

SB2192

Measure Title:
RELATING TO SOLID WASTE.

Report Title:
Waimanalo Gulch Sanitary Landfill; Permit; Independent Study

Description:
Requires the department of health to conduct an independent analysis on the structural stability of the ash monofill prior to granting the city and county of Honolulu's requested modification to the existing permit for the Waimanalo Gulch Sanitary Landfill.

Introducer(s):
KOKUBUN

Current Referral:
HTH/IGM, WAM



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

COMMITTEE ON HEALTH
COMMITTEE ON INTERGOVERNMENTAL AND MILITARY AFFAIRS

S.B. 2192, RELATING TO SOLID WASTE

Testimony of Chiyome Leinaala Fukino, M.D.
Director of Health

February 13, 2008
1:10 P.M.

1 **Department's Position:** The department respectfully opposes this measure.

2 **Fiscal Implications:** Unspecified but probably significant amount from the department's existing
3 budget.

4 **Purpose and Justification:** This measure requires the Department of Health to conduct an independent
5 analysis on the structural stability of the ash monofill prior to granting the City and County of Honolulu
6 and Waste Management of Hawaii, Inc.'s modification to their existing solid waste permit.

7 The department believes that this measure is unnecessary. The department already, in its
8 evaluation of all solid waste permit applications, reviews the design, operation, and monitoring of the
9 proposed solid waste activity for compliance with state solid waste laws and regulations. In the case of
10 the proposed grade modification of the Waimanalo Gulch Sanitary Landfill, the department also
11 reviewed the stability and seismic analysis of the existing landfill as well as the proposed grade
12 modification.

1 If we were to conduct a study, the study would not truly be independent as we will still be
2 required to rely on site-specific data from Waste Management of Hawaii, Inc. Data such as liner
3 material specifications cannot be independently gathered without compromising the integrity of the liner
4 system. As such the analysis would be limited to performing the calculations and running the models
5 with inputs provided by Waste Management. We do not see the benefit of this exercise.

6 We also expect that an independent consultant, if one can be found for this work, will require
7 considerable compensation that is not budgeted for and we ask that the legislature respect the priorities
8 in the executive supplemental budget.

9 For these reasons, the department opposes this measure.

10 Thank you for the opportunity to testify on this measure.

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Senator David Ige, Chair Committee on Health
Senator Lorraine R. Inouye, Chair Committee on Intergovernmental and Military Affairs

Wednesday, February 13, 2008
1:10 p.m., Conference Room 016

In Support of SB 2192 Relating to Solid Waste

Chair Ige, Chair Inouye and members of the committees:

I am Cynthia K.L. Rezendes, a resident of the Wai`anae Coast, and I am in support of SB 2192.

For many years the residents of the Wai`anae Coast, KoOlina and Kapolei communities have fought against the continued long-term operations of the Waimanalo Gulch Sanitary Landfill (WGSL). Concerns have been raised by residents about the odor, litter and dust of the operations of the facility along with the traffic congestion when trucks stack up on Farrington Highway, the mud left on Farrington Highway from trucks leaving the facility and the promise that the landfill would close by various city administrations. The current closure date, as issued by the state Land Use Commission, is slated for no later than April 30, 2008.

Currently, the operator of the facility and the City and County of Honolulu are applying for a modification to the Decision and Order rendered by the Land Use Commission in 2003 for a two-year extension of operations at the landfill and has submitted a permit modification request to the Department of Health (DOH) allowing the height of the landfill to be increased to accommodate the two-year extension request.

In reviewing the permit modification request and data presented by the operator and the City and County of Honolulu supporting the request, it became evident that a static and seismic stability analysis included in the documentation did not include an analysis of the entire landfill but only a third of the landfill fronting Farrington Highway. In understanding the background of the DOH engineer assigned to review this permit modification request, it was revealed that the engineer did not have the requisite background to analyze the information presented by the operator and the City and County of Honolulu and that the DOH did not have anyone in the department of the requisite background to be able to fully analyze the information presented.

Considering WGSL and the City and County of Honolulu were served with an Order and Notice and Finding of Violation which included 212 separate violations in 18 counts (categories of violations) on January 31, 2006 totaling an assessed fine of over \$2.5M, the proximity of this landfill to housing, the proximity of this landfill upland of the only access route onto the Wai`anae Coast, I believe the DOH is obligated to analyze all data, independently, of the conditions of the landfill prior to any approval being given for WGSL to continue in its present operations.

While this request is for WGSL specifically, this bill reveals a need for technical support within the DOH to be able to analyze any landfill located in the State of Hawai`i.

Therefore, I urge the committee to support SB2192.

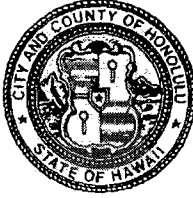
Thank you for the opportunity to testify.

2/13 1:10 PM

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

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ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-018

February 13, 2008

The Honorable David Y. Ige, Chair
Committee on Health
State Senate
State Capitol, Room 215
415 South Beretania Street
Honolulu, Hawaii 96813

The Honorable Lorraine R. Inouye, Chair
Committee on Intergovernmental and
Military Affairs
State Senate
State Capitol, Room 201
415 South Beretania Street
Honolulu, Hawaii 96813

RE: S.B. NO. 2192, RELATING TO SOLID WASTE

Dear Senator Ige and Senator Inouye:

The City and County of Honolulu, Department of Environmental Services strongly opposes S.B. No. 2192 because of the absence of any bases for the bill's findings that the permit modifications being sought for the Waimanalo Gulch Sanitary Landfill will have a potentially detrimental effect on the public health, safety, and welfare of the community adjacent to or near the landfill, or that there is good cause to require the State of Hawaii Department of Health (DOH) to make an independent study of the stability and structural integrity of the landfill.

Waste Management Inc., the operator of the landfill, designed and constructed the landfill stability berms in accordance with standard engineering practice and DOH requirements.

The City hired AMEC Earth and Environmental, a nationally recognized engineering firm, to conduct a third party review of the landfill operations, including the landfill's stability. AMEC engineers reviewed the design and construction of the stability berms and confirmed that the landfill is constructed with adequate provisions to ensure stability.

The DOH has previously completed its review of the permit grade modification referred to in the bill, and issued a draft permit after being satisfied that all technical issues, including landfill stability, had been adequately addressed.

We strongly urge that this bill be filed.

Sincerely,

Eric S. Takamura, Ph.D., P.E.
Director