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In reply, please refer to:
File:

COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

S.B. 2192, S.D. 2, RELATING TO SOLID WASTE

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

March 18, 2008
9:00 A.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. This measure also states that the DOH shall
6 complete the study without negatively impacting the City's operations or permitting procedures, and not
7 make the completion of the study and determination a condition precedent to the granting of the
8 modification to the solid waste permit.

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

1 Committee Report No. 2466 states that the landfill operator, Waste Management, only
2 considered the lower one-third of the landfill in their static and seismic analyses, and raised concern on
3 the expertise of the department's engineer that conducted the initial analysis of the application. The
4 stability analyses were conducted by Waste Management's third party, geotechnical engineering
5 consulting company, who also consulted with a number of academia from different universities. They
6 evaluated the stability of the landfill along several cross sections that represent a variety of possible
7 failure surfaces and, to our knowledge, their analyses were not limited to the bottom third. A search was
8 made for the critical failure surface for each of these cross sections. The critical failure surfaces all tend
9 to involve the lower portion of the landfill. As far as the department's expertise, we agree that we did
10 not have in-house expertise on seismic stability when this issue presented itself. Therefore, the
11 department hired an engineer, who is also a university professor in geotechnical engineering to assist us
12 in our review. Based on these reasons, we still believe that this measure is unnecessary.

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

16 For these reasons, the department opposes this measure.

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

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Representative Hermina M. Morita, Chair Committee on Energy & Environmental Protection

Tuesday, March 18, 2008
9:00 a.m., Conference Room 312

In Support of SB 2192 SD2 Relating to Solid Waste

Chair Morita and members of the committees:

I am Cynthia K.L. Rezentes, a resident of the Wai`anae Coast, and I am in support of SB 2192 SD2.

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.

Currently, the operator of the facility and the City and County of Honolulu have received a modification to the Decision and Order rendered by the Land Use Commission in 2003 for an eighteen month extension of operations at the landfill and has received a permit modification request by the Department of Health (DOH) allowing the height of the landfill to be increased to accommodate a long-term violation of exceeding the permitted height limitations in the ash and municipal solid waste portions of the landfill and to increase the capacity to continue to operate for the eighteen months.

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 the front 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. In responses to comments I submitted to the DOH, the Department's position included:

"The stability analyses were evaluated by WMH's third party, geotechnical engineering consulting company. They evaluated the stability of the landfill along several cross sections that represent a variety of possible failure surfaces."

and

"As a general matter and from a practical standpoint, both state and federal agencies run environmental programs that depend heavily on the honor system. Regulatory agencies rarely collect their own samples and run independent tests. Our evaluations are based on data provided by the applicant. We are not the design engineers but the regulators that ensure compliance with state solid waste laws and regulations. With regards to the slope stability of the Waimanalo Gulch landfill, our review has found that the analysis is acceptable."

Considering WGS� 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, and 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 WGS� to continue in its present operations.

I also believe this bill should be amended to include a stability analysis of the entire landfill and not just the ash monofill portion of the landfill.

While this request is for WGS� 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 SD2.

Thank you for the opportunity to testify.