

Status Report on Reducing and/or Continuing the Use of
Waimanalo Gulch Sanitary Landfill (WGSL)
Public Hearing
January 14, 2013
5:00 p.m.
City Hall, 530 South King Street,
Room 301, Mayor's Conference Room

Presentation

1. Opening and Welcome

Notice of this public hearing was published in the Honolulu Star Advertiser on December 31, 2012, and on the City's Refuse Division website, www.opala.org

This public hearing is being held to comply with Conditions 15 and 16 of the State of Hawai'i Land Use Commission's FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER WITH MODIFICATIONS, certified on October 22, 2009, in Docket No. SP09-403 (the LUC Order), which states:

"15. The Honolulu City Council through the City Administration shall report to the public every three months on the efforts of the City Council and the City Administration in regard to the continued use of the WGSL, including any funding arrangements that are being considered by the City Council and the City Administration."

"16. The City Council and the City Administration shall have a public hearing every three months to report on the status of their efforts to either reduce or continue the use of the WGSL."

The complete LUC Order is available at the State Land Use Commission website: http://luc.state.hi.us/co_sphonolulu.htm

The following report covers developments during the last calendar quarter regarding the matters set forth in Conditions 15 and 16 of the LUC Order.

2. Progress Toward Another Landfill Site

A. Condition 4 of the LUC Order states in relevant part:

"On or before November 1, 2010, the Applicant shall begin to identify and develop one or more new landfill sites that shall either replace or supplement the WGSL."

The Mayor's Advisory Landfill Site Selection Committee has had ten meetings to date and an Executive Summary of the final report was

submitted to the Mayor in May. The final report was recently forwarded to the Mayor and has been posted on the Opala.org website. The City is in the process of further evaluating the sites identified and will be writing letters to the landowners to see if they would be willing sellers.

- B. The following tonnage chart includes municipal solid waste (MSW), H-POWER ash and residue delivered to WGSL during the last three months. There was an H-POWER maintenance diversion from August 24 – 27th, August 31st, & September 1st. resulting in an increased amount of MSW delivered to WGSL during this period.

October 2012	22,149 tons
November 2012	17,775 tons
December 2012	21,803 tons

There were no complaints received during this period.

3. Progress Report on Landfill Diversion

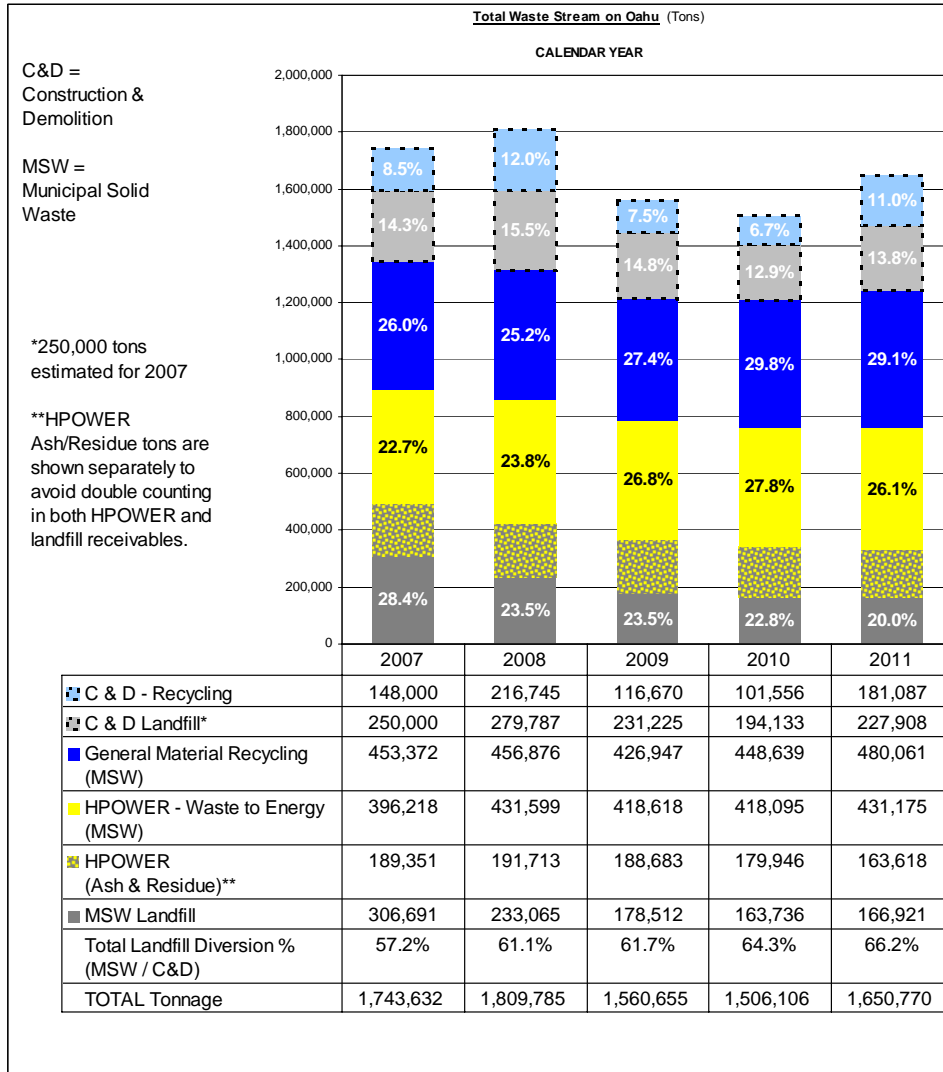
- A. The H-POWER expansion project (specifically the third boiler) has completed acceptance testing and is operating at full capacity.
- B. Interim Off-Island Shipping of MSW

No waste was ever shipped to the mainland due to various problems encountered by Hawaiian Waste Systems (HWS), the bidder awarded the contract to ship waste to the mainland. Nonetheless, HWS had accepted 20,000 tons of MSW, which it intended to ship but because it was not able to, HWS was responsible for disposing of this waste. A fire at the HWS facility on January 6, 2011, temporarily delayed disposal but by May 12, 2011, the entire 20,000 tons of MSW was disposed of. Approximately 14,800 tons were taken to H-POWER, 4,500 tons were taken to WGSL, and 1,500 tons of metal were recycled. In June 2011, the City entered into a 12-month contract with HWS to process, namely shred for disposal at HPOWER or recycle, up to 36,000 tons of MSW that would otherwise have gone to the landfill. The shredded waste that was burnable was taken to H-POWER for energy conversion and the metals and other recyclables were taken to recyclers.

As of June 7, 2012, the contract with HWS expired and over 26,300 tons of waste was diverted from landfill disposal. The closure of this contract coincides with the expansion of the H-POWER 3rd boiler, which will be able to accept the waste that was being sent to HWS without the additional processing.

A. Materials Recycling and Landfill Diversion

To present a complete waste flow picture, the most recent available data is for calendar year 2011. Although waste tracking to landfill and H-POWER is managed every month by ENV, recycling data is provided by commercial recycling companies which are surveyed annually. Recycling data for 2012 will be gathered and compiled during the first quarter of 2013, and an updated chart and analysis will be posted online at www.opala.org mid year.



The data in the chart above presents the annual quantity of waste (in tons) that is processed through recycling, waste-to-energy or landfilling for the most recent five (5) calendar years (2007–2011).

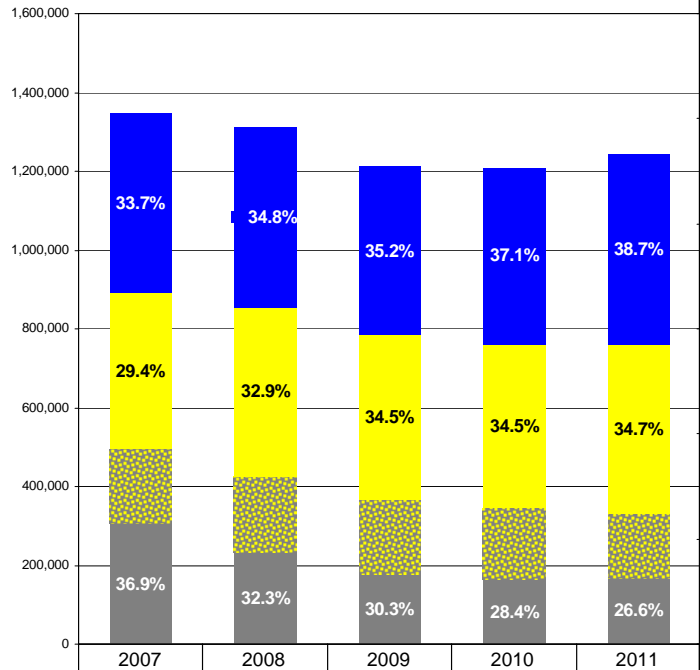
Brief analysis: The data shows how Oahu's waste has been diverted from landfill through recycling and waste-to-energy. The general trend shows annual increases in recycling and waste-to-energy, and decreases in landfill disposal. Note that overall waste generation decreased significantly in 2009-11, most likely due to the down-turn in the economy. Total waste generation dropped from 1.8 million tons in 2008 to 1.5 million tons in 2010, with some increase noted in 2011. The general material recycling rate (shown in the darker blue) increased from 25 percent (2008) to 27 percent (2009) and to more than 29 percent (2010 and 2011). The total landfill diversion rate continued to increase from 57 percent (2006/2007) to 62 percent (2009) to 64 percent (2010) and to 66 percent (2011), with continued reductions of waste disposed in landfill.

Total waste includes all waste of all types disposed/recycled on Oahu, including construction and demolition waste. There are two landfills on Oahu: the City's Waimanalo Gulch Sanitary Landfill (WGSL), which is designated for MSW, and the private PVT Landfill, which is permitted for construction and demolition waste only. When analyzing municipal solid waste (MSW) only and landfill diversion specific to the WGSL, the landfill diversion rate achieved through recycling and waste-to-energy is over 73% and the general material recycling rate is 38%. See the chart below for a fuller comparison of diversion rates for WGSL over the most recent five (5) years.

Municipal Solid Waste Stream on Oahu (Tons)

MSW =
Municipal
Solid
Waste

*HPOWER
Ash/Residue tons are
shown separately to
avoid double counting
in both HPOWER and
landfill receivables.



■ General Material Recycling (MSW)	453,372	456,876	426,947	448,639	480,061
■ HPOWER - Waste to Energy (MSW)	396,218	431,599	418,618	418,095	431,175
■ HPOWER (Ash & Residue)*	189,351	191,713	188,683	179,946	163,618
■ MSW Landfill	306,691	233,065	178,512	163,736	166,921
Total Landfill Diversion % (MSW)	63.1%	67.7%	69.7%	71.6%	73.4%
TOTAL Tonnage (MSW)	1,345,632	1,313,253	1,212,760	1,210,417	1,241,775

Recycling data: The tables below provide detail of what was recycled by material type. The City has gathered annual recycling data since 1988 (except for 1989 and 1990). Note the upward trend of general material recycling from approximately 75,000 tons in 1988 to well over 400,000 tons today. Recycling of construction and demolition materials, such as concrete, rock and asphalt, has added between 100,000 to 200,000 tons to the recycling rates. These C&D recycling rates tend to fluctuate based on the volume and type of construction projects undertaken from year to year.

Year	General Material Recycling	C&D Recycling	Total Recycled
<u>2011</u>	483,707	181,087	664,794
<u>2010</u>	448,639	101,556	550,195
<u>2009</u>	426,947	116,670	543,617
<u>2008</u>	456,876	216,745	673,621
<u>2007</u>	453,282	148,952	602,234
<u>2006</u>	421,072	121,675	542,747
<u>2005</u>	417,669	193,829	611,498
<u>2004</u>	386,338	173,916	560,254
<u>2003</u>	366,639	106,773	473,412
<u>2002</u>	352,699	139,055	491,754
<u>2001</u>	367,300	114,070	481,370
<u>2000</u>	327,710	165,000	492,710
<u>1999</u>	314,075	225,200	539,275
<u>1998</u>	318,690	148,800	467,490
<u>1997</u>	313,394	204,400	517,794
<u>1996</u>	299,574	95,300	394,874
<u>1995</u>	294,340	44,400	338,740
<u>1994</u>	290,412	35,700	326,112
<u>1993</u>	241,600	30,000	271,600
<u>1991</u>	167,152	0	167,152
<u>1988</u>	73,992	0	73,992

Oahu Recycling 2011

Material Type	Amount in tons
PAPER	
Corrugated Cardboard	45,984
Newspaper	10,251
Office Paper	12,689
Other Paper	3,755
METALS	
Ferrous (includes autos)	182,393
Non-Ferrous (includes aluminum)	24,372
GLASS	24,140
PLASTIC	6,161
TIRES	13,504
AUTO BATTERIES	7,959
ELECTRONIC SCRAP	2,414
GREEN WASTE (yard trimmings)	103,666
WOOD WASTE/PALLETS	10,058
CONSTRUCTION & DEMOLITION (rock, concrete, asphalt)	181,087
FOOD WASTE	15,228
SEWAGE SLUDGE (Tonnage data being researched)	-
OTHER REUSE (Goodwill, Salvation Army)	17,274
TOTAL	664,794

Oahu Recycling 2010

Material Type	Amount in tons
PAPER	
Corrugated Cardboard	41,805
Newspaper	12,596
Office Paper	11,177
Other Paper	6,944
METALS	
Ferrous (includes autos)	163,166
Non-Ferrous (includes aluminum)	18,247
GLASS	22,833
PLASTIC	5,385
TIRES	9,518
AUTO BATTERIES	5,383
ELECTRONIC SCRAP	1,375
GREEN WASTE (yard trimmings)	91,413
WOOD WASTE/PALLETS	15,514
CONSTRUCTION & DEMOLITION (rock, concrete, asphalt)	101,556
FOOD WASTE	26,677
SEWAGE SLUDGE (Tonnage data being researched)	-
OTHER REUSE (Goodwill, Salvation Army)	16,607
TOTAL	550,196

The City's efforts to increase residential recycling have continued with the expansions of island-wide curbside recycling, community recycling bin program, condo recycling assistance programs and budget commitments to support these efforts. Additionally, the City requires commercial sector recycling through mandatory laws established by City ordinance, and provides assistance to businesses to setup and expand their recycling programs.

Curbside Recycling -- ENV completed the final phase expansion of the fully-automated 3-cart curbside recycling program in May, 2010. There are currently 160,000 homes participating in the program, and capturing material at a rate of 20,000 tons of mixed recyclables and 50,000 tons of green waste per year. In November 2011, the City completed an evaluation of the first year of full operation, which indicated that the program had achieved a 77% capture rate for green waste and 53% capture rate for mixed recyclables. Increased public experience with identifying and sorting recyclables should produce higher results for the mixed recyclables as the program continues to mature. The program continues to be evaluated to identify strategies for improving participation and efficiencies. Additionally, the City is moving forward to further expand curbside recycling to the remaining 20,000 homes around Oahu still serviced with a manual collection system, starting with a pilot program on the North Shore tentatively scheduled to start early 2013.

Community Recycling Bins -- The City formerly maintained approximately 100 Community Recycling Bin sites on Oahu, but is phasing out this drop-off program in favor of more convenient recycling systems with greater potential to further increase recycling rates. The program started with 20 sites more than two decades ago and was expanded over the years as a mainstay of residential and school recycling. With the implementation of curbside recycling, recovery rates decreased significantly in the bins. The service contract closed at the end of June 2012, and the City is increasing efforts to further expand curbside recycling, develop recycling programs in condos, and assist schools and the State Department of Education in establishing campus recycling systems.

Condo Recycling -- The City continues to promote condominium recycling through a program that reimburses condominium properties for costs associated with the start-up of a recycling program, and additionally provides technical assistance, educational materials, wheeled carts and guidance in establishing collection services.

Electronic Waste (e-waste) -- State law requiring manufacturers to provide take back programs for electronic waste went into effect January 1, 2010, and is administered by the State Department of Health (DOH). In general, the covered electronics included computers at the start in January 2010 and expand to include televisions in

January 2011. City ENV will continue to work in collaboration with DOH and local e-waste recycling companies. DOH is looking for ways to strengthen the collection programs and proposed a bill to the 2012 State Legislature to establish an advance recycling fee (ARF) on electronic devices, which resulted in the formation of a task force. The results of the task force will be presented to the 2013 Legislature along with a new proposed bill for consideration.

Business Recycling Programs -- The City continues to provide assistance to commercial sector recycling efforts and to ensure compliance with mandatory recycling policy established in the mid 1990's, which requires office buildings to recycle office paper, bars/restaurants to recycle glass and a variety of food operations to recycle food waste. Disposal site bans/restrictions divert materials from landfill and H-POWER, including green waste, cardboard, metals, tires, auto batteries, e-waste. The City provides technical assistance to businesses for designing and implementing recycling programs through how-to guides, workshops and on-site support, and works collaboratively with the State's Green Business Program.

Public education regarding recycling is ongoing--distribution of brochures and print materials, opala.org website, WasteLine e-newsletter and annual events including Tour de Trash and Discover Recycling. In October 2009, ENV and Oceanic Time Warner Cable launched "Opalavision" on The Green Channel at Oceanic 332 and online at opala.org. Short stories about the City's recycling initiatives and programs are featured in 3-minute episodes that educate and entertain. New episodes are produced monthly with an archive of dozens to keep viewers entertained. The format is interactive, supporting 24/7 viewing of all episodes on demand. City ENV supports recycling education for our youth through school recycling projects, classroom activity books and recycling education shows presented by the Honolulu Theatre for Youth. The third season of performances are in the works, with a theatre presentation which ran in November/December plus a traveling show to local schools entitled "Sort It Out!" for January through March. The shows include distribution of Opala IQ Books and educational materials to students and teachers.

B. Solid Waste Integrated Management Plan

Hawaii Revised Statutes (HRS) Section 342G-24 now require each county to submit revised integrated solid waste management plans every 10 years with an interim status report submitted five years after every submission of a revised plan. The City's revised management plan was submitted December 2008. Hence, an interim status report on the implementation of a revised plan shall be submitted to the State Department of Health in 2013. The revised plan shall be submitted to the State in 2018.

4. Special Use Permit (SUP) Amendment

The current SUP dictates that WGS� stop accepting MSW for disposal as of July 31, 2012. As stated in Condition 14 of the SUP, "Municipal solid waste shall be allowed at the Waimanalo Gulch Sanitary Landfill up to July 31, 2012, provided that only ash and residue from H-POWER shall be allowed at the Waimanalo Gulch Sanitary Landfill after July 31, 2012." While some types of MSW may be disposed of at H-POWER, certain wastes such as sewage sludge, animal carcasses, and treated medical sharps cannot be disposed of at H-POWER. Moreover, because H-POWER's operating permit requires a permitted landfill as a back-up disposal option, it is conceivable that H-POWER will have to shut down if WGS� is required to stop accepting MSW.

On June 28, 2011, ENV filed a SUP Amendment Application with the City Department of Planning and Permitting, to delete Condition No. 14 of the SUP. This will allow WGS� to continue accepting municipal solid waste until the landfill reaches its capacity as permitted by the State Department of Health.

The City and County of Honolulu Planning Commission (Commission) convened a public hearing on October 5, 2011, to consider ENV's application to delete Condition No. 14 of the SUP. The Commission heard public testimonies and granted petitions to intervene in the SUP proceeding to Ko Olina Community Association, Maile Shimabukuro, and Schnitzer Steel Hawaii Corp. With the granting of the petitions to intervene, the matter proceeded as a contested case. A pre-hearing conference to discuss procedural and others matters in the contested case was held on October 12, 2011. A contested case hearing began on December 7, 2011, with opening statements given by ENV and intervenors. The contested case hearing continued on January 11, 25, February 8, March 7, 14, April 4, 11, 23 and May 25, 2012. On May 25, 2012, the Commission stayed the matter for six (6) months in light of the Hawaii Supreme Court's (Supreme Court's) decision to strike Condition No. 14 of the SUP described below.

The City had filed an appeal to the Supreme Court on February 22, 2012 to delete Condition No. 14. On May 4, 2012, the Supreme Court ruled in favor of the City and struck down Condition No. 14, which was the condition imposed by the State Land Use Commission. The Supreme Court further ordered that the matter be remanded to the Circuit Court and the Land Use Commission for action on the SUP consistent with the Supreme Court decision. The State Land Use Commission convened on July 5, 2012, to discuss procedural options only, in light of the Supreme Court remand and stayed Commission proceeding. The landfill will continue operations under the current SUP while the deadline for receipt of MSW is resolved by the State Land Use Commission.

Upon request by ENV, the LUC directed the parties to file written briefs regarding the proper procedural steps. ENV argued that the case decided by the Supreme Court remain with the LUC for decision-making. The intervenors argued to remand the Supreme Court case back to the Planning Commission with a request to consolidate the amendment application and the Supreme Court cases. The LUC decided at its meeting on September 14, 2012, to remand the Supreme Court case to the Planning Commission with a recommendation to consolidate the two cases. On December 19, 2012, the Planning Commission continued its consideration of the LUC request to consolidate to January 23, 2013 to allow the incoming City administration to weigh in on the matter and the possibility of a joint recommendation from the parties. The landfill will continue operations under the current SUP while the deadline for receipt of MSW is resolved by the Planning Commission and the LUC.

5. Relevant City Council Resolutions and Bills

RESOLUTION NO.	DESCRIPTION	STATUS
10-004	City auditor conduct an audit relating to delays in shipping City's municipal solid waste to mainland	Resolution filed 1/5/11.No change
10-111	City administration promote Freecycle Honolulu	Resolution filed 5/7/11. No change.
10-242	City administration conduct public education regarding proper disposal of bulky wastes	Resolution adopted 10/13/10.
11-055	City Council's continuing support for the shipment on an interim basis of solid waste.	Resolution filed 2/10/12.
11-100	City fast track permitting and approvals for new solid waste disposal and recycling facilities.	Resolution filed 3/31/12.
11-260	City create and fund a solid waste technology liaison position.	Resolution deferred in committee 9/28/11. No change.
12-290	To establish a City policy to continue the Waimanalo Gulch Sanitary Landfill as an Oahu landfill.	First reading in committee on 10/10/12.

BILL N O.	DESCRIPTION	STATUS
43 (2010)	Regulate use of non biodegradable plastic bags	Bill filed 8/12/12.
44 (2010)	Require recycling or reuse of construction and demolition wastes	Bill filed 8/12/12.
47 (2010), CD 1	Terminate recycling residue discount	Bill passed into law effective 5/31/11
36 (2011), CD1, FD1	Reinstates a discounted disposal fee for residue from recycling operations at 50% FY12, 35% FY13, 20% FY14.	Bill passed into law effective 7/1/11
10 (2012), CD 1	Regulate use of nonbiodegradable plastic bags and other bags provided to customers. Takes effect 2015.	Bill passed into law 5/10/12.
61 (2012), FD1	Terminates recycling disposal discount for residue from recycling operations effective July 1, 2013.	Bill passed into law 11/29/12.
62 (2012), CD1	Amends City Ordinance to conform State HRS related to required submittal dates for the integrated solid waste management plans.	Bill passed into law effective 12/21/12

All resolutions and bills, and video of Council meetings, can be found at the City website, www.honolulu.gov

City Attendees:

Department of Environmental Services
 Suzanne Jones, Refuse Division, Assistant Chief
 Wayne Hamada, Disposal Branch Chief
 Dana Viola, Corporation Council

Other:

Joe Whelan, General Manager, Waste Management of Hawaii
 DeeDee Letts, Resolutions Hawai'i

Public:

Cynthia Rezendes

The following questions and comments were made:

- Q: Regarding completing the curbside recycling program by implementing it in areas that cannot be served by automated trucks are you going with manual or semi-automatic?
- A: The pilot will take place with 1,200 homes on the North Shore and during this pilot we will be testing both systems and will make a determination as to which will be implemented. The semi-automatic would involve distribution and use of the various colored carts which would be wheeled to the truck for emptying. The manual option would involve different colored bags being

supplied to the household which would be manually picked up. In either instance the City will supply the carts or bags.

Q: Regarding the recycling of electronic waste and the task force report to the legislature and their discussion of an Advance Recycling Fee (ARF) which puts the burden on the consumer. I would like to see the burden stay with the manufacturer as it has been in many places on the mainland. – where is the Task Force on this?

A: The task force looked at Electronic Producer Responsibility (EPR) and ARF – the task force is more likely to recommend EPR but cannot predict what the legislature will do.

Q: Did the state pass a non-biodegradable bag law by 2015?

A: No, left with counties

Two City Council Bills that were not reflected in the table were added to the table. See table on page 12.

Meeting adjourned at 5:45