

OVERVIEW

Audit of the Department of Health's Administration of A Statewide Solid Waste Program and Assessment of Related Land Use Policies

Report No. 04-01, January 2004

Summary

Landfills are nearing capacity throughout the country, yet few viable alternative sites exist. Responding to the concern that present land use planning issues do not adequately address all concerns in siting new landfills, the Legislature, through Senate Concurrent Resolution No. 153 concluded during the 2003 Regular Session that the State must reassess its solid waste management and landfill policies.

Basically, the audit was to include an assessment of existing policies and the adequacy of fees charged for solid waste programs. To assist with this review, we hired the consultant firm of MACTEC Engineering and Consulting, Inc., through a competitive procurement process. Our office, however, was unable to obtain a consultant to assess the adequacy of fees charged for solid waste programs.

In 1991, the Department of Health was assigned to administer the Hawaii Solid Waste Management Act, Chapter 342G, Hawaii Revised Statutes (HRS). The department is required to promote the development of coordinated statewide solid waste management, including identifying and monitoring related environmental and public health issues. The department is responsible for permitting, monitoring, and enforcement for landfills and solid waste disposal systems under Chapter 342H, HRS.

We found that the Department of Health is not carrying out its solid waste management responsibilities for public health and environmental protection. Prior audits pointed out management problems that continue to exist; for example the department is still not properly monitoring, inspecting, or enforcing solid waste regulations, particularly for landfills.

The Department of Health takes an unreasonable amount of time to review permit applications. In our sample of four landfills and one incinerator, the department averaged a little over three years to review each application and issue a permit. In one case, the department has still not issued a permit for an application received in 1997.

Other examples of the department's lax oversight include the department's failure to issue notices of violation for offenses and not ensuring that solid waste facilities submit required reports. Between 1998 and 2003, ten out of the 45 (22 percent) facilities regulated under state laws we reviewed were, or had been, operating without having submitted an application prior to their permit expiration. The department failed to issue notices of violation for these ten offenses (at \$10,000 for each offense), which could have lead to a minimum of \$100,000 in fines.



These and all other solid waste facilities must submit reports as stated in their permits. However, between 1998 and 2002, the department failed to collect 171 of 353 (48 percent) reports from the 50 solid waste facilities in our review. A section planner acknowledged there is no tracking system for reports nor does the branch ask for reports if they are not turned in on time.

The department also has failed to ensure compliance with statutory planning requirements. The original state plan was completed in March 1991 and the deadline to submit the county plans was two years later, however, every county took more than three years to submit an original management plan. Moreover, plan revisions should have been done on July 1, 1995 and July 1, 2000. Only Hawaii County submitted a revised plan, but even this was seven years late. The Department of Health's lack of oversight has resulted in outdated solid waste management plans that cannot guide the effective development and implementation of its solid waste programs.

We also found that the department does not have current and reliable estimates of remaining volume capacities and expected operating lives for landfills. The department could not provide justifiable estimates for any of Hawaii's 13 landfills. Current and reliable information can be found at the county level; however, the department failed to collect this information from the counties.

Along with our audit findings, we provide information on landfill siting and other related issues and information on fees.

Recommendations and Response

We recommend that the Department of Health fulfill all of its responsibilities under Chapter 342G and Chapter 342H, HRS, by pursuing such activities as inspecting facilities on a regular basis, pursuing enforcement action when necessary, and ensuring that the state and county integrated solid waste management plans are revised and submitted as required. We also recommend that the department develop a database or other tracking system so it can better maintain files and keep track of deadlines. Remaining capacities of all landfills should also be monitored by the department, and both the department and counties must initiate the process of siting, planning, and permitting a new landfill many years before the facility is actually needed.

The Department of Health and all the counties, except for Kauai County, provided responses to our draft report. The department agrees that there are problem areas in its solid waste program that it is working to improve. However, it disagrees with parts of the audit and asserts that the audit is misleading in some respects. Both the department and the counties focused on funding issues as a means to explain shortcomings raised in the report. Finally, both entities provided additional background information, some of which was included in the final report upon discussion with our consultant.

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