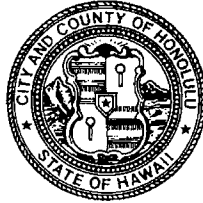


DEPARTMENT OF ENVIRONMENTAL SERVICES  
**CITY AND COUNTY OF HONOLULU**

1000 ULUOHIA STREET, SUITE 308, KAPOLEI, HAWAII 96707  
TELEPHONE: (808) 768-3486 • FAX: (808) 768-3487 • WEBSITE: www.honolulu.gov

MUFI HANNEMANN  
MAYOR



February 25, 2008

ERIC S. TAKAMURA, Ph.D., P.E.  
DIRECTOR

KENNETH A. SHIMIZU  
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.  
DEPUTY DIRECTOR

IN REPLY REFER TO:  
RA 08-024

LATE

The Honorable Rosalyn H. Baker, Chair  
Committee on Ways and Means  
State Senate  
State Capitol, Room 210  
415 South Beretania Street  
Honolulu, Hawaii 96813

RE: S.B. NO. 2192, SD1  
RELATING TO SOLID WASTE

Dear Senator Baker:

The City and County of Honolulu, Department of Environmental Services strongly opposes S.B. No. 2192, SD1 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. In addition, Waste Management had their design consultant's work peer reviewed by two additional experts in the field. These independent experts also concluded there is no stability issue at the Waimanalo Gulch Sanitary Landfill.

Furthermore, 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 previously completed its review of the permit grade modification referred to in the bill, and approved the grade modification on February 20, 2008, after being satisfied that all technical issues, including landfill stability, had been adequately addressed.

Clearly, the need for an additional study is not warranted.

The Honorable Rosalyn H. Baker, Chair  
February 25, 2008  
Page 2

In addition, the language proposed in SD1 is, contrary to the stated decision of the Committees on Health and Intergovernmental and Military Affairs, which was to amend the measure to require the DOH "to conduct and complete the [independent] study without negatively impacting the City and County of Honolulu's operations or permitting requirements." (Standing Committee Report No. 2466, page 2.) Although Section 2(c) of the bill as amended states that "The department shall conduct and complete the study without negatively impacting the City and County of Honolulu's operation and permitting procedures," Section 2(d) negates that provision by still requiring that "The completion of this independent study and determination shall be a condition precedent to the granting of a modification to the solid waste management permit filed by the City and County of Honolulu and Waste Management of Hawaii, Inc."

As previously noted, the permit modification referred to in Section 2(d) of the bill has already been approved by the DOH. Consequently, Section 2(d) of the bill is moot, and the DOH, which is tasked with protecting the public health and safety, and has opposed passage of this measure, has by its action confirmed that there is no technical basis for the study required by SB No. 2192, SD 1.

We again respectfully request that the bill be tabled.

Sincerely,



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