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## Stormwater Released Into Ocean to Avoid Larger Landfill Catastrophe

By Michael Levine | 01/28/2011

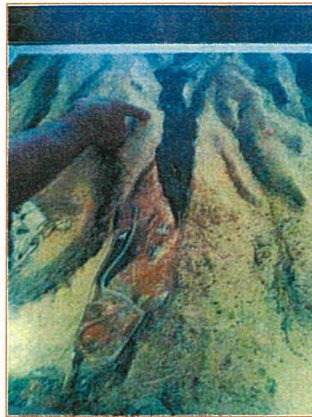
UPDATED 2/1 12 a.m.

As bad as the landfill spill was, the decision to release contaminated stormwater into the ocean was necessary to prevent something even worse — a catastrophic structural failure, a top state Health Department official told Civil Beat.

In his first lengthy interview since the spill two weeks ago, Deputy Health Direct Gary Gill said Thursday that even knowing what he knows today, he wouldn't have done anything differently.

This is how Gill described the scene at Waimanalo Gulch Landfill on the night of Jan. 12:

A cascade of rainwater dislodged garbage from a giant pile into a rapidly rising pool of water. Plastic, paper, clamshells from plate lunches and even medical waste floated across the top of the "lake" and poured into a storm drain near the lip of the basin — like the hole near the top of a bathroom sink — on their way to the ocean below.



Michael Levine/Civil Beat

Officials were concerned that if steps weren't taken to lower the water level, the downhill side of the basin could collapse, sending a massive wall of water and garbage into the sea.

When the rain finally let up, officials — facing a number of lousy options — picked the one they thought would help "avoid any catastrophic failure of the landfill," Gill said.

The Hawaii Department of Health and U.S. Environmental Protection Agency decided the afternoon of Jan. 13 that bringing down the level of the lake atop the landfill was paramount, even if that meant pumping untreated stormwater into the ocean. For three days, until pumping stopped at 10 a.m. on Jan. 16, water discharged without undergoing normal treatment procedures.

Beaches in the neighborhood of the landfill were closed for more than a week because of high bacterial levels in the water.

"It's not our practice to put muddy water into the ocean if it can be handled in another form," Gill said.

There's no provision in the city's National Pollutant Discharge Elimination System permit that allows pumping untreated stormwater to the ocean, Gill said. But because that activity "was done with the approval of the Department of Health and the Environmental Protection Agency<sup>UPDATE</sup> to avoid the potential of a greater disaster ... it's not likely that we would enforce against a permit violation for something we authorized."

However, enforcement is still a possibility for the uncontrolled release of trash into the ocean during the storm. Gill declined to get into the details of the investigation, but said the city and Waste Management, which manages the landfill, "have no permit for discharging solid waste into the ocean."

Asked what would happen if an individual discharged solid waste into the ocean, Gill said that would be a violation of the Clean Water Act and "you could be subject up to a \$25,000-a-day fine for polluting the navigable waters of the United States."

Later, the Health Department tested the water as it was being pumped. Gill, who oversees the Environmental Health Administration that includes the Clean Water and Solid and Hazardous Waste Branches that responded to the incident, said the level of dangerous chemicals in that water was at a "low level" compared to standards for water that leaches out of landfill cells.<sup>1</sup>

But that leachate is normally treated, not just dumped into the ocean. Asked if it was safe to release the stormwater into the environment, Gill said safe is a "term of art that the Department of Health is always confronting."

EXHIBIT K78

"You're dealing with a level of risk," he said. "It's a term of relative meaning, and difficult to answer."

Gill said the basin was already partly filled from a pair of rain events in December. After those storms, Waste Management pumped the standing water into trucks that took the stormwater to a treatment plant. That is the standard, but slow, method of removing excess water from the site.

"The water had been brought down and then it filled up again to just a few feet below the berm. ... The risk there is a catastrophic collapse," Gill said. "It was only after the third storm ... that the lake itself became a safety hazard and had to be dealt with immediately."

If the water had been released before the third storm, it may have prevented the release of the medical waste and garbage that littered the beaches and ocean, Gill acknowledged.

But, he said, "the Department of Health was not going to authorize the discharge of that contaminated stormwater into the storm drain system. The water was being drawn down at an adequate pace until the third storm hit," he said.

"In hindsight, I don't think we would have done anything differently."

Today, the landfill is in no better position than it was the day before the January rain. After the three-day window of pumping to get past the threat of a catastrophe, officials returned to trucking water to treatment facilities.

There's still water in the lake above the landfill, and the diversion channel is still incomplete, raising the specter that another dramatic storm could wreak havoc.

The EPA has set a Feb. 15 deadline for finishing the diversion channel, with the threat of heavy fines bearing down on Waste Management and the city.

As part of the EPA order, Waste Management needs to provide daily progress reports to the EPA. The EPA said it will provide those reports to Civil Beat.

**DISCUSSION:** Did the Department of Health make the right decision in discharging the stormwater? Join [the conversation](#)

**UPDATE:** The Environmental Protection Agency said it was not consulted by the Hawaii Department of Health before the decision was made. Read the full Civil Beat [Fact Check](#). ↔

1. Gill said he did not know the numbers for the various chemicals in the stormwater off the top of his head, but said they could be made available to Civil Beat. City and County of Honolulu Environmental Services Director Tim Steinberger has said the city's water samples needed to be sent to the mainland to test for trace metals like zinc, cadmium and copper. ↔

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