
SENATE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF HEALTH TO REPORT ON THE STATUS OF
ITS LITIGATION AGAINST WASTE MANAGEMENT OF HAWAII, INC. AND
CITY AND COUNTY OF HONOLULU.

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:

5
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

10
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;

28
29 (4) Failing to submit annual operating reports on time;

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31 (5) Failing to report overfilling in a timely manner;

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- 1 (6) Failing to place soil on the H-Power ash portion of
- 2 the landfill for more than a year;
- 3
- 4 (7) Allowing excessive liquids in landfill sump pumps for
- 5 more than four months;
- 6
- 7 (8) Failing to measure and maintain records of liquid
- 8 levels in landfill sump pumps for more than a year;
- 9
- 10 (9) Failing to record the location of asbestos disposal
- 11 and maintain records for over six months;
- 12
- 13 (10) Failing to monitor methane gas and maintain records
- 14 for two years; and
- 15
- 16 (11) Failing to comply with other conditions of the
- 17 landfill's permit; and
- 18

19 WHEREAS, in the areas surrounding Waimanalo Gulch Sanitary
 20 Landfill there are thousands of residences, many businesses, a
 21 resort hotel, schools, and much development and construction
 22 activity; and

23
 24 WHEREAS, the people in those areas, and the people working
 25 at the landfill, are interested in the protection of their
 26 health and the environment and the progress and results of the
 27 Department's enforcement case; now, therefore,

28
 29 BE IT RESOLVED by the Senate of the Twenty-third
 30 Legislature of the State of Hawaii, Regular Session of 2006, the
 31 House of Representatives concurring, that the Department of
 32 Health is requested to prepare an interim and final report on
 33 the status of the litigation between the Department of Health,
 34 State of Hawaii vs. Waste Management of Hawaii, Inc. and City
 35 and County of Honolulu (Docket No. 05-SHW-SWS-004); and

36
 37 BE IT FURTHER RESOLVED that the Department of Health is
 38 requested to submit an interim report to the Legislature no
 39 later than twenty days prior to the convening of the Regular
 40 Session of 2007 and a final report no later than one hundred
 41 twenty days after the case is resolved; and

42
 43 BE IT FURTHER RESOLVED that certified copies of this
 44 Concurrent Resolution be transmitted to the Director of Health,



1 the Mayor, the Managing Director of the City and County of
2 Honolulu, and the President of Waste Management of Hawaii,
3 Incorporated.

