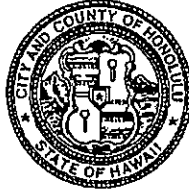


SB 1425

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: <http://envhonolulu.org>

PETER B. CARLISLE
MAYOR



TIMOTHY E. STEINBERGER, P.E.
DIRECTOR

MANUEL S. LANUEVO, P.E., LEED AP
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
WAS 11-20

February 9, 2011

The Honorable Mike Gabbard, Chair
and Members of the Committee on
Energy and Environment
The Honorable Donovan M. Dela Cruz, Chair
and Members of the Committee on Water,
Land, and Housing
State Senate
State Capital
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chairs Gabbard and Dela Cruz and Members:

Subject: Senate Bill 1425, Relating to Solid Waste Management

The City and County of Honolulu's Department of Environmental Services (ENV) opposes Senate Bill 1425, which proposes to amend Chapter 342G, HRS to provide that effective July 1, 2012, no landfill in a county with a population of greater than five hundred thousand residents shall accept deliveries of municipal solid waste (MSW).

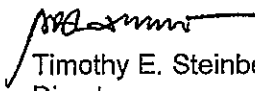
This measure is an unreasonable interference with home rule. The City and County of Honolulu, as well as the other counties, is responsible for the collection, management, treatment, and/or disposal of MSW within its respective jurisdiction. It is inappropriate for the State of Hawaii to place limits on possible landfill locations on Oahu just as it would be for the State to place similar limitations on landfill locations in the Kauai, Maui, or Hawaii counties. This alone is reason for this bill not to move forward.

However, of even greater concern to all Oahu residents, this bill would essentially shut down all waste facilities on Oahu and would lead to a public health disaster. There would be no place to dispose of MSW - no place to dispose of every Oahu resident's accumulated waste. Not only would Waimanalo Gulch Sanitary Landfill (WGSL) be prohibited from receiving MSW, but the City and County of Honolulu would not be able to operate the H-POWER waste-to-energy facility because H-POWER's operating permit requires that there be a permitted solid waste landfill to accept MSW during periods of emergency or for when H-POWER shuts down for maintenance or malfunction. Because WGSL is the only landfill permitted to accept MSW on Oahu, closing WGSL to MSW would essentially close down H-POWER as well.

The Honorable Mike Gabbard, Chair
The Honorable Donovan M. Dela Cruz, Chair
February 9, 2011
Page 2

For the above reasons, not the least of which would be the creation of a public health disaster, please do not pass Senate Bill 1425.

Sincerely,


Timothy E. Steinberger, P.E.
Director

COMMITTEE ON ENERGY & ENVIRONMENT

Senator Mike Gabbard, Chair
Senator J. Kalani English Vice Chair

COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND MILITARY AFFAIRS

Senator Will Espero, Chair
Senator Michelle Kidani, vice Chair

3:30 pm

Thursday, February 10, 2011
Conference Room 225

SB 1425 - RELATING TO SOLID WASTE MANAGEMENT

Prohibits landfills in counties with populations greater than 500,000 from accepting municipal solid waste beginning 7/1/12. Prohibits landfills in counties with populations less than 500,000 from accept municipal solid waste after a date determined by council resolution.

On behalf of the *Windward Ahupua`a Alliance* which has devoted much of its public policy time & energy over the past eight years on solid waste issues, I strongly oppose this bill and any others which somehow think that passing a law will do away with solid waste.

"Let all men know how empty and worthless is the power of kings. For there is none worthy of the name but God, whom heaven, earth and sea obey."

So spoke **King Canute the Great**, the legend says, seated on his throne on the seashore, waves lapping round his feet. **Canute** had learned that his flattering courtiers claimed he was "So great, he could command the tides of the sea to go back".

Now **Canute** was not only a religious man, but also a clever politician. He knew his limitations - even if his courtiers did not - so he had his throne carried to the seashore and sat on it as the tide came in, commanding the waves to advance no further. When they didn't, he had made his point that, though the deeds of kings might appear 'great' in the minds of men, they were as nothing in the face of God's power.

Are you planning to command the people of O`ahu to no longer generate old sofas, empty cereal boxes, and sacks of dog poop? No matter how much we might **REDUCE RECYCLE RE-USE & RECLAIM**, we will always need a landfill - if for no other reason than to bury the ash generated by *H-Power*.

I note that there are two other anti-landfill bills being heard after this one today - **SB 185** and **SB 205**. Neither of them makes any more sense than this one. The first one bans any new landfills along the **Wai`anae Coast** while the other one requires approval from residents living within a one-mile radius of a new or expanded landfill. I cannot imagine anyone agreeing to that proposal.

Meanwhile, the **Mayor's Landfill Site Selection Committee** is wrapping up a seven-hour meeting today including visits to various potential replacement sites for Waimanalo Gulch. http://www.opala.org/solid_waste/pdfs/Landfill_Site_Selection_02-10-11.pdf and http://www.opala.org/solid_waste/WGSL_Issues.htm;

Yes, I understand the frustration of having a landfill just down the road. That's what we have had in Kailua - legal and illegal along with junkyards & dumpsites - since the end of **World War II**.

Today, Just *mauka* of **Kawainui Marsh**, designated by the **Ramsar Convention** as a **Wetlands of International Importance**, there is not only the **Kapa`a Transfer Station** but also the old land**HILL** more than 10 stories high which closed in the mid-1990s but continues to spew out methane gas.

And I can attest first-hand to the removal of more than 500,000 lbs of illegally-dumped materials including over 150 derelict vehicles along **Kapa`a Quarry Road** since March, 2003.

I do understand why you feel compelled to hear these bills, but they do not address the increasingly difficult situation the **City and County of Honolulu** faces - what to do with the *opala* which cannot be recycled, re-used, reclaimed or reduced that has been generated by nearly a million residents and nearly seven million visitors.

Shannon Wood, *President & Co-Founder*
Windward Ahupua`a Alliance

PLANT A NATIVE TREE CAMPAIGN/Plug In & Power UP!/RECYCLING FOR CHANGE/BUST-A-DUMPER Campaign

P.O. Box 6366

Kane`ohe, HI 96744

Voicemail: 808/247-6366; Cellular: 808/223-4481 or 808/224-4496 (personal)

Website: <http://www.waa-hawaii.org>; E-mail: <mailto:info@waa-hawaii.org>

Website: <http://www.plantanativetree.org>; <mailto:info@plantanativetree.org>



February 9, 2011

COMMITTEE ON ENERGY AND ENVIRONMENT

Attn: Senator Mike Gabbard, Chair
Senator J. Kalani English, Vice Chair

**COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND
MILITARY AFFAIRS**

Attn: Senator Will Espero, Chair
Senator Michelle Kidani, Vice Chair

RE: SUPPORT of SB 1425 Relating to Solid Waste Management; Landfills

Aloha,

My name is Ken Williams and I am the Executive Vice President for the Ko Olina Community Association and the Ko Olina Operators Association. I represent all owners at the Ko Olina Resort.

I am writing in support of SB 1425.

The Ko Olina Resort has long asserted that the Waimanalo Gulch Landfill is a health hazard to the community. The contaminated runoff from the landfill that closed many leeward beaches, including the Ko Olina Lagoons, is proof that our greatest fears have been confirmed. At the State Land Use Commission hearing of February 2, 2011, Waste Management Hawaii stated on the record that the catastrophic environmental disaster that started on January 13th was "unavoidable". If so, it is clear that no level of best management practices can assure the community that the landfill is safe and that no harm will be inflicted on the community and the environment. Thus, the Waimanalo Gulch landfill needs to be closed immediately.

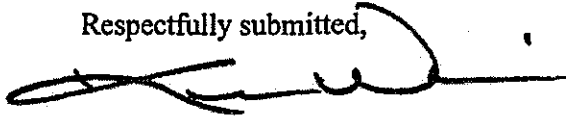
SB 1425 reaffirms the condition set by the State Land Use Commission that the Waimanalo Gulch Landfill will not accept municipal solid waste as of July 1, 2012. It also prioritizes the need for the City and County of Honolulu to finally undertake immediate and diligent efforts to seek alternative means for Honolulu to dispose of its municipal solid waste. As this landfill was originally promised to be closed in 1998, this effort is long overdue.

February 9, 2011
Page 2

We live on an island and the most beautiful place in the world. We should be leading the world in waste disposal technologies and not waiting for others to pave the way. We need to get serious about how we treat our island home.

Please pass SB 1425.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ken Williams', with a large, stylized flourish at the end.

Ken Williams
Executive Vice President



THE RESORT GROUP

**TO THE SENATE COMMITTEE ON ENERGY AND THE ENVIRONMENT;
AND
TO THE SENATE COMMITTEE ON PUBLIC SAFETY, GOVERNMENT
OPERATIONS, AND MILITARY AFFAIRS**

**TWENTY SIXTH LEGISLATURE
Regular Session of 2011**

**Testimony of Abbey S. Mayer, Vice President, Government Relations
THE RESORT GROUP**

In Support of SB 1425, Relating to Solid Waste Management

Thursday, February 10, 2011 -- Room 225

Aloha Chair Gabbard, Chair Espero, Vice-Chair English , Vice-Chair Kidani and Members of the Joint Committee,

BACKGROUND

The Honolulu-based The Resort Group (TRG) acquires, master develops, repositions and markets domestic and international mixed use and master-planned resort communities. Led by Jeffrey R. Stone, TRG's resort development projects are carefully designed to balance resident, visitor and employee needs with community interests, local cultural values and adjacent land use requirements. Current projects include Ko Olina Resort & Marina and Makaha Valley Country Club on O'ahu, Princeville at Hanalei (Kaua'i), Lands of Kapua (Big Island), the Newport Beach Hotel in California and Cape Eleuthra, Bahamas.

For over ten years, TRG and Ko Olina Resort & Marina have been vocal and active opponents of the continued citing and operation of a landfill at Waimanalo Gulch, which is located directly across Farrington Highway, mauka of Ko Olina Resort. We have made countless objections to WGS�, based on the risks to the safety, health and welfare of residents and guest of Ko Olina and the surrounding communities of West Oahu, as well as to the impacts to the environment, businesses and the economy or the region. These objections have included formal intervention in the permitting processes for WGS� and appeals of the adequacy of the City's latest EIS for the landfill expansion.

Often cited are the ongoing, day-to-day impacts of noise, dust, smells, wind-blown litter, increased traffic, and vibrations from blasting. Despite a long history of permit violations and fines – there have been approximately 20 violations cited by EPA and DOH and over \$3 million in fines assessed since 2005 -- the more catastrophic potential impacts from the failure of one of the landfill's toe-berms, cell liners or cell walls have largely been ignored.

Beginning in December, 2010 Ko Olina and the communities of West Oahu began realizing their worst fears about WGS�. Landfill cell E6, located in the new 92-acre expansion area permitted in 2009, was constructed and put into operation *prior* to the completion of the drainage and stormwater runoff infrastructure necessary for the safe function of that cell. According to an Investigation Report written by the Department of Health (DOH) Clean Water Branch dated 12/23/2010, due to heavy rains on Dec. 19, 2010 storm water flowing down Waimanalo Gulch flooded cell E6. Pumping equipment connecting the flooded cell E6 directly to the storm drain system that discharges into State waters at the border of Ko Olina Resort were observed, photographed and documented.

Then on the night of January 12, 2011 more rains further flooded cell E6 and dislodged waste previously buried there. Mixed municipal solid waste (MSW), sludge from Oahu's wastewater treatment plants and medical wastes – which can contain what is termed medical solid waste, sharps, chemotherapy wastes and pathological wastes – were washed out of the cell and into the storm drain system connecting straight to the ocean.

By the morning of January 13, 2011 significant quantities of medical waste and other landfill debris was washing up in the Ko Olina Lagoons. Quickly this waste spread to beaches up the Leeward Coast and east as far as Nimitz Beach. DOH monitored the continuous pumping of the flooded cell directly into the Pacific Ocean for three days, until the U.S. Environmental Protection Agency (EPA) stepped in to cease the pumping of leachate into the ocean on January 16, 2011. Cleanup of the spill was ongoing and beaches at Ko Olina and up and down the Coast remained closed until Sunday, January 23, 2011 (assorted photos attached).

DISCUSSION

Compounding the disturbing nature of this catastrophe were public statements made by officials from both Waste Management (the landfill operator) and the City. Firstly, officials made numerous statements to the press, to the City Council and under oath to the State Land Use Commission (LUC) that the spill was “unavoidable” and could not be prevented. If this true, it would appear self-evident that the continued operation of WGS� must cease immediately, as incidents as bad as this last one, or far worse, may too be unavoidable and strike us at any time in the future.

Secondly, in the midst of the cleanup and the assessment and repairs to WGS�, City officials stated that they planned to submit further applications to the City Planning Commission and the State LUC for further time extensions on the permits. Business as usual would recommence. The City has failed to implement sufficient alternatives to landfilling and has failed to identify any alternative landfill sites, including emergency landfill sites required by State Civil Defense. And this failure has perpetuated the ongoing monopolization of MSW landfilling, at the great detriment to the safety of our environment, our economy, our tourism industry and of our residents, visitors, families and children.

I am the first to admit that the safe and efficient disposal of waste is an essential need of every society. There are municipalities, large and small, around the globe – San Francisco being a prime example -- that carry out effective waste management **without landfilling**. In this case, on Oahu, those charged with the responsibility of providing this service have failed us. WGS� is technically referred to as a ‘canyon fill’. It is a man-made mountain of opala built into a steep, natural watershed valley, being suspended against the constant push of gravity and the flow of an ephemeral stream. Be it rain, wind, earthquake, human error or negligence, or some combination of these factors, gravity will eventually again defeat human engineering. At risk is not only our resort, but Hawaii’s entire tourism industry, the health of our environment and of our people.

SB 1425

SB 1425 proposes to prohibit landfills in counties with populations greater than 500,000 from accepting municipal solid waste, beginning July 1, 2012. It also prohibits landfills in counties with populations less than 500,000 from accepting municipal solid waste after a date determined by council resolution.

TRG strongly supports this measure, as we feel extreme measures must be taken to break the gridlock of an otherwise intractable and extremely dangerous situation.

TRG recognizes the fairness and equanimity of this measure, in that it has never been TRG’s intent or desire to foist the impacts of a landfill on any other community.

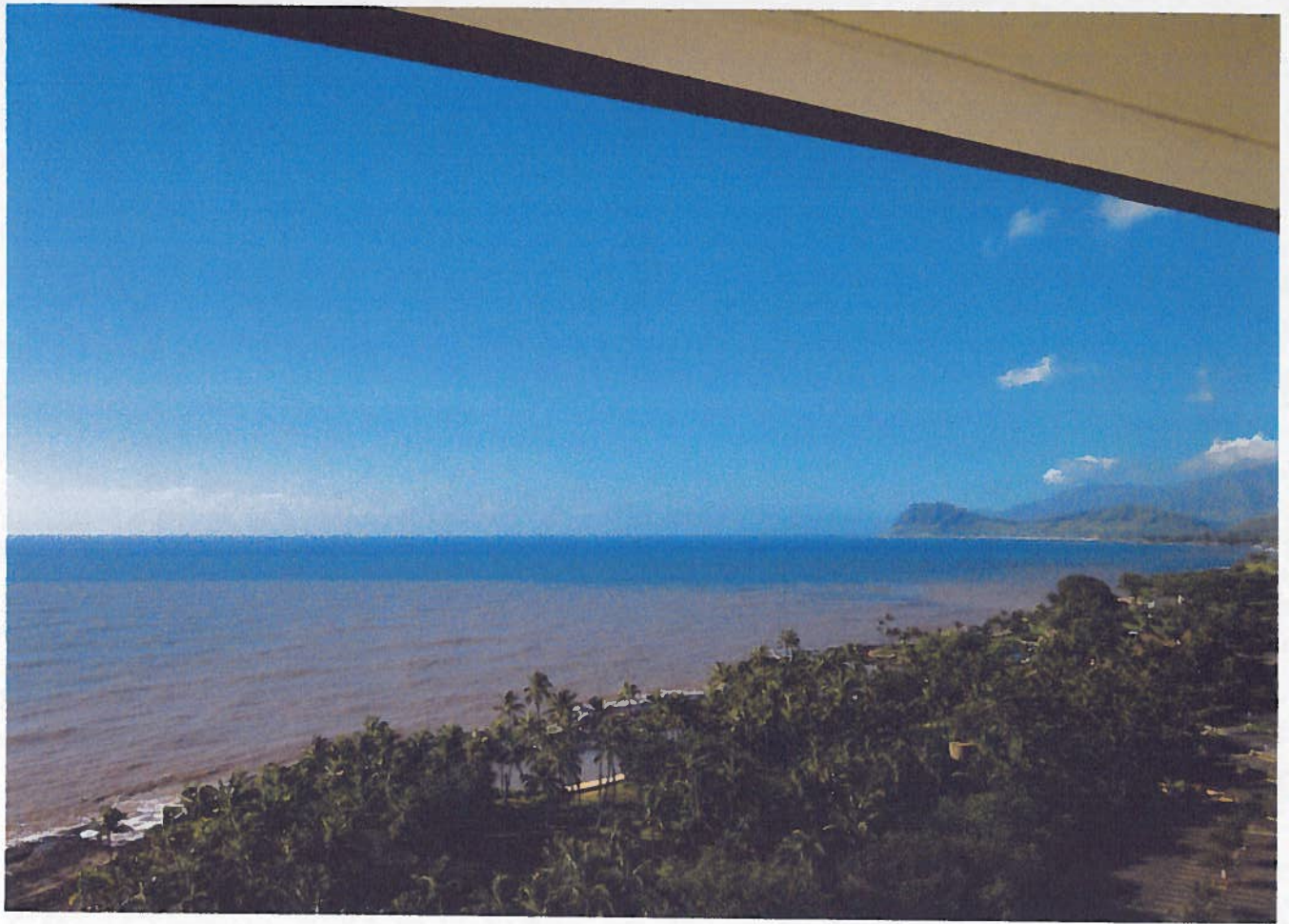
We respectfully beseech the State Legislature to assume a leadership role on this issue, so that any further catastrophe can be successfully averted.

Thank you for your patience and for the opportunity to provide testimony.

Encl.























TESTIMONY OF CYNTHIA REZENTES
IN **SUPPORT** OF SB 1425
February 10, 2011

To: Chairs Mike Gabbard, Will Espero, and members of the Committee on Energy and Environment, and Committee on Public Safety, Government Operations, and Military Affairs

My name is Cynthia Rezentes and I am a resident of the Wai`anae Coast.

As someone who has opposed the continuing operations of Waimanalo Gulch Sanitary Landfill since 1999, I am in **support** of the closure of Waimanalo Gulch Sanitary Landfill in the City and County of Honolulu and encouraging other methods to be utilized to manage our municipal solid waste,

As we are an island state and nations around the globe have established alternatives to daily landfills within their countries, it is appropriate that the City and County of Honolulu should investigate and pursue these other options to preclude us from continuing to rely upon this mode of handling our solid waste.

Thank you for the opportunity to provide testimony in support of SB 1425.

Cynthia K.L. Rezentes
Wai`anae resident