session  
42 of 2006, that the Department of Health is requested to prepare  
43 an interim and final report on the status and outcome of the  
44 litigation in Department of Health, State of Hawaii vs. Waste



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