

landfill sites. ENV and the Advisory Committee consultant assembled a list of 45 potential sites for the Advisory Committee to consider from the following prior reports:

- (1) Inventory of Potential Sanitary and Demolition Landfill Sites, August 1977.*
- (2) Supplement to Inventory of Potential Sanitary and Demolition Landfill Sites, November 1979.*
- (3) Revised Environmental Impact Statement for Leeward Sanitary Landfill at Waimānalo Gulch Site and Ohikilolo Site, 1984.*
- (4) Solid Waste Integrated Management Plan Update, Final Report, 1995.*
- (5) Final Supplemental Environmental Impact Statement, Waimānalo Gulch Sanitary Landfill Expansion, December 2002.*

The following discusses how the Advisory Committee evaluated the 45 sites, provides the specific criterion used for their evaluation, and summarizes the recommendations of the Committee to the City Council.

~~9.6.3.1. Sites Considered~~

9.7.3.1. Sites Considered

The sites that were considered as potential landfill sites are listed in **Table 9-2, Potential Landfill Sites**. The table shows the site name, tax map key (TMK), estimated acreage, estimated volume, and the landfill life (the number of years the landfill could provide disposal capacity at the estimated disposal needs for the City & County of Honolulu.) The estimated disposal need is provided in **Table 9-7, Estimate of Landfill Capacity Needs**. (PWCG, 2008).

Table 9-2, Potential Landfill Sites

Site Name	TMK	Size (Acres)	Capacity (MM cy)*	Life (Years)
Auloa	4-2-14:por 1	55	2.8	4.7
Ameron Quarry	4-2-15:01	391	9.0	15.0
Barbers Point	9-1-16:18, por 1	15	0.7	1.2
Bellows	4-1-15: por. 01	173	7.5	12.5
Diamond Head Crater	3-1-42:por 6	115	4.3	7.2
Ewa No. 1	9-1-17	-	-	
Ewa No. 2	9-1-10	-	-	
Halawa A	9-9-10:8,9,por 10 & 26	40	1.5	2.5
Halawa B	9-9-10:27, por 10	60	2.2	3.7
Heeia Kai	4-6	-	-	
Heeia Uka	4-6-14:01	163	2.4	4.0
Honouliuli	9-1-17:por 4	22	1.7	2.8
Kaaawa	5-1	150	5.6	9.3
Kaena	6-9-1:por 3, 33 & 34	40	1.5	2.5
Kahaluu	4-7	-	-	
Kahe	9-2-3:por 27	200	7.4	12.3
Kalaheo (landfill reuse)	4-2-15:por 1 & 6	134	4.3	7.2
Kaloi	9-2-02:por 1; 9-2-3:por 2; 9-2-4:por 5	400	24.3	40.5
Kapaa No. 1	4-4-14:por 2	60	3.0	5.1
Kapaa No. 2 & 3 (closed)	4-2-15:por 1, 3, 4, 7	-	-	
Kaukonahua	7-1	34	1.3	2.2
Keekee	6-9-1:por 3 & 4, 6-9-3: por 2	40	1.2	2.0
Koko Crater	3-9-12: por 1	140	5.5	9.2
Kunia A	9-4-4: por 4	150	5.6	9.3
Kunia B	9-4-3: por 19	190	7.0	11.7
Mali	8-7-10:por. 03	200	9.2	15.3
Makaiwa	9-2-3: por. 02	338	15.0	25.0
Makakilo Quarry	9-2-3:82	175	10.0	16.7
Makua	8-1-1, 8-2-1	600	7.4	12.3
Mililani	9-5	34	2.2	3.7
Nanakuli A	8-7-9:1 & 3 and 8-7-21:26	179	4.0	6.7
Nanakuli B	8-7-9: pors. 1 & 7	432	9.4	15.6
Ohikilolo	8-3-1: 13	706	15.6	26.0
Olomana	4-2	-	-	
Poamoho	7-1	5	0.7	1.2
Punaluu	5-3	200	7.4	12.3
Sand Island	1-5-41	150	5.6	9.3
Waiahole	4-8	60	2.3	3.8
Waianae Expansion	8-5-3 and 6	140	6.8	11.3
Waihee	4-7	61	2.3	3.8
Waikane	4-8	200	9.0	15.0
Waimanalo Gulch Exp.**	9-2-3: 72 & 73	60	12.0	20.0
Waimanalo North	4-1-8: 13	171	9.6	16.0
Waimanalo South	4-1	355	14.0	23.3
Waipio	9-3-2	60	2.5	4.2

* Million cubic yards (cy)

** Information has been updated since the Mayor's Committee Report. The current lateral expansion acreage is approximately 92.5 acres. The actual area of use may be changed as the design is refined and reviewed by government regulatory agencies.

Note: Based on Final EIS for Waimanalo Gulch Expansion, December 2002.

~~9.6.3.2. Site Evaluation Process~~

9.7.3.2. Site Evaluation Process

The Advisory Committee first developed siting criteria to quantitatively compare the characteristics of one site to another and allow identification of the “best” site. The siting criteria were divided into three groups: exclusionary, evaluation, and Advisory Committee criteria. (PWCG, 2008).

The Exclusionary Criteria included:

- EPA siting criteria as promulgated in the Resource and Conservation Recovery Act, Subtitle D (RCRAD).
- Sites located in areas which have since been developed or are closed landfills with no further expansion potential.
- The Honolulu Board of Water Supply (BWS) evaluation governing whether a site should be protected in consideration of its proximity to the Groundwater Protection Zone and Underground Injection Control (UIC) Line zone; and
- The Advisory Committee’s capacity criterion stating that the site must have a minimum life of more than 10 years.

For the qualitative evaluation of the potential sites, the Advisory Committee developed 31 Screening Criteria following extensive discussion and deliberation. After applying the criteria, the Advisory Committee used the numeric scores for the sites, which compared one site to another on the basis of community, economics, land use, and technical considerations. (PWCG, 2008).

The Advisory Committee members applied their own insights regarding each site as the final step in the siting evaluation.

After application of all of the criteria, the Advisory Committee deliberated on the remaining sites and arrived at its recommendations for the Mayor and City Council by vote.

Table 9-3, Sites Eliminated at Each Stage in the Evaluation, shows the number of potential sites eliminated at each step in the evaluation process. (PWCG, 2008).

Table 9-3, Sites Eliminated at Each Stage in the Evaluation

Phase of Evaluation	Number of Sites	
	Before Application of Criteria	After Application of Criteria
Exclusionary Criteria		
RCRA Subtitle D Criteria	45	40
Sites in Developed Areas or Closed Landfills w/No Expansion Potential	40	34
BWS Staff Review and Evaluation	34	16
Committee Evaluation Process		
Landfill Capacity Requirement ⁴⁶	16	8
31 Screening Criteria	8	8
Committee Vote	5	4

An initial list of 45 sites was assembled by ENV and the consultant after review of prior work completed by the City in the siting and evaluation of MSW landfills. The *Exclusionary Criteria*, which included EPA criteria and local exclusionary criteria, were applied to the initial list of 45 potential landfill sites. Sixteen of the 45 sites remained after application of the Exclusionary Criteria. The *Landfill Capacity* criterion was applied to the 16 sites remaining with eight remaining for further evaluation. The Advisory Committee's 31 *Screening Criteria* were applied to the remaining eight reducing the number of sites to five and putting them in order of usefulness as a landfill. Up to this point in the evaluation, the Advisory Committee had acted by consensus. At this point in

⁴⁶ The capacity evaluation was completed before the Committee's site evaluations.

the process, the Committee voted to remove the Waimānalo Gulch Sanitary Landfill from consideration.⁴⁷ (PWCG, 2008).

This next section contains a description of *Exclusionary Criteria*, *Landfill Capacity*, and *Screening Criteria* used by the Advisory Committee to rank the sites and identify the five alternative sites appropriate for landfilling.

~~9.6.3.3. EPA Exclusionary Criteria~~

9.7.3.3. EPA Exclusionary Criteria

The EPA Exclusionary Criteria as promulgated in 40 CFR 258, include:

Airport Restriction – Owners/operators must demonstrate that the landfill site does not constitute an aircraft bird strike hazard if the facility is located within 10,000 feet of the end of any airport runway used by turbojet aircraft, or within 5,000 feet of any airport runway used only by piston driven aircraft.

If the owner/operator proposes construction of a landfill or expansion of an existing landfill within five miles of any airport, the airport and the Federal Aviation Administration (FAA) must be notified.

Floodplains – Landfills located within a 100-year floodplain cannot restrict storm flows within the floodplain, reduce the temporary water storage capacity of the floodplain, or allow the washout of solid waste.

Wetlands – Owners/operators of a proposed landfill may not build or expand into wetlands. An exception to this rule may be permitted by the EPA-approved permitting programs to construct or expand a landfill only if the following can be demonstrated:

- No other siting alternative is available.

⁴⁷ The capacity evaluation was completed before the Committee's site evaluations.

- Construction and operation of the landfill will not violate applicable State regulations governing water quality or discharges of toxic or hazardous effluent; jeopardize threatened or endangered species, or critical wildlife habitat; or, violate protection of a marine sanctuary.
- The landfill will not contribute to the significant deterioration of the wetland.
- Steps are taken to achieve no net loss of wetlands by avoiding potential for impacts where possible, sufficiently minimizing unavoidable impacts; or, making proper compensation; for example, through the restoration of damaged wetlands or the creation of manmade wetlands.

Fault Areas – New landfills or landfill expansions are generally prohibited within 200 feet of fault areas that have shifted since the last Ice Age. However, the DOH may permit an alternative setback distance of less than 200 feet if the owner/operator can demonstrate that the landfill will maintain structural integrity in the event of a fault displacement.

Seismic Impact Zones – Landfills located in a seismic impact zone must demonstrate that the facility including, but not limited to, its liners, leachate collection system, surface water control system, and other engineering features have been designed to resist the effects of ground motion due to earthquakes.

Unstable Areas – All owners/operators must demonstrate that the structure of their units will not be compromised during geologically destabilizing events including:

- Debris flows resulting from heavy rainfall or storm conditions.
- Fast formation of sinkholes caused by excessive groundwater withdrawal.
- Rockfalls that are initiated by explosives or sonic booms.
- The sudden liquefaction of soil after prolonged periods of repeated wetting and drying.

Application of the EPA exclusionary criteria reduced the number of sites under consideration from 45 to 40. **Table 9-4, Site Evaluation with EPA Exclusionary Criteria**, identifies the sites that did not meet the criteria (PWCG, 2008).

Table 9-4, Site Evaluation with EPA Exclusionary Criteria

Site Name	Sites Failing EPA Criteria					
	Airport Restriction	Flood Plain	Wetlands	Fault Areas	Seismic Impact Zone	Unstable Area
Auloa						
Ameron Quarry						
Barbers Point	X					
Bellows						
Diamond Head Crater			X			
Ewa No. 1						
Ewa No. 2						
Halawa A						
Halawa B						
Heeia Kai						
Heeia Uka						
Honouliuli						
Kaaawa						
Kaena	X					
Kahaluu						
Kahe						
Kalaheo (landfill reuse)						
Kalo						
Kapaa No. 1						
Kapaa No. 2 & 3 (closed)						
Kaukonahua						
Keekee	X					
Koko Crater						
Kunia A						
Kunia B						
Maili						
Makaiwa						
Makakilo Quarry						
Makua						
Mililani						
Nanakuli A						
Nanakuli B						
Ohikilolo						
Olomana						
Poamoho						
Punaluu						
Sand Island	X	X				
Waiahole						
Waianaes Expansion						
Waihee						
Waikane						
Waimanalo Gulch Exp.						
Waimanalo North						
Waimanalo South						
Waipio						

~~9.6.3.4. Local Exclusionary Criteria, Developed Areas~~

9.7.3.4. Local Exclusionary Criteria, Developed Areas

In the several decades that have elapsed since most of the sites on the table were identified, many of the original landfill locations have been developed, primarily with residential housing. Some locations that were previously considered possible landfill sites may either have buildings on-site, or are so close to developed areas that a landfill would now be an incompatible land use. The City therefore determined that it would not propose new landfills within such developed areas (PWCG, 2008).

The City also reviewed potential sites that were expansions of closed landfills. Landfills on the original list that have been filled to capacity and closed were removed from further consideration.

This step reduced the potential site list from 40 to 34. **Table 9-5, Site Evaluation with Developed Area Criteria**, indicates the sites eliminated by application of the local exclusionary criterion (PWCG, 2008).

~~9.6.3.5. Local Exclusionary Criteria, Groundwater Restrictions~~

9.7.3.5. Local Exclusionary Criteria, Groundwater Restrictions

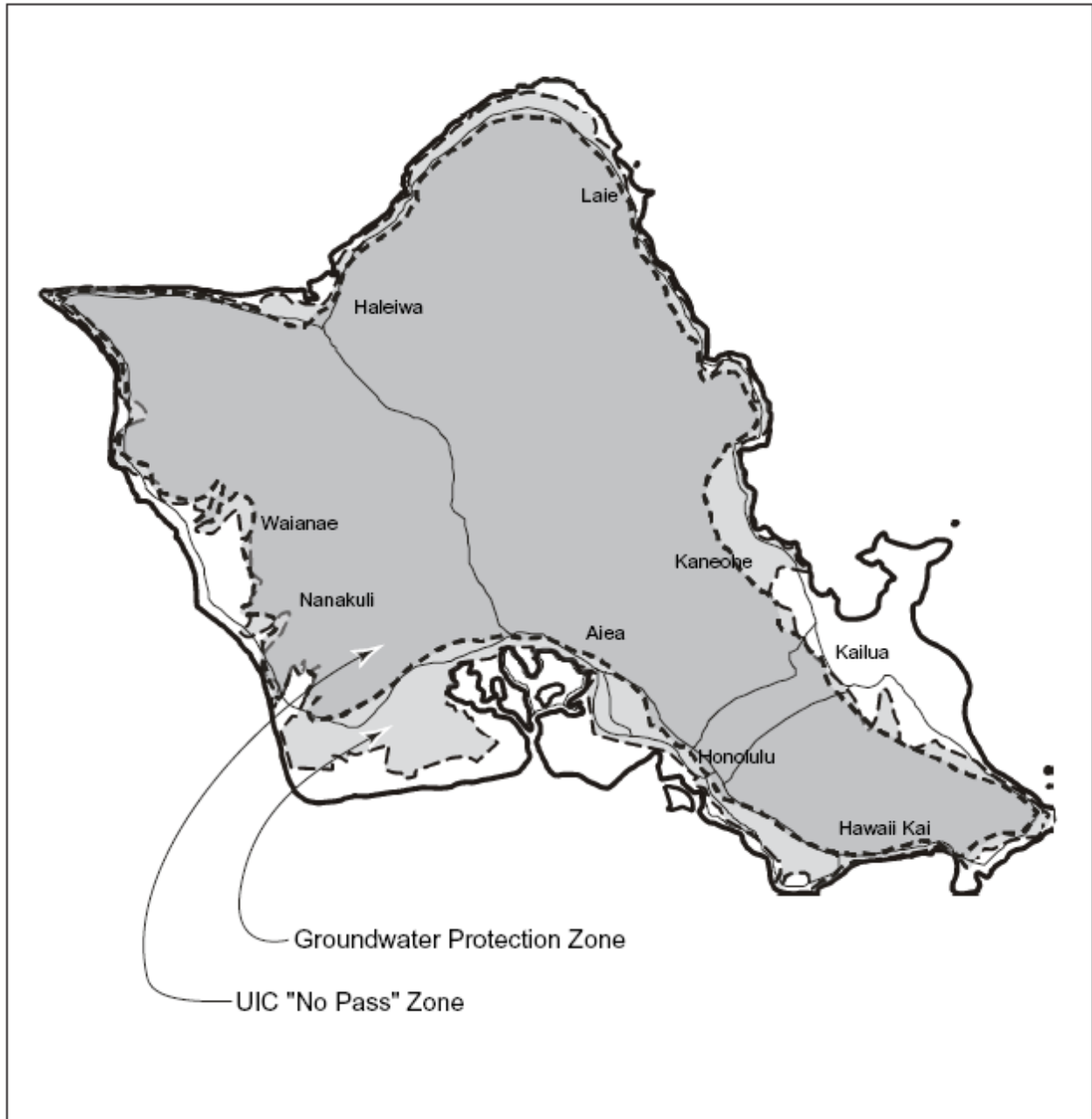
Local exclusionary criteria include restrictions on the possibility of adverse effects to groundwater. Groundwater resources on O‘ahu are protected through the State DOH, UIC program, and the BWS Groundwater Protection Zones.

The UIC program was established in 1984. The purpose of the program is to protect the State’s drinking/potable groundwater resources from pollution by subsurface wastewater disposal. The program regulations are accompanied by UIC maps that demarcate a boundary line known as the “UIC Line.” Landfills are restricted on lands that are landward of the UIC Line. Lands seaward of this line, however, are not restricted from subsurface wastewater disposal by underground injection (**Figure 9-1**). Sanitary landfills and waste disposal facilities may therefore be sited makai of this zone. (PWCG, 2008).

Table 9-5, Site Evaluation with Developed Area Criteria

Site Name	Sites Failing Criteria for	
	Developed Area	Closed Landfill
Auloa		
Ameron Quarry		
Bellows		
Ewa No. 1	X	
Ewa No. 2	X	
Halawa A		
Halawa B		
Heeia Kai	X	
Heeia Uka		
Honouliuli		
Kaaawa		
Kahaluu	X	
Kahe		
Kalaheo (landfill reuse)		
Kalo		
Kapaa No. 1		
Kapaa No. 2 & 3 (closed)		X
Kaukonahua		
Koko Crater		
Kunia A		
Kunia B		
Maili		
Makaiwa		
Makakilo Quarry		
Makua		
Mililani		
Nanakuli A		
Nanakuli B		
Ohikilolo		
Olomana	X	
Poamoho		
Punaluu		
Waiahole		
Waianae Expansion		
Waihee		
Waikane		
Waimanalo Gulch Expansion		
Waimanalo North		
Waimanalo South		
Waipio		

Figure 9-1
Groundwater Protection Zone and
Underground Injection Control (UIC) Zone
Island of O'ahu



Prior to 1987, groundwater recharge areas for the Island of O'ahu were identified by BWS. Since 1987, the State DOH has administered the No Pass Program (also shown in **Figure 9-1**). The BWS Groundwater Protection Zones identifies areas of groundwater

recharge, areas of brackish groundwater supplies, and additional areas that may be acceptable for landfill development. Areas that are considered critical for groundwater recharge have been designated within the “No Pass Zone.” Within this area sanitary landfill and waste disposal systems are generally not permitted. All other areas are identified as within the “Pass Zone” and have been determined to be areas where landfills and shallow waste disposal systems may be permitted. These facilities are limited to a maximum depth of 30 feet. (PWCG, 2008).

Regulatory protection of ground and surface water, and air quality, from facilities such as sanitary landfills, is through the existing environmental permit process. Protection of ground and surface waters are delegated by EPA to the State DOH under provisions of the Federal Safe Drinking Water Act and Clean Water Act. These federal regulations enable the State DOH to protect Hawaii’s drinking and surface waters from the siting of facilities, such as sanitary landfills, through Hawaii Administrative Rules, Chapter 11–23, UIC; Chapter 11–55, Water Pollution Control, and the National Pollution Discharge Elimination System Permit program. Regulation of air quality standards are similarly delegated from EPA to the State DOH, through the Clean Air Permit. (PWCG, 2008).

The State DOH has provided some guidance about what might be needed to establish a landfill outside the UIC line.⁴⁸ In part, that guidance stated (PWCG, 2008):

“Should a solid waste permit applicant propose to site a landfill over drinking water resources, the permittee will be required to demonstrate that the proposed project is protective of our groundwater resource. As seen in other states, the design of this landfill will likely be at a minimum a double composite liner system. In addition, other requirements, such as screening and monitoring, may become more stringent. Needless to say, siting a landfill over drinking water resources will

48 Letter dated May 23, 2002, from Dr. Bruce Anderson, Director, State Department of Health, to Mr. Timothy Steinberger, Director, City Department of Environmental Services.

increase our scrutiny over the design and operation of the landfill, as well as significantly increase the cost to design, construct, and operate the landfill.”

After application of the Groundwater Exclusionary Criteria, the potential list of sites decreased from 34 to 16. **Table 9-6, Site Evaluation with Groundwater Criteria**, shows the sites that were eliminated after review by the BWS staff and their comments on each of the 34 sites reviewed.

~~9.6.3.6. Landfill Capacity~~

9.7.3.6. Landfill Capacity

The City & County of Honolulu and Advisory Committee established 10 years of landfill capacity as the lower limit for a site to be considered. The capacity of each site was determined from the earlier siting reports. The capacity calculations were done with topographic data of varying levels of detail and used requirements for landfill design and operation that preceded RCRAD, which made major changes to earlier landfill practice. As a result, the capacity evaluation would likely be different if recalculated with more detailed topographic information following current landfill practice. (PWCG, 2008).

In addition to the comments regarding the capacity calculations made earlier, it should be noted that the WGSF has been designed after extensive evaluations of information such as (PWCG, 2008):

- Civil engineering design supported by geotechnical investigations and soils evaluations so that the landfill will provide environmentally sound containment of the waste and maximize the capacity at the site
- The engineering design calculations that account for slope stability considerations so that the filled areas are stable under normal loading and potential seismic conditions
- Balancing the soil needed for cover with the excavation needed to maximize the landfill capacity is a complex engineering calculation that accounts for sequencing of fill at the landfill and other site specific factors

Table 9-6, Site Evaluation with Groundwater Criteria

Site Name	BWS Evaluation Notes	Sites Failing Review
Auloa	Very little to no groundwater resources. Within a rock complex. BWS does not consider feasible for use.	
Ameron Quarry	Dike type rocks associated with caldera complex. Very little groundwater resources.	
Bellows	No potable resources. Non-potable irrigation developed. BWS does not consider feasible for use.	
Halawa A	Site within BWS groundwater resource.	X
Halawa B	Site within BWS groundwater resource.	X
Heeia Uka	Site outside BWS designed groundwater resource zone.	
Honouliuli	Site just outside BWS designated groundwater resources zone, but within area considered subject to groundwater impact.	X
Kaaawa	Very little to no groundwater resources. BWS does not consider feasible for use.	
Kahe	BWS plans to use site for future desalination facility.	X
Kalaheo (landfill reuse)	Very little to no groundwater resources. BWS does not consider feasible for use.	
Kaloi	Groundwater resources present or nearby.	X
Kapaa No. 1	Very little to no groundwater resources. BWS does not consider feasible for use.	
Kaukonahua	Site within BWS groundwater resource.	X
Koko Crater	Very little to no groundwater resources. BWS does not consider feasible for use.	
Kunia A	Groundwater resources present or nearby.	X
Kunia B	Groundwater resources present or nearby.	X
Maili Quarry	Brackish groundwater present but BWS does not consider feasible for use.	
Makaiwa Gulch	No potable resources. BWS does not consider feasible for use.	
Makakilo Quarry	Groundwater resources present or nearby.	X
Makua	Groundwater resources present or nearby.	X
Millilani	Site within BWS groundwater resource.	X
Nanakuli A	Very little to no groundwater resources. BWS does not consider feasible for use.	
Nanakuli B	Very little to no groundwater resources. BWS does not consider feasible for use.	
Ohikilolo	Only half of site available for development where there is very little to no groundwater resources in the lower half of property. BWS does not consider feasible for use.	
Poamoho	Groundwater resources present or nearby.	X
Punaluu	Groundwater resources present or nearby.	X
Waiahole	Groundwater resources present or nearby.	X
Waiana Expansion	Groundwater resources present or nearby.	X
Waihee	Groundwater resources present or nearby.	X
Waikane	Groundwater resources present or nearby.	X
Waimanalo Gulch Expansion	Very little to no groundwater resources. BWS does not consider feasible for use.	
Waimanalo North	Very little to no groundwater resources. BWS does not consider feasible for use.	
Waimanalo South	Groundwater resources present or nearby.	X
Waipio	Very little to no groundwater resources. BWS does not consider feasible for use.	

These costly analyses can be completed only after a landfill site has been selected and they all impact the amount of capacity, and therefore, the number of years a site can be used as a landfill. The information available for the WGSL reflects these calculations, whereas the information available for the alternative sites does not. As such, one must expect that the estimates of capacity for the alternative sites are subject to much more variability than for the WGSL. (PWCG, 2008).

The amount of capacity needed was estimated using 2003 disposal data updated with the results of the November 2007 draft Update of the Solid Waste Integrated Management Plan. This data provides realistic information to estimate site life. The estimated volume that would be used for the estimated tonnage disposed is calculated below. The volume estimate includes the waste material as compacted before it is covered and the amount of dirt used to cover the waste. The estimated capacity needed assumes that the landfill will be excavated as needed to provide the dirt needed for covering the waste and to create part of the volume to be filled. The key assumptions in estimating the volume are (PWCG, 2008):

- MSW is compacted to a density of approximately 1,600 pounds per cubic yard
- An additional 20 percent of the MSW and ash volume is added as cover material
- The H-POWER ash is covered⁴⁹. It has a density of 2,000 pounds per cubic yard.

Table 9-7, Estimate of Landfill Capacity Needs (TPY) (City & County of Honolulu, November 2007) provides the calculation of estimated volume needed.

Using the estimates from Table 9-7, the total landfill volume required for 10 years is 6,712,670 cubic yards (10 times the estimated annual requirement).

⁴⁹ H-POWER ash is required to be covered with intermediate cover material.

Table 9-7, Estimate of Landfill Capacity Needs (TPY)

Year	Landfill	H-Power	Additional WTE *	Landfill w/e- Additional WTE	Ash/ Residue **	Total Landfilled	Total Waste
2009	359,980	610,000		359,980		359,980	969,980
2010	379,070	610,000		379,070		379,070	989,070
2011	400,330	610,000	150,000	250,330	37,500	287,830	1,010,330
2012	403,270	610,000	300,000	103,270	75,000	178,270	1,013,270
2013	425,010	610,000	300,000	125,010	75,000	200,010	1,035,010
2014	447,010	610,000	300,000	147,010	75,000	222,010	1,057,010

* Mass burn facility: See Mayor’s Press Release January 18, 2008.

** Assumed that the expansion would be operational at mid-year and 25 percent of Additional WTE becomes ash/residue that is landfilled.

This estimate of need will vary with waste flow changes. For example, if a natural disaster occurs there will be an increase in the material entering the landfill and the estimated life of the site will decrease. If the residential curbside recycling program is more successful than expected and the curbside yard waste program is expanded to weekly, the material needing disposal will decrease and the site life will increase. (PWCG, 2008).

The amount of landfill capacity needed will also vary if new means to process MSW prior to disposal are implemented. This Alternatives Analysis includes several technologies that could reduce the need for a landfill. It also discusses the approved addition of a third boiler to H-POWER to reduce the volume of waste that needs disposal. The use of transshipment could divert 100,000 tons per year or more to a landfill off island, reducing the need for a local landfill. Implementation of any of these programs, or economic changes that decrease or increase waste production, will change the estimate of volume needed and change the expected life of the landfill. (PWCG, 2008).

This evaluation assumes that the landfill site is used to its capacity, with the necessary excavation and lateral expansion. Excavation is needed to take advantage of the capacity of the site and minimize the cost and environmental impact of landfilling.

Changes to the site capacity reported in this EIS assume that the landfill will be excavated.

The application of the capacity criterion is shown in **Table 9-8, Results of Application of Landfill Capacity Criterion**. The 16 sites evaluated were reduced to eight after the 10-year site life was considered. (PWCG, 2008). The capacity of the Waimanalo Gulch Sanitary Landfill was based on calculations that are updated as the design of the expansion is being done. As a result, the capacity of the expansion will be revised during the processing of this EIS.

Table 9-8, Results of Application of Landfill Capacity Criterion

Site Name	Landfill Life (years)	Capacity Less Than 10 Years
Auloa	4.7	X
Ameron Quarry	15.0	
Bellows	12.5	
Heeia Uka	4.0	X
Kaaawa	9.3	X
Kalaheo (landfill reuse)	7.2	X
Kapaa No. 1	5.1	X
Koko Crater	9.2	X
Mali	15.3	
Makaiwa	25.0	
Nanakuli A	6.7	X
Nanakuli B	15.6	
Ohikilolo	26.0	
Waimanalo Gulch Expansion	15.0	
Waimanalo North	16.0	
Waipio	4.2	X

Note: Estimates of capacity for all alternative landfill sites were prepared based on information provided by WMH and ENV. The site life for WGSL as prepared for the 2003 Mayor's Advisory Committee assumed no excavation and provided an estimate of landfill capacity only. The results of engineering analysis of soils and site conditions to calculate the quantity of excavation material from WGSL was performed in 2008 by GeoSyntec Consultants. See Section 4.1.3. Waste Stream, Soil Excavation, and Soil Usage. Detailed engineering calculations to obtain excavation quantities for the other landfill sites was not performed.

9.6.3.7. Other Considerations

9.7.3.7. Other Considerations

Two of the sites shown in the table above were also disqualified based on input from other governmental bodies that had control of the sites. **Table 9-9, Sites Considered After Capacity Criterion Applied**, lists the sites for which input from other agencies was sought. (PWCG, 2008).

Table 9-9, Sites Considered After Capacity Criterion Applied

Site Name	TMK	Acreage	Million Tons Capacity	Years of Capacity
Ameron Quarry	4-2-15:01	391	9.0	15.0
Bellows	4-1-15: por. 01	173	7.5	12.5
Mā'ili	8-7-10:por. 03	200	9.2	15.3
Makaiwa	9-2-3: por. 02	338	15.0	25.0
Nānākuli B	8-7-9: pors. 1 & 7	432	9.4	15.6
Ohikilolo	8-3-1: 13	353	7.8	13.0
Waimānalo Gulch Expansion	9-2-3: 72 & 73	60	12.0	20.0
Waimānalo North	4-1-8: 13	171	9.6	16.0

Comments were received from the U. S. Marine Corps regarding the Bellows site and from the State regarding the Waimānalo North site.

- The Bellows Air Force Base site is in federal control and cannot be condemned. A reply from the Marine Corps further indicated that the site is not available.
- The Waimānalo North site was designated as a State Forest Preserve, according to a letter the City received from the State Department of Land and Natural Resources. The State will not support its use for a landfill and the City cannot condemn state land.

Several Advisory Committee members had reservations about the Ohikilolo site. The site was removed from further consideration based on these reservations (PWCG, 2008):

- The site had the strong possibility of significant archeological and cultural resources (although studies had not been done to confirm the resources).
- It is remote from where the waste is collected and would require trucks to travel long stretches of road through the Wai‘anae and Leeward Coast communities (where frequent accidents have occurred) to get to the site. This thoroughfare (Farrington Highway) is the only road providing access to the site.
- There were potential Native Hawaiian title issues regarding use of this site.
- It is one of very few remote coastal areas left on O‘ahu and is considered culturally sensitive by the community.

Eight sites were on the list before the Advisory Committee discussed its *other considerations*. Five remained on the list after the other considerations were reflected and are shown in **Table 9-10, Potential Sites to Which Advisory Committee Siting Criteria Applied**. (PWCG, 2008).

**Table 9-10
Potential Sites to Which Advisory Committee
Siting Criteria Applied**

Site Name	TMK	Acreage	Million Tons Capacity	Years of Capacity
Ameron Quarry	4-2-15:01	391	9	15
Mā‘ili	8-7-10:por. 03	200	9	15
Makaiwa	9-2-3: por. 02	338	15	25
Nānākuli B	8-7-9: pors. 1 & 7	432	9	16
Waimānalo Gulch Expansion	9-2-3: 72 & 73	200	9	15

~~9.6.3.8. Advisory Committee Siting Criteria~~

9.7.3.8. Advisory Committee Siting Criteria

The criteria discussed in the previous sections relate to general limitations on locating landfills. The Advisory Committee considered local community concerns to be highly important and not adequately reflected in the above exclusionary criteria. Therefore, Screening Criteria were established to compare potential sites using factors considered

important to the Advisory Committee. The Screening Criteria allow numerical comparisons of the different factors (the Advisory Committee identified 31 of them) for different sites to rank the sites in order of suitability for use as a landfill. (PWCG, 2008).

The site evaluations were done using a “double blind” process. That is, the Advisory Committee assigned the amount of “weighting” for each of the factors that would be evaluated without the City or consultant’s knowledge. The consultants evaluated the sites and assigned point values without the Committee’s knowledge of which sites were being evaluated. When the two parts of the evaluation were combined, the resulting site scores were insulated from undue influence or bias from any party. (PWCG, 2008).

The Screening Criteria were identified in five categories:

- Community
- Environmental and Land Use
- Economic
- Technical
- Other Considerations (that included employment and access to the sites)

~~9.6.3.9. Screening Criteria Development~~

9.7.3.9. Screening Criteria Development

The general approach to developing local Screening Criteria involved identifying the impacts a landfill could have in a region and a method to numerically measure those impacts. These criteria were organized into two parts: *Point Value* and *Weighting Factor*. (PWCG, 2008).

- The *Point Value* measured how well a potential site satisfied a criterion.
- The *Weighting Factor* reflected the Advisory Committee’s assessment of how important one criterion was compared to the other criteria. The *Weighting Factor* was multiplied by the *Point Value* to calculate the score for each criterion.

The sum of the criterion scores was the site score. The higher the final score for a site, the more appropriate it was for a landfill site.

The *Point Values* ranged from one to three. The higher the *Point Value* the better a site met a criterion. For example, a good landfill should be in an area with low rainfall. A site with annual rainfall of more than 60 inches received one point; a site with 20 to 60 inches of rain received two points; and a site with less than 20 inches of rain received three points.

The *Weighting Factors* also varied from one to three with a *Factor* of three giving the best score.

The *Weighting Factors* were determined by the Committee members. Each member voted on the 10 criteria most important to them. There were 31 criteria. Criteria that received the most votes were assigned a *Weighting Factor* of three. The votes fell into three distinct groupings. Six criteria received the most votes and were assigned a *Weighting Factor* of three; seven had a *Weighting Factor* of two; and 18 had the fewest votes and were assigned a *Weighting Factor* of one. Several criteria received no votes and were also assigned a *Weighting Factor* of one. (PWCG, 2008).

The higher the product of the *Weighting Factor* and the *Point Value*, the better the site's characteristics are for use as a landfill.

The Screening Criteria and Weighting Factor assigned to each are shown in **Table 9-11, Screening Criteria**. The type of criteria is shown in the table for convenience. The type of criteria had no influence on the site screening. (PWCG, 2008).

9.6.3.10. Site Scoring

9.7.3.10. Site Scoring

The five sites listed in **Table 9-10, Potential Sites to Which Advisory Committee Siting Criteria Applied**, were scored using the Screening Criteria. Each criterion had a specific method to assess the *Point Value* of the criterion. The information needed to make the assessment was gathered by observation at the site, through review of technical literature, or by calculation from known data. The methods to evaluate the *Point Value* of some of the criterion required the use of general information. For example, the soil data was in soil reports that provide only rough guidance. The criterion relating to cost used the best information available at the time. (PWCG, 2008).

Table 9-11, Screening Criteria

Criterion		Weighting Factor
Community		
1	Displacement of residences and businesses	1
2	Distance to nearest residence, school or business	3
3	Wind direction relative to populated areas	2
4	Population density near the site	3
5	Proximity to parks and recreational facilities	1
Environmental and Land Use		
6	Zoning	1
7	Compatibility with/distance to existing land uses	1
8	Visibility from a general use public road	1
9	Visibility from residences and/or schools.	2
10	Groundwater	3
11	Wetlands	3
12	Flora and fauna habitat	2
13	Site aesthetics	1
14	Residential units along access road	1
15	Schools or hospitals along access road	1
16	Final use of the site when the landfill is closed	1
17	Archeological and/or historical significance	3
Economic		
18	Cost of site acquisition	1
19	Cost of development	1
20	Cost of operations	1
21	Impact of removal of site on tax base	1
22	Haul distance from H-POWER	2
Technical		
23	Landfill capacity or site life	3
24	Annual precipitation	2
25	Adequacy of drainage	1
26	Access to fire protection	1
27	Length of haul	2
28	Geology	1
29	Closure and post-closure cost	1
Other Considerations		
30	Employment	1
31	Access	2

The information for each site was extensive and compiled in several attachments to the Advisory Committee report. A summary of the conditions at each of the five sites is provided in Section 9.6-7.4. Description of Sites Evaluated.

Table 9-12, Results of Application of Screening Criteria, identifies the scores for each site after application of the criteria. Further detail of the methodology for site scoring for each of the 31 criteria is contained in Attachment C of the Alternatives Analysis for Disposal of Municipal Refuse (PWCG, 2008).

Since the Advisory Committee report was completed, additional information has been provided regarding the cost of acquiring the Ameron Quarry and Makaiwa Gulch sites. In the Advisory Committee report, the cost of acquisition was the assessed value for property purposes. Parties representing Ameron Quarry and Makaiwa Gulch provided information to correct that information in letters appended to a letter from City Councilmember Tam to the State LUC⁵⁰.

Mr. Tam's letter reported on a meeting his Committee conducted in which it received testimony from representatives of Ameron Quarry and accepted a letter from the Estate of James Campbell, owner of the Makaiwa Gulch site. Mr. Tam's letter stated that:

“... A presentation was made by Ameron Hawaii, the lessee of the Kapaa Quarry site, and by the Estate of James Campbell, owner of the Makaiwa Gulch site. Ameron Hawaii cited an economic impact of \$109-\$133 million should it have to shut down its operations and relocate (full report attached). The Kaneohe Ranch, owner of the Kapaa Quarry site did not testify but offered written testimony which stated its estimate of land acquisition cost to be \$22-\$46 million as opposed to the City's estimate of \$3.7 million (letter attached). The Estate of James Campbell provided testimony suggesting that the economic impact should the Makaiwa Gulch site be chosen would be in the area of \$121 million cost to the City ...”

⁵⁰ August 3, 2004 letter from Mr. Rod Tam, Chair Committee on Public Works & Economic Development, City Council, City and County of Honolulu to Mr. Anthony Ching, Executive Officer of the State Land Use Commission.

Table 9-12, Results of Application of Screening Criteria

Criterion	Ameron	Mali	Makaiwa	Nanakuli B	Waimanalo Gulch
Community					
1 Displacement of residences and businesses	3	3	3	3	3
2 Distance to nearest residence, school or business	3	3	3	3	3
3 Wind direction relative to populated areas	6	2	2	2	2
4 Population density near the site	3	3	3	6	6
5 Proximity to parks and recreational facilities	2	2	1	2	2
Environmental and Land Use					
6 Zoning	1	3	3	3	3
7 Compatibility with/distance to existing land uses	2	1	1	1	2
8 Visibility from a general use public road	2	3	2	1	3
9 Visibility from residences and/or schools.	6	2	2	2	2
10 Groundwater	9	9	9	9	9
11 Wetlands	3	3	6	6	3
12 Flora and fauna habitat	6	6	6	2	6
13 Site aesthetics	2	1	1	2	3
14 Residential units along access road	3	1	3	3	3
15 Schools or hospitals along access road	3	2	3	3	3
16 Final use of the site when the landfill is closed	1	1	1	1	1
17 Archeological and/or historical significance	6	6	3	6	6
Economic					
18 Cost of site acquisition	2	2	2	3	3
19 Cost of development	2	2	2	2	3
20 Cost of operations	1	2	3	1	3
21 Impact of removal of site on tax base	1	1	1	1	3
22 Haul distance from H-POWER	4	4	6	6	6
Technical					
23 Landfill capacity or site life	6	6	9	6	6
24 Annual precipitation	2	6	4	4	6
25 Adequacy of drainage	1	2	2	2	1
26 Access to fire protection	1	2	2	3	2
27 Length of haul	4	2	6	4	6
28 Geology	2	2	2	2	3
29 Closure and post-closure cost	3	3	2	1	3
Other Considerations					
30 Employment	1	3	2	3	2
31 Access	6	2	4	4	6
Total Site Score	107	102	113	109	131

The cost evaluations used in the Advisory Committee report have been revised to reflect the added costs stated in Mr. Tam’s report to the State LUC. The cost of acquiring the site was assessed by criterion number 18, Cost of Site Acquisition. **Table 9-13, Revised Evaluation of Criterion 18, Cost of Site Acquisition**, shows the

original calculation of the Point Value for this criterion and the revised calculation using the revised site cost for Ameron Quarry and Makaiwa Gulch. (PWCG, 2008).

Table 9-13, Revised Evaluation of Criterion 18, Cost of Site Acquisition

Item	Ameron	Maili	Makiawa Gulch	Nanakuli B	Waimanalo Gulch
Cost in Advisory Committee Report	\$3,184,200	\$3,912,500	\$16,516,900	\$545,200	\$0
Years of Life	15	15.33	25	15.7	15
Cost/Year of Life	\$212,280	\$255,219	\$660,676	\$34,726	\$0
Point Value	2	2	2	3	3
Revised Cost	\$46,000,000	\$3,912,500	\$121,000,000	\$545,200	\$0
Years of Life	15	15.33	25	15.7	15
Cost/Year of Life	\$3,066,667	\$255,219	\$4,840,000	\$34,726	\$0
Revised Point Value	1	2	1	3	3

The result of the change is shown in **Table 9-14, Comparison of Site Scores**, which shows the total site score with the original acquisition cost and the revised cost. It also shows that there was no change in the numerical order of the site scores with either acquisition cost. (PWCG, 2008).

Table 9-14, Comparison of Site Scores

Site	Original Acquisition Cost		Revised Acquisition Cost	
	Score	Rank	Score	Rank
Ameron Quarry	97	4	96	4
Mā'ili	90	5	90	5
Makaiwa Gulch	99	2	98	2
Nānākuli B	97	3	97	3
Waimānalo Gulch	113	1	113	1

The detailed changes resulting from the change in site scoring for criterion number 18 is shown in **Table 9-15, Results of Application of Screening Criteria with Revised Cost of Acquisition**. The only change in this table is in criterion number 18. The number of points for Ameron Quarry and Makaiwa Gulch changed from six to three when using the increased cost numbers provided in Councilman Tam's report to the State LUC. (PWCG, 2008).

**Table 9-15
Results of Application of Screening Criteria with
Revised Cost of Acquisition**

Criterion	Ameron	Mali	Makaiwa	Nanakuli B	Waimanalo Gulch
Community					
1 Displacement of residences and businesses	3	3	3	3	3
2 Distance to nearest residence, school or business	3	3	3	3	3
3 Wind direction relative to populated areas	6	2	2	2	2
4 Population density near the site	3	3	3	6	6
5 Proximity to parks and recreational facilities	2	2	1	2	2
Environmental and Land Use					
6 Zoning	1	3	3	3	3
7 Compatibility with/distance to existing land uses	2	1	1	1	2
8 Visibility from a general use public road	2	3	2	1	3
9 Visibility from residences and/or schools.	6	2	2	2	2
10 Groundwater	9	9	9	9	9
11 Wetlands	3	3	6	6	3
12 Flora and fauna habitat	6	6	6	2	6
13 Site aesthetics	2	1	1	2	3
14 Residential units along access road	3	1	3	3	3
15 Schools or hospitals along access road	3	2	3	3	3
16 Final use of the site when the landfill is closed	1	1	1	1	1
17 Archeological and/or historical significance	6	6	3	6	6
Economic					
18 Cost of site acquisition	1	2	1	3	3
19 Cost of development	2	2	2	2	3
20 Cost of operations	1	2	3	1	3
21 Impact of removal of site on tax base	1	1	1	1	3
22 Haul distance from H-POWER	4	4	6	6	6
Technical					
23 Landfill capacity or site life	6	6	9	6	6
24 Annual precipitation	2	6	4	4	6
25 Adequacy of drainage	1	2	2	2	1
26 Access to fire protection	1	2	2	3	2
27 Length of haul	4	2	6	4	6
28 Geology	2	2	2	2	3
29 Closure and post-closure cost	3	3	2	1	3
Other Considerations					
30 Employment	1	3	2	3	2
31 Access	6	2	4	4	6
Total Site Score	96	90	98	97	113

~~9.6.4. Description of Sites Evaluated~~

9.7.4. Description of Sites Evaluated

Information for this section is based on data collected and analyzed as part of the Report of the Mayor's Advisory Committee on Landfill Site Selection, December 1, 2003 and **Appendix K, Alternatives Analysis** (PWCG, 2008).

~~9.6.4.1. Ameron Quarry~~

9.7.4.1. Ameron Quarry

Description

The Ameron Quarry comprises approximately 391 acres and is located on the windward side of O'ahu, within the Kapa'a watershed. (**Figure 9-2**). The site is capable of holding nine million cubic-yards of MSW. The site was once the caldera of an ancient volcano, making the rock almost completely impermeable and of high quality for construction purposes.⁵¹ Due to the fine grained materials of the quarry, such as Alaeloa and Helemano silty clays, there are no sensitive or endangered flora and fauna habitat found inside and within a half-mile of the quarry. Archaeological and/or historical significance is low due largely to late twentieth century land disturbances. However, thirty-one sites of known archaeological and/or historical importance are located within one mile of the quarry.

Landfill Infrastructure: On-Site

Ameron Quarry currently does not have landfilling infrastructure on-site and there is no space on-site for that infrastructure. As the site currently operates as a rock quarry, the existing infrastructure would need to be modified for the quarry to operate as a landfill, but much of the heavy equipment services needed for the quarry could also be used for the landfill.

Landfill Infrastructure: Off-Site

The area within the quarry is used for the necessary infrastructure and for landfilling; space would be needed off-site for offices and other support facilities.

⁵¹ KBAC Streamwalks, <http://www.kbac-hi.org/>, March 11, 2008.

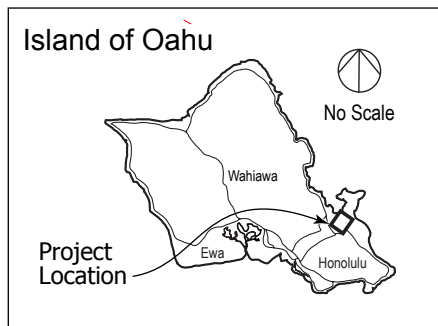
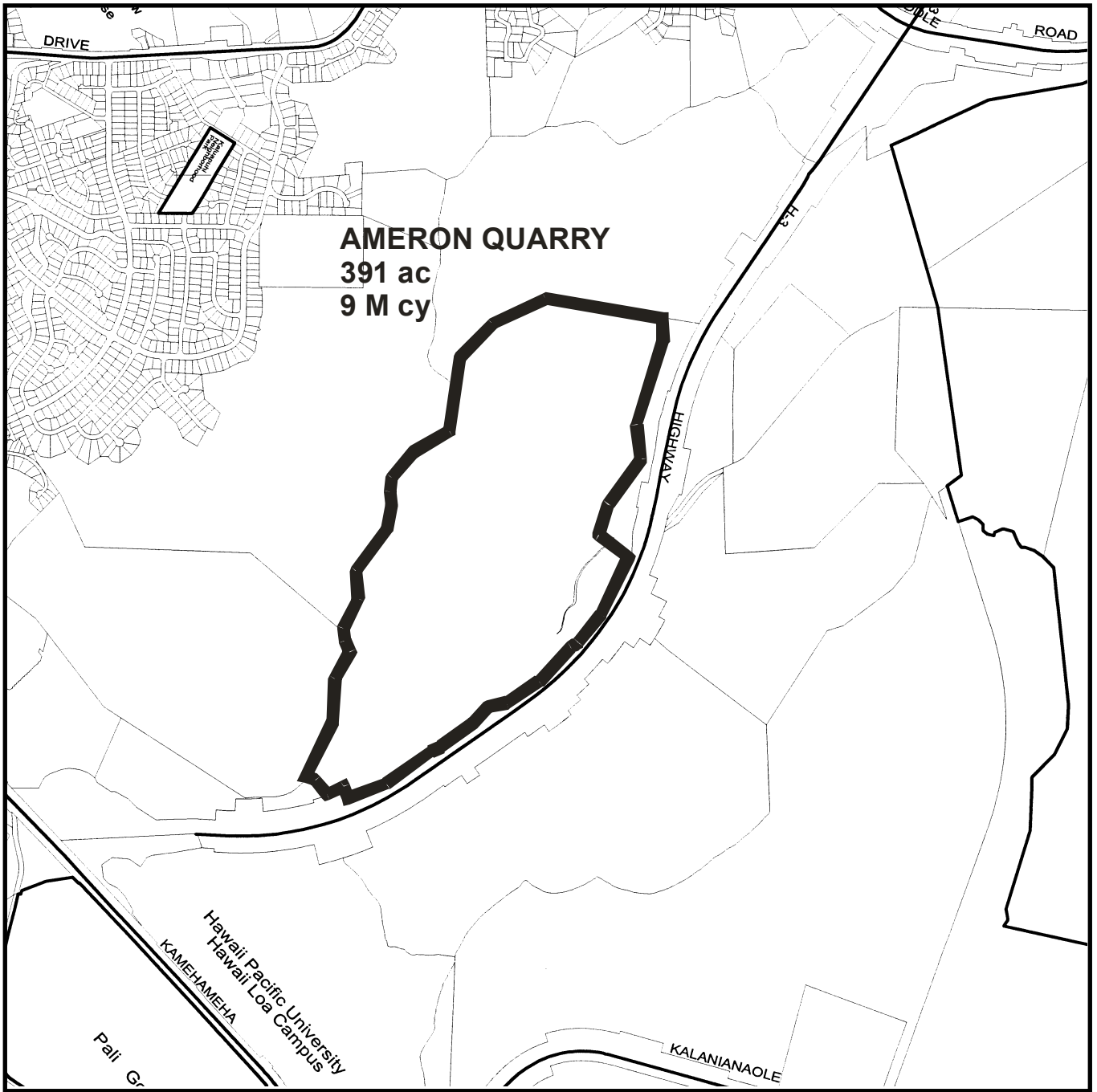


Figure 9-2
Ameron Quarry Alternative
 Waimanalo Gulch Sanitary Landfill Expansion
 Department of Environmental Services



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May 2008

Capacity

Ameron Quarry has an estimated 15-year life span as a landfill. The site life was estimated from existing information and does not reflect current landfilling practices. The landfill life was estimated based on data available in existing reports. The life should be recalculated to reflect current landfilling practices, allowing for an adequate buffer around the site boundary, and filling to the natural grade.

Opportunities and Constraints

Ameron Quarry has some major advantages as a landfill:

- It has significant capacity in an area where the City has operated a landfill. It will be closer to the point of waste generation for Windward O‘ahu than the WGS�.
- The site has existing infrastructure for quarry operations that could be used for a landfill, reducing startup costs.
- Roadways are wide enough and designed to carry heavy trucks.
- The site geology includes Alaeloa and Helemano silty clays that will help protect against leakage. Under State regulations, a landfill liner would be installed.
- The quarry operation has created a hole that may need to be filled.

Constraints associated with the use of Ameron Quarry as a landfill:

- The quarry receives more than 60 inches of precipitation annually, making this site the wettest of the five alternatives. However, landfills operated in wetter areas on the mainland must do so under stringent EPA Subtitle D regulations.
- The site is the furthest from the H-POWER facility and population centers
- The cost of acquisition is likely to be significantly more than shown in the Advisory Committee siting report. In addition, the land owner has stated

there will be costs associated with moving the operation to another location.⁵²

- The Council Committee on Public Works & Economic Development (PWED) commented in its report on the review of sites that: “The PWED Committee has received testimony in opposition to siting a landfill at the Ameron Quarry site including testimony in opposition from the landowner Kaneohe Ranch, the lessee Ameron Hawaii, the Kailua Neighborhood Board and various city and State elected officials. No testimony has been received in support of a landfill at the Ameron Quarry site.”
- The loss of construction material resources would be significant, according to the quarry operator. According to the operator, approximately 10 years of capacity remain at the quarry, but would be lost if the site were converted to a landfill, when the Advisory Committee report was issued in December 2003.

9.6.4.2. Mā'ili Quarry

9.7.4.2. Mā'ili Quarry

Description

Mā'ili Quarry comprises approximately 200 acres and is capable of holding about 9.2-million cubic-yards of MSW. The site is located in the Wai'anae District of Leeward O'ahu (**Figure 9-3**). The site is 3,500 feet mauka of Farrington Highway, four miles northwest of Nānākuli, and three miles south of Wai'anae. Elevation of the site averages approximately 40 feet above mean sea level (MSL). The soils are predominantly sand and gravel materials of the quarry including Lualualei clay and Mamala stony silty clay loam. Sensitive and endangered flora and fauna are not known to exist inside the quarry, nor within a half-mile distance. No archaeological or historical areas of significance have been documented within the site, however, 16 cultural sites do exist within a quarter-mile of the site boundaries; eight sites between a quarter-mile and half-mile; and six sites between a half-mile and mile.

⁵² Letter, Mr. Rod Tam to Mr. Anthony Ching, Executive Officer, State Land Use Commission, August 3, 2004, and Memorandum, Mr. Rod Tam to Concerned Citizens of O'ahu, Summary Report, Landfill Site Selection Process, November 16, 2004

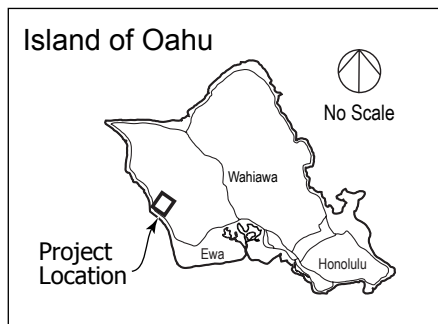
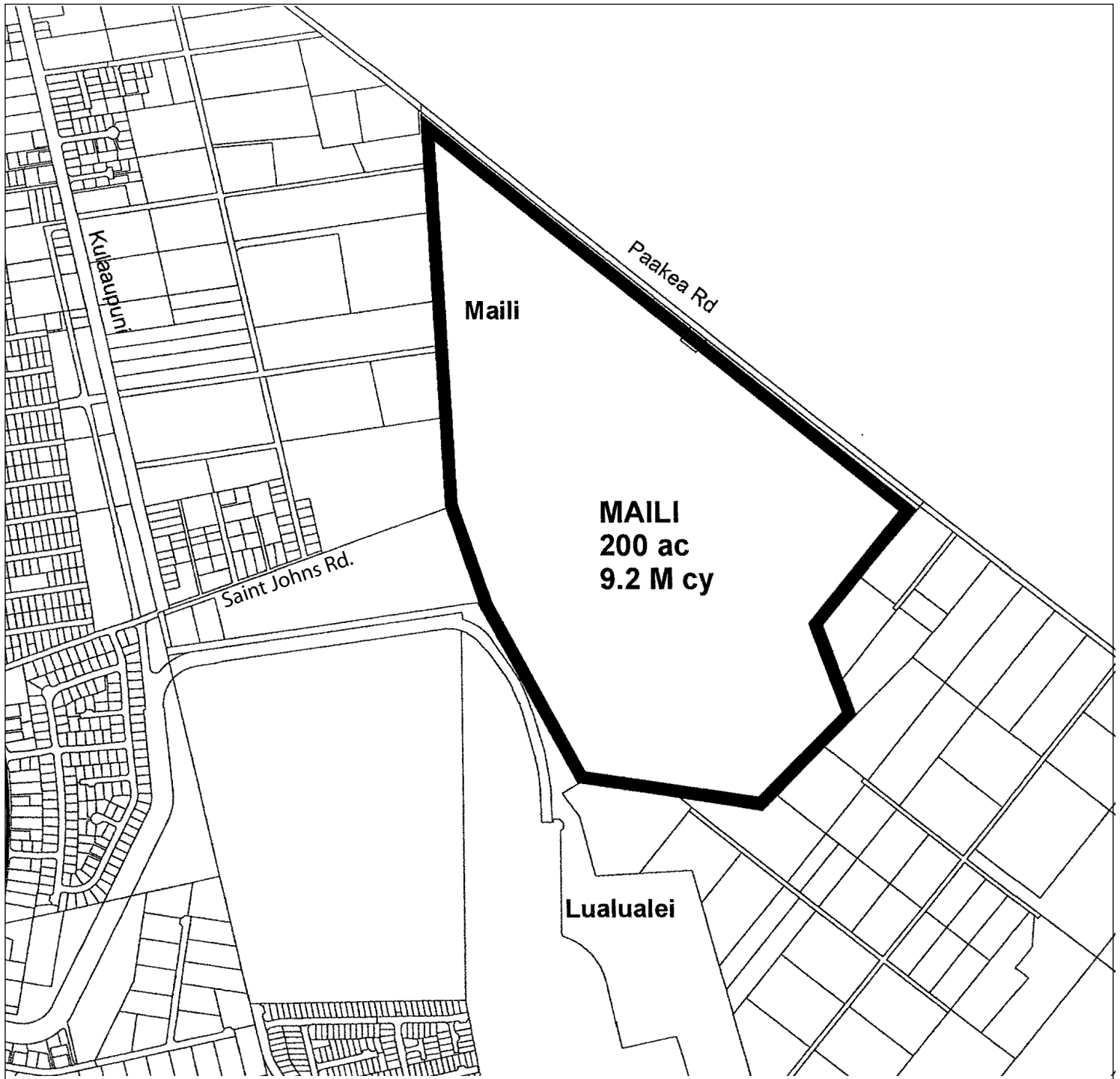


Figure 9-3
Ma'ili Quarry Alternative
 Waimanalo Gulch Sanitary Landfill Expansion
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Landfill Infrastructure: On-Site

Mā'ili Quarry currently has infrastructure on-site to support the existing quarrying operation. However, there is space available on-site for necessary landfill infrastructure. As the site currently operates as a recycler of concrete, improvements and modifications to the existing concrete recycling infrastructure may be necessary for Mā'ili Quarry to operate as a landfill.

Landfill Infrastructure: Off-Site

No facilities are needed off-site as space appears to be available on-site.

Capacity

Mā'ili Quarry has an estimated 15.33 year life span. This equates to an estimated capacity for the disposal of approximately 9.2-million cubic-yards of waste. The landfill life was estimated based on data available in existing reports. The life should be recalculated to reflect current landfilling practices, allowing for an adequate buffer around the site boundary and filling to the natural grade.

Opportunities and Constraints

The advantages of using Mā'ili Quarry as a landfill are:

- Availability of on-site cover
- On-site brackish well for dust control
- Consistent zoning in the State Agricultural District
- Utilities on-site
- Low precipitation
- Close proximity to H-POWER

Constraints to the use of Mā'ili Quarry as a landfill are:

- The distance to residents, schools, and businesses. The site is located 1,139 feet from Mā'ili Elementary School and 875 feet from the nearest residence. It is just over 100 feet from single-family residential units, and the Wai'anae Coast Comprehensive Health Center is located along the access road to the quarry.

- Traffic accidents cause major delays; only one road access
- Significant pedestrian cross-traffic
- Access road privately owned
- Only coral quarry on-island
- In its report on its review of potential sites the Council Committee on Public Works and Economic Development commented: “The PWED Committee has received testimony in opposition to a landfill at the Mā‘ili site and anywhere on the Leeward coast in general. No testimony has been received in support of a landfill at the Mā‘ili site.

~~9.6.4.3. Makaiwa Gulch~~

9.7.4.3. Makaiwa Gulch

Description

Makaiwa Gulch is located next to the WGS� and comprises 338-acres (**Figure 9-4**). The site is capable of holding approximately 15 million cubic yards of MSW (25-years capacity). The site is 1.5 miles northwest of Puu Palailai, north of Farrington Highway, 1.6 miles south of Puu Manawahua, and 1.3 miles east of Kahe Point. Elevation ranges from approximately 120 feet to over 600 feet above MSL. Soils are predominantly sand and gravelly materials associated with the gulch including Stony steep land, Lualualei extremely stony clay, Helemano silty clay, and Mahana-Badland complex soils. Sensitive and endangered flora and fauna are not known to exist within the site but do exist at distances greater than a half-mile away. Seven sites of archaeological and/or historical significance are located within and on the edge of the site. Twenty-three sites are located within one mile, fourteen within a quarter-mile (although only two have been evaluated as possibly meriting preservation), four between a quarter-mile and a half-mile, and five sites are between a half-mile and one mile. Makaiwa Hills, LLC, has ~~submitted~~ an accepted Final EIS for the development of a residential community on 1,781 acres of undeveloped land in ‘Ewa, O‘ahu; the same land proposed as an alternative landfill site. ~~The notice is available on the Office of Environmental Quality Control (OEQC) web page.~~ The FEIS was published on November 8, 2007, and the zone change for the project was approved on September 29, 2008, as Ordinance 08-26 (Bill 47, FD1).

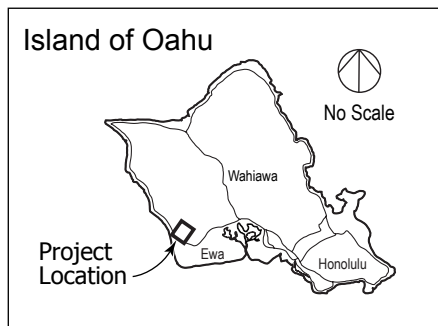
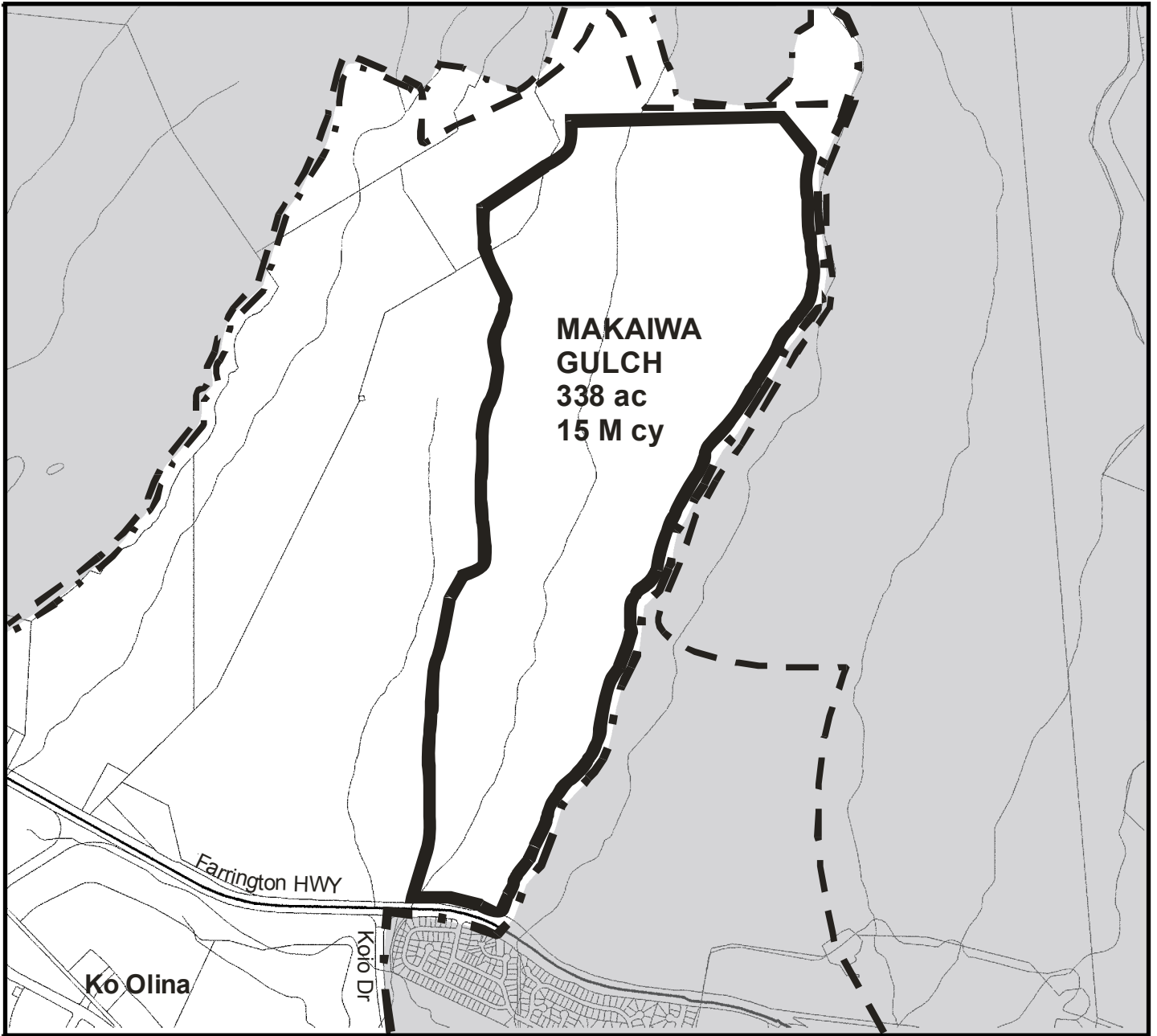


Figure 9-4
Makaiwa Gulch Alternative
 Waimanalo Gulch Sanitary Landfill Expansion
 Department of Environmental Services



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May 2008

Landfill Infrastructure: On-Site

There is space available on-site for the construction of landfill infrastructure.

Landfill Infrastructure: Off-Site

Construction of infrastructure off-site is not anticipated to be required.

Capacity

Makaiwa Gulch has an estimated 25 year life as a landfill, or disposal ability to process 15-million cubic-yards of waste. The landfill life was estimated based on data available from existing reports. The life should be recalculated to reflect current landfilling practices, allowing for an adequate buffer around the site boundary, and filling to the natural grade. With evaluations based on current practice, it is likely that significantly more life is available at this site than the estimate identified for the EIS.

Opportunities and Constraints

The Makaiwa Gulch site has several advantages:

- It has a significant amount of capacity – 25 years
- Access is potentially available off of Farrington Highway
- Consistent zoning in the State Agricultural Urban District
- The property is currently not being used, although development for a residential subdivision has been proposed
- It is the shortest distance of the alternative sites from the H-POWER facility and close to a major service population (short haul distance)
- Extensive archeological/flora/fauna surveys have been completed
- The area has low precipitation, which will mean less water from rainfall that must be managed at the landfill

There are several major constraints:

- The project has completed its FEIS for residential development which would preclude its use for a landfill.
- Acquisition costs are likely to be high
- Upwind from heavily populated residential and resort areas
- No on-site utilities or access road

- Rockfall hazards may exist along the highway to Makaiwa Gulch
- Not consistent with the development plan which is for residential subdivision development
- Close to a transition between H-1 and Farrington Highway
- Power lines (138 KV) cross the site
- View planes readily seen
- Perception that a landfill would create a major economic impact that would “close down” residential and resort development
- Close to center of area of major population growth
- In its report on its review of potential sites the Council Committee on Public Works and Economic Development commented: “The PWED Committee has received testimony in opposition to a landfill at the Makaiwa Gulch site including testimony in opposition from the landowner and also testimony was received in opposition to siting a landfill anywhere on the Leeward coast in general. No testimony has been received in support of a landfill at the Makaiwa Gulch site.”

9.6.4.4. Nānākuli B

9.7.4.4. Nānākuli B

Description

The Nānākuli B site encompasses 432.3-acres and is capable of holding 9.4 million cubic yards of MSW. The site located in West O’ahu and south of the Mā’ili Quarry (**Figure 9-5**). The site is 2,000 feet mauka of Farrington Highway and Nanaikapono Beach Park, 4,000 feet west of Puu Helakala, and 4,000 feet east, southeast of Puu O Hulu Uka. Elevation ranges from approximately 40 feet to over 300 feet above MSL. Nānākuli B borders a critical habitat area for sensitive and endangered flora and fauna. Although the potential landfill site does not contain any archaeological and/or historical sites within its boundaries, sixty-two archaeological and/or historical sites can be found within one mile of the site boundaries; with the majority of the sites located closer to one mile out. Three of the archaeological sites are less than a quarter-mile from the site boundary; nine are located between one-quarter and one-half mile, while fifty are located between one-half and one mile distant.

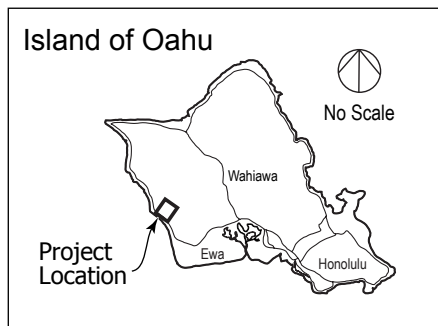
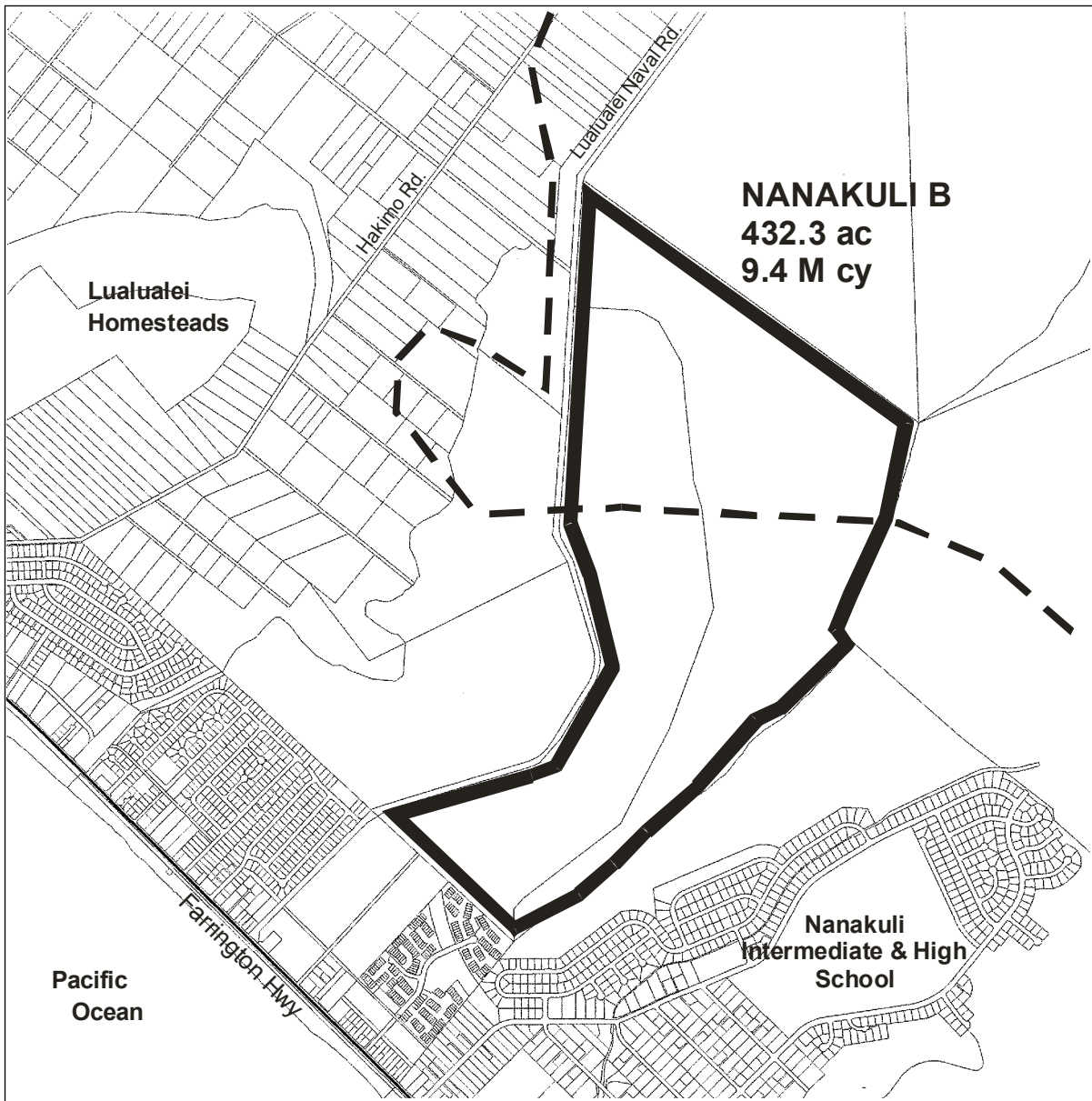


Figure 9-5
Nanakuli B Alternative

Waimanalo Gulch Sanitary Landfill Expansion
 Department of Environmental Services



R.M. TOWILL CORPORATION

May 2008

Leeward Land, LLC, has submitted an EISPN for the construction and operation of an MSW landfill and composting facility on an approximate 172 acre site at Nanakuli B. The notice was submitted May 23, 2006, and is located on the State OEQC web page.

Landfill Infrastructure: On-Site

Nānākuli B currently does not have landfilling infrastructure on-site; however, space is expected to be available.

Landfill Infrastructure: Off-Site

Off-site space is not anticipated to be required for infrastructure.

Capacity

Nānākuli B has an estimated 15.6 year life, or capacity of 9.4 million cubic yards. The landfill life was estimated from data available in existing reports. The life should be recalculated to reflect current landfilling practices, allowing for an adequate buffer around the site boundary, and filling to the most advantageous grade.

Opportunities and Constraints

The Nānākuli B site has several advantages:

- The zoning is consistent.
- The area gets low precipitation.
- The landfill would be close to existing C&D landfill.
- Utilities are readily accessible.
- The site is not currently being used.
- The acquisition costs relatively low.
- Brackish wells are available on-site for water for dust control.

The disadvantages of this site include:

- Hazardous rockfalls on highway to site.

- Traffic accidents cause major delays on Farrington Highway and could slow access to the site.
- Pedestrian cross traffic on Farrington Highway and the access road.
- The Navy owns the access road, which may necessitate the City paying for access.
- Upwind of Mā'ili Elementary School and residences. It is surrounded by single-family residences less than 300 feet away, on the southern and western boundaries. Nānākuli Elementary is 1,372 feet away, Nanaikapono Elementary is 2,190 feet away, and the Pacific Shopping Mall is 1,335 feet away. Residences are located on the far west side of Lualualei Naval Road.
- Dust could impact nearby homes.
- Trucks would pass schools and medical facilities to get to site.
- In its report on its review of potential sites the Council Committee on Public Works and Economic Development commented: "The PWED Committee has received testimony in opposition to a landfill at the Nānākuli B site and anywhere on the Leeward coast in general. No testimony has been received in support of a landfill at the Nānākuli B site."

~~9.6.4.5. Waimānalo Gulch~~

9.7.4.5. Waimānalo Gulch

Description

Waimānalo Gulch Sanitary Landfill is a 200-acre site with approximately 92.5 acres remaining for expansion. The site was preliminarily identified to be capable of holding 9 million cubic yards of MSW. Waimānalo Gulch is owned by the City & County of Honolulu and operated under contract by Waste Management of Hawai'i, Inc. The site currently receives the H-POWER facility's ash and residual wastes. It is also the landfill site for commercial MSW that exceeds the capacity at H-POWER.⁵³ The site adjoins

⁵³ Waste Management, Keeping Hawaii Clean, <http://www.keepinghawaiiiclean.com/Waimānalo.htm>, March 11, 2008.

Farrington Highway. To the northwest is the Hawaiian Electric Kahe Power Generating Station. South of the site is the Ko Olina Resort, while southeast of the site is the Honokai Hale residential subdivision.

The on-site soils including Rock land, Stony steep land, Lualualei extremely stony clay, and Mahana-Badland complex, provide an improved barrier between surface and groundwater. Sensitive and endangered flora and fauna habitat are not known to exist within the boundaries or within a half-mile of the site. Archaeological and/or historically significant sites are not found within the majority of the landfill site. An archaeological site comprised of three stone uprights was recently discovered. Mitigation to address the find is underway with the State Historic Preservation Division and community informants to identify an appropriate and culturally sensitive means of preserving the stones. No other sites are known within the property. Surrounding the site, 30 sites of potential archaeological and/or historical significance can be found between a quarter-mile and half-mile of the site boundaries.

Construction and operating practices at the WGSL are consistent with state and City & County of Honolulu requirements for site and soils stability and environmental compliance. The operation of the landfill had been the subject of DOH action regarding a notice of violation and fine. The DOH and WMH, the site operator, have agreed to a settlement.

Landfill Infrastructure: On-Site

WGSL currently has landfill infrastructure in place as well as additional space available for expansion of such infrastructure. The area permitted for ~~landfilling~~ by the current SUP is 107.5 acres of the total 200 acre site.

Landfill Infrastructure: Off-Site

Major new infrastructure facilities are not needed off-site.

Capacity

WGSL has a minimum estimated 15 year life, or ability to dispose of nine million cubic-yards of waste (This capacity is anticipated to be adjusted as required based on updated technical evaluation performed by WMH).

Opportunities and Constraints

The use of the WGSL offers the following opportunities:

- Least costly site to acquire and operate as it is owned by the City & County of Honolulu and the necessary infrastructure is already in place
- Close to H-POWER
- The technical information needed to design the landfill is known. With the other sites, a significant amount of technical information will be needed before they can be designed and permitted.
- Road access acceptable
- Close to the service population centers – shorter haul distance than all alternative sites, except Makiawa Gulch.
- Low precipitation
- It is good policy to use a resource, such as the WGSL property, until it is no longer capable of providing the service.
- In its report on its review of potential sites the PWED Committee commented: “There was some testimony received in favor of including the Waimānalo Gulch Landfill as one of the sites under consideration by the City Council and some testimony received supporting the continued use of the Waimānalo Gulch Landfill including testimony from the current operator, Waste Management Hawaii.”

There are several disadvantages to the continued use of the WGSL including:

- It is located upwind and visible from a major resort area
- Further effort involving landscaping is needed to reduce viewplanes of the landfill facing Farrington Highway and Ko Olina

- Developers' representatives have claimed there would be major economic impact on residential development and resort development with continued operation of the Waimānalo Gulch Sanitary Landfill
- Trucks are visible traversing on-site and along Farrington Highway
- The site is located close to the center of population growth
- In its report on its review of potential sites the PWED Committee commented: "The PWED Committee has received testimony in opposition to continued use of the Waimānalo Gulch Landfill and also testimony in opposition to siting a landfill anywhere on the Leeward coast in general."

9.7. Preferred Alternative

9.8. Preferred Alternative

There are several alternative technologies and the transshipment of waste that show promise toward reducing the need for landfills. The generation of MSW that exceeds the processing capacity of H-POWER as well as the generation of ash and residue, however, requires that facilities such as a municipal waste landfill be a part of the City's long term waste management system. (PWCG, 2008).

The time between preparation of this EIS and the date of compliance with the State LUC Order, November 1, 2009, is insufficient for the administrative processes to permit another alternative for all of the MSW and H-POWER refuse being disposed of at the WGSL. The State LUC Order calling for a halt to the acceptance of any further MSW deliveries to the WGSL will come into effect on November 1, 2009. Even if this timeframe were extended the schedule for preparation and approval of a new alternative site can be expected to take several years. In order for any alternative to be viable it must address several considerations (PWCG, 2008):

- It must provide for the health and safety of Honolulu's residents and visitors by properly managing the waste produced on the island.

- Any alternative, whether based on new or existing technology, another site, or based on off-island transshipment, will need to be put under contract, permitted, and made operational by November 1, 2009.
- Because of the complexity of siting requirements in Hawai'i and the limited availability of land resources for facilities such as a landfill, a significant amount of time is expected to be required for an alternative to become operational. This would involve the need for community consultation, and the environmental and land use permitting process.

The WGSL is the only alternative currently available to dispose of MSW and H-POWER ash and residue. Continued use of the WGSL until it has been filled to its physical capacity to accept waste is the Preferred Alternative. (PWCG, 2008).

Waimānalo Gulch Sanitary Landfill

The WGSL has the capacity to handle MSW including H-POWER ash and residue for at least 15 years. The site provides this service today, but only within the limits of its currently permitted area.

Waste Transshipment Alternative

Transshipment alone cannot handle all of the waste that is generated.

Transshipment of waste additionally transfers the responsibility for stewardship of the land to a mainland landfill that disposes of the transshipped waste. However, operation of transshipment in conjunction with the continued use of the WGSL; expansion of recycling alternatives; and addition of a third boiler to H-POWER, offers the City another viable option for reducing the volume of material requiring landfilling.

The regulatory process for transshipment is anticipated to be lengthy. It will involve and require federal approval of the transshipment of waste materials from Honolulu to the mainland, and state and City approval of the facilities used to prepare the waste for shipment.

Three companies have expressed interest in transshipping Honolulu's waste. At this time, Hawaiian Waste Services has received the federal approvals needed to ship the waste from its point of arrival on the mainland up the Columbia River to the Roosevelt Landfill in Washington State.^{54/55}

Transshipment may offer near term advantages to the City in reducing the disposal of refuse at the WGSL. However, transshipment offers an alternative for reducing only a major part of the MSW stream. There are still portions of the waste stream that cannot be shipped due to federal restrictions; some items cannot be accepted due to the process used; and financial and solid waste management considerations are anticipated to limit transshipment to a selected portion of the waste stream.

The continued use of the WGSL offers a means to handle materials that could otherwise not be shipped and offers an essential safety net should a shipping strike occur, interrupting the flow of barges.

It is noted that with transshipment that the generation of greenhouse gasses (GHG) should be considered. Transshipment would produce approximately 72.6 percent more GHG emissions than disposal at the WGSL. The difference in emissions compared to taking the waste to H-POWER is even more dramatic. H-POWER shows a reduction in island-wide emissions (or negative emissions) of 28,557 metric tons per year (MTY) of CO₂ equivalent compared to a positive generation from transshipment of 19,982 MTY. While the WGSL is not expected to be capable of being replaced by transshipment, the amount of MSW needing on-island landfill disposal could be significantly reduced by the volume of waste transshipped.

⁵⁴ United States Department of Agriculture (USDOA), Animal and Plant Health Inspection Service (APHIS), Plant Protection and Quarantine. Compliance Agreement with Roosevelt Landfill. January 10, 2007.

⁵⁵ USDOA APHIS, Plant Protection and Quarantine. Compliance Agreement with the State of Hawaii. January 19, 2007.

Technology Alternative

Technology has continued to advance since the last EIS was prepared for the Waimānalo Gulch in 2002. The references used for this evaluation note that alternative technologies have operated in Europe and Japan processing MSW for two or more years. Other alternatives are showing promise and other jurisdictions including New York City and Los Angeles County are investing a significant amount of time and money studying technologies and evaluating proposals to provide a technology based solution.

The jurisdictions considering alternative technologies rely on the presence of a landfill within reasonable distance by rail or truck transport to provide backup if the technology does not perform as expected. This is not applicable for Honolulu, making the use of an alternative technology and closure of the WGSL both unwise and inappropriate.

None of the technology based approaches described in the alternatives analysis meets all of the City requirements as cited in Section 9.5.6.2. (see also Appendix K). In addition, none of the alternative technologies can have the environmental, land use, permitting, and administrative contracting completed before the November 1, 2009, State LUC deadline.

Expansion of recycling offers advantages for reducing waste going into the WGSL. It should be pursued but cannot be relied upon to completely eliminate the need for the landfill because of recycling residue that cannot be further processed or reused. The recycling residue that is in compliance with disposal regulations is landfilled.

Addition of a third boiler to H-POWER will reduce the amount of material needing disposal and generate energy needed on the island. However, landfill capacity is needed for disposal of ash and non-processible residual materials. In addition, the environmental, land use, permitting and administrative contracting cannot be completed before the November 1, 2009, State LUC deadline.

Alternative Landfill Sites

There are no alternative landfill sites that offer the same positive attributes as the WGSL. Because it is an operating site with remaining capacity, it has many benefits the others do not have. Assuming that the State LUC and DOH both extend the existing permits, there will be no significant delay in the proposed use.

The four alternative sites considered in the analysis have the capacity and other important features that make them reasonable candidates. However:

- Representatives for the Ameron Quarry and the James Campbell Estate, owner of the Makaiwa Gulch site, have both provided estimates of significantly increased cost to acquire the sites and have highlighted several additional complicating issues. Using either of these two sites as a landfill will require potentially protracted action to obtain the site in addition to lengthy time for the environmental, land use, and permitting processes. In addition, the Makaiwa Gulch site is already in the process of development of the site.
- The other two sites, the Mā'ili Quarry and Nānākuli B are both located further within Coastal Wai'anae, which would probably result in increased opposition from the community. Also, the Nānākuli B site has been proposed as a landfill by a private developer, so the cost of acquiring the site should be expected to be greater than estimated.

Section 10

Irreversible and Irretrievable Commitment of Resources and The Relationship Between Local Short-Term Uses of the Environment and the Maintenance and Enhancement of Long-Term Productivity

10.1 Irreversible and Irretrievable Commitment of Resources

The proposed expansion of the Waimānalo Gulch Sanitary Landfill will require the irreversible and irretrievable commitment of a number of resources. These resources include materials, capital, manpower and energy needed to plan, construct, operate, and maintain the proposed lateral expansion of the landfill.

The commitment of the additional 92.5 acres of land to expand the site will be irreversible and irretrievable, but will not constitute a land use that is inconsistent with the present use of the site for a municipal sanitary landfill. The use of the site for landfilling will eliminate it from other uses for a ~~period of approximately~~ minimum of 15 years, following acquisition of the required environmental and development permits. Thereafter, the site will be closed and monitored for a period of not less than 30 years to maintain the safety and security of the site, and in accordance with EPA regulations. The WGS� property is already limited in potential uses, permitted or otherwise.

The proposed expansion will result in the use of soils for landfill cover material which will be an irretrievable loss of this resource. However, the surface of the completed landfill will be sloped and covered with a final engineered cover layer that will be revegetated to promote soil retention and ensure a visual appearance compatible with the existing dry, lowland scrub vegetation found surrounding the project site. All work related to the closure of the landfill will be in accordance with federal, state and City & County of Honolulu laws and regulations. Accordingly, whether or not used as municipal sanitary landfill, the project site will involve the reestablishment of revegetation and set aside of the site for future use as open space, with opportunities for recreational uses similar to other closed landfills on O'ahu.

Implementation of the project will not result in the significant adverse loss of natural or cultural resources.

The site is not a significant wildlife habitat. There are no federal or state listed endangered species known to inhabit the area. While there is a known archaeological and historic site present within the project boundary, proposed mitigation measures will ensure against potential for negative adverse impacts.

Site preparation and development will utilize fiscal, manpower, and material resources for planning, engineering and design, construction, and operations and maintenance (O&M) purposes. Expenditure of these resources will not be recoverable. Capital expenditures will be required for management and the expansion of facilities and utilities over the proposed period of use.

The site will be limited in the number of feasible uses which may be available upon closure of the proposed expansion area. The long-term stabilization of the landfill site and potential generation of landfill gases will further preclude development of the site for near term residential, recreational, or other related urban purposes. It is possible, however, that with future long term stabilization of the site that some uses may be permitted including parkland or recreational facilities. This practice has successfully been applied to other sites previously used for landfilling purposes including Kaka'ako Waterfront Park, and the Sand Island State Recreational Park.

10.2 Relationship Between Local Short-Term Uses Of The Environment And The Maintenance And Enhancement Of Long-Term Productivity

This EIS provides information on many promising methods for the reduction, recycling, and reuse of various components of the municipal solid waste stream. All technology based solutions including waste transshipment, however, involves the generation of

waste or waste by-products that cannot now be feasibly disposed of by methods other than landfilling.

A safe, efficient, and feasible means of disposal of municipal solid waste, therefore, must continue to be made available for the broader island community of O‘ahu. The proposed project is at this time the most viable method for the disposal of municipal solid waste in Honolulu.

Potential for negative adverse impacts to the community and environmental resources will be addressed through the use of appropriate mitigation measures as described in this document. Mitigation to address potential for impacts to area residents will include operational procedures and practices, use of new equipment, and management measures involving coordination with the community to address concerns and issues involving landfill operational practices. A major effort that is currently on-going involves the WGSL Advisory Oversight Committee established by the present City Administration to provide direct input and community consultation over issues or concerns involving landfill operating practices and procedures. The advice and guidance of the WGSL Advisory Oversight Committee will continue to be sought to allow for a responsive and well run facility.

ENV, as supported by the Administration and City Council, will also continue to develop feasible new technologies and practices to further reduce the volume of waste requiring disposal in a municipal sanitary landfill. Effort in this direction has been already implemented with the construction of a waste digester at Sand Island Wastewater Treatment Plant that has significantly reduced the need for the disposal of raw sewage sludge.

Potential for contamination of non-potable/non-drinking groundwater resources is a long-term concern since leachate migration could occur during landfill operations as well as during post closure of the landfill. The project site, however, is permitted within an area located over a groundwater region that is not suitable for drinking water uses.

There is concern that the underlying non-potable/non-drinking brackish water supply may be withdrawn in the future and desalinated to produce a potable/drinking water resource. However, on-going water quality monitoring as indicated that the landfill is currently within the allowable standards for the protection of water quality as regulated by the State Department of Health. In addition, if and when desalination is implemented, there are other locations on O‘ahu where non-potable/non-drinking brackish water can be withdrawn. Although there are no definitive future plans for the withdrawal of non-potable/non-drinking water from the area for desalination and potable/drinking use, the proposed project will be designed in accordance with federal, state, and City & County of Honolulu laws and regulations governing the protection of Hawai‘i’s groundwater resources. All practicable measures to minimize and mitigate against contamination from leachate or unmanaged stormwater discharges, therefore, will be maintained.

The proposed project will not result in the significant loss of environmental resources. Although implementation of the project will preclude the use of the site for other purposes for the duration of the project, existing conditions and land use regulations governing the site already restrict other uses.

The proposed expansion of the site will require the irretrievable use of the land from other purposes for the duration of the proposed project. As a result, other potentially feasible uses will be limited. However, the project will promote the maintenance and enhancement of long-term productivity through maximizing the use of an existing public land resource for a municipal sanitary landfill. The project will fulfill an essential public service and provide for the desired social and economic growth of the broader islandwide population of O‘ahu.

Section 11 Unresolved Issues

11.1 Preservation of Stone Uprights

The final preservation of the three stone uprights discovered at the project site are presently in the process of review and coordination with the SHPD, Office of Hawaiian Affairs, and the SHPD identified community cultural informants to develop and define an appropriate course of preservation.

While the location of the stone uprights in the southwestern edge of the WGSL would affect planned construction activities in that portion of the site, other portions of the landfill property also could be affected depending on the need for site adjustments to accommodate the area containing the uprights. This effect on the landfill design is expected to be known only after the SHPD decision regarding the preservation plan for the uprights. As applicable, this decision will be factored into the final design and engineering, and construction drawings that will be prepared for the proposed project.

11.2 Final Engineering and Construction Details

The detailed final landfill phasing and engineering plans will be prepared by the operator of the site, Waste Management of Hawaii, Inc. Although the final phasing and design documents for the project are not yet complete, the overall site that will be prepared for active landfill cells is approximately ~37 acres within the planned 92.5 acres of lateral expansion. The remaining areas of the 92.5 acre not planned for active landfill cells will be used for stockpiling of landfill cover material, utilities including access roadways and drainage controls, landscaping, and related landfill associated purposes.

Final landfill boundary areas will be examined to ensure that sufficient slope and grades can be designed within appropriate engineering standards to maintain stability of the site. Once the final boundary has been determined a landfill phasing plan, and

construction plans will be prepared. All final plans and specifications will be reviewed for conformance with federal, state, and City & County of Honolulu laws and regulations to ensure the landfill is operating in a safe and secure manner.

11.3 Release of Crushed Rock from the Site

The proposed project will result in the generation of recovered soil, cobbles and boulders from excavation and grading of the site. Soils suitable use as cover material will be stockpiled and used for landfill cover. The landfill cover will be used for establishment of vegetative cover, landscaping, intermediate cover, and eventual final covering of the completed landfill surface.

Cobbles (rocks less than approximately 10 pounds in weight) and boulders will be used for various purposes including feed for rock crushing operations to produce aggregate, and for landscaping. The completed crushed rock or aggregate will later be used onsite to facilitate operations within the landfill or for use by the City & County of Honolulu for other projects that require material.

A decision regarding the release or possible sale of any excess material has not yet been determined. The City & County of Honolulu, however, retains the ownership rights to any excavated materials. On May 30, 1991, the City received bids for the material excavated, processed, and removed from Waimanalo Gulch Sanitary Landfill. Since August 1, 1991, the City has received royalties for any excavated and processed material removed from the WGSL. Until the final design has been approved, it will be difficult to determine the volume of excess materials that could be removed from the site.

11.4. EPA Finding and Notice of Violation (NOV)

On April 5, 2006, the EPA announced by press release that WMH and the City & County of Honolulu were alleged to have violated certain provisions of the Clean Air Act at WGSL. The EPA's Finding and Notice of Violation ("EPA NOV") contained an allegation that that WMH violated EPA's regulations by failing to meet certain deadlines for designing and installing a landfill gas collection and control system (GCCS). WMH has addressed that alleged violation by installing and now operating the WGSL's GCCS.

In addition, EPA alleged that the WGSL continues to operate in violation of EPA regulations because the WGSL's wellhead gas temperatures exceed 131°F in some of the landfill gas wells. WMH continues to monitor and evaluate the potential causes of the elevated gas temperatures and is working with DOH and EPA to demonstrate that the Landfill can be safely operated at these higher temperatures, as discussed in Section 11.5. Elevated Temperatures.

11.5 Elevated Temperatures

Due to a complex combination of naturally occurring biological and chemical processes, the gas temperatures of some of the wells at the WGSL exceed the standard operational temperature (131°F) established by the EPA for municipal solid waste landfills. Federal regulations allow the owner or operator of a landfill to establish a higher operating temperature at a particular well of the gas collection and control system ("GCCS") if the owner or operator demonstrates that the elevated temperature does not cause fires or significantly inhibits anaerobic decomposition by killing methanogens. Many landfills have made such demonstrations for operating temperatures higher than 131°F.

WMH has been carefully monitoring and evaluating the landfill since the elevated temperatures were first detected, and has been regularly submitting monitoring data to

EPA and DOH to confirm the continued environmentally safe operation of the landfill. The wells with temperatures above 131° F average approximately 165° F. One well has had an isolated temperature reading of 184° F, which is the highest recorded temperature of any well at the landfill. Extensive scientific investigation has confirmed that the higher temperatures are not the result of subsurface combustion or fire. As allowed by federal regulations, WMH has prepared and submitted information to the EPA and DOH demonstrating that the elevated temperatures have not caused a subsurface fire within the landfill and that the landfill can be safely operated at the elevated landfill temperatures. WMH will continue to coordinate appropriate measures to maintain compliance with all regulations as required by law.

11.6 Appeals of Decisions to Extend SUP

On February 12, 2008, Colleen Hanabusa and Ko Olina Community Association (collectively, “Intervenors”) filed a Notice of Appeal to Circuit Court, appealing the Planning Commission’s Findings of Fact, Conclusions of Law, and Decision and Order dated January 16, 2008, and naming the Planning Commission and ENV as appellees. See Ko Olina Community Association v. Planning Commission, Circuit Court of the First Judicial Circuit, State of Hawaii, Civil No. 08-1-0313-02 (Agency Appeal). On February 15, 2008, Intervenors filed an Amended Notice of Appeal to Circuit Court, adding DPP as an appellee. This appeal challenges the Planning Commission’s decision to extend the deadline for acceptance of waste at WGSL from May 1, 2008, to May 1, 2010, or until the approved area reaches its permitted capacity, whichever occurs first.

On April 10, 2008, Intervenors filed a Notice of Appeal to Circuit Court, appealing the Findings of Fact, Conclusions of Law, and Decision and Order adopting with Modifications, the City and County of Honolulu Planning Commission’s Recommendation to Approve Amendment to Special Use Permit dated March 14, 2008, and naming the LUC and ENV as appellees. See Ko Olina Community Association v. Land Use Commission, Circuit Court of the First Judicial Circuit, State of Hawaii, Civil No. 08-1-0727-04 (Agency Appeal). This second appeal challenges the LUC’s decision

to extend the deadline for acceptance of waste at WGS� from May 1, 2008, to November 1, 2009, or until the approved area reaches its permitted capacity, whichever occurs first.

The two appeals were consolidated on June 25, 2008. On October 1, 2008, the Circuit Court heard oral argument from the parties on the consolidated appeals. On October 3, 2008, the court entered its order affirming the LUC's decision in Civil No. 08-1-0727-04, and dismissing as preliminary and not appealable the Planning Commission's decision in Civil No. 08-1-0313-02, but maintaining the consolidated appeals and records on appeal. On October 7, 2008, the court entered an amended order correcting two internally inconsistent errors in its October 1, 2008 order. Final judgment had not been entered as of October 8, 2008.

Section 12
Permits and Regulatory Approvals
That May Be Required

Except as otherwise noted, the following permit and regulatory approval applications are planned to be filed for the proposed project upon completion of the EIS process.

12.1. Federal

EPA, Title V, Clean Air Act, Covered Source Permit
Federal Communications Commission (FCC) License, Radio Station
Authorization (Land Module Control Station - 4 frequencies, site radios)
This authorization has been approved.

12.2. State of Hawai'i

Department of Agriculture (DOA), License for Commercial Measuring
Devices (scale). This license has been approved.
Department of Health (DOH), Solid Waste Management Permit
National Pollutant Discharge Elimination System (NPDES) Permits
 Notice of Intent (NOI) Form C, Construction Stormwater Permit
 NOI Form B, Industrial Stormwater Permit
State Land Use Commission, State Land Use District Boundary Amendment (or
State Special Use Permit, see below¹)

12.3. City & County of Honolulu

Department of Planning and Permitting (DPP)
 State Special Use Permit (SUP) Amendment²

^{1,2} The filing of a new SUP or a new Land Use District Boundary Amendment (LUDBA) constitutes a viable means of addressing the use of the site for a municipal landfill.

Building Permits (for various miscellaneous improvements including electrical, pump, scale, and related facilities)
Grubbing, Grading, Stockpiling Permits

Section 13

**Organizations, Agencies, and Public Parties Consulted
in the Environmental Impact Statement Process**

13.1. Federal Agencies

Environmental Protection Agency, Pacific Islands Contact Office (PICO)
U.S. Air Force Palehua Solar Observatory
Department of the Army, Corps of Engineers
U.S. Fish and Wildlife Service

13.2. State Agencies

Department of Agriculture
Department of Business, Economic Development and Tourism
Department of Defense
Department of Hawaiian Home Lands
Department of Health
 Environmental Management Division
 Clean Air Branch
 Clean Water Branch
 Solid and Hazardous Waste Branch
 Office of Environmental Quality Control
Department of Land and Natural Resources
 Historic Preservation Division
 Land Division
State Land Use Commission
Office of Hawaiian Affairs
Department of Transportation
University of Hawai'i

13.3. City & County of Honolulu

Board of Water Supply
Department of Planning and Permitting
Department of Transportation Services
Honolulu Fire Department
Honolulu Police Department

13.4. Private and Community Organizations and Elected Officials

Hawaiian Electric Company
Honolulu Star-Bulletin and Advertiser
Sun Press
State Senator Will Espero, 20th Senate District, 'Ewa Beach, 'Ewa by Gentry,
Ocean Pointe, 'Ewa Villages, West Loch, Hono'uli'uli, Lower Waipahu
State Senator Colleen Hanabusa, 21st Senate District, Ko 'Olina, Kahe Point,
Nānākuli, Ma'ili, Wai'anae, Mākaha, Makua, Ka'ena Point
State House Representative Maile S. L. Shimabukuro, 45th House District,
Wai'anae, Mākaha, Makua
State House Representative Karen Leinani Awana, 43rd House District, Honokai
Hale, Nānākuli, Luaualei, Maile
State House Representative Rida T.R. Cabanilla, 42nd House District, Waipahu,
Hono'uli'uli, West Loch, 'Ewa
Honolulu City Councilman Todd K. Apo, District 1, 'Ewa, Kapolei, Wai'anae
Coast
Honolulu City Council
Makakilo-Kapolei-Honokai Hale Neighborhood Board No. 34
Wai'anae Coast Neighborhood Board No. 24

Section 14
Significance Criteria

In accordance with the content requirements of HRS, Chapter 343, and the thirteen significance criteria in HAR, Section 11-200-12 of Title 11, Chapter 200, it is anticipated that this project will have no significant adverse environmental impact. All anticipated potential impacts will be addressed through the use of mitigation measures and practices as set forth in this EIS document.

According to the significance criteria:

Criteria 1 - Involves an irrevocable commitment to loss or destruction of any natural or cultural resource;

The proposed project is not expected to result in the adverse loss of natural or cultural resources. There are no known threatened or endangered species of plants and wildlife present or which utilize the site for habitat.

An archaeological inventory survey of the project site found the presence of three stone uprights that have been identified as a historic resource. The uprights were found in a cluster located near the southwestern edge of the WGSL in an area that would be affected by the lateral expansion. No other significant archaeological resources were discovered as a result of surveying the project's 92.5 acre area of potential effect.

To address the discovery of the uprights: (1) the SHPD was notified to report the find and to ascertain further actions or requirements to ensure no disturbance until an appropriate plan for treatment is determined; and (2) notification and coordination with appropriate parties as determined by SHPD that includes the Office of Hawaiian Affairs (OHA) and SHPD designated cultural informants from the area.

The process of coordination to develop an appropriate treatment plan and to ascertain further the purpose and function of the uprights is in progress. The owner of the site, the City & County of Honolulu, intends to work with the SHPD and the community to provide appropriate treatment to ensure protection and preservation of the stone uprights. All required provisions of Chapter 6E, HRS, as well as other provisions of law governing archaeological preservation and protection will be complied with to prevent the irrevocable loss of this resource.

Criteria 2 - Curtails the range of beneficial uses of the environment;

The proposed project site is located on undeveloped land within the existing Waimānalo Gulch property owned by the City & County of Honolulu. The planned area of expansion is presently unused, with rocky soil and little vegetation. Development of the site is not anticipated to significantly detract from the function or use of the environment. Potential for negative adverse environmental impacts will be addressed through adherence to the mitigation measures and practices as described in this document.

Criteria 3 - Conflicts with the State's long-term environmental policies or goals and guidelines as expressed in Chapter 344, HRS;

The project proposal is consistent with the environmental policies, goals, and guidelines expressed in Chapter 343, HRS. Potential sources of adverse impacts have been identified and appropriate measures have been developed to either mitigate or minimize the potential for impacts.

Criteria 4 - Substantially affects the economic or social welfare of the community or State;

The potential for negative adverse socioeconomic impacts was reviewed in a Socioeconomic Impact Assessment (SIA) prepared for the proposed project by SMS Research (SMS Research, 2008). Based on the findings of the SIA appropriate

treatment to minimize, mitigate, or reduce the potential for adverse effects associated with the economic or social welfare of the community and State, were prepared for the EIS document.

Economic Impacts - The fiscal impact of continuing operations of the WGSL, and City & County of Honolulu costs and revenues for solid waste disposal, are expected to result in no new, secondary, or cumulative impacts. The proposed project is expected to make possible the conditions necessary for economic growth and development through providing an essential public facility used by all the communities on O'ahu for the safe and efficient disposal of municipal waste.

Public Facilities and Services Impacts - The SIA considered the potential impact of the project on the continued provision of police, fire, public education, library, medical, emergency, recreation and public transportation services. The proposed project is not anticipated to adversely affect the continued provision of these services. The potential for nuisance impacts associated with odor, windblown litter, and visual aesthetics, are described and discussed in the subject EIS. Where appropriate, mitigative measures are proposed to reduce or ameliorate the potential for adverse effects.

Social Impacts - Continued operation of the landfill, once all required permits are obtained will assure effective near-term management of solid waste on O'ahu and allow time for development of new waste disposal technologies and/or a new municipal solid waste landfill site. In addition, the operation of the landfill will be modified or augmented according to the mitigative measures and practices developed in the course of the EIS process. These measures and practices are intended to promote and facilitate a well run facility.

Overall Mitigation Measures - The proposed lateral expansion of the WGSL is expected to have a beneficial effect on the economic and social welfare for all communities in the City & County of Honolulu. The lateral expansion will meet

existing and future needs of the Island of O‘ahu for the safe and efficient disposal of MSW and H-POWER ash and residue. Any potential for adverse effects will be addressed through the application of the mitigation measures as described in the EIS document.

Criteria 5 - Substantially affects the public health;

Factors affecting public health, including air quality, water quality, litter, noise levels, and other items were assessed and are addressed through the application of appropriate mitigation measures and practices. Mitigation measures and practices have been included in the design, operation, and maintenance of the proposed lateral expansion to avoid potential for negative adverse impacts to public health and safety of the community and City & County of Honolulu.

Criteria 6 - Involves substantial secondary impacts, such as population changes or effects on public facilities;

Development of the proposed project will not result in substantial secondary or cumulative impacts to the natural or built environment or to the social and economic community. The proposed project will not stimulate unexpected change in population, but will accommodate the current and anticipated future needs of the population of the Island of O‘ahu. The proposed lateral expansion will utilize portions of an existing public facility, including access roads and utilities, but will not place significant additional burden on those facilities as the project transitions to the use of currently unused portions of the Waimānalo Gulch.

Criteria 7 - Involves a substantial degradation of environmental quality;

Analysis of air and water quality, geology, flora and faunal resources, and land use associated with the construction, operation and maintenance of the proposed expansion project has determined that environmental quality will not be substantially degraded.

A number of the environmental studies undertaken for the proposed project are provided as appendices to this EIS document. Where the analyses are not provided as appendices, the documents are cited as references.

Criteria 8 - Is individually limited but cumulatively has considerable effect upon the environment or involves a commitment for larger actions;

The proposed project will be developed in accordance with federal, state, and City & County of Honolulu laws, regulations, and policies. The proposed facility is under development by the City & County of Honolulu to provide for the safe and efficient disposal of municipal waste. The proposed lateral expansion project is designed to meet existing and anticipated future needs within O‘ahu for waste disposal within the anticipated period of use, and will not result in cumulative effects upon the environment nor involve a commitment for larger actions. The eventual closure of the landfill however, is anticipated to require that new methods and technologies for the disposal of municipal waste be identified in conjunction with the identification of a new landfill site.

Criteria 9 - Substantially affects a rare, threatened, or endangered species, or its habitat;

The investigation of the project site for rare, threatened, or endangered botanical and faunal species has been completed. No species were identified as present that are listed as rare, threatened, or endangered by the State of Hawai‘i or federal government.

Criteria 10 - Detrimentially affects air or water quality or ambient noise levels;

Short-term impacts to air quality and ambient noise levels will result from construction activities; however, potential for negative adverse impacts are anticipated to be minimal and will cease when construction is complete. Due to specific care taken in the design (including mitigation measures and practices) no detrimental long-term effects to the environment are expected or anticipated.

Criteria 11 - Affects or is likely to suffer damage by being located in an environmentally sensitive area such as a flood plain, tsunami zone, beach, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal waters;

The project site is located mauka or inland from coastal waters and is within an area determined by the Federal Emergency Management Agency to be outside of the 500-year flood zone. The proposed expansion will be developed and built according to federal and state standards, regulations, and laws for sanitary waste disposal facilities.

Criteria 12 - Substantially affects scenic vistas and view planes identified in County or State plans or studies;

The project site is not located within any scenic vista or view plane as identified in state or City & County of Honolulu Plans. The existing administrative building is designed with a two-story roof line. Closure of each landfill cell will be accompanied with a final cover including vegetation similar to that found along the slopes which adjoin the site. Any potential visual impact associated with initial construction of landfill cells will be temporary. The potential for visual impacts during operation of the landfill will be minimized and mitigated with vegetative controls including the use of hydromulching, and plantings of grass, dryland shrubs, and trees, as provided in the project's landscaping plan. Careful placement of access roadways will also be practiced to reduce the potential for visual impacts to the adjoining Ko Olina Resort.

Criteria 13 - Requires substantial energy consumption.

Construction associated with the proposed lateral expansion project will require the use of energy during activities that include grading, excavation, application of landfill cover materials, and during implementation of landscaping. It is anticipated that use of energy

for the operation of machinery, equipment, and administrative buildings will utilize the same or less energy than the existing facility.

Daily operational activities are not anticipated to result in a substantial burden to the available power supply. The electrical energy required from Hawaiian Electric Company will involve a continuation of existing service.

Future plans will call for the generation of electricity from the landfill. This can be considered a positive benefit based on the use of an existing resource.

Section 15
Comments and Responses to the
Environmental Impact Statement Preparation Notice

~~This Final EIS has been prepared and modified to address comments received during the 30-day public comment period for the Environmental Impact Statement Preparation Notice (EISPN). As appropriate project mitigation measures have been proposed to address substantive concerns.~~

A list of the comment letters received for the EISPN is provided in **Table 15-1**. The comments and the written responses prepared for the comments are attached and included in this section.

**Table 15-1
Comment Letters Received for the
WGSL Lateral Expansion EISPN**

No.	Date	Commentor
1	1/2/2007	Dept. of Land and Natural Resources
2	12/28/2006	Dept. of Transportation
3	12/29/2006	Dept. of Business, Economic Dev. & Tourism
4	12/27/2006	Dept. of Transportation Services
5	2/9/2007	Dept. of Health, Solid Waste Branch
6	1/23/2007	Natural Resources Conservation Service
7	12/27/2006	Dept. of Accounting and General Services
8	12/26/2006	Robert Au
9	12/26/2006	Dept. of Planning and Permitting
10	12/26/2006	Senator Colleen Hanabusa, State Senate
11	8/30/2006	Senator Colleen Hanabusa, State Senate
12	12/26/2006	Cynthia Rezentes, Aide to Senator Hanabusa
13	12/26/2006	Sierra Club
14	12/26/2006	Ken Williams, Manager, Ko Olina Comm. Assn.
15	12/26/2006	Carol Cox, EnviroWatch Inc.
16	12/26/2006	Robert Kaialau, III,
17	12/26/2006	David Reantaso
18	12/23/2006	Ralph Harris, Pres., AOA, Fairways at Ko Olina
19	12/22/2006	Representative Rida Cabanilla, State Representative
20	12/22/2006	Dept. of Facility Maintenance
21	12/21/2006	Office of Hawaiian Affairs
22	12/19/2006	Honolulu Fire Dept.
23	12/20/2006	James Hodge, Hawaiian Waste Systems
24	12/18/2006	Board of Water Supply
25	12/15/2006	Office of Environmental Quality Control
26	12/14/2006	Dept. of Community Svcs.
27	12/13/2006	Steve Kelley, Mgr. Infra. & Support, Makaiwa Hills LLC
28	12/12/2006	Dept. of Design and Construction
29	12/12/2006	Hawaii Housing Finance Dev. Corp.
30	12/11/2006	S.B. Teramoto, VP, Coconut Plantations
31	12/8/2006	Dept. of Education
32	11/30/2006	Dept. of Health, Clean Water Branch
33	11/30/2006	Dept. of Parks and Recreation
34	11/28/2006	Honolulu Police Dept.

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

January 2, 2007

Department of Environmental Services
City and County of Honolulu
1000 Uluohia Street Suite 308
Kapolei, Hawaii 96707

Attention: Wilma Namumnant

Gentlemen:

Subject: Environmental Impact Statement Preparation Notice for Waimanalo Gulch
Sanitary Landfill Expansion, Kahe, Oahu, Tax Map Key: (1) 9-2-3:72 and
73

Thank you for the opportunity to review and comment on the subject matter. The
Department of Land and Natural Resources' (DLNR) Land Division distributed or made
available a copy of your report pertaining to the subject matter to the DLNR Divisions for their
review and comment:

Engineering Division
Division of Water Resource Management
Land Division - Oahu District

Based on the attached responses, the Department of Land and Natural Resources has
no comment to offer on the subject matter. Should you have any questions, please feel free to
call our office at 587-0433. Thank you.

Sincerely,

Russell Y. Tsuji
Administrator

Cc: Central Files

A

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSIONER ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
DEPUTY DIRECTOR

DEAN NAKANO
ACTING DEPUTY DIRECTOR - WATER

AGRICULTURE
BOATING AND LEISURE RECREATION
BUREAU OF CONSERVATION
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAOLOAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

DEPARTMENT OF
ENVIRONMENTAL SVCS
07 JAN -4 AM 37

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

December 1, 2006

MEMORANDUM

TO: DLNR Agencies:
 Div. of Aquatic Resources
 Div. of Boating & Ocean Recreation
 Engineering Division
 Div. of Forestry & Wildlife
 Div. of State Parks
 Div. of Water Resource Management
 Office of Conservation & Coastal Lands
 Land Division - Oahu District

FROM: Russell Y. Tsuji
SUBJECT: Environmental Impact Statement Preparation Notice for Waimanalo Gulch
Sanitary Landfill Expansion
LOCATION: Kahe, Oahu, TMK: (1) 9-2-3:72 and 73
APPLICANT: City and County of Honolulu, Department of Environmental Services

Transmitted for your review and comment on the above referenced document. We
would appreciate your comments on this document. Please submit any comments by
December 25, 2006.

A copy of the document is available for your review in Land Division office, Room 220.

If no response is received by this date, we will assume your agency has no comments.
If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

- We have no objections.
- We have no comments.
- Comments are attached.

Signed:
Date: 12/23/06

RECEIVED
LAND DIVISION
DEC 21 A 8:45
DEPARTMENT OF LAND AND NATURAL RESOURCES

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSIONER ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
DEPUTY DIRECTOR

DEAN NAKANO
ACTING DEPUTY DIRECTOR - WATER

AGRICULTURE
BOATING AND LEISURE RECREATION
BUREAU OF CONSERVATION
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
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FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAOLOAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION

LM/RYT

REF.: EISPNWAIMANALOGULCHLANDFILL
OAHU:532

COMMENTS

- (X) We confirm that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Zone D. The National Flood Insurance Program (NFIP) does not have any regulations for development within Zone D.
- () Please take note that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Zone ____.
- () Please note that the correct Flood Zone Designation for the project site according to the Flood Insurance Rate Map (FIRM) is ____.
- () Please note that the project must comply with the rules and regulations of the National Flood Insurance Program (NFIP) presented in Title 44 of the Code of Federal Regulations (44CFR), whenever development within a Special Flood Hazard Area is undertaken. If there are any questions, please contact the State NFIP Coordinator, Ms. Carol Tyau-Beam, of the Department of Land and Natural Resources, Engineering Division at (808) 587-0267.

Please be advised that 44CFR indicates the minimum standards set forth by the NFIP. Your Community's local flood ordinance may prove to be more restrictive and thus take precedence over the minimum NFIP standards. If there are questions regarding the local flood ordinances, please contact the applicable County NFIP Coordinators below:

- () Mr. Robert Sumimoto at (808) 523-4254 or Mr. Mario Siu Li at (808) 523-4247 of the City and County of Honolulu, Department of Planning and Permitting.
- () Mr. Kelly Gomes at (808) 961-8327 (Hilo) or Mr. Kiran Emler at (808) 327-3530 (Kona) of the County of Hawaii, Department of Public Works.
- () Mr. Francis Cerizo at (808) 270-7771 of the County of Maui, Department of Planning.
- () Mr. Mario Antonio at (808) 241-6620 of the County of Kauai, Department of Public Works.
- () The applicant should include project water demands and infrastructure required to meet water demands. Please note that the implementation of any State-sponsored projects requiring water service from the Honolulu Board of Water Supply system must first obtain water allocation credits from the Engineering Division before it can receive a building permit and/or water meter.
- () The applicant should provide the water demands and calculations to the Engineering Division so it can be included in the State Water Projects Plan Update.
- () Additional comments: _____
- () Other: _____

Should you have any questions, please call Ms. Alyson Yim of the Planning Branch at 587-0259.

Signed: Eric T. Hirano
ERIC T. HIRANO, CHIEF ENGINEER

Date: 12/23/06

LINDA LINGLE
GOVERNOR OF HAWAII



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36 DEC 4 AM 11:57

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION
POST OFFICE BOX 621
HONOLULU, HAWAII 96809

December 1, 2006

MEMORANDUM

TO: DLNR Agencies:
 Div. of Aquatic Resources
 Div. of Boating & Ocean Recreation
 Engineering Division
 Div. of Forestry & Wildlife
 Div. of State Parks
 Div. of Water Resource Management
 Office of Conservation & Coastal Lands
 Land Division - Oahu District

FROM: Russell Y. Tsuji
SUBJECT: Environmental Impact Statement Preparation Notice for Waimanalo Gulch Sanitary Landfill Expansion
LOCATION: Kahe, Oahu, TMK: (1) 9-2-3:72 and 73
APPLICANT: City and County of Honolulu, Department of Environmental Services

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by December 25, 2006.

A copy of the document is available for your review in Land Division office, Room 220.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

- () We have no objections.
- (✓) We have no comments.
- () Comments are attached.

Signed: Adam T. Sabido
Date: 12/5/06

12/21/06 due
PETER L. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCES MANAGEMENT
ROBERT K. MASUDA
EMPLOY DIRECTOR
DEAN HAKANO
ACTING EMPLOY DIRECTOR - WATER
AGRICULTURE, BUSINESS, RECREATION AND OCEAN RECREATION
BUREAU OF CONSERVATION
COMMISSION ON WATER RESOURCES MANAGEMENT
CONSERVATION AND NATURAL LANDS
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STATE PARKS

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HAWAIIAN ISLAND RESERVE COMMISSION

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

December 1, 2006

MEMORANDUM

TO: **DLNR Agencies:**
 Div. of Aquatic Resources
 Div. of Boating & Ocean Recreation
 Engineering Division
 Div. of Forestry & Wildlife
 Div. of State Parks
 Div. of Water Resource Management
 Office of Conservation & Coastal Lands
 Land Division - Oahu District

FROM: Russell Y. Tsuji
SUBJECT: Environmental Impact Statement Preparation Notice for Waimanalo Gulch Sanitary Landfill Expansion
LOCATION: Kahe, Oahu, TMK: (1) 9-2-3-72 and 73
APPLICANT: City and County of Honolulu, Department of Environmental Services

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by December 25, 2006.

A copy of the document is available for your review in Land Division office, Room 220.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

- We have no objections.
 We have no comments.
 Comments are attached.

Signed: *Basil Santos*

Date: 12/13/06

PETER T. YOUNG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSIONER ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
DEPUTY DIRECTOR

DEAN MAKANO
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
LANDSLIDE HAZARD RISK ASSESSMENT
LAND
STATE PARKS

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://www.co.honolulu.gov>

MUFI HANNEMANN
MAYOR



May 12, 2008

ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-059

Mr. Russell Y. Tsuji, Administrator
Land Division
State of Hawaii
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Tsuji:

Subject: Environmental Impact Statement Preparation Notice (EISPN)
Waimanalo Gulch Sanitary Landfill Expansion

Thank you for your letter dated January 2, 2007 concerning the subject project. We appreciated the comments of your Engineering Division, Division of Water Resource Management, and Land Division. The following is prepared in response.

Engineering Division

We acknowledge that the Waimanalo Gulch landfill is located in Zone D and that the National Flood Insurance Program (NFIP) does not have any regulations for development within this zone.

Division of Water Resource Management

We acknowledge that this division has no comments at this time.

Land Division

We acknowledge that this division has no comments and no objection to the proposed project.

Thank you for this opportunity to respond. Any further written comments may be directed to Ms. Wilma Namumart of our office.

Very truly yours,

Eric S. Takamura

Eric S. Takamura, Ph.D., P.E.
Director

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.

LINDA LINGLE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

December 28, 2006

Dr. Eric S. Takamura, P.E.
Director
Department of Environmental Services
City and County of Honolulu
1000 Uluohia Street, Suite 308
Kapolei, Hawaii 96707

Dear Dr. Takamura:

Subject: Environmental Impact Statement Preparation Notice
Chapter 343, Hawaii Revised Statutes
Waimanalo Gulch Sanitary Landfill Expansion
TMK: (1) 9-2-003: 072 and 073

We have the following initial comments on the proposed landfill expansion as described in the EIS Preparation Notice (EISPN):

1. The EISPN discussed alternative actions involving transporting refuse to another landfill facility outside of Hawaii. If one of the alternatives involves possible use of facilities at the State harbors, particularly Honolulu or Kalaeloa Barbers Point Harbor, to collect and stage refuse before shipping, further EIS evaluation should fully analyze the impacts to handling refuse at the harbors, including the congestion already being experienced at the harbors.
2. The EISPN stated that a traffic assessment report is being prepared. The report should address traffic conditions and ingress/egress at the landfill facility. Prior situations or events involving vehicle movements at the access on Farrington Highway should be reviewed, especially for incidents or conditions where improvements at and around the entry intersection may be needed. The report should also cover having sufficient on-site queue area for vehicle waiting lines to avoid any back ups at or onto the highway.

B

RODNEY K. HARAGA
DIRECTOR
Deputy Directors
FRANCIS PAUL KEENO
BARRY FUKUNAGA
BRENNON T. MORIOKA
BRIAN H. SEKIGUCHI

IN REPLY REFER TO:

STP 8.2371

07 JAN -4 AM 36
DEPARTMENT OF
ENVIRONMENTAL SVCS

Dr. Eric S. Takamura
Page 2
December 28, 2006

STP 8.2371

We appreciate the opportunity to provide our comments. We request that we receive at least five (5) copies of the forthcoming draft environmental impact statement report for our further review and comment of the landfill project.

Very truly yours,

Francis Paul Keeno

fr RODNEY K. HARAGA
Director of Transportation

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

1000 ULUOHA STREET, SUITE 308, KAPOLEI, HAWAII 96707
TELEPHONE: (808) 768-3486 • FAX: (808) 768-3487 • WEBSITE: www.honolulu.gov

MUFI HANNEMANN
MAYOR



May 12, 2008

ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-075

Mr. Brennon Morioka, P.E.
Director of Transportation
State of Hawaii
Department of Transportation
869 Punchbowl Street
Honolulu, Hawaii 96813-5097

Dear Mr. Morioka:

Subject: Environmental Impact Statement Preparation Notice (EISPN)
Waimanalo Gulch Sanitary Landfill Expansion

Thank you for your letter dated December 28, 2006 concerning the subject project. The following is prepared in response to your comments (your comments have been italicized for reference):

1. *The EISPN discussed alternative actions involving transporting refuse to another landfill facility outside of Hawaii. If one of the alternatives involves possible use of facilities at the State harbors, particularly Honolulu or Kalaeloa Barbers Point Harbor, to collect and stage refuse before shipping, further BS evaluation should fully analyze the impacts to handling refuse at the harbors, including the congestion already being experienced at the harbors.*

The investigation of alternatives in the Draft EIS (DEIS) will include waste transshipment and the potential for impacts to harbor facilities under jurisdiction of the Department of Transportation (DOT). We appreciate there is congestion already present at the harbors and will note this in the DEIS. The full assessment of traffic impacts, however, should be investigated by the party or parties responsible for the transshipment of waste from Oahu for the specific locations where it is proposed.

2. *The EISPN stated that a traffic assessment report is being prepared. The report should address traffic conditions and ingress/egress at the landfill facility. Prior situations or events involving vehicle movements at the access on Farrington Highway should be reviewed, especially for incidents or conditions where improvements at and around the entry intersection may be needed. The report should also cover having sufficient on-site queue area for vehicle waiting lines to avoid any back ups at or onto the highway.*

Mr. Brennon Morioka, P.E.
May 12, 2008
Page 2

We confirm the traffic assessment will investigate traffic conditions and ingress/egress at the facility, review vehicular movement along Farrington Highway from and to the facility, and provide recommendations concerning vehicle queuing to avoid congestion at or onto the highway.

We appreciate your review of the subject document. Any further written comments may be directed to Ms. Wilma Namumart of our office.

Sincerely,

Handwritten signature of Eric S. Takamura in black ink.

Eric S. Takamura, Ph.D., P.E.
Director

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.



**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**

OFFICE OF PLANNING

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824

LINDA LINGLE
GOVERNOR
THEODORE E. LIU
DIRECTOR
MARK K. ANDERSON
DEPUTY DIRECTOR
LAURA H. THIELEN
DIRECTOR
OFFICE OF PLANNING

Ref. No. P-11609

December 29, 2006

Dr. Eric S. Takamura, P.E., Director
Department of Environmental Services
City and County of Honolulu
1000 Ulukouia Street, Suite 308
Kapolei, Hawaii 96707

Dear Dr. Takamura:

Subject: Waimanalo Gulch Sanitary Landfill Expansion
Environmental Impact Statement Preparation Notice (EISPN)
TMK(s): (1) 9-2-003: 072 and 073
Honouliuli, Ewa, Island of Oahu

Thank you for sending the Office of Planning the EISPN for the above referenced project.

The Office of Planning will be coordinating the State's position on areas of crosscutting State concern. I am writing to request that the Draft EIS consider the impacts of the proposed project on the following issues:

1. **Ocean Resources** – The State has an affirmative duty to protect Hawaii's nearshore waters. Please discuss how stormwater and wastewater generated by the project will be prevented from reducing the quality of nearshore water.
2. **Water Supply** – Water resource protection is a critical State issue. The proposed project is within a designated Water Management Area. Please include information on the drinking water and non-potable water sources that will be utilized for the project.
3. **Public Health** – If the project will have a potential to generate hazardous materials or result in the possible contamination of the air, soil, or water, please discuss how public health and safety will be protected.

Dr. Eric S. Takamura, P.E.

Page 2

December 29, 2006

4. **Cultural/Historic Resources** – Please include an inventory survey of cultural and historic sites, with monitoring and preservation plans approved by the State Historic Preservation Division. Please discuss how access for Native Hawaiians for traditional and customary practices will be preserved to include visual landmarks if applicable.
5. **Environmental, Recreational and Scenic Resources** – Please include an inventory of flora and fauna on the project site and any required protections. Consider in the design of your field observations including both wet and dry season surveys to capture the fullest range of flora and fauna. Please include a description of recreational uses on or near the project site. In addition, a description of scenic resources should also be included.
6. **Coastal Zone Management** – The State oversees protection of natural, cultural, and economic resources within the coastal zone. Please discuss how the proposed project will balance the competing values of economic development and preservation of coastal resources, including protection from hurricane, storm surge, flood hazard, volcano, and soil erosion as applicable.

The Office of Planning looks forward to receiving the DEIS with the potential impacts and mitigation measures for the above issues addressed. If you have any questions, please call Scott Derrickson in the Land Use Division at 587-2805.

Sincerely,

Laura H. Thielen
Director

c: Genevieve Salmonson, OEQC

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

1000 ULUOHA STREET, SUITE 308, KAPOLEI, HAWAII 96707
TELEPHONE: (808) 768-3486 • FAX: (808) 768-3487 • WEBSITE: <http://www.co.honolulu.gov>

MUFI HANNEMANN
MAYOR



May 12, 2008

ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-060

Ms. Mary Lou Kobayashi, Acting Director
Office of Planning
State of Hawaii
Department of Business, Economic Development & Tourism
P.O. Box 2359
Honolulu, Hawaii 96804

Dear Ms. Kobayashi:

Subject: Environmental Impact Statement Preparation Notice (EISPN)
Waimanalo Gulch Sanitary Landfill Expansion

Thank you for your letter dated December 29, 2006 concerning the subject project. The following is prepared in response to your comments (your comments have been italicized for reference):

"1. Ocean Resources - The State has an affirmative duty to protect Hawaii's nearshore waters. Please discuss how stormwater and wastewater generated by the project will be prevented from reducing the quality of nearshore water."

The Draft EIS (DEIS) will provide information on environmental management of stormwater and wastewater associated with the proposed project. Potential for impacts and proposed mitigation measures will be described to prevent degradation of nearshore state waters.

"2. Water Supply - Water resource protection is a critical State issue. The proposed project is within a designated Water Management Area. Please include information on the drinking water and non-potable water sources that will be utilized for the project."

And,

Ms. Mary Lou Kobayashi, Acting Director
May 12, 2008
Page 2

"3. Public Health - If the project will have a potential to generate hazardous materials or result in the possible contamination of the air, soil, or water, please discuss how public health and safety will be protected."

"4. Cultural/Historic Resources - Please include an inventory survey of cultural and historic sites, with monitoring and preservation plans approved by the State Historic Preservation Division. Please discuss how access for Native Hawaiians for traditional and customary practices will be preserved to include visual landmarks if applicable."

And,

"5. Environmental, Recreational and Scenic Resources - Please include an inventory of flora and fauna on the project site and any required protections. Consider in the design of your field observations including both wet and dry season surveys to capture the fullest range of flora and fauna. Please include a description of recreational uses on or near the project site. In addition, a description of scenic resources should also be included."

Information relating to water supply, public health, and cultural/historic resources is under investigation and will be provided as a part of the DEIS.

"6. Coastal Zone Management - The State oversees protection of natural, cultural, and economic resources within the coastal zone. Please discuss how the proposed project will balance the competing values of economic development and preservation of coastal resources, including protection from hurricane, storm surge, flood hazard, volcano, and soil erosion as applicable."

The relationship of the proposed project to these concerns will be provided in the DEIS.

We appreciated the time you have taken to review the subject document. Any further written comments may be directed to Ms. Wilma Namumnart of our office.

Sincerely,

Handwritten signature of Eric S. Takamura in cursive.

Eric S. Takamura, Ph.D., P.E.
Director

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.

(D)

Refuse
OK

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN
MAYOR



07 JAN -4 P3:15
MELVIN N. KAKU
DIRECTOR

RICHARD F. TORRES
DEPUTY DIRECTOR

TP11/06-183362R

December 27, 2006

MEMORANDUM

TO: ERIC S. TAKAMURA, Ph.D., P.E., DIRECTOR
DEPARTMENT OF ENVIRONMENTAL SERVICES

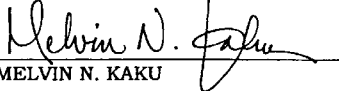
FROM: MELVIN N. KAKU, DIRECTOR

SUBJECT: WAIMANALO GULCH SANITARY LANDFILL EXPANSION

Thank you for your November 8, 2006 letter, requesting our review of and comments on the Environmental Impact Statement (EIS) Preparation Notice for the subject project. We have the following comments for your consideration as you prepare the draft EIS:

1. The draft EIS should identify which roadways will be providing access to the project site during construction of the landfill expansion.
2. Comments should be requested from the State Department of Transportation (SDOT) because access to the landfill is from Farrington Highway, which is under SDOT jurisdiction.

We look forward to reviewing the draft EIS. Should you have any questions regarding these comments, please contact Ms. Faith Miyamoto of the Transportation Planning Division at Local 8350.


MELVIN N. KAKU

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

1000 ULUOHA STREET, SUITE 308, KAPOLEI, HAWAII 96707
TELEPHONE: (808) 768-3486 • FAX: (808) 768-3487 • WEBSITE: http://www.co.honolulu.gov

MUFI HANNEMANN
MAYOR



ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR


ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-062

May 12, 2008

MEMORANDUM

TO: WAYNE YOSHIOKA, DIRECTOR
DEPARTMENT OF TRANSPORTATION SERVICES

FROM: 
ERIC S. TAKAMURA, Ph.D., P.E., DIRECTOR
DEPARTMENT OF ENVIRONMENTAL SERVICES

SUBJECT: ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE
(EISPN) WAIMANALO GULCH SANITARY LANDFILL EXPANSION

Thank you for your memorandum dated December 27, 2006 concerning the subject project. The following is prepared in response to your comments (your comments have been italicized for reference):

1. *"The Draft EIS should identify which roadways will be providing access to the project site during construction of the landfill expansion."*

This information will be provided in the subject Draft EIS (DEIS).

2. *"Comments should be requested from the State Department of Transportation (SDOT) because access to the landfill is from Farrington Highway, which is under SDOT jurisdiction."*

Comments for the subject project have been requested from the State Department of Transportation who, in addition to the Department of Transportation Services, will continue to be consulted parties for the duration of this EIS process.

We appreciated your review of the subject document. Should you have any further written comments they may be directed to Ms. Wilma Namumhart of our office at 768-3406.

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 3378
HONOLULU, HAWAII 96801-3378

February 9, 2007

E

CHIYOME L. FUKINO, M.D.
DIRECTOR OF HEALTH

In reply, please refer to:
ENDING#

S0228LO

The Honorable Eric S. Takamura, P.E., Director
Department of Environmental Services
City and County of Honolulu
1000 Uluohia St., Suite 308
Kapolei, HI 96707

Dear Mr. Takamura:

SUBJECT: Waimanalo Gulch Sanitary Landfill Expansion
Environmental Impact Statement Preparation Notice

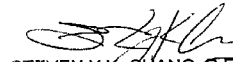
Thank you for the opportunity to review and provide comments on this document. The Solid Waste Section (SWS) offers the following comments:

It is noted on page 2-5 that a 100-foot buffer will be maintained between landfill activities and the property line will be maintained. We note that the Makaiwa Hills residential development is proposed on land adjacent to the landfill. Ideally, buffers would be able to contain the impacts of landfill activities, such as odor and windblown litter, entirely within facility boundaries. We are concerned that the proposed buffers are not sufficient to minimize impacts on housing and/or associated land uses.

The SWS also notes that the proposed landfill expansion requires a solid waste management permit, and will address all other issues through the permit application process.

If you have any questions regarding this letter, please contact Lane Otsu of our Solid Waste Section at (808) 586-4226.

Sincerely,


STEVEN Y.K. CHANG, P.E., CHIEF
Solid and Hazardous Waste Branch

07 FEB 22 P2:30

DEPARTMENT OF
ENVIRONMENTAL SVCS

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://www.co.honolulu.gov>

MUFI HANNEMANN
MAYOR



ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-073

May 12, 2008

Mr. Steven Y.K. Chang, P.E., Chief
Solid and Hazardous Waste Branch
State of Hawaii
Department of Health
P.O. Box 3378
Honolulu, Hawaii 96801-3378

Dear Mr. Chang:

Subject: Environmental Impact Statement Preparation Notice (EISPN)
Waimanalo Gulch Sanitary Landfill Expansion

Thank you for your letter dated February 9, 2007 concerning the subject project. The following is prepared in response to your comments (your comments are italicized for reference):

1. *"It is noted on page 2-5 that a 100-foot buffer will be maintained between landfill activities and the property line will be maintained. We note that the Makaiwa Hills residential development is proposed on land adjacent to the landfill. Ideally, buffers would be able to contain the impacts of landfill activities, such as odor and windblown litter, entirely within facility boundaries. We are concerned that the proposed buffers are not sufficient to minimize impacts on housing and/or associated land uses."*

The area of buffer is intended to remain free of actual landfilling and placement of waste. As required, other measures to reduce the potential impacts of nuisance concerns including odor and windblown litter will be described in the Draft EIS (DEIS).

2. *"The SWS also notes that the proposed landfill expansion requires a solid waste management permit, and will address all other issues through the permit application process."*

Mr. Steven Y.K. Chang, P.E., Chief
May 12, 2008
Page 2

We acknowledge that a solid waste management permit application will be required for the proposed project and look forward to further working with you to address the requirements of the Solid and Hazardous Waste Branch.

We appreciate this opportunity to respond to your comments. Any further written comments may be directed to Ms. Wilma Namumart of our office.

Very truly yours,



Eric S. Takamura, Ph.D., P.E.
Director

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.

(F)

United States Department of Agriculture



Natural Resources Conservation Service
P.O. Box 50004 Rm. 4-118
Honolulu, HI 96850
808-541-2600

January 23, 2007

Dr. Eric S. Takamura, P. E.
Department of Environmental Services
City and County of Honolulu
1000 Uluohia Street, Suite 308
Kapolei, Hawaii 96707

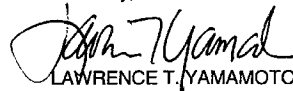
Subject: EISPN for Waimanalo Gulch, Oahu, Hawaii; TMK: (1) 9-2-003: 072 & 073

Dear Dr. Takamura,

We have reviewed the above mentioned document and have no comment at this time.

Thank you for the opportunity to comment.

Sincerely,



LAWRENCE T. YAMAMOTO
Director
Pacific Islands Area

Helping People Help the Land
An Equal Opportunity Provider and Employer

1

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://www.cc.honolulu.gov>

MUFI HANNEMANN
MAYOR



May 12, 2008

ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-061

Mr. Lawrence T. Yamamoto, Director
Pacific Islands Area
Natural Resources Conservation Service
P.O. Box 50004, Room 4-118
Honolulu, Hawaii 96850

Dear Mr. Yamamoto:

Subject: Environmental Impact Statement Preparation Notice (EISPN)
Waimanalo Gulch Sanitary Landfill Expansion

Thank you for your letter dated January 23, 2007 concerning the subject project.
We acknowledge that you have no comments at this time.

We appreciated your review of the subject document. Should you have any
written comments please direct them to Ms. Wilma Namumnart of our office.

Very truly yours,

Eric S. Takamura, Ph.D., P.E.
Director

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.

LINDA LINGLE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
P.O. BOX 119, HONOLULU, HAWAII 96810

DEC 27 2006

RUSS K. SAITO
COMPTROLLER
KATHERINE H. THOMASON
DEPUTY COMPTROLLER

(P)1310.6

Mr. Eric S. Takamura
Director
Department of Environmental Services
City & Country of Honolulu
1000 Uluohia Street, Suite 308
Kapolei, Hawaii 96707

Dear Mr. Takamura:

Subject: Waimanalo Gulch Sanitary Landfill Expansion
Environmental Impact Statement Preparation Notice

Thank you for the opportunity to review the information regarding the subject project. We
support the City and County of Honolulu's efforts in resolving the issues related to the island of
Oahu's municipal refuse. We have no additional comments to offer at this time.

If there are any questions regarding the above, please have your staff call Mr. David DePonte of
the Planning Branch at 586-0492.

Sincerely,

ERNEST Y. W. LAU
Public Works Administrator

DD:vca
c: Ms. Genevieve Salmonson, OEQC

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://www.co.honolulu.gov>

MUFI HANNEMANN
MAYOR



ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-063

May 12, 2008

Mr. Ernest Y. W. Lau
Public Works Administrator
State of Hawaii
Department of Accounting and General Services
P.O. Box 119
Honolulu, Hawaii 96810

Dear Mr. Lau:

Subject: Environmental Impact Statement Preparation Notice (EISPN)
Waimanalo Gulch Sanitary Landfill Expansion

Thank you for your letter dated December 27, 2006 concerning the subject project. We appreciate the time you have taken to offer your support to our efforts to manage Oahu's municipal refuse issues and acknowledge you have no additional comments to offer.

Any further written comments may be directed to Ms. Wilma Namumnart of our office.

Very truly yours,

A handwritten signature in black ink, appearing to read "Eric S. Takamura".

Eric S. Takamura, Ph.D., P.E.
Director

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.

FROM

(HEB) DEC 27 2006 17:00/ST. 18:58/No. 7500000000 P. 1

2

Department of Environmental Services
Attn: Wilma Namumnart
Fax: 808-692-5402
Date: 12/26/06

Page 1/2

Reference: Current proposal to expand and extend the life of Waimanalo Gulch Sanitary Landfill at Kahe Point.

To Whom It May Concern:

As a representative of the Au Family, who has property interest in this area, we would like to voice opposition to the current proposal to expand and extend the life of Waimanalo Gulch Landfill at Kahe Point.

We have endured many hardships with this landfill:

1. A fire that originated from the landfill burned down one of our homes, and we will now have to go through the new building permit procedures to have it established again.
2. We feel that the health qualities of living in this area are compromised, and that property values have been suppressed because of the current environment that the landfill has created. Through the years of its existence, the smell, dust, and trash carried over by the wind from the landfill needs to end.
3. We feel that the environment has been jeopardized:
 - (1) A study should be done on the impact of Hawaii Electric's Kahe Power Plant and Waimanalo Gulch Landfill on the fresh water table in this area and the long term effects to our island. This has been an ongoing issue for sometime. Please note that the pre-existing water line was changed to allow this landfill to be legal during the 1980's
 - (2) To our understanding, this Kahe valley (Waimanalo Gulch) has a 10 year flood plane prior to the creation of the landfill. There is a stream bed with a bridge under this landfill which is a good indication what can happen at this location. We are very concern about this potential, now and in the future.
4. We feel that the original premise for this landfill has not been honored. It was presented to the public as a solid waste Waimanalo Gulch landfill, at a certain size, and set time limitation for its existence. The City has expanded and change these factors twice, and are now trying to do it again. These tactics have misled and manipulated the public. It is time that agreements are honored, and not changed at the City's convenience.

DEC-27-2006 02:56PM FAX:

ID:CC HNL ENV REFUSE

PAGE:001 R=96%

FROM

(HEB)DEC 27 2006 17:00/ST. 18:58/No. 7600000633 P 2

Page 2
Au/ Waimanalo Gulch Landfill

5. The landfill is part of a historical sight. Fort Arizona is located on top of a mountain ridge at Kahe Point adjacent to and part of "Waimanalo Gulch Landfill". It is being mired with the stigma of this landfill. This Fort housed the main canon for the US Arizona, which was removed from the ship and placed at this Fort. Its purpose was to protect that area of the island during World War II. President Roosevelt slept there during a visit and inspection to Fort Arizona. Currently, to get to it, one has to drive through the landfill. So why is there still a landfill at a historical sight?

There is one special note on the naming of Waimanalo Gulch Landfill. Prior to its existence, the property tax assessments always listed it as Kahe Point.

Respectfully, submitted as testimony.

Sincerely,



Robert Au
For the Au Family
1715 Anapuni St. # H
Honolulu, Hawaii 96822

Cc: to Department of Building and Permits, Mr. Henry Eng @ 808-527-5041

DEC-27-2006 02:57PM FAX:

ID:CC HNL ENJ REFUSE

PAGE:002 R=95%

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

1000 ULUOHA STREET, SUITE 308, KAPOLEI, HAWAII 96707
TELEPHONE: (808) 768-3486 • FAX: (808) 768-3487 • WEBSITE: www.honolulu.gov



May 12, 2008

MUFI HANNEMANN
MAYOR

ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-076

Mr. Robert Au
1715 Anapuni Street, #H
Honolulu, Hawaii 96822

Dear Mr. Au:

Subject: Environmental Impact Statement Preparation Notice (EISPN)
Waimanalo Gulch Sanitary Landfill Expansion

Thank you for your letter dated December 26, 2006 concerning the subject project. We have prepared the following in response to your comments (your comments have been italicized for reference):

- "1. *A fire that originated from the landfill burned down one of our homes, and we will now have to go through the new building permit procedures to have it established again.*"

We are not aware of a fire from the landfill causing the loss of the home that you describe. We ask that you contact us concerning this matter so that it can be properly investigated. Please contact Ms. Wilma Namumnart, of our office at 692-5358.

- "2. *We feel that the health qualities of living in this area are compromised, and that property values have been suppressed because of the current environment that the landfill has created. Through the years of its existence, the smdl, dust, and trash carried over by the wind from the landfill needs to end.*"

A number of environmental factors will be investigated as part of the Draft EIS (DEIS). This will include air, hydrology and geology, flora and fauna, and socioeconomic factors associated with use of the site for the proposed project. Potential for adverse environmental effects will be researched and as appropriate, mitigation measures will be recommended to minimize or ameliorate the potential for impacts.

- "3. *We feel that the environment has been jeopardized:*"
"(1) *A study should be done on the impact of Hawaii Electric's Kahe Power Plant and Waimanalo Gulch Landfill on the fresh water table in this area and the long term effects to our island. This has been an ongoing issue for sometime. Please note that the pre-existing water line was changed to allow this landfill to be legal during the 1980's*"

Mr. Robert Au
May 12, 2008
Page 2

"(2) *To our understanding, this Kahe valley (Waimanalo Gulch) has a 10 year flood plane [sic] prior to the creation of this landfill. There is a stream bed with a bridge under this landfill which is a good indication what can happen at this location. We are very concern [sic] about this potential, now and in the future.*"

Although the City does not operate the Kahe Point Power Generating Station, the DEIS for the proposed Waimanalo Gulch Sanitary Landfill Expansion project will provide water quality and hydrogeological information on surface and ground water resources that may be affected by the use of the landfill. This research will be undertaken by a licensed professional. Data collected from the course of the study will be included as part of the DEIS.

Information concerning storm water drainage and planned drainage control features to ensure short- and long-term protection of the land and nearshore waters will also be provided.

"4. *We feel that the original premise for this landfill has not been honored. It was presented to the public as a solid waste Waimanalo Gulch landfill at a certain size, and set time limitation for it [sic] existence. The City has expanded and change [sic] these factors twice, and are now trying to do it again. These tactics have miss led and manipulated the public. It is time that agreements are honored, and not changed at the City's convenience.*"

Please refer to Section 1 of the EISPN that provided important information that establishes why the City must act at this time to provide a solid waste refuse facility for use by all the communities of Oahu.

"5. *The landfill is part of a historical sight [sic]. Fort Arizona is located on top of a mountain ridge at Kahe Point adjacent to and part of "Waimanalo Gulch Landfill". It is being mired with the stigma of this landfill. This Fort housed the main canon for the US Arizona, which was removed from the ship and paced at this Fortts purpose was to protect that area of the island during World War II. President Roosevelt slept there during a visit and inspection to Fort Arizona. Currently, to get to it, one has to drive through the landfill. So why is there still a landfill at a historical sight [sic]."*

Your recognition of the Battery Arizona site is noted. For clarification, we note that the Battery Arizona bunker complex lies within the landfil property, however, the location of the turret is within the adjacent Hawaiian Electric Company property. An examination of this site as well as other potentially important historical sites and features will be further described in the DEIS. As appropriate, mitigation measures will be recommended to ensure against adverse effects.

Mr. Robert Au
May 12, 2008
Page 3

We appreciate this opportunity to respond to your comments. Any further written comments may be directed to Ms. Wilma Namumnart of our office.

Sincerely,



Eric S. Takamura, Ph.D., P.E.
Director

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.

12

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

630 SOUTH KING STREET, 7TH FLOOR - HONOLULU, HAWAII 96813
TELEPHONE: (808) 523-4432 • FAX: (808) 527-6743
DEPT. INTERNET: www.honolulu.gov • INTERNET: www.honolulu.gov

MUFI HANNEMANN
MAYOR



HENRY ENG, FAICP
DIRECTOR

DAVID K. TANDUE
DEPUTY DIRECTOR

2006/GEN-32
86/SUP-5

December 26, 2006

MEMORANDUM

TO: DR. ERIC S. TAKAMURA, PH.D., P.E., DIRECTOR
DEPARTMENT OF ENVIRONMENTAL SERVICES

FROM: HENRY ENG, FAICP, DIRECTOR
DEPARTMENT OF PLANNING AND PERMITTING

SUBJECT: ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE
(EISPN) WAIMANALO GULCH SANITARY LANDFILL EXPANSION

We have reviewed the subject EISPN and have the following comments:

- Pg. 1-1, paragraphs 2 and 3: Condition 12 of the Land Use Commission's Decision and Order date June 9, 2003 states:

Within five (5) years from the date of this Special Use Permit Amendment approval or date of the Solid Waste Management Permit approval for this expansion, whichever occurs later but not beyond May 1, 2008, the 200-acre property shall be restricted from accepting any additional waste material and be closed in accordance with an approved closure plan.

We interpret the above condition to mean that the landfill cannot accept all forms of waste, including H-POWER ash, residue, and unacceptable wastes.

On paragraph 3, we suggest the word 'accepted' be used instead of 'approved'.
- Pg. 1-2, paragraph 1: The date the Special Use Permit amendment is approved is the date the Land Use Commission's Order is effective, June 9, 2003. The footnote should be revised accordingly. Also, please delete the word 'municipal' in the last sentence.

Dr. Eric S. Takamura, Ph.D., P. E., Director
December 26, 2006
Page 2

- Pg. 1-13, paragraphs 1 and 2: The site should be consistently described as being located in Waimanalo Gulch, Honouliuli, Ewa, Oahu. Please make the necessary changes to all references on location. The DEIS should avoid unnecessary confusion as to the project's location.
- When the landfill received its Special Use Permit (SUP) approval on April 20, 1987, the approved landfill area was 60.5 acres. On October 31, 1989, the Land Use Commission (LUC) approved a 26-acre addition to the original approved area to include support areas of the area approved for landfilling. Thus, at the time when the landfill began initial operations, the landfill and support areas was limited to 86.5 acres and should not be described as being 200 acres.
- Pg. 2-3, paragraph 1: Please indicate what uses are proposed for the 100-foot buffer. Also, will there be any part of the 200-acre property left undisturbed or as it was prior to landfilling operations? If so, please describe and map these areas.
- Pg. 2-4, paragraph 4: Condition 12 of the LUC Decision and Order of June 9, 2003, applies to the entire 107.5-acre approved area, not just the 21-acre expansion area.
- Pg. 2-15, paragraph 1: The Draft Environmental Impact Statement (DEIS) should indicate that portions of the 92.5-acre proposed expansion area was graded, for what purpose, when, and whether these areas are still being disturbed for landfill operations.
- Pg. 3-1, Section 3.2.: This section should state whether regulated hazardous waste is accepted, examples of unacceptable waste and all types of residue, the quantity and frequency of sewer sludge and related sewage residue accepted, and whether delivery of wastes after normal business hours also include other processes involving spreading, compacting, covering, relocation, or other waste disposal/landfilling processes normally associated with operations during regular business hours.
- Pg. 3-4, Section 3.3.: Detailed information on irrigation for landscaping/revegetation should be provided in the DEIS.
- The DEIS should describe existing and proposed cell construction, reclamation, revegetation, closure, monitoring, and reuse across the entire 200-acre property and what will be/have been disposed in each cell, the order in which each cell has been/will be completed and reclaimed/revegetated/reused.
- The DEIS should disclose how the expansion area will be integrated into its overall phasing of operations, from cell construction to reuse, and whether phasing such operations would outweigh the benefits, if any, of maintaining portions of its operations at the makai portion of the property, i.e., support services and ash monofills.

Dr. Eric S. Takamura, Ph.D., P. E., Director
December 26, 2006
Page 3

Discussions regarding whether impacts to the community and the environment could be minimized by closing/reclaiming/reusing the completed portions of the existing landfill closest to Farrington Highway and relocating its operations further into the gulch should be included in the DEIS. This could include relocation of the scale house, maintenance operations, and other noxious activities since much of the 92-acre expansion area is located at the northern portion of the property.

11. Details should be provided as to what drainage and berming techniques will be applied at the property's mauka boundary since the gulch extends further mauka of the property line.
12. The DEIS should include a timeline showing all permit processing timeframes, start of construction within the expansion area, projected closure and reclamation of completed cells within the entire 200-acre property.
13. The DEIS should include a visual analysis of the landfill from current conditions to closure and reclamation by cells/monofils from public vantage points such as Ko Olina, Farrington Highway, Makaiwa Hills, and Honokai Hale.
14. A detailed landscape plan showing screening along Farrington Highway and proposed vegetation/topographic features on completed cells/monofils/other waste disposal site on the 200-acre property.
15. Initial construction activities for the expansion of the existing landfill may require grubbing, grading and stockpiling permits. Furthermore, a grading permit may be required for the final cover that will be placed prior to landfill closure.
16. A drainage report may be required at a later date.
17. The DEIS should include a current (imaged in 2007) high resolution aerial photo of the entire 200-acre property.

Should you have any questions, please contact Raymond Young of our staff at 527-5839 or by email at: ryoung@honolulu.gov.

HE:mo

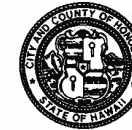
c: Site Development

Doc. 505285

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

1000 ULUOHA STREET, SUITE 308, KAPOLEI, HAWAII 96707
TELEPHONE: (808) 768-3486 • FAX: (808) 768-3487 • WEBSITE: <http://www.co.honolulu.gov>

MUFI HANNEMANN
MAYOR



ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-070

May 12, 2008

TO: HENRY ENG, FAICP, DIRECTOR
DEPARTMENT OF PLANNING AND PERMITTING

FROM: 
ERIC S. TAKAMURA, Ph.D., P.E., DIRECTOR
DEPARTMENT OF ENVIRONMENTAL SERVICES

SUBJECT: ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE
(EISP/N) WAIMANALO GULCH SANITARY LANDFILL EXPANSION

Thank you for your memorandum dated December 26, 2006 concerning the subject project. The following is prepared in response to your comments (your comments have been italicized for reference):

1. *"Pg. 1-1, paragraphs 2 and 3: Condition 12 of the Land Use Commission's Decision and Order date June 9, 2003 states: Within five (5) years from the date of this Special Use Permit Amendment approval or date of the Solid Waste Management Permit approval for this expansion, whichever occurs later but not beyond May 1, 2008, the 200-acre property shall be restricted from accepting any additional waste material and be closed in accordance with an approved closure plan."*

"We interpret the above condition to mean that the landfill cannot accept all forms of waste, including H-POWER ash, residue, and unacceptable wastes. On paragraph 3, we suggest the word 'accepted' be used instead of 'approved'."

This recommendation is noted. However, in reviewing the OEQC's requirements for the preparation of EIS documents, the term "approved" is correct in usage.

2. *"Pg. 1-2, paragraph 1: The date the Special Use Permit amendment is approved is the date the Land Use Commission's Order is effective, June 9, 2003. The footnote should be revised accordingly. Also, please delete the word 'municipal' in the last sentence."*

This recommendation is noted and will be addressed in the DEIS.

3. *"Pg. 1-13, paragraphs 1 and 2: The site should be consistently described as being located in Waimanalo Gulch, Honouliuli, Ewa, Oahu. Please make the necessary changes to all references on location. The DEIS should avoid unnecessary confusion as to the project's location."*

"When the landfill received its Special Use Permit (SUP) approval on April 20, 1987, the approved landfill area was 60.5 acres. On October 31, 1989, the Land Use Commission (LUC) approved a 26-acre addition to the original approved area to include support areas of the area approved for landfilling. Thus, at the time when the landfill began initial operations, the landfill and support areas was limited to 86.5 acres and should not be described as being 200 acres."

This recommendation is noted and will be addressed in the DEIS.

4. *"Pg. 2-3, paragraph 1: Please indicate what uses are proposed for the 100-foot buffer. Also, will there be any part of the 200-acre property left undisturbed or as it was prior to landfilling operations? If so, please describe and map these areas."*

The area of buffer is intended to remain free of actual landfilling and placement of waste. Other locations encompassed by the 92.5 acres where uses are known at this time will be provided in the DEIS. Some of the proposed uses include landscaping, access roads, grading, environmental monitoring and stockpiling of excavated materials that will be reused on-site for cover material.

5. *"Pg. 2-4, paragraph 4: Condition 12 of the LUC Decision and Order of June 9, 2003, applies to the entire 107.5-acre approved area, not just the 21-acre expansion area."*

and,

6. *Pg. 2-1 5, paragraph 1: The Draft Environmental Impact Statement (DEIS) should indicate that portions of the 92.5-acre proposed expansion area was graded, for what purpose, when, and whether these areas are still being disturbed for landfill operations.*

This recommendation is noted and will be addressed in the DEIS.

7. *Pg. 3-1, Section 3.2.: This section should state whether regulated hazardous waste is accepted, examples of unacceptable waste and all types of residue, the quantity and frequency of sewer sludge and related sewage residue accepted, and whether delivery of wastes after normal business hours also include other processes involving spreading, compacting, covering, relocation, or other waste disposal landfilling processes normally associated with operations during regular business hours.*

The types of waste that are accepted at the landfill will be provided in the DEIS. Processed sewage solids deliveries have recently been reduced in volume and frequency with the operation of the Synagro waste digester at the Sand Island Wastewater Treatment Plant. Other landfill associated practices will be described in the DEIS.

8. *Pg. 3-4, Section 3.3.: Detailed information on irrigation for landscaping/revegetation should be provided in the DEIS.*

and,

9. *The DEIS should describe existing and proposed cell construction, reclamation, revegetation, closure, monitoring, and reuse across the entire 200-acre property and what will be/have been disposed in each cell, the order in which each cell has been/will be completed and reclaimed/revegetated/reused.*

The DEIS will provide information on operational practices and site development that will include the proposed location of cells, infrastructure, and landscaping for the proposed project. Other points of detail including the order of use of the cells, or the waste content of the cells, or the final reuse across the 200 acre site have not yet been fully determined. As much as possible, the information that is available for the proposed project will be provided.

10. *The DEIS should disclose how the expansion area will be integrated into its overall phasing of operations, from cell construction to reuse, and whether phasing such operations would outweigh the benefits, if any, of maintaining portions of its operations at the makai portion of the property, i.e., support services and ash monofils.*

Discussions regarding whether impacts to the community and the environment could be minimized by closing/reclaiming/reusing the completed portions of the existing landfill closest to Farrington Highway and relocating its operations further into the gulch should be included in the DEIS. This could include relocation of the scale house, maintenance operations, and other noxious activities since much of the 92-acre expansion area is located at the northern portion of the property.

HENRY ENG, FAICP, DIRECTOR
May 12, 2008
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Preliminary site and engineering plans of the relationship of the proposed project to the existing area of use will be provided in the DEIS. The specific phasing plan has not yet been developed. However, the project phasing will be designed to minimize the potential for environmental impacts due to operation of the landfill.

11. *Details should be provided as to what drainage and berming techniques will be applied at the property's mauka boundary since the gulch extends further mauka of the property line.*

A discussion of drainage and geotechnical soils stability controls that will be implemented for the proposed project will be provided in the DEIS.

12. *The DEIS should include a timeline showing all permit processing timeframes, start of construction within the expansion area, projected closure and reclamation of completed cells within the entire 200-acre property.*

The schedule for the proposed lateral expansion of the site will commence upon approval of all required permits and land use approvals. The status of these approvals will be provided in the DEIS.

The rate of use of the proposed landfill cannot be precisely projected. This is because the capacity available will continue to be influenced by (1) the rate at which refuse is disposed of due to economic and population conditions, and (2) the rate at which refuse diversion efforts are successful.

13. *"The DEIS should include a visual analysis of the landfill from current conditions to closure and reclamation by cells/monofils from public vantage points such as Ko Olina, Farrington Highway, Makaiwa Hills, and Honokai Hale."*

A visual analysis will be undertaken to assess the potential for adverse viewplane impacts associated with the proposed expansion of the site. This information will be provided in the DEIS.

14. *"A detailed landscape plan showing screening along Farrington Highway and proposed vegetation/topographic features on completed cells/monofils/other waste disposal site on the 200-acre property."*

Proposed mitigative measures that will include landscaping will be provided in the DEIS.

15. *"Initial construction activities for the expansion of the existing landfill may require grubbing, grading and stockpiling permits. Furthermore, a grading permit may be required for the final cover that will be placed prior to landfill closure."*

HENRY ENG, FAICP, DIRECTOR
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The permits that may be required for the expansion of the site will be provided in the DEIS.

16. *"A drainage report may be required at a later date."*


This is acknowledged. Information concerning stormwater drainage will be provided in the DEIS.

17. *"The DEIS should include a current (imaged in 2007) high resolution aerial photo of the entire 200-acre property."*

A current aerial photograph will be provided in the DEIS.

We appreciate your review of the subject document. Any further written comments may be directed to Ms. Wilma Namumart of our office.

Very truly yours,


Eric S. Takamura, Ph.D., P.E.
Director

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.

Office of the President
The Senate
State of Hawaii
State Capitol
Honolulu, Hawaii



December 26, 2006

Dr. Eric S. Takamura, P.E., Director
Ms. Wilma Namumnart, Refuse Division
Department of Environmental Services
City and County of Honolulu
1000 Uluohia Street, Suite 308
Kapolei, HI 96707

Re: Environmental Impact Statement Preparation Notice
Chapter 343, Hawaii Revised Statutes

Dear Dr. Takamura and Ms. Namumnart:

In accordance with the provisions of Hawai'i Revised Statutes §§ 343-1 et.seq ("HRS : 343") and Title 11 Chapter 200 of the Department of Health State of Hawai'i Environmental Impact Statement Rules ("EIS Rules"), I hereby respectfully request to be "a consulted party" and "make written comments regarding the environmental effects of the proposed action" to the Environmental Impact Statement Preparation Notice ("EISPN") dated November 2006. (EIS Rules § 11-200-15).

Though the EISPN is not a Draft EIS or the Final EIS, it does set forth what appears to be the outline that you will be following in the preparation of yet another Supplemental Draft or Final EIS on the Waimanalo Gulch Sanitary Landfill ("WGSL"). In this light, the comments are as follow:

At the outset, I incorporate by reference my comments set forth in a letter of August 30, 2006 which is found in the EISPN Appendix A. The EISPN fails to address the comments made therein and the Draft and/or Final EIS must do so to comply with the laws.

For ease of reference, my comments of the EISPN will be made by its Sections.

Dr. Eric S. Takamura
Ms. Wilma Namumnart
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Section 1 Project Background

This Section fails to address whether the FSEIS prepared in December 2002 was a "shibai." Clearly it was inadequate and remains a subject to challenge in the Courts. Though a discussion is made about the Landfill Site Selection Process, the EISPN does not address how the preparer of the this document, as well as the consultant for the Landfill Site Selection Process can conclude that the service life of WGSL is fifteen (15) more years. This is especially troubling when the preparer of the EISPN was also the consultant to the site selection committee and the criteria was NO EXCAVATION. There should be a concern as whether this consultant is in a conflict of interest given the differing reports. Moreover, there must be a clear statement as to who is paying for the preparation of the various documents and studies required in the EIS process. If, for example, Waste Management is paying then the Final EIS will not truly be that of the City and/or the Department of Environmental Services which should have the general public's interest as its primary goal.

The public needs to know whether any representation made by a Mayor and/or City Council is binding on subsequent administrations. This is especially critical when looking at the Decision and Order of the State of Hawai'i Land Use Commission ("LUC Order") and State of Hawai'i Department of Health's Notice of Violations and Order ("DOH NVO"). The culpability, remedial action and cause of these violations must be discussed.

A detailed discussion is necessary as to the consequence of the LUC Order and the DOH NVO for the decision maker to have sufficient information to fully consider the proposed action. In that the Operator was selected in 1999; and there have obviously been problems with the manner in which they have performed, there should be a discussion as to whether that contract will be honored or should be honored. The Contract must be made public and the legal rights of all parties addressed.

Section 2 Introduction

This introductory section is presented as if this issue is new. The expansion of the WGSL and the larger issue of disposal of municipal solid waste on this island are far from a new issue. This section also begs the issue of the problems with the operations and the operator of the WGSL.

Section 3 Project Description

This Section of the EISPN is in most parts verbatim from the FSEIS of December 2002. It would appear that given the difference in the slope and other physical characteristics of

Dr. Eric S. Takamura
Ms. Wilma Namumart
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the expansion that this critical point should have been discussed versus a rehashing of the prior FSEIS.

For example the proposed expansion will be primarily in the rRK soil type. This means rock over a large percentage of the surface. There must be a more detailed discussion as to the slope differential for WGSL in the proposed expansion area.

The expansion will clearly be where the land is steepest and will require excavation. It is, therefore, curious that this EISPN fails to address the amount of native soil and rock which will have to be removed; a fact which has been discussed in prior Draft EISs and the 1999 Contract with Waste Management.

There needs to be a discussion as to the extent of that construction activity; its impact on the neighbors; and more importantly where will the materials go. The cost of such an activity must be calculated to do a true cost benefit analysis. The rights to the native soil (rock, etc.) must also be addressed. It is believed that with the present operation, the contractor who does the excavation is permitted to sell the rock and soil and keep the funds. If this is the case, the practice must change and the benefit should be to the taxpayers.

There needs to be an honest discussion as to whether the expansion of WGSL will require almost a 2 to 1 removal of the native soils. That is to say for 2 cubic feet of air space, 1 cubic feet of native soils will have to be removed. If that is not the case then the assumptions made in the Waste Management contract of 1999 require additional discussion.

Section 4 Environmental Setting

Given the recent decisions by the Hawai'i Supreme Court, it is necessary to discuss the concept of public trust. This is especially true when looking at the waters of this State. What occurred with the operations of WGSL and the leachate is inexcusable and a violation of that public trust. Note that the leachate was disposed of, for most part, in the Waianae Sewage Treatment Plant.

In this light, there is inadequate discussion of the leachate. This is especially troubling given the DOH NVO. This requires a discussion as to the how the build up of the leachate affected or could affect the integrity of liner and the stability of the landfill. It must also be addressed in light of the expansion and the stress it will have upon the liner and the stability of the landfill.

It is unacceptable for government to rely upon Waste Management's consultants or experts for stability calculations. This is not acting in the best interest of the public.

Dr. Eric S. Takamura
Ms. Wilma Namumart
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The recent construction of the rock berm wall or as some call it the "Great Wall of Waimanalo," requires discussion as to why it was constructed and how it is necessary for the structural integrity of the landfill. The berm wall is not to be used as a retaining wall and/or the basis for height expansions in the existing landfill.

It is a given fact that the height limitations in certain parts of the WGSL have been exceeded. Yet, to date, not hearings have been held on the height expansion. There needs to be a discussion as to capacity and how the City and Waste Management continue to operate the WGSL and address the violations set forth in the DOH NVO.

Prior EISs have not acknowledged the cultural significance of the pathway to Palehua which Waimanalo Gulch served as. Also lacking is a discussion as to the environmental impact to the natural preserves for various native birds which Waimanalo Gulch serves as a habitat.

The visual impact of WGSL has not been adequately addressed especially with the construction of the rock berm wall. How is this area going to be restored to its original state with a rock berm wall?

Odors continue for those who live by the WGSL.

The role that Ko Olina plays as it relates to the economic growth for West Oahu is significant. While no one would consider placement of a landfill near Waikiki, the City does not hesitate to continue a landfill operations directly across the street from Ko Olina.

Given the concern of the stability of the landfill and the recent earthquake on the Big Island, a discussion must be had as to what can be done if such a natural disaster caused the landfill to slip onto Farrington Highway. This discussion must look to the fact that expansion will be at steepest part of the footprint of the parcel of land and the stress it will place on the existing landfill. The people of the Waianae Coast have only one way in and one way out.

There is no discussion as to how the expansion of WGSL continues to dump on and places the burden on the Waianae Coast. There needs to be a discussion of the concept of environmental justice.

Section 5 Relationship to Land Use Plans, Policies And Controls of the Potentially Affected Area

The Legislature is presently developing a plan on Sustainability for the year 2050. It is

Dr. Eric S. Takamura
Ms. Wilma Namumart
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without any basis that the EISPN arrives at the conclusion that the expansion of WGS� is in conformance with the General Plan. The analysis which led to this conclusion is needed.

The discussion of the Land Use Policies of the area cannot be made without a discussion of the LUC's D&O on the SUP. The D&O states that no later than May 1, 2008, the area shall be "restricted from accepting any additional waste material and be closed in accordance with an approved closure plan." This is the controlling Land Use Order on the site of the proposed expansion.

The issue of the protection of the aquifer requires further discussion. The EPA has a map which includes WGS� in the aquifer area. The Board of Water Supply has a map of convenience as it addresses WGS�. These maps must be explained.

Section 6 Alternatives to the Proposed Action

This discussion in the FSEIS and other documents has been inadequate and continues to be so. After all these years, the City must have a better response on alternative technologies, transshipment and other sites than what is provided. Again, it appears that it is simply easier to continue to the existing landfill; and therefore all attempts to address alternatives in good faith will never be a reality. In that a private landfill is also proposed, the City's position on the landfill and how it will impact on the flow of trash needs discussion.

Section 7 Permits and Regulatory Approvals that May be Required

The State Land Use Commission is a State agency not within the City & County of Honolulu. There is also a requirement to secure the DOH permits.

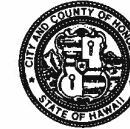
Section 8 Organizations, Agencies and Public Parties Consulted In the Preparation of the Environmental Impact Statement Preparation Notice

No Comment

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

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MUFI HANNEMANN
MAYOR



May 12, 2008

ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-054

The Honorable Colleen Hanabusa
President of the Senate
21st District
State Capitol, Room 409
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Senator Hanabusa:

Subject: Environmental Impact Statement Preparation Notice (EISPN)
Waimanalo Gulch Sanitary Landfill Expansion

Thank you for your letter dated December 26, 2006 concerning the subject project. We acknowledge your request to be a consulted party to the EIS process for the proposed project. The following is prepared in response to your comments (your comments have been italicized for reference):

1. *"At the outset, I incorporate by reference my comments set forth in a letter of August 30, 2006 which is found in the EISPN Appendix A. The EISPN fails to address the comments made therein and the Draft and/or Final ES must do so to comply with the laws."*

A response to your letter of August 30, 2006 has also been prepared and will be forwarded to you concurrently with this reply. Our response to your August 30th letter is incorporated by reference in this letter.

2. *Section 1 Project Background. "This Section fails to address whether the FSEIS prepared in December 2002 was a "shibai." Clearly it was inadequate and remains a subject to challenge in the Courts. Though a discussion is made about the Landfill Site Selection Process, the EISPN does not address how the preparer of the this [sic] document, as well as the consultant for the Landfill Site Selection Process can conclude that the service life of WGS� is fifteen (15) more years. This is especially troubling when the preparer of the EISPN was also the consultant to the site selection committee and the criteria was NO EXCAVATION. There should be a concern as whether this consultant is in a conflict of interest given the differing reports. Moreover, there must be a clear statement as to who is paying for the preparation of the various documents and studies required in the EIS process. If, for example, Waste Management is paying then the Final EIS will not truly be that of the City and/or the Department of Environmental Services which should have the general public's interest as its primary goal."*

We offer the following clarification to the above: (1) we acknowledge that your lawsuit concerning the 2002 Final Supplemental Environmental Impact Statement remains the subject of litigation. We do note however that Section 1 contains important information that establishes why the City must act at this time to provide a solid waste refuse facility for use by all the communities of Oahu; (2) The service life of the landfill as presented to the Mayor's Advisory Committee in 2004 was twenty (20) years. The capacity for the current project will be discussed in the Draft EIS (DEIS); (3) The no excavation remark that you cite comes from the Waimānalo Gulch Expansion, Potential Landfill Site Data Sheets, prepared for the Mayor's Advisory Committee on Landfill Siting, October 2003. The specific reference is to information provided for Criteria No. 23, Landfill Capacity or Site Life. According to the data sheet, "The volume was calculated assuming a 100 foot buffer around the site boundary, 30 acres for infrastructure facilities, no excavation, and filling to the natural grade." The rationale for not incorporating excavation as a factor involved the following:

- A. It was not in the consultant's scope of work to do field studies including drilling borings to obtain subsurface information. This is typically the case when doing preliminary siting studies both due to difficulty in gaining access to the property and the high cost of doing field studies. Without these studies, it is not possible to determine excavation depths or difficulty with any degree of certainty. Therefore, it is typical to assume minimal or no excavation in order to compare site capacities;
- B. Criteria No. 23, therefore, was established to provide an estimate of capacity only based on: an area adjusted with an approximately 100 foot buffer around the perimeter of the site; the use of 30 acres for infrastructure to operate the facility; no detailed engineering calculations incorporating soils conditions to produce information on excavation; and filling of the site to the natural grade of the terrain of the finished site. It is incorrect to conclude or imply on the basis of information from the data sheet alone that in the course of developing a landfill site that no excavation would be required.

(4) The City Department of Environmental Services and Waste Management of Hawaii, Inc., are financing the preparation of the EIS. The interest of the general public, and the responsibility for and integrity of the document rests with the City and County of Honolulu.

3. *"The public needs to know whether any representation made by a Mayor and/or City Council is binding on subsequent administrations. This is especially critical when looking at the Decision and Order of the State of Hawai'i Land Use Commission ("LUC Order") and State of Hawai'i Department of Health's Notice of Violations and Order ("DOH NVO"). The culpability, remedial action and cause of these violations must be discussed."*

Representations of officials may become law and be binding when appropriately enacted into law, or through other acts that have the force and effect of law. Subsequent Mayors and/or City Councils may, however, change prior law through appropriate legal processes.

The Notice of Violation and Order (NVO) was issued by the State Department of Health (DOH) after the alleged violations had been self-reported. The great majority of the alleged violations had been addressed before the NVO was issued. On December 7, 2007, DOH, the City and Waste Management of Hawaii, Inc., agreed to a settlement which resolved the NVO. At that time, there was only a single remaining violation that had not been resolved-the exceedance of permitted grades. On February 20, 2008, DOH issued a grade modification approval which resolved the grade exceedance issue. Thus, all alleged violations in the NVO have been resolved.

4. *"A detailed discussion is necessary as to the consequence of the LUC Order and the DOH NVO for the decision maker to have sufficient information to fully consider the proposed action. In that the Operator was selected in 1999, and there have obviously been problems with the manner in which they have performed, there should be a discussion as to whether that contract will be honored or should be honored. The Contract must be made public and the legal rights of all parties addressed."*

Please refer to our comment above regarding the NVO. The contract between the City and Waste Management of Hawaii is a public document. The City has monitored the performance of Waste Management under this contract and has taken appropriate action to protect the public interest. As a result, significant improvements to landfill operations have occurred. The City intends to continue to administer the contract to ensure that the rights and responsibilities of the parties involved are addressed and the public interest is protected.

5. *Section 2 Introduction. "This introductory section is presented as if this issue is new. The expansion of the WGS L and the larger issue of disposal of municipal solid waste on this island are far from a new issue. This section also begs the issue of the problems with the operations and the operator of the WGS L."*

The use of Waimanalo Gulch is not new and as indicated in the EISPN the site has been in use since 1989, approximately 19 years ago. The NVO will be discussed in the DEIS.

6. *Section 3 Project Description. "This Section of the EISPN is in most parts verbatim from the FSEIS of December 2002. It would appear that given the difference in the slope and other physical characteristics of the expansion that this critical point should have been discussed versus a rehashing of the prior FSEIS."*

"For example the proposed expansion will be primarily in the rRK soil type. This means rock over a large percentage of the surface. There must be a more detailed discussion as to the slope differential for WGS L in the proposed expansion area."

According to the Office of Environmental Quality Control (OEQC), "The EISPN does not give full detail of the proposal but defines the scope of analysis that will be covered in the subsequent environmental impact statement." (A Guidebook for the Hawaii State Environmental Review Process, June 2004). In this regard the EISPN is not intended to itself serve as the full disclosure document as required by Chapter 343, Hawaii Revised Statutes (HRS). The

proposed grades and use of the site including details and information will be provided as a part of the DEIS.

7. *"The expansion will clearly be where the land is steepest and will require excavation. It is, therefore, curious that this EISPN fails to address the amount of native soil and rock which will have to be removed; a fact which has been discussed in prior Draft EISs and the 1999 Contract with Waste Management."*

The anticipated amount of soils excavation that will be necessary will be described in the DEIS. As indicated in the EISPN, "Information concerning these construction details and discussion of potential impacts and recommended mitigation measures relating to construction associated noise, odor, airborne litter, and storm water erosion will be provided in the DEIS."

8. *"There needs to be a discussion as to the extent of that construction activity; its impact on the neighbors; and more importantly where will the materials go. The cost of such an activity must be calculated to do a true cost benefit analysis. The rights to the native soil (rock, etc.) must also be addressed. It is believed that with the present operation, the contractor who does the excavation is permitted to sell the rock and soil and keep the funds. If this is the case, the practice must change and the benefit should be to the taxpayers."*

The extent of construction, its potential impact on adjoining property owners, and where and how the excavated materials will be utilized will be a part of the DEIS. The owner of the property, the City and County of Honolulu, retains the ownership rights to the excavated materials. Since August 1, 1991, the City has received royalties for any excavated and processed material removed for Waimanalo Gulch Sanitary Landfill.

9. *"There needs to be an honest discussion as to whether the expansion of WGSL will require almost a 2 to 1 removal of the native soils. That is to say for 2 cubic feet of air space, 1 cubic feet of native soils will have to be removed. If that is not the case then the assumptions made in the Waste Management contract of 1999 require additional discussion."*

The final design of the proposed project, including the height and elevation of the expansion area of the landfill and use of excavated materials, will follow the general guidelines set forth in the 1999 contract. The final design will be based on the use of sound engineering practices and compliance with environmental protection and regulatory requirements.

10. *Section 4 Environmental Setting. "Given the recent decisions by the Hawai'i Supreme Court, it is necessary to discuss the concept of public trust. This is especially true when looking at the waters of this State."*

"What occurred with the operations of WGSL and the leachate is inexcusable and a violation of that public trust. Note that the leachate was disposed of, for most part, in the Waianae Sewage Treatment Plant."

There has been no violation of the public trust. Leachate that is accepted by the plant operator for disposal at the Waianae Wastewater Treatment Plant was, and continues to be in accordance with regulatory requirements to ensure public health and safety. Leachate management and monitoring will be a part of the Solid Waste Management Permit application.

11. *"In this light, there is inadequate discussion of the leachate. This is especially troubling given the DOH NVO. This requires a discussion as to how the build up of the leachate affected or could affect the integrity of liner and the stability of the landfill. It must also be addressed in light of the expansion and the stress it will have upon the liner and the stability of the landfill."*

An explanation of the leachate that is generated by the landfill will be provided in the DEIS. A discussion concerning the leachate collection and removal system design, including liner integrity and landfill stability, associated with the generation of leachate will be provided.

12. *"It is unacceptable for government to rely upon Waste Management's consultants or experts for stability calculations. This is not acting in the best interest of the public."*

The consultants involved with the design of the Waimanalo Gulch Sanitary Landfill do work for both public and private organizations, are registered professional engineers, and are recognized experts in landfill design and stability analysis. Their work has been peer-reviewed by outside experts to ensure the work meets professional engineering standards. All of the work completed is available for public review including all analyses completed during the design.

13. *"The recent construction of the rock berm wall or as some call it the "Geat Wall of Waimanalo," requires discussion as to why it was constructed and how it is necessary for the structural integrity of the landfill. The berm wall is not to be used as a retaining wall and/or the basis for height expansions in the existing landfill."*

The stability berm that is referred to was reviewed and approved by the DOH for construction under the current Solid Waste Management Permit. The purpose of the berm is to ensure that the ash monofil area of the landfill meets or exceeds regulatory and engineering design standards.

14. *"It is a given fact that the height limitations in certain parts of the WGSL have been exceeded. Yet, to date, not [sic] hearings have been held on the height expansion. There needs to be a discussion as to capacity and how the City and Waste Management continue to operate the WGSL and address the violations set forth in the DOH NVO."*

Our request to seek a height modification was submitted to DOH in February 2006. The height modification was approved by DOH on February 20, 2008. A discussion of the capacity of the site and the NVO will be provided in the DEIS.

15. *"Prior EISs have not acknowledged the cultural significance of the pathway to Palehua which Waimanalo Gulch served as. Also lacking is a discussion as to the environmental impact to the natural preserves for various native birds which Waimanalo Gulch serves as a habitat."*

We have forwarded this information to Cultural Surveys of Hawaii, our archaeological and cultural consultant, which is preparing the Cultural Impact Assessment report for further investigation. Their findings will be provided in the DEIS. The potential for impacts to habitat for native flora and fauna will also be provided in the DEIS.

16. *"The visual impact of WGSL has not been adequately addressed especially with the construction of the rock berm wall. How is this area going to be restored to its original state with a rock berm wall?"*

An assessment of the potential visual impacts of the proposed project will be provided in the DEIS. This will include the investigation of views from both the landfill as well as from selected points along Farrington Highway and other locations.

Landscaping will be provided to improve the aesthetics of the site. However, given the nature of use of the site involving landfilling, it will not be possible to return the site to its original condition.

17. *"Odors continue for those who live by the WGSL."*

The management and mitigation of odors associated with the use and operation of the landfill will be addressed in the DEIS.

18. *"The role that Ko Olina plays as it relates to the economic growth for West Oahu is significant. While no one would consider placement of a landfill near Waikiki, the City does not hesitate to continue a landfill operations directly across the street from KO Olina."*

The City does not discount the importance of economic growth wherever it is occurring on the Island of Oahu. While there are no viable landfill sites near Waikiki we do note that places such as Ala Moana Park and the Kakaako Waterfront Park once served as landfills, and that various parts of Windward Oahu once supported landfills.

19. *"Given the concern of the stability of the landfill and the recent earthquake on the Big Island, a discussion must be had as to what can be done if such a natural disaster caused the landfill to slip onto Farrington Highway. This discussion must look to the fact that expansion will be at steepest part of the footprint of the parcel of land and the stress it will place on the existing landfill. The people of the Waianae Coast have only one way in and one way out."*

A discussion about the stability of the landfill in relation to the potential for natural disasters will be provided in the DEIS.

20. *"There is no discussion as to how the expansion of WGSL continues to dump on and places the burden on the Waianae Coast. There needs to be a discussion of the concept of environmental justice."*

A discussion of the environmental justice of siting the proposed project at Waimanalo Gulch will be provided in the DEIS.

21. *Section 5 Relationship to Land Use Plans, Policies And Controls of the Potentially Affected Area. "The Legislature is presently developing a plan on Sustainability for the year 2050. It is without any basis that the EISPN arrives at the conclusion that the expansion of WGSL is in conformance with the General Plan. The analysis which led to this conclusion is needed."*

The sustainability for our island State is important. The use of Waimanalo Gulch promotes sustainability through the use of an on-island facility that has remaining but unused capacity. Without Waimanalo Gulch, new land, a precious resource, would need to be prematurely used when there is remaining capacity at this existing public facility.

The basis for the conformity of the proposed project with the General Plan is stated in the EISPN. It is noted that the Waimanalo Gulch Sanitary Landfill is in accordance with the Ewa Sustainable Communities Plan (Development Plan), and that this proposed project can only be implemented if it is in accordance with the General Plan.

22. *"The discussion of the Land Use Policies of the area cannot be made without a discussion of the LUC's D&O on the SUP. The D&O states that no later than May 1, 2008, the area shall be "restricted from accepting any additional waste material and be closed in accordance with an approved closure plan." This is the controlling Land Use Order on the site of the proposed expansion."*

Necessary approvals, including those of the Land Use Commission and others, will be sought to allow for the proposed project. Further discussion of this item will be provided in the DEIS.

23. *"The issue of the protection of the aquifer requires further discussion. The EPA has a map which includes WGSL in the aquifer area. The Board of Water Supply has a map of convenience as it addresses WGSL. These maps must be explained."*

The DEIS will identify the agencies with jurisdiction for the establishment of the Groundwater Protection Zone (GPZ) and Underground Injection Control (UIC) Line. A discussion of the relationship between the proposed project and the regulation of the GPZ, UIC, and other water resource requirements will be provided.

24. *Section 6 Alternatives to the Proposed Action. "This discussion in the FSEIS and other documents has been inadequate and continues to be so. After all these years, the City must have a better response on alternative technologies, transshipment and other sites than what is provided. Again, it appears that it is simply easier to continue to the existing landfill; and therefore all attempts to address alternatives in good faith will never be a reality. In that a private landfill is also proposed, the City's position on the landfill and how it will impact on the flow of trash needs discussion."*

Alternative technology, transshipment, and other on-island landfill sites will be discussed in the DEIS. The City acknowledges a proposed private landfill in Nānākuli. However, the Waimānalo Gulch Sanitary Landfill is considered the most viable site for O'ahu's future landfill needs for the next approximately 15 years, or until an alternative becomes available that would completely replace the need for a landfill on island.

25. *Section 7 Permits and Regulatory Approvals that May be Required. "The State Land Use Commission is a State agency not within the City & County of Honolulu. There is also a requirement to secure the DOH permits."*

The reference to the State Land Use Commission is based on their participation in the decision making for the State Special Use Permit administered by the City Department of Planning and Permitting. Department of Health administered permit applications including the Solid Waste Management Permit application will be filed for this project.

26. *"In the preparation of the Draft Supplemental EIS for this proposed expansion, it is critical that the decision maker and the general public are made to understand why the promises of government need not be kept. There must also be a discussion as to how much money the City and County makes in the landfill business."*

The DEIS will include a discussion of the past history of events related to the future of the landfill, and provide information as to how the decision to propose expansion of the landfill, rather than closure, was reached. Please also see our response to Item No. 3, above.

The City combines tip fee revenue from City transfer stations and the landfill. The revenue for FY06 was \$14,051,214 as reported in the City and County of Honolulu Operating Budget, Detailed Statement of Revenues and Surplus, Solid Waste Special Fund (250) Disposal Charges.

A small portion of the tip fee revenue is attributed to commercial accounts disposal at transfer stations. Most of the tip fee revenue is generated by commercial accounts disposal at the landfill. In accordance with Chapter 9, Section 9-4.2, Revised Ordinances of Honolulu (ROH), only businesses, and federal and state agencies accounts are charged a landfill tip fee. Homeowners and eleemosynary organizations pay no fees.

27. *"What is also lacking is the fact that in a few years, the status of H Power will also be an issue. If the City decides to re purchase H Power, then that cost must be made known and its impact on the cost of solid waste disposal."*

And,

28. *"If a private landfill operation is permitted and the transshipment of rubbish is also approved, then the impact of such action must also be discussed in terms of the environmental impacts to the public."*

As noted, the City acknowledges a proposed private landfill in Nānākuli but considers the Waimānalo Gulch Sanitary Landfill a more viable alternative. The consideration of the Nānākuli site and waste transshipment will be provided in the DEIS.

We appreciate this opportunity to respond to your comments. Any further written comments may be directed to Ms. Wilma Namunnart of our office.

Sincerely,



Eric S. Takamura, Ph.D., P.E.
Director

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.

4A PAGE 02

KEISHI KUNIDA
PRESIDENT
DONNA MERCADO KIM
VICE PRESIDENT
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MAJORITY LEADER
CLAYTON HEF
MINORITY LEADER
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GORDON TRIMBLE
MINORITY POLICY LEADER

The Senate
The Twenty-Third Legislature
of the
State of Hawaii
STATE CAPITOL
HONOLULU, HAWAII 96813



August 30, 2006

Department of Environmental Services, Refuse Division
City & County of Honolulu
1000 Uluohia Street, Suite 212
Kapolei, HI 96707

RE: Comments for EIS preparation on the Expansion of Waimanalo Gulch
Sanitary Landfill

To the Department of Environmental Services, Refuse Division:

The following are my comments which will set forth issues and concerns
pertinent to the preparation of an EIS for this project.

Standard To Be Met.

The EIS process is governed by HRS §343. An EIS is:

§343-2 Definitions. As used in this chapter unless the context
otherwise requires: . . .

"Environmental impact statement" or "statement" means an
informational document prepared in compliance with the rules
adopted under section 343-6 and which discloses the
environmental effects of a proposed action, effects of a proposed
action on the economic welfare, social welfare, and cultural
practices of the community and State, effects of the economic
activities arising out of the proposed action, measures proposed to
minimize adverse effects, and alternatives to the action and their
environmental effects.

The statute also sets forth what the Rules must contain, at minimum. HRS
§343-6. The legal effect of administrative rules are well settled in this
jurisdiction. Administrative Rules are to be followed and given the full effect of
law. *Williams v. Hawaii Medical Service Association*, 71 Haw. 545, 549, 7984
P.2d 442, 444 (1990). The Supreme Court has clearly stated that arbitrary and

FIRST DISTRICT
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SECOND DISTRICT
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THIRD DISTRICT
PAUL WATANABE
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PAUL T. KAWANO

Department of Environmental Services, Refuse Division
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capricious application of the Rules will not be tolerated. *Windward Marine
Resorts v. Sullivan*, 86 Haw. 171, 948 P.2d 592 (ICA 1997).

HAR §11-200-14 through 23 are the requirements in the preparation of
Draft and Final Environmental Impact Statements. The "General Provisions"
highlight the expectation of the EIS process.

I have grave concerns that you will comply with what is required of an
EIS.

The following standard set in *Life of the Land v. Ariyoshi*, 59 Haw. 156,
164-165, 577 P.2d 1116 (1978) for a court to determine the sufficiency of an EIS:

In making such a determination the court is guided by the
"rule of reason," under which an EIS need not be
exhaustive to the point of discussing all possible details
bearing on the proposed action but will be upheld as
adequate if it has been compiled in good faith and sets forth
sufficient information to enable the decision-maker to
consider fully the environmental factors involved and to
make a reasoned decision after balancing the risks of harm
to the environment against the benefits to be derived from
the proposed action, as well as to make a reasoned choice
between alternatives. *County of Suffolk v. Secretary of
Interior*, 562 F.2d 1368, 1375 (2d Cir. 1977), cert. den., 434
U.S. 1064, 98 S. Ct. 1238, 55 L. Ed. 2d 764 (1978).
[Emphasis added.]

The condition precedent to all EISs is that it be compiled in "good faith"
and sets forth sufficient information. The past practice of the City has shown that
EISs have not been compiled in good faith and nor does it provide sufficient
information.

At the very minimum the City must take its past EISs and explain the
discrepancies that have now been found and set forth whatever information it now
relies upon to justify its change in position.

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The best place to begin is with the discussion as to why we in the community have no rights to rely upon the representation of government that the WGSJ will close. This is the position of the community that the WGSJ should close.

What Was Represented As To The Closure.

At the outset, the City must explain why it has changed its position from an expansion of only 5 years to now an additional 15 years. I have heard comments from the City that there was never a "promise" to close the WGSJ in 5 years; however, this is contrary to the statements made under oath to the Land Use Commission during their hearings on the conditional use permit as well as statements made in the Final Supplemental Environmental Impact Statement (FSEIS) for the 5 year expansion. The LUC was very clear in its questioning as to what the City intended to do. How does the City explain its statement under oath and the change in the FSEIS. A discussion should be had as to whether the City can be bound by its statements under oath like a person.

The EIS must address the following.

1. Waste Management's Contract

An EIS is "meaningless" if it is self-serving and rationalizes an outcome. The contract between Waste Management, Inc. and the City for the operation of WGSJ was entered into in 1999 for 15 years. This was two years before the first Draft EIS in 2000; and three years before the FSEIS. At the very minimum, this shows the decision to expand WGSJ was a done deal in 1999. Explain this contract and why the City entered into it in 1999. Also explain what was done after the City said the expansion would be for only 5 years. Was the contract amended?

2. Alternatives.

HRS §343-2 defines an EIS as one that discloses, among other items, the "alternatives to the action and their environmental effects."

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HAR §11-200-17 addresses the requirement as to alternatives as follows:

- F. The draft EIS shall describe in a separate and distinct section alternatives which could attain the objectives of the action, regardless of cost, in sufficient detail to explain why they were rejected. The section shall include a rigorous exploration and objective evaluation of the environmental impacts of all such alternative actions. Particular attention shall be given to alternatives that might enhance environmental quality or avoid, reduce, or minimize some or all of the adverse environmental effects, costs, and risks. Examples of alternatives include: . . . (Emphasis added.)

Money is not the paramount criteria in arriving at a decision which is environmentally sound.

HAR §11-200-17 F. 5 states that "For any agency actions, the discussion of alternatives shall include, where relevant, those alternatives not within the existing authority of the agency." In *Westlands Water District v. U.S. Dept. of Interior*, 376 F.3d 853, 866 (9th Cir. 2004), the Ninth Circuit recently reaffirmed that alternatives must be rigorously explored and that "reasonable alternatives" include those not within the jurisdiction of the lead agency. *Westlands, supra*, at 868. The Ninth Circuit went on to say that "[t]he existence of a viable but unexamined alternative renders an environmental impact statement inadequate." *Id.*, citing to *Morongo Band of Mission Indians v. FAA*, 161 F.3d 569, 575 (9th Cir. 1998).

3. Failure to Comply with the City's Ordinance.

Ordinance 9-1/1(a)(6)(b)(1) states that by the year 2000, at least 75 percent of the solid waste generated shall be recycled, reused, composted, or otherwise diverted from incineration or placement in the landfill. What is the status and what is the consequence of this non-compliance?

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4. Sludge

A major source of "odor" for the landfill is sludge. What is the City's treatment of sludge and for what period of time will it continue to be dumped in the landfill.

5. Purpose and Need.

HAR §11-200-17 D requires the Draft SEIS to "contain a separate and distinct section that includes a statement of purpose and need for a proposed action." It is a similar provision under NEPA, which is looked upon to guide the discussion on alternatives. *Westlands, supra*, at 866. In *Westlands*, the Ninth Circuit looked to whether the preparers had "arbitrarily and capriciously" narrowed the scope of the statement, thereby affecting the discussion on the alternative.

There is an application for a private landfill pending and also the fact that the Department of Agriculture will now permit the transshipment of MSW. These points must be addressed in discussing any need of the expansion, especially in light of the prior statements that there will be no need for landfills in 5 years.

6. Excavation

The City must address the discrepancies in all the draft EISs along with the reports provided by RM Towill to the Blue Ribbon Commission which was tasked with siting the new landfill. The criteria was no excavation. RM Towill determined that WGSJ had a life of 20 more years with the criteria. This is in direct conflict with other EISs also prepared by RM Towill. What does the City intend to do about this obvious misrepresentation? How does the City explain this discrepancy.

The extreme slope of WGSJ for the proposed expansion and the newly constructed rock berm are related. What is the stability of the expansion? How much native soil will have to be removed? Where will it be removed to? Will the excavated materials be sold?

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7. Stability of the Slope

In light of the concern over the stability of slope as evidenced by the construction of the rock berm wall, how will the community be assured about its stability? How is the integrity of the liner tested? Will the rock berm wall act as the retaining wall to justify and increase in the slope?

8. The Violations of the Existing Permit

The Notice and Finding of Violation ("Notice and Finding") and Order dated January 31, 2006, of the Department of Health ("DOH") as to the operations of WGSJ must be addressed. The first point of discussion is why the City had no oversight and permitted these activities to go unchecked. These violations resulted in the largest fine in the history of the State of Hawai'i.

The following violations are the most critical and must be addressed, though all violations should be addressed:

1. Since 2003, the City has placed ash above the 2002 grades and exceeded the design grades for over a year from discovery in January 2004.
2. The control of leachate and the monitoring was discovered. The DOH found 16.3 feet of leachate on the liner and 22 feet and 3 inches in the sump area. More troubling is no monitoring has been conducted since October 26, 2003. This was attributed to the ash monofill landfill.
3. As for the MSW landfill, in April 2005 and May 2005, 74 feet of leachate was measured. This was in an area where the sump was installed in November, 2003 (MSW Cell E-1). There was a gross failure to monitor the leachate.
4. The leachate level in the area of 4B was unavailable because no monitoring had taken place since May.
5. The removal of soil and its impact on stability. DOH has found that in January of 2005, they were notified of the fact that grades were exceeded. The City knew that the ash had exceeded the approved grades by January, 2004 as to the ash landfill.

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6. Disposal of asbestos is a major concern. DOH found that the City and its operator accepted asbestos at the landfill but do not have any logs as to where it has been buried.
7. Surface Water Management. There are no surface water management plans as required by the permit for the years 2003-2004.
8. DOH found a failure to control dust.
9. DOH found a failure to control litter.
10. DOH found that there has been no monitoring of methane gas at the landfill.

The DOH Order entered in this action demonstrates the seriousness of the violations and its agency's (including County's) responsibility to monitor. There are also additional violations that were not included in the DOH Order, such as the applicant's failure to submit a revised Closure and Post-Closure Plan no later than May 1, 2005, which was finally submitted on February 22, 2006 and the operators unauthorized night work preparing a new cell for receiving waste.

9. How the Public Trust Is Being Met

The recent Hokulia case makes clear the State's public trust for the waters of our State. How has this trust obligation been met?

10. Cumulative Effects

This EIS cannot merely address the proposed expansion. It must address the cumulative effects of the operation of WGSL since the 1980s in addition to the proposed expansion on the Coast, including the disposal of leachate off site at the Waianae Wastewater Treatment plant.

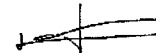
11. Environmental Justice

The EIS must address the concept of environmental justice and how the City's use of this landfill and others in the Waianae Coast affect the community.

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These are concerns and issues which must be addressed in the EIS. It continues to remain my position that WGSL must close. I continue to be perplexed as to how the City can change its position without any sense of obligation of keeping its word to its people.

Sincerely,



Colleen Hanabusa
Senator, Twenty-First District

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: www.honolulu.gov

MUFI HANNEMANN
MAYOR



May 12, 2008

ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-053

The Honorable Colleen Hanabusa
May 12, 2008
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The contract amendment dated May 1, 1999, provided for the expansion of the Waimānalo Gulch site. Subsequently, the prior administration decided on a five-year limit for the use of the site. The contract was not amended to a shorter term because the exact date of termination could not have been determined. Although the contract was not amended, the City retains control of the contract and can terminate it at any time when it is in the best interest of the City. As provided in Contract Special Provision 29, the contract can be terminated, ". . . in whole or in part, whenever the Director shall determine that termination of the contract, in whole or in part, is in the best interest of the City."

"2. Alternatives

"HRS §343-2 defines an EIS as one that discloses, among other items, the alternatives to the action and their environmental effects."

"HAR §11-200-17 addresses the requirement as to alternatives as follows:"

"F. The draft EIS shall describe in a separate and distinct section alternatives which could attain the objectives of the action, regardless of cost, in sufficient detail to explain why they were rejected. The section shall include a rigorous exploration and objective evaluation of the environmental impacts of all such alternative actions. Particular attention shall be given to alternatives that might enhance environmental quality of avoid, reduce, or minimize some or all of the adverse environmental effects, costs, and risks. Examples of alternatives include: . . . (Emphasis added.)"

"Money is not the paramount criteria in arriving at a decision which is environmentally sound."

"HAR §11-200-17 F. 5 states that "For any agency actions, the discussion of alternatives shall include, where relevant, those alternatives not within the existing authority of the agency." In *Westlands Water District v. U.S. Dept. of Interior*, 376 F.3d 853, 866 (9th Cir. 2004), the Ninth Circuit recently reaffirmed that alternatives must be rigorously explored and that "reasonable alternatives" include those not within the jurisdiction of the lead agency. *Westlands, supra*, at 868. The Ninth Circuit went on to say that "[t]he existence of a viable but unexamined alternative renders an environmental impact statement inadequate." *Id.*, citing to *Morongo Band of Mission Indians v. FAA*, 161 F.3d 569, 575 (9th Cir. 1998)."

An examination of alternatives that include other potential landfill sites, waste transshipment, and technology based solutions, will be provided in the DEIS. This will include the consideration of factors that do not involve funding as the major criteria for evaluation.

"3. Failure to Comply with the City's Ordinance"

"Ordinance 9-1/1(a)(6)(b)(1) states that by the year 2000, at least 75 percent of the solid waste generated shall be recycled, reused, composted, or otherwise diverted from incineration or placement in the landfill. What is the status and what is the consequence of this non-compliance?"

The Honorable Colleen Hanabusa
President of the Senate
21st District
State Capitol, Room 409
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Senator Hanabusa:

Subject: Environmental Impact Statement Preparation Notice (EISPN)
Waimanalo Gulch Sanitary Landfill Expansion

Thank you for your letter dated August 30, 2006 concerning the subject project. The following is prepared in response to your comments (as appropriate your comments have been italicized for reference):

Standard To Be Met

We appreciate your references to our legal responsibilities under the Hawaii EIS law. Please also refer to Section 1 of the EISPN that contains information that establishes why the City must act at this time to provide a solid waste refuse facility for use by all the communities of O'ahu.

What Was Represented As To The Closure

Prior representations concerning the closure of Waimanalo Gulch have been identified in the EISPN. This information will also be provided in the Draft EIS (DEIS).

"The EIS must address the following:

"1. *Waste Management's Contract*

An EIS is "meaningless" if it is self-serving and rationalizes an outcome. The contract between Waste Management, Inc. and the City for the operation of WGSL was entered into in 1999 for 15 years. This was two years before the first Draft EIS in 2000; and three years before the FSEIS. At the very minimum, this shows the decision to expand WGSL was a done deal in 1999. Also explain what was done after the City entered into it in 1999. Also explain what was done after the City said the expansion would be for only 5 years. Was the contract amended?"

The City acknowledges that it was not possible to increase recycling, reuse, composting and waste diversion to a level that could support up to a 75 percent reduction by 2002. At the same time, ENV is committed to pursuing all reasonable and feasible options that can contribute to reducing our dependency on the use of landfilling. Recent actions involve the establishment of pilot programs for waste recycling and a major decision to expand the capacity of HPOWER to promote recycling through the generation of energy from municipal refuse. We will continue to pursue these and other options with the City Councils as well as O'ahu's communities.

"4. Sludge"

"A major source of "odor" for the landfill is sludge. What is the City's treatment of sludge and for what period of time will it continue to be dumped in the landfill."

Major improvements in the City's handling of sludge at the Sand Island Wastewater Treatment Plant have occurred since the initial start up of the recently constructed waste digester. These improvements have significantly reduced odors and the requirement for the disposal of untreated sewage sludge. We expect that as the facility becomes fully operational that further improvements will result.

"5. Purpose and Need"

"HAR §11-200-17 D requires the Draft SEIS to "contain a separate and distinct section that includes a statement of purpose and need for a proposed action. "It is a similar provision under NEPA, which is looked upon the guide the discussion on alternatives. Westlands, supra, at 866. In Westlands, the Ninth Circuit looked to whether the preparers had "arbitrarily and capriciously" narrowed the scope of the statement, thereby affecting the discussion on the alternative."

"There is an application for a private landfill pending and also the fact that the Department of Agriculture will now permit the transshipment of MSW. These points must be addressed in discussing any need of the expansion, especially in light of the prior statements that there will be no need for landfills in 5 years."

We appreciate your citation of prior case law concerning the purpose and need for the EIS. The application for the private landfill in Nānākuli and the potential for transshipment as methods to eliminate the need for the proposed Waimanalo Gulch Sanitary Landfill lateral expansion will be provided in the DEIS.

"6. Excavation"

"The City must address the discrepancies in all the draft EISs along with the reports provided by RM Towill to the Blue Ribbon Commission which was tasked with siting the new landfill. The criteria was no excavation. RM Towill determined that WGSL had a life of 20 more years with the criteria. This is in direct conflict with other EISs also prepared by RM Towill. What does the City intend to do about this obvious misrepresentation? How does the City explain this discrepancy."

The no excavation remark that you cite comes from the Waimānalo Gulch Expansion, Potential Landfill Site Data Sheets, prepared for the Mayor's Advisory Committee on Landfill Siting, October 2003. The specific reference is to information provided for Criteria No. 23, Landfill Capacity or Site Life. According to the data sheet, "The volume was calculated assuming a 100 foot buffer around the site boundary, 30 acres for infrastructure facilities, no excavation, and filling to the natural grade." Criteria No. 23, therefore, was established to provide an estimate of capacity only based on: an area adjusted with an approximately 100 foot buffer around the perimeter of the site; the use of 30 acres for infrastructure to operate the facility; no detailed engineering calculations incorporating soils conditions to produce information on excavation; and filling of the site to the natural grade of the terrain of the finished site. It is incorrect to conclude on the basis of information from the data sheet alone that in the course of developing a landfill site that no excavation would be required.

The 2002 Final Supplemental EIS for the Waimānalo Gulch Expansion, as well as other prior Waimānalo Gulch EIS documents, were prepared by our consultants based on civil engineering design studies supported by geotechnical investigations and/or soils evaluations that are referenced in the EIS documents. The engineering information for the 2002 EIS was provided by Waste Management of Hawai'i, Inc., who utilized licensed professionals to conduct the studies. The factors that can result in different capacities or life of the site would include refinements to the planned design of the site, knowledge of how the soils conditions or topographic changes would affect the design, or adjustments to the site to accommodate new infrastructure or stability features in order to maintain safety or improve the efficient use of the site.

There are other factors that can affect capacity or life of the site that will be provided in the DEIS for the proposed project.

"The extreme slope of WGSL for the proposed expansion and the newly constructed rock berm are related. What is the stability of the expansion? How much native soil will have to be removed? Where will it be removed to? Will the excavated materials be sold?"

A discussion of the anticipated excavation requirements for the proposed project will be provided in the DEIS. This will include an estimate on how much soil will need to be excavated, and the stability of the site. The soils removed from the site that will be used for cover material will be stored on site.

A decision regarding the release or possible sale of any cover material cannot be made at this time based on the status of the project within the EIS process. The owner of the property, the City and County of Honolulu, however, retains the ownership rights to the excavated materials. Since August 1, 1991, the City has received royalties for any excavated and processed material removed for the Waimānalo Gulch Sanitary Landfill.

"7. Stability of the Slope"

"In light of the concern over the stability of slope as evidenced by the construction of the rock berm wall, how will the community be assured about its stability? How is the integrity of the liner tested? Will the berm wall act as the retaining wall to justify and increase the slope?"

The DEIS will provide information concerning engineering design standards and practices that ensure the stability of the site. The most recent test of the site's stability involved the recent earthquake event of October 15, 2006, when a magnitude 6.7 earthquake occurred about 10 miles north-northwest of Kailua-Kona. According to our site operator, Waste Management of Hawai'i, Inc., an inspection following the earthquake indicated there was no failure or damage to the landfill and its supporting infrastructure as a result

The stability berm that is referred to was reviewed and approved by the DOH for construction under the current Solid Waste Management Permit. The purpose of the berm is to ensure that the ash monofill area of the landfill meets or exceeds regulatory and engineering design standards, including those for soil retention.

"8. The Violations of the Existing Permit"

"The Notice and Finding of Violation ("Notice and Finding") and Order dated January 31, 2006, of the Department of Health ("DOH") as to the operations of WGSL must be addressed. The first point of discussion is why the City had no oversight and permitted these activities to go unchecked. These violations resulted in the largest fine in the history of the State of Hawai'i."

"The following violations are the most critical and must be addressed, though all violations should be addressed."

- "1. Since 2003, the City has placed ash above the 2002 grades and exceeded the design grades for over a year from discovery in January 2004.*
- 2. The control of leachate and the monitoring was discovered. The DOH found 16.3 feet of leachate on the liner and 22 feet and 3 inches in the sump area. More troubling is no monitoring has been conducted since October 26, 2003. This was attributed to the ash monofill landfill.*
- 3. As for the MSW landfill, in April 2005 and May 2005, 74 feet of leachate was measured. This was in an area where the sump was installed in November, 2003 (MSW Cell E-1). There was a gross failure to monitor the leachate"*
- 4. The leachate level in the area of 4B was unavailable because no monitoring had taken place since May.*
- 5. The removal of soil and its impact on stability. DOH has found that in January of 2005, they were notified of the fact that grades were exceeded. The City knew that the ash had exceeded the approved grades by January, 2004 as to the ash landfill*
- 6. Disposal of asbestos is a major concern. DOH found that the City and its operator accepted asbestos at the landfill but do not have any logs as to where it has been buried.*
- 7. Surface Water Management. There are no surface water management plans as required by the permit for the years 2003-2004.*
- 8. DOH found a failure to control dust.*
- 9. DOH found a failure to control litter.*
- 10. DOH found that there has been no monitoring of methane gas at the landfill."*

"The DOH Order entered in this action demonstrates the seriousness of the violations and its agency's (including County's) responsibility to monitor. There are also additional violations that were not included in the DOH Order, such as the applicant's failure to submit a revised Closure and Post-Closure Plan no later than May 1, 2005, which was finally submitted on February 22, 2006 and the operators unauthorized night work preparing a new cell for receiving waste."

The Notice of Violation and Order (NVO) was issued by the State Department of Health (DOH) after the alleged violations had been self-reported. The great majority of the alleged violations had been addressed before the NVO was issued. On December 7, 2007, DOH, the City and Waste Management of Hawai'i, Inc., agreed to a settlement which resolved the NVO. At that time, there was only a single remaining violation that had not been resolved—the exceedance of permitted grades. On February 20, 2008, DOH issued a grade modification approval which resolved the grade exceedance issue. Thus, all alleged violations in the NVO have been resolved.

"9. How the Public Trust Is Being Met"

"The recent Hokulia case makes clear the State's public trust for the waters of our State. How has this trust obligation been met."

A discussion of state waters and efforts that have been taken by the City and Waste Management to ensure the protection of this important resource will be provided in the DEIS.

"10. Cumulative Effects"

"The EIS cannot merely address the proposed expansion. It must address the cumulative effects of the operation of WGSL since the 1980s in addition to the proposed expansion on the Coast, including the disposal of leachate off site at the Waianae Wastewater Treatment plant."

A discussion of cumulative effects as a result of the proposed project will be provided in the DEIS.

"11. Environmental Justice"

"The EIS must address the concept of environmental justice and how the City's use of this landfill and others in the Waianae Coast affect the community."

A discussion of the concept of environmental justice and its relationship to the proposed project will be provided in the DEIS.

Final Comment

These are the concerns and issues which must be addressed in the EIS. It continues to remain my position that WGSL must close. I continue to be perplexed as to how the City can change its position without any sense of obligation of keeping its word to its people.

The Honorable Colleen Hanabusa
May 12, 2008
Page 7

We acknowledge your opposition to the proposed project and have included you as a consulting party to the EIS process for this project.

We appreciate this opportunity to respond to your comments. Any further written comments may be directed to Ms. Wilma Namunnart of our office.

Sincerely,



Eric S. Takamura, Ph.D., P.E.
Director

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.

12/23/2006 08:18 808-5867797

SEN HANABUSA

PAGE 01

5

.....
~~Facsimile Transmittal~~

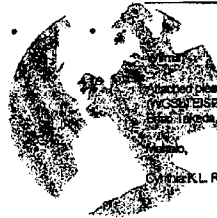
To: Ms. Wilma Namunnart Fax: 692-5402

From: Cynthia K.L. Rezenics Date: 12/26/2006

Re: WGLS EISPN Comments Pages: 4 (including the cover sheet)

CC:

Urgent For Review Please Comment Please Reply Please Recycle



.....
Please find my comments, due December 28, 2006, regarding the Waimanalo Gulch Sanitary Landfill (WGLS) EISPN for an expansion of WGLS. A hard copy will follow and also be provided to Mr. Henry Eng, Mr. Eric Takamura, and OEQC.

Cynthia K.L. Rezenics

DEC-26-2006 01:34PM FAX:808 5867797

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Cynthia K.L. Rezendes

87-149 Maipela Street
 Wai'anae, HI 96792-3154
 (808) 696-0131
 Email: Rezendesc@aol.com

December 26, 2006

Eric Takamura, Director
 Department of Environmental Services, Refuse Division
 City & County of Honolulu
 1000 Uluohia Street, Suite 212
 Kapolei, Hawaii 96707

RE: Environmental Impact Statement Preparation Notice (EISPN)
Chapter 343, Hawaii Revised Statutes

Dear Director Takamura:

Thank you for the opportunity to submit additional comments regarding the proposed Waimanalo Gulch Sanitary Landfill Expansion Environmental Impact Statement via the EISPN Comment period.

Per portions of HRS 343 and Title 11 Chapter 200 of the Department of Health, State of Hawaii Environmental Impact Statement Rules, I am respectfully requesting to be "a consulted party" and make these additional written comments to complement those submitted on August 29, 2006 and published in the EISPN Appendix A.

This EISPN falls short of accurately representing past statements made about the location of this proposed expansion. In the 1984 EIS, approximately 56+- acres were identified as being available for a landfill with the rest of the property being labeled as having slopes (8-18%) which limit the useful area to be used for landfills. The topography has not changed but it is being proposed that the area is now useful for landfills. How has this happened? There has not been an overt statement made that we are making land available for a landfill by manipulating the land (creating a hole to receive material). If this is the case, the EISPN should include a section on a soils analysis and evaluation being done or planned and scheduled to demonstrate the safety factor of manipulating the soils structure found in the area.

There should also be included how this proposed EIS addresses the State Land Use Commission Decision and Order which calls for the closure of the WGSL in May 2008 (which implies no further waste will be accepted at WGSL). This was the date presented by the previous City and County of Honolulu administration.

Considering the current facility is still out of compliance with the last EIS/permit which allowed for the expansion of the facility by another 21 acres and a height limitation which has been exceeded, the document should include how the current violations will be mitigated prior to the request for further expansion of the active landfill site.

The discussion on water flow and direction is inadequate. While it addresses underground water and discusses flow direction, it does not address any affects on the near shore waters. The near shore waters off the Leeward Coast have been severely impacted over the years and any addition to the burdens felt on the near shore waters need to be considered and discussed. How does the storm water run-off affect the near shore waters? What about the underground water movement and its contents affect the near shore

Mr. Eric Takamura
 December 26, 2006
 Page 2

waters? How is that being considered? Then again, what about the leachate? The leachate levels as related in the February State Dept. of Health Notice of violations identified a significant amount of leachate that exceeded permit limitations. Most of that leachate was disposed of at the Wai'anae Wastewater Treatment Plant. What were the affects of the leachate being added to normal processes with disposal in off-shore waters?

There does not appear to be any discussion regarding the noise consideration being given to the location of the newest expansion and how it might impact the Makaiwa Hills development being proposed. While there is no development currently in the region, there will, in all likelihood, be housing built near the boundary where the landfill will be operating in the near future. There should be a discussion about what the impacts will be to those new neighbors. This discussion should also extend to litter and odor mitigation. The affects of the landfill expansion should include these considerations as a prudent course of discussion since the plans to develop the area are known at this time.

While there is a discussion regarding the visual impacts of the landfill from the makai side of the landfill, there is no discussion regarding the visual impact of the landfill from the Wai'anae direction. Currently, the landfill construction of the cells for the permitted expansion is visible over the ridgeline from the Wai'anae direction. The landfill should preserve the integrity of the visual planes and is currently not doing so. How will that be handled?

Regarding the traffic situation and ingress and egress onto Farrington Highway, although the State Dept. of Transportation is responsible for maintenance of Farrington Highway, there needs to be some discussion about the responsibility of the operator to keep mud and dirt on the landfill property and not allow it to be deposited on Farrington Highway. It has been the norm more than the exception that the merge lane from trucks turning onto Farrington Highway headed toward Honolulu is covered with dirt or mud deposited there from those same trucks making the area less safe for regular vehicles utilizing Farrington Highway.

The City's Solid Waste Integrated Management Plan (SWIMP) has Waimanalo Gulch Sanitary Landfill as a critical integral part of the plan. Unfortunately, the plan is now significantly behind schedule. The new plan should not only include the landfill but also include a serious discussion about alternatives to landfills and therefore, could have an impact on whether or not the expansion should be for the amount of time being proposed or be reduced or eliminated. This should be discussed further in the EIS.

The EISPN talks about the lack of time with which to pursue other alternatives to the landfills but fails to state that the time to pursue other alternatives actually started from 2002, when the City committed to the communities that other methods would be pursued and no landfills would be needed after 2008. A more comprehensive discussion should be included as to actions already taken and why there was a failure to find any alternatives that could have been implemented to make the five year target.

There is no discussion regarding the contract commitments to both H-POWER and Waste Management, Inc. This is significant to making an informed decision as to whether an expansion of the landfill is required if the City believes it is needed, the real length of time that makes sense for the proposal of an expansion.

The proposed EIS for this expansion of WGSL needs to be as comprehensive as today's knowledge base allows us to have considering the consequences of the action proposed will continue to have effects on our residents for many years to come. The EISPN should do no less and should address all issues brought up in the scoping meetings and via written comments.

Mr. Eric Takamura
December 26, 2006
Page 3

The submittal of these comments should not be construed as support for the expansion of Waimanalo Gulch Sanitary Landfill but should be viewed as open concerns that continue to not be fully addressed and should be in both the EISPN and EIS.

Sincerely,


Cynthia K.L. Rezentes

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

1000 ULUOHA STREET, SUITE 308, KAPOLEI, HAWAII 96707
TELEPHONE: (808) 768-3486 • FAX: (808) 768-3487 • WEBSITE: www.honolulu.gov

MUFI HANNEMANN
MAYOR



May 12, 2008

ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA -08-052

Ms. Cynthia K. L. Rezentes
87- 149 Maipela Street
Waianae, Hawaii 96792-3154

Dear Ms. Rezentes:

Subject: Environmental Impact Statement Preparation Notice (EISPN)
Waimanalo Gulch Sanitary Landfill Expansion

Thank you for your letter dated December 26, 2006 concerning the subject project. We acknowledge your request to be a consulted party to the EIS process for the proposed project. The following is in response to your comments (your comments have been italicized for reference):

1. *"This EISPN falls short of accurately representing past statements made about the location of this proposed expansion. In the 1984 EIS, approximately 56+/- acres were identified as being available for a landfill with the rest of the property being labeled as having slopes (8 - 18%) which limit the useful area to be used for landfills. The topography has not changed but it is being proposed that the area is now useful for landfills. How has this happened? There has not been an overt statement made that we are making land available for a landfill by manipulating the land (creating a hole to receive material). If this is the case, the EISPN should include a section on a soils analysis and evaluation being done or planned and scheduled to demonstrate the safety factor of manipulating the soils structure found in the area."*

Since 1984 there have been various permitted changes to the project site as a result of changing technology, the characteristics of the solid waste disposed of, and the regulatory framework associated with operating the site. Practical on-site experience has also maximized the efficient use of the site. The capacity and the proposed development of the planned expansion area will be described in the Draft EIS (DEIS). This will include a discussion of the soils and stability of the site.

2. *"There should also be included how this proposed EIS addresses the State Land Use Commission Decision and Order which calls for the closure of the WGSL in May 2008 (which implies no further waste will be accepted at WGSL). This was the date presented by the previous City and County of Honolulu administration."*

Necessary approvals, including those of the Land Use Commission and others, will be sought by the City to allow for the lateral expansion of the landfill footprint. Further discussion of this item will be provided in the DEIS.

3. *"Considering the current facility is still out of compliance with the last EIS/permit which allowed for the expansion of the facility by another 21 acres and a height limitation which has been exceeded, the document should include how the current violations will be mitigated prior to the request for further expansion of the active landfill site."*

The Notice of Violation and Order (NVO) was issued by the State Department of Health (DOH) after the alleged violations had been self-reported. The great majority of the alleged violations had been addressed before the NVO was issued. On December 7, 2007, DOH, the City and Waste Management of Hawaii, Inc., agreed to a settlement which resolved the NVO. At that time, there was only a single remaining violation that had not been resolved--the exceedance of permitted grades. On February 20, 2008, DOH issued a grade modification approval which resolved the grade exceedance issue. Thus, all alleged violations in the NVO have been resolved.

The Environmental Protection Agency's (EPA) Notice of Violation (NOV) concerning the landfill's gas collection system is currently under discussion amongst the EPA, the City and Waste Management. Until those negotiations are concluded, there can be no final determination as to the validity of the alleged violations. The NOV will be discussed in the DEIS.

4. *"The discussion on water flow and direction is inadequate. While it addresses underground water and discusses flow direction, it does not address any affects on the near shore waters. The near shore waters off the Leeward Coast have been severely impacted over the years and any addition to the burdens felt on the near shore waters need to be considered and discussed. How does the storm water run-off affect the near shore waters? What about the underground water movement and its' [sic] contents affect the near shore waters? How is that being considered? Then again, what about the leachate? The leachate levels as related in the February State Dept. of Health Notice of violations identified a significant amount of leachate that exceeded permit limitations. Most of that leachate was disposed of at the Wai'anae Wastewater Treatment Plant. What were the affects of the leachate being added to normal processes with disposal in off-shore waters?"*

According to the Office of Environmental Quality Control (OEQC), "The EISPN does not give full detail of the proposal but defines the scope of analysis that will be covered in the subsequent environmental impact statement." (A Guidebook for the Hawaii State Environmental Review Process, June 2004). In this regard the EISPN is not intended to itself serve as the full disclosure document as required by Chapter 343, Hawaii Revised Statutes (HRS).

Accordingly, a detailed description and discussion of surface and groundwater characteristics and the potential for impacts will be addressed in the DEIS.

The leachate that is accepted by the operator of the Waianae Wastewater Treatment Plant was, and continues to be, in accordance with regulatory requirements to ensure public health and safety. Leachate management and monitoring will be part of the Solid Waste Operating Permit application. As noted in a memorandum to ENV from the operators of the Waianae Wastewater Treatment Plant, the leachate accepted by the plant for processing has had very little or no impact on the wastewater effluent quality that is being discharged to the ocean outfall (see attached memorandum dated October 2, 2007).

5. *"There does not appear to be any discussion regarding the noise consideration being given to the location of the newest expansion and how it might impact the Makaiwi Hills development being proposed. While there is no development currently in the region, there will, in all likelihood, be housing built near the boundary where the landfill will be operating in the near future. There should be a discussion about what the impacts will be to those new neighbors. This discussion should also extend to litter and odor mitigation. The affects of the landfill expansion should include these considerations as a prudent course of discussion since the plans to develop the area are known at this time."*

The DEIS will include a discussion of the potential for environmental impacts to the proposed Makaiwi Hills development as a result of the proposed expansion of Waimanalo Gulch. This will include consideration of potential impacts and proposed mitigative measures not only for the Makaiwi Hills project, but other adjoining land owners that include Ko Olina.

6. *"While there is a discussion regarding the visual impacts of the landfill from the makai side of the landfill, there is no discussion regarding the visual impact of the landfill from the Wai'anae direction. Currently, the landfill construction of the cells for the permitted expansion is visible over the ridgeline from the Wai'anae direction. The landfill should preserve the integrity of the visual planes and is currently not doing so. How will that be handled?"*

Further visual or view plane analyses will be provided in the DEIS. This will include the investigation of views from both the landfill as well as from selected points along Farrington Highway and other locations. It is noted that landscaping will be provided to improve the aesthetics of the site.

7. *"Regarding the traffic situation and ingress and egress onto Farrington Highway, although the State Dept. of Transportation is responsible for maintenance of Farrington Highway, there needs to be some discussion about the responsibility of the operator to keep mud and dirt on the landfill property and not allow it to be deposited on Farrington Highway. It has been the norm more than the exception that the merge lane from trucks turning onto Farrington Highway headed toward Honolulu is covered with dirt or mud deposited there from those same trucks making the area less safe for regular vehicles utilizing Farrington Highway."*

Traffic concerns that involve the off-site vehicle tracking of debris from the site will be discussed in the DEIS. This will include a description of maintenance and preventive measures.

Ms. Cynthia K. L. Rezentes
May 12, 2008
Page 4

8. *"The City's Solid Waste Integrated Management Plan (SWIMP) has Waimanalo Gulch Sanitary Landfill as a critical integral part of the plan. Unfortunately, the plan is now significantly behind schedule. The new plan should not only include the landfill but also include a serious discussion about alternatives to landfills and therefore, could have an impact on whether or not the expansion should be for the amount of time being proposed or be reduced or eliminated. This should be discussed further in the EIS."*

An update of the Solid Waste Integrated Management (SWIM) Plan is on-going by the City. As much as possible the preparation of the SWIM Plan is being coordinated as the DEIS is being prepared. Alternatives to landfilling will be provided in the DEIS.

9. *"The EISPN talks about the lack of time with which to pursue other alternatives to the landfills but fails to state that the time to pursue other alternatives actually started from 2002, when the City committed to the communities that other methods would be pursued and no landfills would be needed after 2008. A more comprehensive discussion should be included as to actions already taken and why there was a failure to find any alternatives that could have been implemented to make the five year target."*

Further discussion of the efforts taken by the City to manage solid waste will be provided in the DEIS.

10. *"There is no discussion regarding the contract commitments to both H-POWER and Waste Management, Inc. This is significant to making an informed decision as to whether an expansion of the landfill is required if the City believes it is needed, the real length of time that makes sense for the proposal of an expansion."*

Although no discussion of the contractual agreements between the City and the operators of the H-POWER and Waimanalo Gulch landfill was provided in the EISPN, we note that the contracts are public documents. The role of H-POWER and landfilling to better manage our solid waste will be provided in the DEIS.

11. *"The proposed EIS for this expansion of WGSJ needs to be as comprehensive as today's knowledge base allows us to have considering the consequences of the action proposed will continue to have effects on our residents for many years to come. The EISPN should do no less and should address all issues brought up in the scoping meetings and via written comments."*

And,

12. *"The submittal of these comments should not be construed as support for the expansion of Waimanalo Gulch Sanitary Landfill but should be viewed as open concerns that continue to not be fully addressed and should be in both the EISPN and EIS."*

Ms. Cynthia K. L. Rezentes
May 12, 2008
Page 5

We have directed our consultant to address the issues raised during the EISPN public comment period as required under Chapter 343, HRS. As you are aware, these issues have been documented and will be discussed in the DEIS.

We appreciate this opportunity to respond to your comments. Any further written comments may be directed to Ms. Wilma Namumart of our office.

Sincerely,



Eric S. Takamura, Ph.D., P.E.
Director

Attachment

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU
DIVISION OF ENVIRONMENTAL QUALITY
1000 ULUOHIA STREET, SUITE 303 • KAPOLEI, HAWAII 96707
FAX: (808) 768-3289 • Website: <http://www.honolulu.gov/ens/>



MUFI HANNEMANN
Mayor

ERIC S. TAKAMURA, Ph.D., P.E.
Director

ATHAN K. ADACHI
Chief

October 2, 2007

EMC 07-204

MEMORANDUM

TO: FRANK J. DOYLE, CHIEF
REFUSE DIVISION

FROM: ATHAN K. ADACHI, CHIEF
DIVISION OF ENVIRONMENTAL QUALITY

SUBJECT: WAIMANALO GULCH LANDFILL LEACHATE DISCHARGE
TO THE WAIANA E WASTEWATER TREATMENT PLANT FACILITY

Current leachate discharge to the Waianae WWTP has been minimal, approximately 16,000 gallons per day, once a week. The plant treats on average approximately 3,250,000 gallons per day of domestic raw wastewater. Our monitoring data shows that the leachate has not changed the water quality near the outfall and the sampling at the outfall shows all are in compliance with State Department of Health regulation. The plant has continuously met minimum State and Federal water quality requirements. Overall, the additional loading of leachate had very little or no impact on the wastewater effluent quality being discharge to the ocean outfall.

Should you have any questions on this matter, please contact Jerome Ababa of our Monitoring and Compliance Branch, Division of Environmental Quality at 768-3255.



SIERRA CLUB

O'ahu Group
P. O. Box 2577, Honolulu, HI 96803
808.537-9019 / hawaii.chapter@sierraclub.org

December 26, 2006

Dept of Environmental Services
Attn: Wilma Namumnart
1000 Uluohia St., Ste. 308
Kapolei, HI 96707

C & C, Department of Planning & Permitting
Attn: Henry Eng
650 South King St., 7th Fl.
Honolulu, HI 96813

R.M. Towill Corporation
Attn: Brian Takeda
420 Waiakamilo Rd., Ste. 411
Honolulu, HI 96817

RE: COMMENTS ON EISPN FOR WAIMANALO GULCH SANITARY LANDFILL

The Sierra Club O'ahu Group respectfully desires to be a consulted party on this project pursuant to Haw. Rev. Stat. ("HRS") Chapter 343.

In order to fully inform decision makers regarding the impacts of this project we recommend that the following matters be addressed in detail in both the DEIS and FEIS:

**ALTERNATIVE ANALYSIS, INCLUDING IMPLEMENTATION OF WASTE
DIVERSION STRATEGIES**

This analysis should look a review of pursuing other alternative, including the use of other sites and implementing comprehensive waste reduction and recycling strategies. An in-depth review of the strengths and weakness of the current contemplated site cannot be done without an extensive comparison of the alternative approaches.

ENVIRONMENTAL JUSTICE

Any analysis should consider the connection between continued use of the landfill and the social issues of discrimination, poverty, and the general distribution of environmental risks. In a nutshell, is a particular community bearing a disproportionate burden of the island's pollution problem because of the government's failure to apply environmental laws, regulations, and policies in a fair manner across all segments of the population?

Recycled Content

IMPACTS ON SURROUNDING RESIDENTIAL AREAS, INCLUDING THE PROPOSED MAKAIWA HILLS DEVELOPMENT

Residents in surrounding areas have long complained about odors, plastic bag litter, and other nuisances and environmental hazards from Waimanalo Gulch Landfill. Future housing may be built in the immediate vicinity of the landfill, including the proposed Makaiwa Hills development of nearly 5000 units by Campbell Estate / Makaiwa Hills LLC. A detailed analysis of all anticipated and potential impacts of the Waimanalo Gulch Sanitary Landfill on this housing should be included in the DEIS and FEIS.

CUMULATIVE IMPACTS

Hawaii Administration Rules ("HAR") § 11-200-2 defines cumulative impact as "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions." HAR § 11-200-17 requires that an EIS discuss "significant beneficial and adverse impacts (including cumulative impacts and secondary impacts)."

Present and future volume of truck traffic, the levels of odor, gas emissions, fugitive dust and debris, and runoff from the existing land fill has affected the water, air and life quality of nearby residential and commercial properties, and the extent to which the proposed expansion of the landfill itself, will further affect these parameters.

The relatively undisturbed forested Palehua and Hono'uli'uli areas surrounding the Waimanalo Gulch landfill are home to a number of rare and endangered plants, mollusks and birds. Sections of these land areas are recognized as critical habitat for what is may be the last remaining population of the O'ahu *elepai'o*. It is probable that the upper areas of the proposed project could also be a part of the habitat utilized by this bird species.

Very thorough studies must be undertaken to determine the presence of any native and endemic animals and plants, both listed and non-listed, within the boundaries of the project and in areas immediately adjacent to it, particularly those *mauka* of the project that are contiguous with the Palehua and Hono'uli'uli land areas. Continuity between these land areas must be maintained to promote the survival and recovery of those native endemic biota. A plan for restoration of the native forest cover should be developed, particularly for the *mauka* areas of the project, and should extend into the adjacent parcels to join with the existing "natural" forest cover in the Hono'uli'uli forest reserve area.

WATER QUALITY

The DEIS should include sufficient baseline data for meaningful analysis of the adverse impact of runoff and other anthropogenic inputs related to existing and proposed landfill activities. For instance, what are the current levels of inorganic nutrients and pesticides that enter the soils, ephemeral water sources, and subterranean aquifers from those existing developments, both *mauka* and *makai* of the landfill, and the affects of the proposed chemical pollutant load?

The EIS should include a report by a hydrologist discussing how water flows through the project area into local aquifers, ephemeral water sources and weather or not it cold impact nearshore ocean waters.

Any water quality plan should spell out in detail any mitigation plan rather than leaving the term ambiguous.

The EIS should include an edaphic study that fully discusses the highly permeable and fragile nature of the soils and the effectiveness of any leachete collection system at the project area.

The EIS should include any calculations or models used to support any conclusion regarding runoff and drainage into local aquifers and erosion of soils from the project and onto adjacent parcels.

A complete EIS will reveal the cumulative impact of all runoff and leaching on local aquifers, adjacent lands and coastal waters. This includes pesticides/biocides (including the impact of the alternative biocides that are lower in toxicity), fertilizers, sedimentation, heavy metals, grease, and other urban runoff. The EIS should study the amount of nonpoint source water pollution associated with similar large sanitary landfill developments and discuss the degradation of aquifers, soils, air quality, and landscapes caused by similar projects. A complete EIS would not glibly assume that mitigation measures would take care of all nonpoint source water pollution problems.

How much contaminated water (by nutrients, pesticides, or other contaminants) can be expected to leach through soil and make its way into local aquifers waters (i.e., not surface runoff, but percolation)? What specific studies of similar areas in West O'ahu does the EIS rely on to support its conclusions?

SCENIC IMPACT

The EIS should use both of the two most useful methodologies of Visual Impact Analysis:

- 1) Given a structure at point "x," where will it be seen from; and
- 2) From point "y," what can you see of the development?

PAST VIOLATIONS AND MITIGATION MEASURES

The operators of Waimanalo Gulch Sanitary Landfill was recently fined \$2.8 million for various environmental violations. Please discuss steps taken to remedy these violations and ensure that future violations do not occur. Please fully discuss how the public can be assured that any proposed mitigation measures will be performed and will be effective. Please describe the county and state government's monitoring and enforcement programs so that we can be assured that promises made will be kept. Are the staffing levels at the State Health Department's Solid Waste Branch, the City and County's Department of Environmental Services, and the City and County's Planning and Permitting Department sufficient to ensure that promises are kept? How often is the staff expected to visit the site? Please do not argue

that it is beyond your ability to answer these questions. Please ask the departments themselves and indicate the response.

The applicant should identify all proposed mitigation measures in a consolidated list. These measures should be written in plain language that is easily enforceable when incorporated into a permit. It is unacceptable, for example, to list as a mitigation measure that "apply pesticides only when and where necessary" since such language is vague and subject to a multitude of interpretations.

HAWAII STATE PLAN

The EIS should mention and fully discuss many key provisions in the Hawaii State Plan:

§226-6(b) To achieve the general economic objectives, it shall be the policy of this State to:
(14) Promote and protect intangible resources in Hawaii, such as scenic beauty and the aloha spirit, which are vital to a healthy economy.

§226-11 (b) To achieve the land-based, shoreline, and marine resources objectives, it shall be the policy of this State to:

- (1) Exercise an overall conservation ethic in the use of Hawaii's natural resources.
- (2) Ensure compatibility between land-based and water-based activities and natural resources and ecological systems.

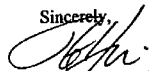
§226-12 (b) To achieve the scenic, natural beauty, and historic resources objective, it shall be the policy of this State to:

- (1) Promote the preservation and restoration of significant natural and historic resources.
- (3) Promote the preservation of views and vistas to enhance the visual and aesthetic enjoyment of mountains, ocean, scenic landscapes, and other natural features.
- (4) Protect those special areas, structures, and elements that are an integral and functional part of Hawaii's ethnic and cultural heritage.

§226-104 (b) Priority guidelines for regional growth distribution and land resource utilization:
(13) Protect and enhance Hawaii's shoreline, open spaces, and scenic resources.

Mahalo for the opportunity to offer these comments on the Waimanalo Gulch EISPN. Please direct all future correspondence to the Sierra Club, O'ahu Group, PO Box 2577, Honolulu, HI 96803.

Sincerely,



Robert D. Harris
Sierra Club, O'ahu Group, Excom Member
2458 Wilder Avenue, Apartment #6
Honolulu, Hawai'i, 96822

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

1000 ULUOHA STREET, SUITE 308, KAPOLEI, HAWAII 96707
TELEPHONE: (808) 768-3486 • FAX: (808) 768-3487 • WEBSITE: www.honolulu.gov

MUFI HANNEMANN
MAYOR



May 12, 2008

ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-048

Mr. Robert D. Harris
Sierra Club, O'ahu Group
P.O. Box 2577
Honolulu, Hawaii 96803

Dear Mr. Harris:

Subject: Environmental Impact Statement Preparation Notice (EISPN)
Waimanalo Gulch Sanitary Landfill Expansion

Thank you for your letter dated December 26, 2006, concerning the subject project. We acknowledge your request to be a consulted party to the EIS process for the proposed project. The following is in response to your comments (your comments have been italicized for reference):

1. *Alternative Analysis, Including Implementation of Waste Diversion Strategies. "This analysis should look [sic] a review of pursuing other alternative [sic], including the use of other sites and implementing comprehensive waste reduction and recycling strategies. An in-depth review of the strengths and weakness of the current contemplated site cannot be done without an extensive comparison of the alternative approaches."*

An alternatives analysis will be undertaken as part of the Draft EIS (DEIS) that will include other on-island waste reduction and recycling alternatives, as well as transshipment.

2. *Environmental Justice. "Any analysis should consider the connection between continued use of the landfill and the social issues of discrimination, poverty, and the general distribution of environmental risks. In a nutshell, is a particular community bearing a disproportionate burden of the island's pollution problem because of the government's failure to apply environmental laws, regulations, and policies in a fair manner across all segments of the population?"*

A discussion concerning environmental justice will be provided in the DEIS.

3. *Impacts on Surrounding Residential Areas, Including the Proposed Makaiwa Hills Development.* "Residents in surrounding areas have long complained about odors, plastic bag litter, and other nuisances and environmental hazards from Waimanalo Gulch Landfill. Future housing may be built in the immediate vicinity of the landfill, including the proposed Makaiwa Hills development of nearly 5000 units by Campbell Estate/Makaiwa Hills LLC. A detailed analysis of all anticipated and potential impacts of the Waimanalo Gulch Sanitary Landfill on this housing should be included in the DEIS and FEIS."

The DEIS will include a discussion of the potential for adverse effects to the proposed Makaiwa Hills development as a result of the proposed expansion of Waimanalo Gulch.

4. *Cumulative Impacts.* "Hawaii Administration Rules ("HAR") §11-200-2 defines cumulative impact as "the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency or person undertakes such other actions." HAR §11-200-17 requires that an EIS discuss "significant beneficial and adverse impacts (including cumulative impacts and secondary impacts)."

"Present and future volume of truck traffic, the levels of odor, gas emissions, fugitive dust and debris, and runoff from the existing land fill has affected the water, air and life quality of nearby residential and commercial properties, and the extent to which the proposed expansion of the landfill itself, will further affect these parameters."

"The relatively undisturbed forested Palehua and Hono'uli'uli areas surrounding the Waimanalo Gulch landfill are home to a number of rare and endangered plants, mollusks and birds. Sections of these land areas are recognized as critical habitat for what is may be the last remaining population of the O'ahu elepai'o. It is probable that the upper areas of the proposed project could also be a part of the habitat utilized by this bird species."

"Very thorough studies must be undertaken to determine the presence of any native and endemic animals and plants, both listed and non-listed, within the boundaries of the project and in areas immediately adjacent to it, particularly those mauka of the project that are contiguous with the Palehua and Hono'uli'uli land areas. Continuity between these land areas must be maintained to promote the survival and recovery of those native endemic biota. A plan for restoration of the native forest cover should be developed, particularly for the mauka areas of the project, and should extend into the adjacent parcels to join with the existing "natural" forest cover in the Hono'uli'uli forest reserve area."

The potential for the impacts you identify, including cumulative impacts, will be discussed as part of the DEIS. This will include a study of flora and fauna resources as part of the DEIS.

5. *Water Quality.* "The DEIS should include sufficient baseline data for meaningful analysis of the adverse impact of runoff and other anthropogenic inputs related to existing and proposed landfill activities. For instance, what are the current levels of inorganic nutrients and pesticides that enter the soils, ephemeral water sources, and subterranean aquifers from those existing developments, both mauka and makai of the landfill, and the affects of the proposed chemical pollutant load?"

"The EIS should include a report by a hydrologist discussing how water flows through the project area into local aquifers, ephemeral water sources and weather [sic] or not it cold [sic] impact nearshore ocean waters."

"Any water quality plan should spell out in detail any mitigation plan rather than leaving the term ambiguous."

"The EIS should include an edaphic study that fully discusses the highly permeable and fragile nature of the soils and the effectiveness of any leachete [sic] collection system at the project area."

"The EIS should include any calculations or models used to support any conclusion regarding runoff and drainage into local aquifers and erosion of soils from the project and onto adjacent parcels."

"A complete EIS will reveal the cumulative impact of all runoff and leaching on local aquifers, adjacent lands and coastal waters. This includes pesticides/ biocides (including the impact of the alternative biocides that are lower in toxicity), fertilizers, sedimentation, heavy metals, grease, and other urban runoff. The EIS should study the amount of nonpoint source water pollution associated with similar large sanitary landfill developments and discuss the degradation of aquifers, soils, air quality, and landscapes caused by similar projects. A complete EIS would not glibly assume that mitigation measures would take care of all nonpoint source water pollution problems."

"How much contaminated water (by nutrients, pesticides, or other contaminants) can be expected to leach through soil and make its way into local aquifers waters (i.e., not surface runoff, but percolation)? What specific studies of similar areas in West O'ahu does the EIS rely on to support its conclusions?"

Hydrogeological information prepared by a licensed geologist will be provided as part of the DEIS. This will include the nature and characteristics of groundwater at the site and how regional and site groundwater flow may potentially affect offshore ocean waters. Stormwater drainage and management controls will also be described.

6. *Scenic Impact.* "The EIS should use both of the two most useful methodologies of Visual Impact Analysis: 1) Given a structure at point "x," where will it be seen from; and 2) From point "y," what can you see of the development?"

The DEIS will address the potential for visual impacts from various points of reference toward the proposed project site.

7. *Past violations and Mitigation Measures.* "The operators of Waimanalo Gulch Sanitary Landfill was recently fined \$2.8 million for various environmental violations. Please discuss steps taken to remedy these violations and ensure that future violations do not occur. Please fully discuss how the public can be assured that any proposed mitigation measures will be performed and will be effective. Please describe the county and state government's monitoring and enforcement programs so that we can be assured that promises made will be kept. Are the staffing levels at the State Health Department's Solid Waste Branch, the City and County's Department of Environmental Services, and the City and County's Planning and Permitting Department sufficient to ensure that promises are kept? How often is the staff expected to visit the site? Please do not argue that it is beyond your ability to answer these questions. Please ask the departments themselves and indicate the response."

Mr. Robert D. Harris
May 12, 2008
Page 4

The Notice of Violation and Order (NVO) was issued by the State Department of Health (DOH) after the alleged violations had been self-reported. The great majority of the alleged violations had been addressed before the NVO was issued. On December 7, 2007, DOH, the City and Waste Management of Hawaii, Inc., agreed to a settlement which resolved the NVO. At that time, there was only a single remaining violation that had not been resolved--the exceedance of permitted grades. On February 20, 2008, DOH issued a grade modification approval which resolved the grade exceedance issue. Thus, all alleged violations in the NVO have been resolved.

The Environmental Protection Agency's (EPA) Notice of Violation (NOV) concerning the landfill's gas collection system is currently under discussion amongst the EPA, the City and Waste Management. Until those negotiations are concluded, there can be no final determination as to the validity of the alleged violations. The NOV will be discussed in the DEIS.

8. *"The applicant should identify all proposed mitigation measures in a consolidated list. These measures should be written in plain language that is easily enforceable when incorporated into a permit. It is unacceptable, for example, to list as a mitigation measure that "apply pesticides only when and where necessary" since such language is vague and subject to a multitude of interpretations."*

Potential impacts and proposed mitigation measures will be described in the DEIS in accordance with Chapter 343, Hawaii Revised Statutes (HRS). Mitigation measures will incorporate comments of appropriate licensed professionals and governmental agencies.

9. *Hawaii State Plan. "The EIS should mention and fully discuss many key provisions in the Hawaii State Plan: §226-6(b) To achieve the general economic objectives, it shall be the policy of this State to:*

(14) Promote and protect intangible resources in Hawaii, such as scenic beauty and the aloha spirit, which are vital to a healthy economy."

"§226-11 (b) To achieve the land-based, shoreline, and marine resources objectives, it shall be the policy of this State to:

(1) Exercise an overall conservation ethic in the use of Hawaii's natural resources.

(2) Ensure compatibility between land-based and water-based activities and natural resources and ecological systems."

"§226-12 (b) To achieve the scenic, natural beauty, and historic resources objective, it shall be the policy of this State to:

(1) Promote the preservation and restoration of significant natural and historic resources.

(3) Promote the preservation of views and vistas to enhance the visual and aesthetic enjoyment of mountains, ocean, scenic landscapes, and other natural features.

(4) Protect those special areas, structures, and elements that are an integral and functional part of Hawaii's ethnic and cultural heritage."

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"§226-104 (b) Priority guidelines for regional growth distribution and land resource utilization:

(13) Protect and enhance Hawaii's shoreline, open spaces, and scenic resources."

The above sections of the Hawaii State Plan have been forwarded to our consultant for appropriate action in the preparation of the DEIS.

Thank you for taking the time to share your comments and allowing us this opportunity to respond. Any further written comments may be directed to Ms. Wilma Namunnart of our office.

Sincerely,



Eric S. Takamura, Ph.D. P.E.
Director

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.



DEPARTMENT OF ENVIRONMENTAL SVCS

'06 DEC 27 P2-53

December 26, 2006

Dr. Eric Takamura
Director, Dept. of Environmental Services
City & County of Honolulu
1000 Uluohia Street, Suite 308
Kapolei, Hawaii 96707

Re: Waimanalo Gulch Landfill - Environmental Impact Statement Preparation Notice

Dr. Takamura:

Pursuant to your November 8, 2006 letter enclosing the Environmental Impact Statement Preparation Notice (EISPN), we provide the following comments:

Opening Comments:

- The EISPN fails to address the inadequacies of the 2002 FEIS, and the continued litigation concerning that document. We believe it is an important disclosure as the City moves into a new EIS process for a further expansion of the Waimanalo Gulch Landfill.
- As was part of the complaint against the 2002 FEIS, it appears from the EISPN that the planned process fails to adequately consider the social and economic impacts of the landfill. Clearly, those impacts are greatest at the areas directly surrounding the landfill, including Ko Olina Resort & Marina and the residents within the Resort. However, those impacts also extended to the communities of Kapolei, Houokai Hale, Makakilo and the Leeward Coast.
- The Draft and Final EIS must incorporate the City's Solid Waste Masterplan, which was supposed to be completed by the City in December 2006.
- The EISPN fails to address the Department of Health Notice of Violations, citing a multitude of violations with the operation of the Waimanalo Gulch Landfill. These violations include filling cells beyond the permitted heights and extreme leachate control violations, amounting to 21 feet of leachate being located within the Landfill when only 1 foot is allowable. Beyond the operational issues raised by these violations, the structural integrity of the landfill, based on these two violations alone, must be questioned and specifically and independently investigated. Clearly, the \$2.8 million fine demonstrates the extreme nature of these violations, and affects any and all future proposed operations of the Landfill, including its proposed expansion.



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December 26, 2006
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- The EISPN fails to address the EPA violation concerning the methane gas collection system.
- Given these violations and the concerns raised by them, the EIS must disclose the impacts that would be caused by the structural failure of the Waimanalo Gulch Landfill. Whether by structural deficiency or, as recently experienced, earthquake, because of the landfill's formation within a gulch at the sole entrance to the Leeward Coast, a failure of the landfill sliding across Farrington Highway would have a significant impact that must be disclosed and discussed.
- The EIS must address the well documented and continued escape of waste from the Landfill site. This includes an analysis of the fact that HECO had identified the area as one of the windiest locations on the island and how the proposed expansion to higher elevations will create greater problems for waste being blown off the landfill. These disclosures must also identify where this escaping trash is landing and its impact on the land and, more importantly the ocean. The escaping waste goes much further than the "valley rim" as implied by the EISPN.

Comments Concerning the Background Information Identified in the EISPN:

- The background section fails to identify the specific, sworn statements made by the City at the 2003 Planning Commission Meetings and State Land Use Commission meetings regarding the promised closure of Waimanalo Gulch Landfill, and which resulted in the specific language regarding the Landfill's closure in 2008 being included in both the Planning Commission and Land Use Commission Decision and Orders.
- In describing the process followed by the Mayor's Advisory Committee, the EISPN fails to recognize that the Committee agreed that the "double blind methodology" was to be advisory only to the group, and was not to be used as a means of "ranking" the potential sites. Furthermore, it is inaccurate to state that the results of the methodology caused "a division in the Committee" or a change in the decision making process. Finally, despite the language in Council Resolution 04-348, the EISPN should accurately reflect that the Office of Informational Practices did not rule that the Committee's report was "void due to violations of the sunshine law." OIP does not have the legal authority to void such action or report.



Dr. Eric Takamura
December 26, 2006
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- From the Council's actions in passing Council Resolution 04-348 and Bill 37 (2005), it is clear that the Council's position on the City's policy for its solid waste is to close Waimanalo Gulch Landfill.

Visual and Other Impacts of Waimanalo Gulch Landfill:

- There are many inaccuracies in Section 4.11 of the EISPN. They include the following:
 - A more complete disclosure of the visibility of the Landfill is required. Whether from Farrington Highway, at ground level, or elevated level, the visual impact is much more than a "gray-hued ash fill that resembles a quarry."
 - Vehicles driving on the hillside and higher elevation portions of the landfill can be seen from the ground and from driving along Farrington Highway. It is not only "From sea" that these impacts are visible.
 - Landfill operations vehicles *CAN* be visible – not "may be visible."
 - The queuing of vehicles, whether infrequent or not, *DO* make the presence of the landfill apparent – not "may" and this does not make the landfill "momentarily apparent." The continued visibility of trucks, machinery and flying waste make the landfill *continually apparent* to all who live in the area, visit the area, or drive through the area.
 - As mentioned above, waste being blown off the landfill consists of more than just plastic bags and end up in more places than just the valley rim. Significant amounts of this waste has blown into adjacent properties and into the ocean. Evidence of this has been presented to the City and to Waste Management in the past.
- The EISPN mentioned the hydromulching that has attempted to "landscape" the Landfill. However, it fails to address the less than adequate success of these efforts, and the visible canyons and rivulets created along the face of the landfill during heavy rains as the water erodes the dirt slope of the landfill.
- The EIS must disclose the fact that because of the operator's failure to handle leachate problems at the landfill, large amounts of leachate were pumped in trucks and taken to the Waianae Waste Water Treatment Plant. The amount of that leachate must be disclosed and its true impacts must be investigated. While it has been said that it was allowable, that answer is insufficient. The EIS must disclose how that leachate changed the water discharged from the Treatment Plant, directly into the ocean. This question was raised many times at the Waianae Neighborhood Board.



Dr. Eric Takamura
December 26, 2006
Page 4

Examination of Alternatives:

- The EISPN fails to address the significant changes that has occurred in the potential of shipping waste to other landfills since the last EIS. In examining this alternative, the EIS must acknowledge and identify the multitudes of other cities and municipalities throughout the country that truck or ship their waste to other cities and states. Furthermore, the EIS must examine the recent changes in the Federal Rules allowing for the shipping of waste specifically from Hawaii to the mainland.
- In examining alternatives for landfills, the EIS must recognize that ash and MSW landfills do not need to be located together. The impacts from these two types of waste are significantly different and given Honolulu's situation and history, the EIS must examine possible solutions where MSW and ash can be landfilled in different locations. This will increase the potential for possible locations for future landfill sites.

Overall, the EIS must encompass the multitude of comments – formal and informal – that have been received by the City and Waste Management over the last nearly six years, since the City started the attempts to expand the operations at Waimanalo Gulch Landfill. The operational problems at the Landfill, including those cited by the Department of Health in its Notice of Violation, must be directly addressed, as those have shown a clear failure of operations and proved that the concerns and complaints over the last six years were well founded.

All of our members will continue to be directly impacted by the plans and actions concerning Waimanalo Gulch Landfill, and we will continue to be an interested and consulted party throughout this process.

Thank you for the opportunity to provide these comments to you.

Very truly yours,

Ken Williams
Vice President - Resort Operations
Ko Olina Community Association

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

1000 ULUOHA STREET, SUITE 308, KAPOLEI, HAWAII 96707
TELEPHONE: (808) 768-3486 • FAX: (808) 768-3487 • WEBSITE: www.honolulu.gov

MUFI HANNEMANN
MAYOR



May 12, 2008

ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-051

Mr. Ken Williams
Vice President - Resort Operations
Ko Olina Community Association
Ko Olina Resort and Marina
92-1480 Aliinui Drive
Kapolei, Hawaii 96707

Dear Mr. Williams:

Subject: Environmental Impact Statement Preparation Notice (EISPN)
Waimanalo Gulch Sanitary Landfill Expansion

Thank you for your letter dated December 26, 2006 concerning the subject project. The following is in response to your comments (your comments have been italicized for reference):

Opening Comments

1. *"The EISPN fails to address the inadequacies of the 2002 FEIS, and the continued litigation concerning that document. We believe it is an important disclosure as the City moves into a new EIS process for a further expansion of the Waimanalo Gulch Landfill."*

"As was part of the complaint against the 2002 FEIS, it appears from the EISPN that the planned process fails to adequately consider the social and economic impacts of the landfill. Clearly, those impacts are greatest at the areas directly surrounding the landfill, including Ko Olina Resort & Marina and the residents within the Resort. However, those impacts also extended to the communities of Kapolei, Honokai Hale, Makakilo and the Leeward Coast."

As you note, the 2002 Final Supplemental Environmental Impact Statement is currently the subject of litigation. Although neither the City nor Waste Management of Hawaii may therefore discuss the specific matters at issue in the lawsuit for legal reasons, it is important to note that Section 1 of the EISPN contains important information that establishes why the City must act at this time to provide a solid waste refuse facility for use by all the communities of Oahu.

Concerning the information provided in the EISPN, according the Office of Environmental Quality Control (OEQC), "The EISPN does not give full detail of the proposal but defines the scope of analysis that will be covered in the subsequent environmental impact statement." ([A Guidebook for the Hawaii State Environmental Review Process, June 2004](#)). In this regard the EISPN is not intended to itself serve as the full disclosure document as required by Chapter 343,

Mr. Ken Williams
May 12, 2008
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Hawaii Revised Statutes (HRS). Accordingly, a detailed description and discussion of socioeconomic characteristics and the potential for impacts will be addressed in the Draft EIS (DEIS).

2. *"The Draft and Final EIS must incorporate the City's Solid Waste Masterplan, which was supposed to be completed by the City in December 2006."*

The last Solid Waste Integrated Management (SWIM) Plan was completed by the City in 2004. As much as possible the preparation of the subject DEIS is being coordinated with the SWIM Plan. However, the plan is currently under draft and will be coordinated with the DOH and other appropriate parties for approval. We are hopeful that with the increased attention and importance that solid waste is receiving, that the SWIM Plan will encourage discussion by the City Council and all the communities of Oahu.

3. *"The EISPN fails to address the Department of Health Notice of Violations, citing a multitude of violations with the operation of the Waimanalo Gulch Landfill. These violations include filling cells beyond the permitted heights and extreme control violations, amounting to 21 feet of being located within the Landfill when only 1 foot is allowable. Beyond the operational issues raised by these violations, the structural integrity of the landfill, based on these two violations alone, must be questioned and specifically and independently investigated. Clearly, the \$2.8 million fine demonstrates the extreme nature of these violations, and affects any and all future proposed operations of the Landfill, including its proposed expansion."*

"The EISPN fails to address the EPA violation concerning the methane gas collection system."

The Notice of Violation and Order (NVO) was issued by the State Department of Health (DOH) after the alleged violations had been self-reported. The great majority of the alleged violations had been addressed before the NVO was issued. On December 7, 2007, DOH, the City and Waste Management of Hawaii, Inc., agreed to a settlement which resolved the NVO. At that time, there was only a single remaining violation that had not been resolved--the exceedance of permitted grades. On February 20, 2008, DOH issued a grade modification approval which resolved the grade exceedance issue. Thus, all alleged violations in the NVO have been resolved. The NVO, settlement and grade modification will be discussed in the DEIS.

The Environmental Protection Agency's (EPA) Notice of Violation (NOV) concerning the landfill's gas collection system is currently under discussion amongst the EPA, the City and Waste Management. Until those negotiations are concluded, there can be no final determination as to the validity of the alleged violations. The NOV will be discussed in the DEIS.

4. *"Given these violations and the concerns raised by them, the EIS must disclose the impacts that would be caused by the structural failure of the Waimanalo Gulch Landfill. Whether by structural deficiency or, as recently experienced, earthquake, because of the landfill's formation within a gulch at the sole entrance to the Leeward Coast, a failure of the landfill sliding across Farrington Highway would have a significant impact that must be disclosed and discussed."*

A discussion of the stability of the landfill in relation to the potential for failure by natural disasters will be provided in the DEIS. This will include a discussion of the standards under which the landfill is designed to ensure against structural deficiency. Concerning the structural integrity of the existing site please refer to Section 4.5.2. Seismic Characteristics, of the EISPN, describing the effects of the recent earthquake. No failure or damage to the landfill and supporting infrastructure occurred as a result of the October 15, 2006, magnitude 6.7 earthquake off the island of Hawaii.

5. *"The EIS must address the well documented and continued escape of waste from the Landfill site. This includes an analysis of the fact that HECO had identified the area as one of the windiest locations on the island and how the proposed expansion to higher elevations will create greater problems for waste being blown off the landfill. These disclosures must also identify where this escaping trash is landing and its impact on the land and, more importantly the ocean. The escaping waste goes much further than the "valley rim" as implied by the EISPN."*

Discussion of litter management at the site will be provided in the DEIS including measures that will be implemented to mitigate against adverse impacts, such as those of concern to you.

Comments Concerning the Background Information Identified in the EISPN

6. *"The background section fails to identify the specific, sworn statements made by the City at the 2003 Planning Commission Meetings and State Land Use Commission meetings regarding the promised closure of Waimanalo Gulch Landfill, and which resulted in the specific language regarding the Landfill's closure in 2008 being included in both the Planning Commission and Land Use Commission Decision and Orders."*

The City acknowledges that prior commitments were made by the previous administration to close Waimānalo Gulch by 2008. This is the basis for the inclusion of the information contained in the EISPN.

7. *"In describing the process followed by the Mayor's Advisory Committee. The EISPN fails to recognize that the Committee agreed that the "double blind methodology" was to be advisory only to the group, and was not to be used as a means of "ranking" the potential sites. Furthermore, it is inaccurate to state that the results of the methodology caused "a division in the Committee" or a change in the decision making process. Finally, despite the language in Council Resolution 04-348, the EISPN should accurately reflect that the Office of Informational Practices did not rule that the Committee's report was "void due to violations of the sunshine law." OIP does not have the legal authority to void such action or report."*

"From the Council's actions in passing Council Resolution 04-348 and Bill 37 (2005), it is clear that the Council's position on the City's policy for its solid waste is to close Waimanalo Gulch Landfill."

The City acknowledges your comments. The final decision making by the Mayor's Advisory Committee was within the purview of its individual members to consider, reject, or ignore the results of the double blind process as it considered the optimal site for a landfill. As was noted in the Report of the Mayor's Advisory Committee (Blue Ribbon Committee) on Landfill Site Selection, December 1, 2003, four of the members of the Committee resigned prior to the taking of a vote to move from consensus decision making to voting. The reasons for the resignations are clearly stated in the Report, as is the results of the voting that led to the removal of the Waimānalo Gulch landfill site.

We acknowledge that information concerning the results of Resolution 04-038 and Bill 37 are documented in the EISPN.

Visual and Other Impacts of Waimanalo Gulch Landfill

8. *"There are many inaccuracies in Section 4.11 of the EISPN. They include the following:*
- o *A more complete disclosure of the visibility of the Landfill is required. Whether from Farrington Highway, at ground level, or elevated level, the visual impact is much more than a "gray-hued ash fill that resembles a quarry."*
 - o *Vehicles driving on the hillside and higher elevation portions of the landfill can be seen from the ground and from driving along Farrington Highway. It is not only "From sea" that these impacts are visible.*
 - o *Landfill operations vehicles **CAN** be visible - not "may be visible."*
 - o *The queuing of vehicles, whether infrequent or not, **DO** make the presence of the landfill apparent - not "may" and this does not make the landfill "momentarily apparent." The continued visibility of trucks. Machinery and flying waste make the landfill **continually apparent** to all who live in the area, visit the area, or drive through the area.*
 - o *As mentioned above, waste being blown off the landfill consists of more than just plastic bags and end up in more places than just the valley rim. Significant amounts of this waste has blown into adjacent properties and into the ocean. Evidence of this has been presented to the City and to Waste Management in the past."*

The concerns you indicate will be addressed in the DEIS as appropriate.

9. *"The EISPN mentioned the hydromulching that has attempted to "landscape" the Landfill. However, it fails to address the less than adequate success of these efforts, and the visible canyons and rivulets created along the face of the landfill during heavy rains as the water erodes the dirt slope of the landfill."*

Landscaping that is proposed for the project will be described in the DEIS. Stormwater management controls in compliance with applicable regulations will also be described.

Mr. Ken Williams
May 12, 2008
Page 5

10. *"The EIS must disclose the fact that because of the operator's failure to handle leachate problems at the landfill, large amounts of leachate were pumped in trucks and taken to the Waianae Waste Water Treatment Plant. The amount of that leachate must be disclosed and its true impacts must be investigated. While it has been said that it was allowable, that answer is insufficient. The EIS must disclose how that leachate changed the water discharged from the Treatment Plant, directly into the ocean. This question was raised many times at the Waianae Neighborhood Board."*

The leachate that is accepted by the operator of the Waianae Wastewater Treatment Plant was, and continues to be, in accordance with regulatory requirements to ensure public health and safety. Leachate management and monitoring will be part of the Solid Waste Operating Permit application. As noted in a memorandum to ENV from the operators of the Waianae Wastewater Treatment Plant, the leachate accepted by the plant for processing has had very little or no impact on the wastewater effluent quality that is being discharged to the ocean outfall (see attached memorandum dated October 2, 2007).

Examination of Alternatives

11. *"The EISPN fails to address the significant changes that has occurred in the potential of shipping waste to other landfills since the last EIS. In examining this alternative, the EIS must acknowledge and identify the multitudes of other cities and municipalities throughout the country that truck or ship their waste to other cities and states. Furthermore, the EIS must examine the recent changes in the Federal Rules allowing for the shipping of waste specifically from Hawaii to the mainland."*

The DEIS will provide an alternatives analysis that includes the transshipment of waste as an alternative to the continued use of the landfill.

12. *"In examining alternatives for landfills, the EIS must recognize that ash and MSW landfills do not need to be located together. The impacts from these two types of waste are significantly different and given Honolulu's situation and history, the EIS must examine possible solutions where MSW and ash can be landfilled in different locations. This will increase the potential for possible locations for future landfill sites."*

The alternative of using more than one landfill site will be discussed as part of the DEIS.

12. *"Overall, the EIS must encompass the multitude of comments - formal and informal - that have been received by the City and Waste Management over the last nearly six years, since the City started the attempts to expand the operations at Waimanalo Gulch Landfill. The operational problems at the Landfill, including those cited by the Department of Health in its Notice of Violation, must be directly addressed, as those have shown a clear failure of operations and proved that the concerns and complaints over the last six years were well founded."*

As noted above, the matter of the NVO has been resolved and will be discussed in the DEIS. The comments that were received for the EISPN will be addressed in the DEIS in accordance with applicable requirements.

Mr. Ken Williams
May 12, 2008
Page 6

We appreciate this opportunity to respond to your comments. Any further written comments may be directed to Ms. Wilma Namumnart of our office.

Sincerely,



Eric S. Takamura, Ph.D., P.E.
Director

Attachment

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU
DIVISION OF ENVIRONMENTAL QUALITY
1000 ULUOHA STREET, SUITE 303 • KAPOLEI, HAWAII 96707
FAX: (808) 768-3289 • Website: <http://www.honolulu.gov/erw/>

MUFI HANNEMANN
Mayor



October 2, 2007


ERIC S. TAKAMURA, Ph.D., P.E.
Director

ATHAN K. ADACHI
Chief

EMC 07-204

MEMORANDUM

TO: FRANK J. DOYLE, CHIEF
REFUSE DIVISION

FROM: 
ATHAN K. ADACHI, CHIEF
DIVISION OF ENVIRONMENTAL QUALITY

SUBJECT: WAIMANALO GULCH LANDFILL LEACHATE DISCHARGE
TO THE WAIANAE WASTEWATER TREATMENT PLANT FACILITY

Current leachate discharge to the Waianae WWTP has been minimal, approximately 16,000 gallons per day, once a week. The plant treats on average approximately 3,250,000 gallons per day of domestic raw wastewater. Our monitoring data shows that the leachate has not changed the water quality near the outfall and the sampling at the outfall shows all are in compliance with State Department of Health regulation. The plant has continuously met minimum State and Federal water quality requirements. Overall, the additional loading of leachate had very little or no impact on the wastewater effluent quality being discharge to the ocean outfall.

Should you have any questions on this matter, please contact Jerome Ababa of our Monitoring and Compliance Branch, Division of Environmental Quality at 768-3255.

12/26/2006 11:15 8086252175

ENVIRONWATCH INC

PAGE 01

101



EnviroWatch, Inc.
www.EnviroWatch.org

PO Box 86-3062, Mililani, HI 96789

am@envirowatch.org
ph/c: 808-625-2176

December 26, 2006

Ms. Wilma Namunart
Department of Environmental Services
1000 Uluoia St. Ste. 308
Kapolei, HI 96707

Testimony in opposition to the planned expansion of the
Waimanalo Gulch Sanitary Landfill, TMK 9-2-03

On behalf of EnviroWatch, Inc. a non profit organization based in Mililani Hawaii, I wish to express our strong opposition to the planned expansion of the Waimanalo Gulch Sanitary Landfill, TMK 9-2-03. This opposition is based a number of concerns related to earlier management practices and the overall operation of the Waimanalo Gulch Sanitary Landfill, which has resulted in an issuance of Notice and Finding of Violation Docket NO. 05-SHW-SWS-004 consisting of eighteen counts and two hundred and twelve documented incidences supporting the Notice and Finding of Violation.

We are also believe that the City and County of Honolulu's Department of Environmental Services continues to permit the operation of the Waimanalo Gulch Sanitary Landfill in breach of the original contract between the contractor, Waste Management of Hawaii, and the City and County of Honolulu, which is corroborated by the eighteen counts and two hundred and twelve documented incidences supporting the Notice and Finding of Violation. And, we are concerned that the current facility's permit and permit application is inadequate and does not address the concerns of regarding the Surface Water Management System Design and Final Cover Design.

The City and County of Honolulu has failed to meet all of the conditions required by the Land Use Commission. We do not have a curbside recycling program. We are failing to divert a large portion of the municipal and solid waste from the Waimanalo Gulch Sanitary Landfill. This is confirmed in the City and County of Honolulu's routine practice of closing the H-Power Plant in excess of one hundred days per year and diverting the municipal and solid waste to the Waimanalo Gulch Sanitary Landfill.

Finally, we are concerned that the City and County of Honolulu has failed to utilize alternative methods of managing Municipal Solid Waste.

Sincerely,



Carroll E. Cox

06 DEC 26 P1 48

DEPARTMENT OF
ENVIRONMENTAL SVCS

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: www.honolulu.gov

MUFI HANNEMANN
MAYOR



May 12, 2008

ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-050

Mr. Carroll E. Cox
EnviroWatch, Inc.
P.O. Box 89-3062
Mililani, Hawaii 96789

Dear Mr. Cox:

Subject: Environmental Impact Statement Preparation Notice (EISPN)
Waimanalo Gulch Sanitary Landfill Expansion

Thank you for your letter dated December 26, 2006 concerning the subject project. We have prepared the following in response to your comments (your comments have been italicized for reference):

1. *"I wish to express our strong opposition to the planned expansion of the Waimanalo Gulch Sanitary Landfill, TMK 9-2-03. This opposition is based a [sic] number of concerns related to earlier management practices and the overall operation of the Waimanalo Gulch Sanitary Landfill, which has resulted in an Issuance of Notice and Finding of Violation Docket NO. 05-SHW-SWS-004 consisting of eighteen counts and two hundred and twelve documented incidences supporting the Notice and Finding of Violation."*

The Notice of Violation and Order (NVO) was issued by the State Department of Health (DOH) after the alleged violations had been self-reported. The great majority of the alleged violations had been addressed before the NVO was issued. On December 7, 2007, DOH, the City and Waste Management of Hawaii, Inc., agreed to a settlement which resolved the NVO. At that time, there was only a single remaining violation that had not been resolved--the exceedance of permitted grades. On February 20, 2008, DOH issued a grade modification approval which resolved the grade exceedance issue. Thus, all alleged violations in the NVO have been resolved.

The Environmental Protection Agency's (EPA) Notice of Violation (NOV) concerning the landfill's gas collection system is currently under discussion amongst the EPA, the City and Waste Management. Until those negotiations are concluded, there can be no final determination as to the validity of the alleged violations. The NOV will be discussed in the DEIS.

Mr. Carroll E. Cox
May 12, 2008
Page 2

2. *"We are [sic] also believe that the City and County of Honolulu's Department of Environmental Services continues to permit the operation of the Waimanalo Gulch Sanitary Landfill in breach of the original contract between the contractor, Waste Management of Hawaii, and the City and County of Honolulu, which is corroborated by the eighteen counts and two hundred and twelve documented incidences supporting the Notice and Finding of Violation. And, we are concerned that the current facility's permit and permit application is inadequate and does not address the concerns of [sic] regarding the Surface Water Management System Design and Final Cover Design."*

The contract between the City and Waste Management of Hawaii is a public document. The City has monitored the performance of Waste Management under this contract and has taken appropriate action to protect the public interest. As noted above, all alleged violations in the NVO have been resolved.

The management of stormwater, surface water runoff, and the use of final cover for the proposed project will be described in the DEIS.

3. *"The City and County of Honolulu has failed to meet all of the conditions required by the Land Use Commission. We do not have a curbside recycling program. We are failing to divert a large portion of the municipal and solid waste from the Waimanalo Gulch Sanitary Landfill. This is confirmed in the City and County of Honolulu's routine practice of closing the H-Power Plant in excess of one hundred days per year and diverting the municipal and solid waste to the Waimanalo Gulch Sanitary Landfill."*

"Finally, we are concerned that the City and County of Honolulu has failed to utilize alternative methods of managing Municipal Solid Waste."

The City has an on-going green waste curbside recycling program and sought public input for a curbside mixed recycling program that is now ongoing. The City has actively sought to increase the use of alternative technologies to reduce dependency on landfilling. In 2007 the City released a request for proposals (RFP) to investigate technology based alternatives, and in early 2008 related a request for proposals for waste transshipment. A discussion of these items as well as efforts taken by the City since 2002 will be provided in the DEIS.

Concerning the State Land Use Commission and the status of the existing State Special Use Permit, an amendment to this permit will be required to allow for the proposed project. Further discussion of this matter will also be provided in the DEIS.

We appreciate this opportunity to respond to your comments. Any further written comments may be directed to Ms. Wilma Namumnart of our office.

Sincerely,

Handwritten signature of Eric S. Takamura in black ink.

Eric S. Takamura, Ph.D., P.E.
Director

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.

Robert H Kaialau III
565 Kaka'e Street, Suite D7 • Honolulu, HI 96817
(808) 306-9787 • robert@hawaiihs.com

26 December 2006

Ms. Wilma Namumnat
Dept of Environmental Services
1000 Uluohia St., Ste. 308
Kapolei, HI 96707
wnamumnat@honolulu.gov

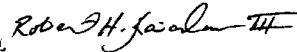
RE: Concerns and comments in response to the City and County of Honolulu – Department of Environmental Services WAIMANALO GULCH (TMK (1) 9-2-03) SANITARY LANDFILL EXPANSION Environmental Impact Statement Preparation Notice dated November 2006

Dear Ms. Namumnat:

Thank you for this opportunity to provide testimony regarding the recently published Prep Notice.

Attached please find my detailed, written comments and concerns regarding the aforementioned subject matter.

Respectfully submitted,



Robert H Kaialau III

- C: Mr. Henry Eng, AICP
Director, Department of Planning and Permitting
City and County of Honolulu
650 S. King Street, 7th Floor
Honolulu, HI 96813
heng@honolulu.gov
- Mr. Brian Takeda
R.M. Towill Corporation
420 Waiakamilo Rd., Ste. 411,
Honolulu, HI 96817
rmtowill@rmtowill.com
- Office of Environmental Quality Control
Leiopapa A Kamehameha
235 South Beretania St., Suite 702
Honolulu, HI 96813
OEQC@doh.hawaii.gov

As I have previously testified, I remain opposed to the proposed expansion of the Waimanalo Gulch Sanitary Landfill (TMK s: (1) 9-2-003:072 and 073) - owned by the City and County of Honolulu and operated by Waste Management of Hawaii, Inc.

After reviewing, the preparation notice document and attending the public scoping meetings the following are my comments and concerns regarding the proposed expansion.

The validity of the following mandates for closure is as pertinent today as when they were issued:

- The State of Hawaii Special Use Permit calls for the closure of the landfill by May 1, 2008 barring the facility from accepting municipal waste (excluding H-Power ash, residue and unacceptable waste.
- The planned completion and final closure of the last cell is projected for the end of 5 years from the start of use of the last 14.9-acre expansion area on December 24, 2002.
- Summary report and Council Resolution 04-348, CD1, FD1 mandated that the City and County of Honolulu " . . . devote all available resources to ensuring the maximum use of recycling and the development of alternative technologies for disposal of municipal solid waste with the intention to effectively eliminate, to the extent possible, the need for a landfill by 2008;"
- Council Bill 37 (2005), CD2 states "After May 1, 2008, it is in the best interests of the city to comply with the state land use commission's special use permit granted to the city, the terms and conditions of which require that no additional waste be deposited at the facility and that the facility be closed in accordance with an approved closure plan."

Section 5 of the Bill further directed the City to submit to the Council by December 31, 2006, its plan to comply with the ordinance, noted that at a minimum, the City administration shall include in the plan the strategies for, and costs of compliance.

Any action to further expand the existing Waimanalo Gulch Sanitary Landfill satisfies the description in the Hawaii Administrative Rules, Title 11, Chapter 200 §11-200-12 – *Significance Criteria* as " . . . an action . . . determined to have a significant effect on the environment . . ." Approval of a permit to expand the current Waimanalo Gulch Sanitary Landfill will allow the following adverse environmental acts to occur:

1. Involve an irrevocable commitment to loss or destruction of any natural or cultural resource
2. Conflict with the State's long-term environmental policies or goals and guidelines as expressed in chapter 344, HRS
3. Substantially affect public health
4. Involve substantial degradation of environmental quality

The pending expansion permit application is in direct contradiction to all commitments made to date of the City's intent to systematically reduce and eventually cease operation of the existing Waimanalo Gulch Sanitary Landfill.

While I have many concerns, in the interest of brevity I will detail a few.

Ground water

Of the 18 counts of violation identified in the Department of Health - Notice and Finding of Violation dated January 31, 2006 (Docket No. 05-SHW-SWS-004); five¹ violations related directly to excess leachate² levels, and the operators failure to measure and report as required by the existing permit.

Adverse effects on groundwater³ and aquifers⁴ are widely documented, not to mention the direct contamination witnessed on Farrington Highway fronting the landfill site caused by runoff resulting from over saturation during heavy rains (as experienced during March 2006).

Air Quality - including incidences of litter, dust and odors

The existing Solid Waste Management Permit Number LF-0054-02 requires the current facility operator to provide a written plan and relative record keeping documenting the actions taken to minimize free litter through out the landfill facility as well as preventing the occurrence of litter, dust and odors beyond the facility's property line.

The failure of the facility operator to insure these mandates are met is well documented by the Department of Health inspectors as well the public. Citation of these violations can also be found in the Jan 2006 Notice and Finding document.

Traffic hazards

Large trucks and loose debris from the facility are an on-going problem. As mentioned above, litter that makes it way beyond the facility's property line attach to automobile windshields and antennas often-endangering drivers.

Daily, large trucks exiting the facility speed across the two westbound lanes of traffic in an effort to beat on-coming traffic as they make their way to the east bound lanes headed toward Honolulu often creating near miss traffic accidents.

¹ Count V - pg. 12; Count VI - pg. 14; Count VII - pg. 15; Count IX - pg. 17; Count XV - pg. 25

² Leachate: a solution resulting from the emptying, draining, or of soluble components from soil, landfill, etc., by downward percolating ground water. *Leachates in the town's water supply have been traced to a chemical-waste dump.* leachate. (n.d.). *Dictionary.com Unabridged (v 7.1).*

³ Groundwater comes from rain and snowmelt that seeps into the ground. Gravity pulls the water down through the spaces between particles of soil or through cracks in rocks. Eventually the water reaches a depth where all openings in soil or rock are filled with water. This is called the saturated zone. The water in the saturate zone is called groundwater.

⁴ A saturated soil or rock layer with spaces that allow water to move through it is called an aquifer. Aquifers may be separate by layers of rock or clay that do not allow water to move through it.

Trucks, waiting to enter the landfill facility are often forced to line-up along the westbound shoulder of Farrington Highway are documented regularly. While waiting to enter the facility, these trucks often leak and seep sludge and other toxic, odorous liquid.

Assertion that a "NO ACTION" alternative would result in adverse island wide impacts

The City and County of Honolulu's administration; both the Mayor's office and the Department of Environmental Services continue to operate in direct contradiction to every written plan - accepted and proposed mandating that the existing landfill facility located at Waimanalo Gulch on the Leeward Coast of Oahu be closed. Postponing the solicitation and selection of alternative waste processing technologies, refusal to consider transshipment of waste off-island and the failure to complete the long over-due Solid Waste Integrated Management Plan are the short list of examples. In turn, the City and County has done little to identify and expedite the selection and implementation of any number of available alternative waste processing technologies. Resting on the notion that there is expansion potential for the current site - the City and County continues the use of land filling to meet Oahu's Refuse Disposal Requirements.

In conclusion, The General Plan⁵ for the City and County of Honolulu, "(the plan) is a comprehensive statement of objectives and policies which sets forth the long-range aspirations of Oahu's residents and the strategies of actions to achieve them." The plan further sets forth the following policy statement found in Chapter 5: Transportation and Utilities, Objective B (five of seven policy statements relate to solid-waste management):

To meet the needs of the people of Oahu for an adequate supply of water and for environmentally sound systems of waste disposal.

Policy 3: Encourage the development of new technology which will reduce the cost of providing water and the cost of waste disposal.

Policy 4: Encourage a lowering of the per-capita consumption of water and the per-capita production of waste.

Policy 5: Provide safe, efficient, and environmentally sensitive waste-collection and waste-disposal services.

Policy 6: Support programs to recover resources from solid-waste and recycle wastewater.

Policy 7: Require the safe disposal of hazardous waste.

As documented in the preparation notice, when the Waimanalo Gulch Sanitary Landfill was designated in 1989, "there was limited to growth in the Ewa region."

Today, almost 20 years later, the City of Kapolei and the surrounding region known as the Ewa Plain are the most rapidly growing areas on the Island of Oahu. This region is where both city and state officials are directing the majority of future growth on the Island of Oahu,

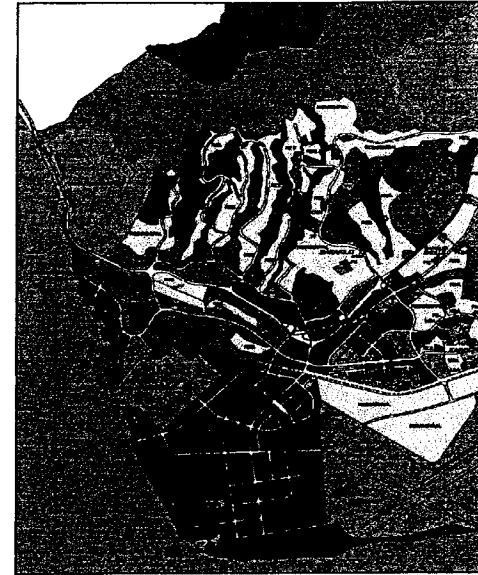
⁵ This revised 1992 edition of the General Plan reinforces this planning concept. It supersedes all previous editions and includes all changes, which were adopted through the end of 1991. It is the focal point of a comprehensive planning process that addresses physical, social, economic and environmental concerns affecting the City and County of Honolulu. This planning process serves as the coordinative means by which the City and County government provides for the future growth of the metropolitan area of Honolulu. Since the adoption of the General plan in 1977, a number of amendments were subsequently adopted in 1979, 1982, 1985, 1987, 1989, 1990, 1991, 1992, and 2002. However, in spite of these changes, the basic themes and directions for growth remain valid, and require continued pursuit.

planned City of Kapolei a resounding success. With no less than 20 major residential communities built, planned or under construction at this time and homes selling as fast as they can be built, Kapolei has truly come of age.

Businesses and services needed to support the rapidly growing community have been moving to the area in unmatched numbers. Recent additions have included nationally known businesses such as The Home Depot, Gannett's \$85.0 million dollar newspaper plant, K-Mart, Consolidated Theaters, Ace Hardware, Starbucks, Jamba Juice, Burger King, Wendy's, Jack in the Box, Chili's, McDonald's, KFC, Safeway, Longs Drugs, Blockbuster Video, Payless Shoesource and many more. Over 425 local, regional and national businesses have chosen to make the City of Kapolei their home.

Therefore, based on the blatant and egregious counts identified in the Notice of Violations issued against the City's current landfill operator and the administration's failure to both oversee and monitor their own contractor. Moreover, because of the administration's indurate response to the Honolulu City Council's request that the SWIM plan be completed in a timely manner; it is incumbent on all permit granting agencies to be influenced by the subsequent Environmental Impact Statement and related State Special Use Permit (SUP) Amendment application to deny any further expansion of the existing Waimanalo Gulch Sanitary Landfill facility.

Hawaii's most populous island.



The City of Kapolei was designed as a complete master planned community with the intentions of becoming a major urban center rivaling Downtown Honolulu, providing a place to live, work, shop and enjoy recreational activities, eliminating the need to travel into the densely populated Downtown Honolulu or Waikiki areas.

Complimenting Campbell Estates' efforts is the rapid growth of the adjacent Ko Olina master planned resort area, which provides world-class resort accommodations. Championship golf and spa facilities, hotel and timeshare lodging, a yacht harbor and yacht club, beach clubs and residential resort developments are springing up at unprecedented rates. Not only has the area gained credibility from the international hospitality community, but the area has also become a favored destination by Oahu's residents as a quick get-a-way from the hustle and bustle of Downtown Honolulu.

Kapolei is strategically situated at the intersection of technologies in the Pacific. Globally connected by both fiber-optic cabling and satellite transmissions, Kapolei is well positioned to take forward-thinking businesses into the information age.

Over the past 20 years, Campbell Estates' vision has become a reality and the master

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: www.honolulu.gov

MUFI HANNEMANN
MAYOR



May 12, 2008

ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-049

Mr. Robert H. Kaialau, III
565 Kokea Street, Suite D7
Honolulu, Hawaii 96817

Dear Mr. Kaialau:

Subject: Environmental Impact Statement Preparation Notice (EISPN)
Waimanalo Gulch Sanitary Landfill Expansion

Thank you for your letter dated December 26, 2006 concerning the subject project. The following is in response to your comments (your comments have been italicized for reference):

1. *"The validity of the following mandates for closure is as pertinent today as when they were issued:*
 - *The State of Hawaii Special Use Permit calls for the closure of the landfill by May 1, 2008 barring the facility from accepting municipal waste (excluding H-Power ash, residue and unacceptable waste.*
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 - *Summary report and Council Resolution 04-348, CD1, FDI mandated that the City and County of Honolulu "... devote all available resources to ensuring the maximum use of recycling and the development of alternative technologies for disposal of municipal solid waste with the intention to effectively eliminate, to the extent possible, the need for a landfill by 2008";*
 - *Council Bill 37 (2005), CD2 states "After May 1, 2008, it is in the best interests of the city to comply with the state land use commission's special use permit granted to the city, the terms and conditions of which require that no additional waste be deposited at the facility and that the facility be closed in accordance with an approved closure plan."*

"Section 5 of the Bill further directed the City to submit to the Council by December 31, 2006, its plan to comply with the ordinance, noted that at a minimum, the City administration shall include in the plan the strategies for, and costs of compliance."

The following clarification is provided concerning Resolution 04-348, CD1, FD1, and Bill 37 (2005). Resolution 04-348 called for the selection of Waimanalo Gulch as the City's landfill. The reasons for this selection were provided in the EISPN, Section 1.2.2. Council Resolution 04-348, CD1, FD1, Selecting a Site for a New City Landfill.

Mr. Robert H. Kaialau, III
May 12, 2008
Page 2

Bill 37 was vetoed by the Mayor and did not become law. Please refer to the EISPN, Section 1.2.3.

2. *"Any action to further expand the existing Waimanalo Gulch Sanitary Landfill satisfies the description in the Hawaii Administrative Rules, Title 11, Chapter 200 §11-200-12 - Significance Criteria as "... an action ... determined to have a significant effect on the environment ..."* Approval of a permit to expand the current Waimanalo Gulch Sanitary Landfill will allow the following adverse environmental acts to occur:
 1. *Involve an irrevocable commitment to loss or destruction of any natural or cultural resource*
 2. *Conflict with the State's long-term environmental policies or goals and guidelines as expressed in chapter 344, HRS*
 3. *Substantially affect public health*
 4. *Involve substantial degradation of environmental quality"*

Your comments regarding regulatory requirements are noted. The potential impacts associated with the lateral expansion of the landfill footprint will be provided in the Draft EIS (DEIS).

3. *"The pending expansion permit application is in direct contradiction to all commitments made to date of the City's intent to systematically reduce and eventually cease operation of the existing Waimanalo Gulch Sanitary Landfill."*

The DEIS will include discussion of the prior City administration's statements regarding the closing of the landfill within the five-year or 2008 timeframe, as documented in the 2003 State Special Use Permit. The DEIS will provide the history of governmental actions since those earlier statements up to the current DEIS.

4. *"Ground water"*
"Of the 18 counts of violation identified in the Department of Health - Notice and Finding of Violation dated January 31, 2006 (Docket No, 05-SHW-SWS-004); five¹ violations related directly to excess leachate² levels, and the operators failure to measure and report as required by the existing permit."
"Adverse effects on groundwater³ and aquifers⁴ are widely documented, not to mention the direct contamination witnessed on Farrington Highway fronting the landfill site caused by runoff resulting from over saturation during heavy rains (as experienced during March 2006)."

Footnotes:

¹Count V - pg. 12; Count VI - pg. 14; Count VII - pg. 15; Count IX - pg. 17; Count XV - pg. 25

²Leachate: a solution resulting from the emptying; draining, as of soluble components from soil, landfill, etc., by downward percolating ground water: Leachates in the town's water supply have been traced to a chemical-waste dump. leachate, (n.d.). Dictionary.com Unabridged (v1.1).

³*Groundwater comes from rain and snowmelt that seeps into the ground. Gravity pulls the water down through the spaces between particles of soil or through cracks in rocks. Eventually the water reaches a depth where all openings in soil or rock are filled with water. This is called the saturated zone. The water in the saturate zone is called groundwater.*

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The Environmental Protection Agency's (EPA) Notice of Violation (NOV) concerning the landfill's gas collection system is currently under discussion amongst the EPA, the City and Waste Management. Until those negotiations are concluded, there can be no final determination as to the validity of the alleged violations. The NOV will be discussed in the DEIS.

5. *"Air Quality - including incidences of litter, dust and odors"*
"The existing Solid Waste Management Permit Number LF-0054-02 requires the current facility operator to provide a written plan and relative record keeping documenting the actions taken to minimize free litter through out the landfill facility as well as preventing the occurrence of litter, dust and odors beyond the facility's property line."
"The failure of the facility operator to insure these mandates are met is well documented by the Department of Health inspectors as well the public. Citation of these violations can also be found in the Jan 2006 Notice and Finding document."

Please refer to our response to comment no. 4, above. Concerning air quality, the DEIS will provide further information concerning the potential for impacts and mitigation measures associated with the expansion of the landfill.

6. *"Traffic hazards"*
"Large trucks and loose debris from the facility are an on-going problem. As mentioned above, litter that makes it way beyond the facility's property line attach to automobile windshields and antennas often-endangering drivers."
"Daily, large trucks exiting the facility speed across the two westbound lanes of traffic in an effort to beat on-coming traffic as they make their way to the east bound lanes headed toward Honolulu often creating near miss traffic accidents."
"Trucks, waiting to enter the landfill facility are often forced to line-up along the westbound shoulder of Farrington Highway are documented regularly. While waiting to enter the facility, these trucks often leak and seep sludge and other toxic, odorous liquid."

Some of the impacts you describe have been mitigated or curtailed. There is an active litter management program in place that will be further discussed in the DEIS. Vehicular queuing and measures to reduce and prevent such occurrences will also be discussed in the DEIS.

Vehicles entering the landfill are required to have their loads covered and a clean out area for truck operators is provided to allow the clean out of debris before it can become windblown when vehicles leave the City's property. Vehicle operators who violate these provisions are at risk of being prohibited from using the landfill. The Department of Environmental Services (692-5358) asks that if anyone witnesses such events taking place, that they contact us or Waste Management of Hawaii (668-2985), so appropriate immediate action can be taken to prevent such occurrences.

Any vehicles using the landfill, or any public roads, which operate in an unsafe manner are also subject to sanctions. Do not hesitate to contact us, Waste Management of Hawaii, or the police, if you witness vehicle operators behaving in an unsafe manner.

Vehicles that spill their loads onto the highway and public right-of-way, whether solid or liquid, are also not tolerated. While our operator, Waste Management, regularly enforces this provision within the landfill property, the City does not have a police force that can monitor the actions of all private and commercial drivers using the public highway system. We ask that when you witness such events taking place that you report such incidences to us, Waste Management, or the police immediately for proper action.

7. *"Assertion that a "NO ACTION" alternative would result in adverse island wide impacts"*
The City and County of Honolulu's administration; both the Mayor's office and the Department of Environmental Services continue to operate in direct contradiction to every written plan - accepted and proposed mandating that the existing landfill facility located at Waimanalo Gulch on the Leeward Coast of Oahu be closed. Postponing the solicitation and selection of alternative waste processing technologies, refusal to consider transshipment of waste off-island and the failure to complete the long over-due Solid Waste Integrated Management Plan are the short list of examples. In turn, the City and County has done little to identify and expedite the selection and implementation of any number of available alternative waste processing technologies. Resting on the notion that there is expansion potential for the current site - the City and County continues the use of land filling to meet Oahu's Refuse Disposal Requirements."

The DEIS will identify a number of activities that the City has been engaged in since 2002 regarding alternatives to reduce our dependency on landfilling. In addition, there will be further discussion of alternatives to reduce and recycle waste, including the use of transshipment.

8. *"In conclusion, The General Plan⁵ for the City and County of Honolulu, "(the plan) is a comprehensive statement of objectives and policies which sets forth the long-range aspirations of Oahu's residents and the strategies of actions to achieve them." The plan further sets forth the following policy statement found in Chapter 5: Transportation and Utilities, Objective B (five of seven policy statements relate to solid-waste management):"*

"To meet the needs of the people of Oahu for an adequate supply of water and for environmentally sound systems of waste disposal."

"Policy 3: Encourage the development of new technology which will reduce the cost of providing water and the cost of waste disposal."

"Policy 4: Encourage a lowering of the per-capita consumption of water and the per-capita production of waste."

"Policy 5: Provide safe, efficient, and environmentally sensitive waste-collection and waste-disposal services."

"Policy 6: Support programs to recover resources from solid-waste and recycle wastewater."

"Policy 7: Require the safe disposal of hazardous waste."

Footnote: ⁶This revised 1992 edition of the General Plan reinforces this planning concept. It supersedes all previous editions and includes all changes, which were adopted through the end of 1991. It is the focal point of a comprehensive planning process that addresses physical, social, economic and environmental concerns affecting the City and County of Honolulu. This planning process serves as the coordinative means by which the City and County government provides for the future growth of the metropolitan area of Honolulu. Since the adoption of the General plan in 1977, a number of amendments were subsequently adopted in 1979, 1982, 1985, 1987, 1989, 1990, 1991, 1992, and 2002. However, in spite of these changes, the basic themes and directions for growth remain valid, and require continued pursuit."

The above sections of the General Plan have been forwarded to our consultant for appropriate action in the preparation of the DEIS.

9. "As documented in the preparation notice, when the Waimanalo Gulch Sanitary Landfill was designated in 1989, "there was limited to [sic] growth in the Ewa region."

"Today, almost 20 years later, the City of Kapolei and the surrounding region known as the Ewa Plain are the most rapidly growing areas on the Island of Oahu. This region is where both city and state officials are directing the majority of future growth on the Island of Oahu, Hawaii's most populous island."

"The City of Kapolei was designed as a complete master planned community with the intentions of becoming a major urban center rivaling Downtown Honolulu, providing a place to live, work, shop and enjoy recreational activities, eliminating the need to travel into the densely populated Downtown Honolulu or Waikiki areas."

"Complimenting Campbell Estates' efforts is the rapid growth of the adjacent Ko Olina master planned resort area, which provides world-class resort accommodations. Championship golf and spa facilities, hotel and timeshare lodging, a yacht harbor and yacht club, beach clubs and residential resort developments are springing up at unprecedented rates. Not only has the area gained credibility from the international hospitality community, but the area has also become a favored destination by Oahu's residents as a quick get-a-way from the hustle and bustle of Downtown Honolulu."

"Kapolei is strategically situated at the intersection of technologies in the Pacific. Globally connected by both fiber-optic cabling and satellite transmissions, Kapolei is well positioned to take forward-thinking businesses into the information age."

"Over the past 20 years, Campbell Estates' vision has become a reality and the master planned City of Kapolei a resounding success. With no less than 20 major residential communities built, planned or under construction at this time and homes selling as fast as they can be built, Kapolei has truly come of age."

"Businesses and services needed to support the rapidly growing community have been moving to the area in unmatched numbers. Recent additions have included nationally known businesses such as The Home Depot, Gannett's \$85.0 million dollar newspaper plant, K-Mart, Consolidated Theaters, Ace Hardware, Starbucks, Jamba Juice, Burger King, Wendy's, Jack in the Box, Chili's, McDonald's, KFC, Safeway, Longs Drugs, Blockbuster Video, Payless Shoesource and many more. Over 425 local, regional and national businesses have chosen to make the City of Kapolei their home."

"Therefore, based on the blatant and egregious counts identified in the Notice of Violations issued against the City's current landfill operator and the administration's failure to both oversee and monitor their own contractor. Moreover, because of the administration's indurate response to the Honolulu City Council's request that the SWIM plan be completed in a timely manner; it is incumbent on all permit granting agencies to be influenced by the subsequent Environmental Impact Statement and related State Special Use Permit (SUP) Amendment application to deny any further expansion of the existing Waimanalo Gulch Sanitary Landfill facility."

Your comments regarding growth occurring in West Oahu are noted and will be discussed in the DEIS.

Please refer to our response to the DOH NVO, above.

As much as possible the preparation of the subject DEIS is being coordinated with the SWIM Plan. However, the plan is currently under draft and will be coordinated with the DOH and other appropriate parties for approval.

We appreciate this opportunity to respond to your comments. Any further written comments may be directed to Ms. Wilma Namumnart of our office.

Sincerely,



Eric S. Takamura, Ph.D., P.E.
Director

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.

16

December 26, 2006

Ms. Wilma Namumart
Dept. of Environmental Services
1000 Uluohia St., Ste. 308
Kapolei, HI 96707

Re: Waimanalo Gulch Sanitary Landfill Expansion, TMK (1) 9-2-03
Environmental Impact Statement Preparation Notice

Dear Ms. Namumart

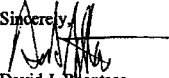
I would like to take the opportunity to voice my concerns about the proposed expansion of the Waimanalo Gulch Sanitary Landfill. It is interesting that the landfill is now a mountain and not a gulch anymore. This should be the first indication that we as a City and County are addressing this situation incorrectly. There are many obvious reasons why the landfill should not be expanded.

These include environmental hazards – ground water contamination, underground methane fires, potential ocean runoff, and air pollution. Other reasons include the wasting of the City and County of Honolulu natural and financial resources.

Many private entities offer recycling solutions that would not be harmful to our delicate ecosystem and also offer financial profitability. By not seriously exploring these alternative technologies, the leadership of the City and County of Honolulu will do a disservice to our community. We live in an age that we understand the harmful effects of landfills.

If nothing else, close it for monetary reasons. We have already had large fines levied – fines that to this day have not been paid. The fines that will have to be eventually paid – will be paid with our increasingly harder to come by tax dollars. The City's leadership has promised to close Waimanalo Gulch Sanitary Landfill twice.

It's time to keep that promise. The permit for expansion should not be granted.

Sincerely,

David J. Reantaso
davidreantaso@yahoo.com

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: www.honolulu.gov



May 12, 2008

MUFI HANNEMANN
MAYOR

ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-047

Mr. David J. Reantaso
e-mail: davidreantaso@yahoo.com

Dear Mr. Reantaso:

Subject: Environmental Impact Statement Preparation Notice (EISPN)
Waimanalo Gulch Sanitary Landfill Expansion

Thank you for your letter dated December 26, 2006, concerning the subject project. The following is provided in response to your comments (your comments have been italicized for reference):

1. *"I would like to take the opportunity to voice my concerns about the proposed expansion of the Waimanalo Gulch Sanitary Landfill. It is interesting that the landfill is now a mountain and not a gulch anymore. This should be the first indication that we as a City and County are addressing this situation incorrectly. There are many obvious reasons why the landfill should not be expanded.*

These include environmental hazards - ground water contamination, underground methane fires, potential ocean runoff, and air pollution. Other reasons include the wasting of the City and County of Honolulu natural and financial resources."

Your objection to the proposed project is acknowledged. The potential for adverse environmental impacts including those you describe will be provided in the Draft EIS (DEIS). The DEIS will include the cost of the proposed project, and the relationship of the proposed project to the future waste management needs of the City & County of Honolulu.

2. *"Many private entities offer recycling solutions that would not be harmful to our delicate ecosystem and also offer financial profitability. By not seriously exploring these alternative technologies, the leadership of the City and County of Honolulu will do a disservice to our community. We live in an age that we understand the harmful effects of landfills."*

Information pertinent to the feasibility and environmental impacts associated with alternative technologies to the handling and disposal of municipal solid waste will be provided in the alternatives analysis that will be part of the DEIS.

Mr. David J. Reantaso
May 12, 2008
Page 2

3. *"If nothing else, close it for monetary reasons. We have already had large fines levied - fines that to this day have not been paid. The fines that will have to be eventually paid - will be paid with our increasingly harder to come by tax dollars. The City's leadership has promised to close Waimanalo Gulch Sanitary Landfill twice. It's time to keep that promise. The permit for expansion should not be granted."*

The immediate closure of the Waimanalo Gulch Sanitary Landfill without a feasible alternative to the disposal of all of the forms of municipal refuse that are generated on the island of Oahu is not a reasonable nor prudent course of action that can be taken.

The Notice of Violation and Order (NVO) was issued by the State Department of Health (DOH) after the alleged violations had been self-reported. The great majority of the alleged violations had been addressed before the NVO was issued. On December 7, 2007, DOH, the City and Waste Management of Hawaii, Inc., agreed to a settlement which resolved the NVO. At that time, there was only a single remaining violation that had not been resolved--the exceedance of permitted grades. On February 20, 2008, DOH issued a grade modification approval which resolved the grade exceedance issue. Thus, all alleged violations in the NVO have been resolved. The NVO, settlement and grade modification will be discussed in the DEIS.

The Environmental Protection Agency's (EPA) Notice of Violation (NOV) concerning the landfill's gas collection system is currently under discussion amongst the EPA, the City and Waste Management. Until those negotiations are concluded, there can be no final determination as to the validity of the alleged violations. The NOV will be discussed in the DEIS.

The reason for the City's current EIS involve a number of actions that have transpired since completion of the last EIS in December 2002. Documentation of the prior commitment to close Waimanalo Gulch was provided in the EISPN, Section 1, Project Background.

We appreciate this opportunity to respond to your comments. Any further written comments may be directed to Ms. Wilma Namumart of our office.

Sincerely,



Eric S. Takamura, Ph.D. P.E.
Director

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.



Ralph F. Harris, President
Ko Olina Fairways - Association of Apartment Owners
92-1527-H Aliinui Drive
Kapolei, Hawaii 96707

Phone: (808) 679-0085
Fax: (808) 679-0086
Email: rfh@hawaii.rr.com

December 23, 2006

Via Fax: (808) 692-5402

Dr. Eric S. Takamura, P.E., Director
Department of Environmental Services
City & County of Honolulu
1000 Uluohia Street, Suite 308
Kapolei, Hawaii 96707

RE: Environmental Impact Statement Preparation Notice
Chapter 343, Hawaii Revised Statutes

Project Name: Waimanalo Gulch Sanitary Landfill Notice
Applicant: Department of Environmental Services
City and County of Honolulu
Agent: R.M. Towill Corporation
Landowner: City & County of Honolulu
Location: Waimanalo Gulch, [Kapolei] Oahu, Hawaii
Tax Map Key: (1) 9-2-003:072 and 073

Ko Olina Fairways Association of Apartment Owners Comments on EISP Notice

Dear Director Takamura:

As President of the Ko Olina Fairways Association of Apartment Owners ("AOAO") representing 280 townhouses at Ko Olina Resort, we are responding to your notice for comments to the EIS Preparation Notice addressed in your November 8, 2006 letter. We did not receive a copy of the letter or the report from your office. We did hear about the EIS Preparation Notice through a friend and we recovered a copy from another source. Please place me on your mailing list again.

Your letter and the efforts of your department are unbelievable in that you seek a resurrection of the EIS process for the Waimanalo Gulch (located in Kapolei) as a site for a continuing landfill. Did we just waste all the money and efforts of the Draft EIS in 1999 and the Supplemental EIS of 2002?

06 DEC 27 P2:53

DEPARTMENT OF
ENVIRONMENTAL SERVICES

11

Dr. Eric S. Takamura, P.E., Director
Department of Environmental Services
City & County of Honolulu
December 23, 2006
Page 2 of 3

Our community and our neighbors in abutting communities have relied on the pending closure of the Landfill. We have invested enormous time and effort since the incomplete and flawed DEIS and SEIS effort of 1999 and 2002 ended with a commitment from the City government and the Mayor to close the site to Municipal Waste in 2008. For the City to change directors in the Department of Environmental Services and then re-launch a plan to continue using the Waimanalo Dump past the closure date is an insult to our island community and an example of a government system out of control.

Yes we attended the community meeting sponsored by your department at Nanakuli High School and although you have made this resurrection attempt with consultant facilitators there was not one person supporting the City's effort! In fact, Kumu Kamaki Kanahale said it all at the meeting with the same emotion and disbelief that most of us believe in seeing the City's total disregard and disrespect of previous community input facing the flawed efforts of the past and through meetings too numerous to recall.

The best I can say is that homeowners in our association are dumbfounded by this re-assessment of the problem after (please count them) **EIGHT (8) years** [1999-2006] wherein the City does not have a solid waste alternate site but does have a plan and commitment to the community to close Waimanalo Gulch in Kapolei! When you look at the time line over the past eight (8) years the City could have located and prepared the alternate site for business well before the closure date in 2008 for Waimanalo Gulch in Kapolei.

Notwithstanding the lack of progress, now we change the players and restart the process? Isn't this baffling to you? Our community members have no tolerance for the blatant dismissal of all the efforts to get the project closed. We are opposed to this restart of the EIS preparation process for the subject site and recommend that the alternative site or alternative waste disposal methods are developed and close Waimanalo Gulch at Kapolei on time in May 2008.

We agree with the comments of Cynthia Rezentes and Senator Colleen Hanabusa and others published in the EIS Preparation report regarding the many detailed issues and comments that have not been resolved and will need to be a part of the new EIS process. We find that in the face of litigation and mismanagement of the facility that the City continues to shape the decision making process to match a predetermined objective.

Our association will be actively involved in every effort to close the Waimanalo Gulch Landfill located in Kapolei as we believe there is a conflict in land use, there are pending legal issues involving \$2.8 million dollars in fines to the City that are directed at the poorly operated facility and that this location is not acceptable.

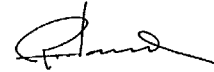
Dr. Eric S. Takamura, P.E., Director
Department of Environmental Services
City & County of Honolulu
December 23, 2006
Page 3 of 3

You must agree that the Waimanalo Gulch Landfill at Kapolei continues as blight on this beautiful island. The State and the City have designated Kapolei and West Oahu as growth areas with designated mass transit needs and increasing populations.

Please drive the roads and highways in Kapolei and see for yourself the litter and filth that travels here daily by truck. Most of my neighbors are in shock that we are about to head down the EIS road again.

Please call anytime.

Sincerely,
for Ko Olina Fairways
Association of Apartment Owners



Ralph F. Harris
President

cc: Members of the Ko Olina Fairways Board of Directors and Association Members
Ko Olina Community Association Board of Directors
First Class US Mail
Other Interested Parties

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

1000 ULUOHA STREET, SUITE 308, KAPOLEI, HAWAII 96707
TELEPHONE: (808) 768-3486 • FAX: (808) 768-3487 • WEBSITE: www.honolulu.gov

MUFI HANNEMANN
MAYOR



May 12, 2008

ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-045

Mr. Ralph F. Harris, President
Ko Olina Fairways - Association of Apartment Owners
92-1 527-H Aliinui Drive
Kapolei, Hawaii 96707

Dear Mr. Harris:

Subject: Environmental Impact Statement Preparation Notice (EISPN)
Waimanalo Gulch Sanitary Landfill Expansion

Thank you for your letter dated December 23, 2006, concerning the subject project. We acknowledge your request to be a consulted party to the EIS process for the proposed project. The following has been prepared in response to your comments (your comments have been italicized for reference):

1. *"Your letter and the efforts of your department are unbelievable in that you seek a resurrection of the EIS process for the Waimanalo Gulch (located in Kapolei) as a site for a continuing landfill. Did we just waste all the money and efforts of the Draft EIS in 1999 and the Supplemental EIS of 2002?"*

"Our community and our neighbors in abutting communities have relied on the pending closure of the Landfill. We have invested enormous time and effort since the incomplete and flawed DEIS and SEIS effort of 1999 and 2002 ended with a commitment from the City government and the Mayor to close the site to Municipal Waste in 2008. For the City to change directors in the Department of Environmental Services and then re-launch a plan to continue using the Waimanalo Dump past the closure date is an insult to our island community and an example of a government system out of control."

Your comments concerning the proposed project are noted. Section 1 of the EISPN provided important information that establishes why the City must act at this time to provide a solid waste refuse facility for use by all the communities of Oahu. Further information concerning this requirement will be provided in the Draft EIS (DEIS).

2. *"Yes we attended the community meeting sponsored by your department at Nanakuli High School and although you have made this resurrection attempt with consultant facilitators there was not one person supporting the City's effort! In fact, Kumu Kamaki Kanahahele said it all at the meeting with the same emotion and disbelief that most of us believe in seeing the City's total disregard and disrespect of previous community input facing the flawed efforts of the past and through meetings too numerous to recall."*

Mr. Ralph F. Harris, President
May 12, 2008
Page 2

Several important events led to the current proposal to expand Oahu's only municipal sanitary landfill. The parties that were involved are documented in the EISPN and included the Mayor's Advisory Committee on Landfill Site Selection under a prior administration, the Honolulu City Council, and the current Administration. It is important to note that during the events outlined in the EISPN that community input was sought by the Council and ENV not only from the Leeward Coast, but islandwide based on the need for a municipal landfill serving all the communities of O'ahu.

3. *"The best I can say is that homeowners in our association are dumbfounded by this re-assessment of the problem after (please count them) EIGHT (8) years [1999-2006] wherein the City does not have a solid waste alternate site but does have a plan and commitment to the community to close Waimanalo Gulch in Kapolei! When you look at the time line over the past eight (8) years the City could have located and prepared the alternate site for business well before the closure date in 2008 for Waimanalo Gulch in Kapolei."*

Since completion of the 2002 Final Supplemental EIS for the Waimanalo Gulch landfill, the City has undertaken a number of actions regarding alternatives to the continued use of the landfill. A description of these actions will be provided in the forthcoming DEIS.

4. *"Notwithstanding the lack of progress, now we change the players and restart the process? Isn't this baffling to you? Our community members have no tolerance for the blatant dismissal of all the efforts to get the project closed. We are opposed to this restart of the EIS preparation process for the subject site and recommend that the alternative site or alternative waste disposal methods are developed and close Waimanalo Gulch at Kapolei on time in May 2008."*

Your opposition to the proposed project and your recommendation that an alternative landfill site or alternative disposal method be used are noted. A discussion of the proposed project in relation to alternative technologies and sites will be provided in the DEIS.

5. *"We agree with the comments of Cynthia Rezendes and Senator Colleen Hanabusa and others published in the EIS Preparation report regarding the many detailed issues and comments that have not been resolved and will need to be a part of the new EIS process. We find that in the face of litigation and mismanagement of the facility that the City continues to shape the decision making process to match a predetermined objective."*

"Our association will be actively involved in every effort to close the Waimanalo Gulch Landfill located in Kapolei as we believe there is a conflict in land use, there are pending legal issues involving \$2.8 million dollars in fines to the City that are directed at the poorly operated facility and that this location is not acceptable."

Issues that are raised as part of the EIS process will be addressed as required by law. The City is proceeding with the necessary environmental review procedures for a lateral footprint expansion.

Mr. Mr. Ralph F. Harris, President
May 12, 2008
Page 3

The Notice of Violation and Order (NVO) was issued by the State Department of Health (DOH) after the alleged violations had been self-reported. The great majority of the alleged violations had been addressed before the NVO was issued. On December 7, 2007, DOH, the City and Waste Management of Hawaii, Inc., agreed to a settlement which resolved the NVO. At that time, there was only a single remaining violation that had not been resolved--the exceedance of permitted grades. On February 20, 2008, DOH issued a grade modification approval which resolved the grade exceedance issue. Thus, all alleged violations in the NVO have been resolved.

The Environmental Protection Agency's (EPA) Notice of Violation (NOV) concerning the landfill's gas collection system is currently under discussion amongst the EPA, the City and Waste Management. Until those negotiations are concluded, there can be no final determination as to the validity of the alleged violations. The NOV will be discussed in the DEIS.

6. *"You must agree that the Waimanalo Gulch Landfill at Kapolei continues as blight on this beautiful island. The State and the City have designated Kapolei and West Oahu as growth areas with designated mass transit needs and increasing populations."*

"Please drive the roads and highways in Kapolei and see for yourself the litter and filth that travels here daily by truck. Most of my neighbors are in shock that we are about to head down the EIS road again."

The presence of the existing Waimanalo Gulch has made possible economic growth and development through the use of a site for the safe and efficient disposal of municipal refuse. In this regard, the landfill has supported economic growth and development of not only the Ewa region, but islandwide for all the communities of Oahu. Potential impacts concerning litter and litter control will be addressed in the DEIS.

A number of operational improvements to the landfill have also been implemented since 2002 when the last EIS was completed. A description of these efforts and planned mitigation measures to address traffic and traffic related potential impacts will be described in the DEIS.

We appreciate this opportunity to respond. Any further written comments may be directed to Ms. Wilma Namumnart of our office.

Sincerely,



Eric S. Takamura, Ph.D., P.E.
Director

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.



HOUSE OF REPRESENTATIVES

STATE OF HAWAII
STATE CAPITOL
HONOLULU, HAWAII 96813

December 22, 2006

Department of Environmental Services
1000 Uluohia Street, Suite 308
Kapolei, Hawaii 96707

Attention: Wilma Namumnart

RE: WAIMANALO GULCH SANITARY LANDFILL EXPANSION, WAIANAE

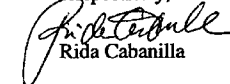
Please consider the sentiments of those that took possession of property nearby the landfill with the understanding that their ownership would not be subjected to particular operations of the landfill, let alone another expansion of it beyond May 1st, 2008.

When I think of all the broken treaties in America's past history with communities of Native American peoples subjugated to acts of ill-will and done so in bad faith, I never thought such practice would still be coddled into this century. The comparison rests in the fact that an agreement was brokered by the City with Leeward communities decades ago whereby the burden and aftermath of landfill operations in their "backyard" would terminate- not expand.

It is the duty and obligation of Legislators and the Judiciary to oversee that agreements tended to, are adhered to within their respective jurisdictions. In the capacity of being a State Representative, I urge those making the decision on the expansion to include approximately 92.5 acres be rendered inappropriate and dismissed.

Your favorable consideration to explore other means to mitigate the disposal/storage of waste is greatly appreciated. Thank you for this opportunity to provide written opposition to the proposal being advocated by the Department of Environmental Services.

Respectfully,



Rida Cabanilla

CC: Director Henry Eng, Dept. of Planning and Permitting

DEPARTMENT OF
ENVIRONMENTAL SVCS

State Representative Rida Cabanilla
State Capitol, Room 442 • Honolulu, Hawaii 96813
Telephone: (808) 586-6080 • Fax: (808) 586-6081 • Email: repcabanilla@capitol.hawaii.gov

12
Refuse
OK

DEC 26 P2 46

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: www.honolulu.gov



May 12, 2008

ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-055

MUFI HANNEMANN
MAYOR

The Honorable Rida T.R. Cabanilla
State Representative
State Capitol, Room 442
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Representative Cabanilla:

Subject: Environmental Impact Statement Preparation Notice (EISPN)
Waimanalo Gulch Sanitary Landfill Expansion

Thank you for your letter dated December 22, 2006 concerning the subject project. We appreciate the time you have taken to share your concerns and have prepared the following in response.

Your request that the proposed expansion of the Waimanalo Gulch Sanitary Landfill be rendered inappropriate and be dismissed are noted. Unfortunately, for reasons that are cited in the EISPN, Section 1, Project Background, this option is not now available to the City.

Alternatives to the continued long-term use of the landfill that have been investigated by the City include increased recycling, waste reduction by both nonthermal and thermal processes, and transshipment. Further discussion of these items will be provided in the Draft EIS (DEIS) for this project.

We appreciate the time you have taken to review the subject document and this opportunity to respond to your comments. Please do not hesitate to direct further written comments to Ms. Wilma Namumart of our office.

Sincerely,

Eric S. Takamura, Ph.D., P.E.
Director

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.

DEPARTMENT OF FACILITY MAINTENANCE
CITY AND COUNTY OF HONOLULU

1000 Uluohia Street, Suite 215, Kapolei, Hawaii 96707
Phone: (808) 692-5054 • Fax: (808) 692-5857
Website: www.honolulu.gov



December 22, 2006

MUFI HANNEMANN
MAYOR

LAVERNE HIGA, P.E.
DIRECTOR AND CHIEF ENGINEER

GEORGE "KEOKI" MIYAMOTO
DEPUTY DIRECTOR

IN REPLY REFER TO:
DRM 06-1253

13
Refuse
OK

MEMORANDUM

TO: ERIC S. TAKAMURA, P.E., DIRECTOR
DEPARTMENT OF ENVIRONMENTAL SERVICES

FROM: *Laverne Higa*
LAVERNE HIGA, P.E., DIRECTOR AND CHIEF ENGINEER
DEPARTMENT OF FACILITY MAINTENANCE

SUBJECT: ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE
WAIMANALO GULCH SANITARY LANDFILL EXPANSION

Thank you for the opportunity to review and comment on the Environmental Impact Statement Preparation Notice dated November 2006, for the expansion of the Waimanalo Gulch sanitary landfill.

We have no comments to offer at this time. Expansion of the landfill will have negligible impact on our facilities and operations.

Should you have any questions, please call Charles Pignataro of the Division of Road Maintenance, at 484-7697.

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://www.cc.honolulu.gov>

MUFI HANNEMANN
MAYOR



May 12, 2008

ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 064

MEMORANDUM

TO: CRAIG NISHIMURA, DIRECTOR AND CHIEF ENGINEER
DEPARTMENT OF FACILITY MAINTENANCE

FROM: ERIC S. TAKAMURA, Ph.D., P.E., DIRECTOR
DEPARTMENT OF ENVIRONMENTAL SERVICES

SUBJECT: ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE
(EISPN) WAIMANALO GULCH SANITARY LANDFILL EXPANSION

Thank you for your memorandum dated December 22, 2006 concerning the subject project. We acknowledge that you have no comments to offer at this time and that the proposed project will have negligible impact on your facilities and operations.

Should you have any further written comments they may be directed to Ms. Wilma Namumnart of our office at 768-3406.

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.

PHONE (808) 594-1888



DEPARTMENT OF
ENVIRONMENTAL SVCS

FAX (808) 594-1865

STATE OF HAWAII '06 DEC 27 P2 53
OFFICE OF HAWAIIAN AFFAIRS
711 KAPI'OLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

December 21, 2006

HRD06/2756B

Dr. Eric S. Takamura
City and County of Honolulu
Department of Environmental Services
1000 Uluohia Street, Suite 308
Kapolei, Hawaii 'i 96707

RE: Waimanalo Gulch Landfill Environmental Impact Statement Preparation Notice
(EISPN); Kahe Valley, O'ahu; TMK:9-7-003:072 and 073

Dear Mr. Takamura,

The Office of Hawaiian Affairs (OHA) is in receipt of your November 8, 2006 request for comments on above referenced Environmental Impact Statement Preparation Notice (EISPN) to expand 92.5 acres of the Waimanalo Gulch landfill in leeward O'ahu. This expansion will result in noncompliance with the applicant's Amended State Special Use Permit (SUP), issued by the State Land Use Commission (LUC) on March 27, 2003, which required the Waimanalo Gulch landfill to close by May 1, 2008.

Although we appreciate that an Environmental Impact Statement (EIS) is being prepared for this project, we point out that the purpose of Hawaii's EIS law is not to justify the environmental effects of government actions after economic and technical decisions have been made. Rather, the purpose is to "ensure that environmental concerns are given appropriate consideration in decision making along with economic and technical consideration." Hawai'i Administrative Rules (HAR) § 11-200-1 (emphasis added). In line with this purpose is the requirement that "the agency shall assess at the earliest practicable time the significance of potential impacts of its actions, including the overall, cumulative impact in light of related actions in the region and further actions contemplated." HAR § 11-200-5.

This EISPN appears to address the isolated issue of expanding a landfill, and not the comprehensive issue of sustainable waste management on O'ahu. For example, the fact that the City and County's Solid Waste Integrated Management Plan is currently being updated, but will be completed after the Waimanalo Gulch Landfill EIS is underway or completed, illustrates the applicant's failure to consider "cumulative impact[s] in light of related actions in the region," as required by HAR § 11-200-5. Without guidance of a comprehensive waste management plan for the island, the cumulative impacts of a single landfill cannot be analyzed.

Dr. Eric S. Takamura, Department of Environmental Services
December 21, 2006
Page 2

Further, it appears that this EIS is being prepared merely to discuss and possibly mitigate environmental effects, rather than to serve as an "informational document" to guide the County's decision-making. While there is still much value to discussion and mitigation of environmental problems, this use of the EIS process misses the point of the EIS law to encourage discussion of environmental issues before important decisions are made. We realize that O'ahu's solid waste problems will not be resolved overnight; however, rather than continuing to bury the problem by expanding landfills, the County must comprehensively analyze innovative and environmentally friendly waste disposal methods that are appropriate for our island state.

We request that the forthcoming EIS include a detailed analysis of the reasons behind the current SUP condition to close the landfill by 2008. We also request that the EIS clearly state the changed circumstances or other reasons that prevent the applicant from honoring its commitment to close Waimanalo Gulch Landfill. The EISPN at page 1-3 notes that the Mayor's Advisory Committee, which was formed in December 2003 to recommend different landfill sites, chose to consider Waimanalo Gulch, which was then ranked the highest among the choices. Please discuss the ranking criteria used, as well as the why Waimanalo Gulch was still considered, despite the goal of the Committee to recommend a different site. Please also discuss what good faith efforts were made to find other suitable landfill sites, and how the applicant attempted to comply with the LUC's purpose and intent behind conditioning the SUP on closure by 2008. For example, have the concerns of the LUC been addressed by the applicant's current proposal to expand the Waimanalo Gulch landfill?

We also request that the EIS address the various health concerns that have been raised by the Department of Health, and how these problems will be addressed and prevented in the future. In addition, please provide detailed analysis of how impacts to the surrounding community will be mitigated, including proposed benefits packages.

Thank you for your continued correspondence and the opportunity to comment. We look forward to reviewing the Draft EIS. If you have any further questions or concerns please contact Koa Kaulukukui at (808) 594-0244 or koalanik@oha.org.

Sincerely,

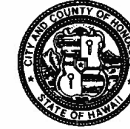


Clyde W. Nāmu'o
Administrator

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

1000 ULUOHA STREET, SUITE 308, KAPOLEI, HAWAII 96707
TELEPHONE: (808) 768-3486 • FAX: (808) 768-3487 • WEBSITE: <http://www.co.honolulu.gov>

MUFI HANNEMANN
MAYOR



ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-071

May 12, 2008

Mr. Clyde W. Nāmu'o, Administrator
State of Hawaii
Office of Hawaiian Affairs
711 Kapiolani Boulevard, Suite 500
Honolulu, Hawaii 96813

Dear Mr. Nāmu'o:

Subject: Environmental Impact Statement Preparation Notice (EISPN)
Waimanalo Gulch Sanitary Landfill Expansion

Thank you for your letter dated December 21, 2006 concerning the subject project. The following is in response to your comments (your comments have been italicized for reference):

1. *"Although we appreciate that an Environmental Impact Statement (EIS) is being prepared for this project, we point out that the purpose of Hawaii's EIS law is not to justify the environmental effects of government actions after economic and technical decisions have been made. Rather, the purpose is to "ensure that environmental concerns are given appropriate consideration in decision making along with economic and technical consideration." Hawaii's Administrative Rules (HAR) § 11-200-1 (emphasis added). In line with this purpose is the requirement that "the agency shall assess at the earliest practicable time the significance of potential impacts of its actions, including the overall, cumulative impact in light of related actions in the region and further actions contemplated. "HAR § 11-200-5."*

The potential for the cumulative impacts you indicate will be discussed as part of the Draft EIS (DEIS).

Mr. Clyde W. Nāmu'o, Administrator
May 12, 2008
Page 2

2. *"This EISPN appears to address the isolated issue of expanding a landfill, and not the comprehensive issue of sustainable waste management on O'ahu. For example, the fact that the City and County's Solid Waste Integrated Management Plan is currently being updated, but will be completed after the Waimanalo Gulch Landfill EIS is underway or completed, illustrates the applicant's failure to consider "cumulative impact[s] in light of related actions in the region," as required by HAR § 11-200-5. Without guidance of a comprehensive waste management plan for the island, the cumulative impacts of a single landfill cannot be analyzed."*

The subject EIS is being developed in conjunction with the preparation of the Solid Waste Integrated Management (SWIM) Plan. While the SWIM Plan will provide the policy guidance and direction for the future handling of Oahu's solid waste through a number of projects and facilities that include Waimanalo Gulch, the subject EIS will discuss impacts, including the potential for cumulative impacts.

3. *"Further, it appears that this EIS is being prepared merely to discuss and possibly mitigate environmental effects, rather than to serve as an "informational document" to guide the County's decision-making. While there is still much value to discussion and mitigation of environmental problems, this use of the EIS process misses the point of the EIS law to encourage discussion of environmental issues before important decisions are made. We realize that O'ahu's solid waste problems will not be resolved overnight; however, rather than continuing to bury the problem by expanding landfills, the County must comprehensively analyze innovative and environmentally friendly waste disposal methods that are appropriate for our island state."*

We add to our above statement that the Department of Environmental Services has been actively involved in the exploration of alternative methods and technologies to waste reduction and disposal and will continue to do so. This information will be provided in the DEIS.

4. *"We request that the forthcoming EIS include a detailed analysis of the reasons behind the current SUP condition to close the landfill by 2008. We also request that the EIS clearly state the changed circumstances or other reasons that prevent the applicant from honoring its commitment to close Waimanalo Gulch Landfill. The EISPN at page 1-3 notes that the Mayor's Advisory Committee, which was formed in December 2003 to recommend different landfill sites, chose to consider Waimanalo Gulch, which was then ranked the highest among the choices. Please discuss the ranking criteria used, as well as the why Waimanalo Gulch was still considered, despite the goal of the Committee to recommend a different site. Please also discuss what good faith efforts were made to find other suitable landfill sites, and how the applicant attempted to*

Mr. Clyde W. Nāmu'o, Administrator
May 12, 2008
Page 3

comply with the LUC's purpose and intent behind conditioning the SUP on closure by 2008. For example, have the concerns of the LUC been addressed by the applicant's current proposal to expand the Waimanalo Gulch landfill?"

Further information concerning these items will be provided in the DEIS. This will include a detailed description and discussion of the landfill site selection process.

5. *"We also request that the EIS address the various health concerns that have been raised by the Department of Health, and how these problems will be addressed and prevented in the future. In addition, please provide detailed analysis of how impacts to the surrounding community will be mitigated, including proposed benefits packages."*

While the EIS will provide information regarding the appropriate operational practices and procedures that will be employed at the landfill to maintain public health and safety, we note that the Notice of Violation and Order (NVO) that was issued by the State Department of Health (DOH) occurred after it had been self-reported by Waste Management of Hawaii, Inc., and that the great majority of the alleged violations were addressed before the NVO was issued. On December 7, 2007, DOH, the City and Waste Management of Hawaii, Inc., agreed to a settlement which resolved the NVO. At that time, there was only a single remaining violation that had not been resolved--the exceedance of permitted grades. On February 20, 2008, DOH issued a grade modification approval which resolved the grade exceedance issue. Thus, all alleged violations in the NVO have been resolved.

We appreciate the time you have taken to provide your comments and allowing us this opportunity to respond. Any further written comments may be directed to Ms. Wilma Namurnart of our office.

Very truly yours,



Eric S. Takamura, Ph.D., P.E.
Director

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.

15

HONOLULU FIRE DEPARTMENT
CITY AND COUNTY OF HONOLULU

636 SOUTH STREET • HONOLULU, HAWAII 96813
TELEPHONE: (808) 723-7139 • FAX: (808) 723-7111 • INTERNET: www.honolulufire.org

MUFI HANNEMANN
MAYOR



KENNETH G. SILVA
FIRE CHIEF

ALVIN K. TOMITA
DEPUTY FIRE CHIEF

December 19, 2006

TO: ERIC S. TAKAMURA, Ph.D., P.E., DIRECTOR
DEPARTMENT OF ENVIRONMENTAL SERVICES

FROM: KENNETH G. SILVA, FIRE CHIEF

SUBJECT: ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE
WAIMANALO GULCH SANITARY LANDFILL EXPANSION
WAIMANALO GULCH, OAHU, HAWAII
TAX MAP KEY: 9-2-003: 072 AND 073
REFERENCE NUMBER: RE 06-043

In response to your letter of November 8, 2006, regarding the above-mentioned subject, the Honolulu Fire Department reviewed the material you provided and has no additional comments. Please refer to our letter dated June 29, 2001, to Acting Director Timothy E. Steinberger.

Should you have any questions, please call Acting Assistant Chief Lloyd Rogers of Support Services at 723-7151.

KENNETH G. SILVA
Fire Chief

KGS/SK:jl

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://www.co.honolulu.gov

MUFI HANNEMANN
MAYOR



ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-056

May 12, 2008

MEMORANDUM

TO: KENNETH G. SILVA, FIRE CHIEF
HONOLULU FIRE DEPARTMENT

FROM:
ERIC S. TAKAMURA, Ph.D., P.E., DIRECTOR
DEPARTMENT OF ENVIRONMENTAL SERVICES

SUBJECT: ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE
(EISPN) WAIMANALO GULCH SANITARY LANDFILL EXPANSION

Thank you for your memorandum dated December 19, 2006 concerning the subject project. We acknowledge that you have no additional comments to offer with the exception of a prior letter to Acting Director Timothy E. Steinberger, June 29, 2001, calling for the provision of fire apparatus access for the duration of the project. Fire apparatus access will be provided for the project duration. We have instructed our operator, Waste Management of Hawaii, to notify your Department should there be any issues with maintaining this access.

Should you have any further written comments they may be directed to Ms. Wilma Namumart of our office at 768-3406.

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.



December 20, 2006

Wilma Namumnart
Department of Environmental Services
1000 Uluohia St., Ste. 308
Kapolei, HI 96707

Re: Comment on the Environmental Impact Statement (EIS) Preparation Notice for the Waimanalo Gulch Sanitary Landfill Expansion (HRS 343 EISPN)

Wilma,

Hawaiian Waste Systems, LLC (HWS) appreciates the opportunity to comment on the above-referenced EIS Preparation Notice, particularly with respect to Section 6.4 of the Alternatives Analysis, "Transshipment of Waste Off-Island."

HWS recognizes that the Hawaiian Islands face numerous unique challenges and requirements regarding its solid waste disposal, and has thus developed a system of waste densification, wrapping and shipment to export waste from Honolulu to Roosevelt Regional Landfill in Klickitat County, Washington in an environmentally secure and operationally efficient manner. The United States Department of Agriculture is the regulatory agency with authority over this export given the potential risk of introduction of non-indigenous plant pests. USDA has found that the system proposed by HWS poses an insignificant risk of infestation and has issued a Final Rule allowing the importation of waste from Hawaii under a specific handling protocol designed to contain the risk of plant-pest dissemination.

The following is some additional information regarding HWS' system and waste export in general that addresses some of the specific issues/questions discussed in Section 6.4 of the EIS preparation notice:

1) Identification of appropriate waste; acceptable versus unacceptable waste.

- o Because Roosevelt Landfill is a RCRA Subtitle D facility, it does not accept any hazardous or "dangerous" wastes as defined by the Resource Conservation and Recovery Act. Thus, multiple layers of protection against the inclusion of hazardous waste in Hawaiian waste bales will be in effect in HWS' process. First, the waste collection points in Honolulu will be pre-screened per industry standards and HWS' protocol; collection from industrial sites or known producers of hazardous or dangerous wastes will be directed to a facility other than HWS' for processing. Second, waste containers will be subject to visual inspection upon entry into HWS' Honolulu processing

1011 SW Klickitat Way, #C-109
Seattle, WA 98134
Tel (206) 292-2929
Fax (206) 254-0278

facility to ensure that only loads from approved collection points enter the facility and that loads that appear to contain an undue amount of hazardous or potentially hazardous material will be redirected. Third, loads that are tipped on the ground at the transfer station/processing facility in Honolulu will be subject to visual inspection by HWS employees. In the event that a load is found to consist of hazardous materials, that load will be physically segregated by a loader or other machine on site, then re-loaded into a roll-off container for redirection to an alternate, appropriate facility.

- o HWS' screening process will be reviewed and regulated by the State of Hawaii Department of Health, USDA and the Klickitat County Health Department, all subject to US EPA Subtitle D regulations.

2) Locations for staging, handling and processing of waste for subsequent shipment/export.

- o Oahu has a number of suitable locations for waste processing facilities that could be easily developed. The Industrial zoning designations in Honolulu generally permit waste transfer stations and related activities, and several locations with this designation would have adequate ingress/egress, processing space and storage space to accommodate the needs of a processing facility. HWS has identified a location for waste transshipment and is currently proceeding with its development.

3) The range of (financial) costs associated with transshipment:

- o It is estimated that the cost of transshipment will be dramatically less than other "new technology" alternatives that have been examined by the City of Honolulu, and competitive (considering relative capital investment) with traditional alternatives such as new landfills or incinerators.

4) Potential environmental costs for the City and County of Honolulu:

- o Waste transshipment will have a positive environmental impact on essential sanitary services in the City and County of Honolulu. The City and County has tried unsuccessfully to site new landfills or secure alternative technologies. Waimanalo Gulch Sanitary Landfill is no longer located in an optimal area due to urban infill. Because of these issues, Honolulu is in desperate need of disposal alternatives. HWS' export system presents an alternative that is environmentally secure over a short or long-term period. Without such an option, the City is faced with myriad environmental concerns, including but not limited to inability to site a new landfill, landfills that fail due to overburden, illegal ocean and land dumping, and human and animal health concerns related to improper disposal or solid waste handling.

5) *Potential environmental costs for the mainland U.S. facility receiving the waste:*

- o Roosevelt Landfill was designed and engineered to be one of the world's most environmentally secure landfills. It is situated on 3,000 acres in the arid climate of Southeastern Washington State and its unique hydrogeological characteristics, combined with engineered features that meet or exceed all state, local and federal regulations, makes for an environmentally secure facility. The Roosevelt facility has been in service for over 15 years and currently handles over 10,000 tons per day of various waste materials from throughout the Pacific Northwest region (including Alaska). Given its excellent operational and environmental safety record and its existing infrastructure, it is uniquely suited to accept and safely dispose of waste from Hawaii. Allied Waste, the second largest solid waste company in the United States and owner/operator of Roosevelt Landfill, provides complete indemnification to its solid waste customers by taking title to all solid waste entering the facility.

6) *Transshipment leading to Oahu's dependency on resources out of its control.*

- o Waste export has become such an integral part of solid waste management in the United States that Hawaii is now the only US state that does not export or import any waste. Roosevelt Landfill accepts or has accepted imported waste from municipalities in Oregon, Idaho, California, British Columbia (CA) and Alaska. These municipalities rely on long-term disposal and transportation contracts to assure continuous uninterrupted service. The case of Alaska is very similar to that of Hawaii; numerous municipalities in Southeast Alaska rely on barge shipment of waste to Washington State for disposal at Roosevelt, and they do so on the basis of long term (10+ years) transportation and disposal contracts. They are reliant on tug and barge operations and have enjoyed reliable service for many years. We encourage the EIS process to review the prevalence and commonality of regional landfilling throughout the mainland US.

7) *The receiving state will assume the long term environmental management issues and problems associated with accepting Oahu's refuse.*

- o Klickitat County, host municipality of the Roosevelt Landfill, conceived of and developed the facility via a public procurement process as an economic development initiative. Roosevelt is now the County's third largest employer and, through host-County fees, is its single greatest source of municipal revenue. As such, Klickitat County welcomes new waste streams into the facility, to the extent that its Board of Commissioners often takes an active role in Landfill marketing with respect to municipal relationships. The Klickitat County Commissioners have been kept apprised of HWS' export

project in Honolulu, and have sent letters to officials in Hawaii supporting the concept and inviting them to visit Roosevelt.

- o Roosevelt Landfill's capacity – permitted for 5 million tons annually and 220 million tons overall, with room for expansion – is such that waste from Honolulu would not significantly impact its ability to meet current and future domestic waste disposal needs.

HWS believes that waste transshipment is a necessary and viable alternative to the proposed action that can serve as a long-term solution or as a bridge to future domestic disposal alternatives. Thank you again for the opportunity to comment on this EIS Preparation Notice. Please do not hesitate to contact me at 206.292.2929 to discuss these issues further or for additional information as you prepare the Draft EIS.

Sincerely,



James Hodge
Hawaiian Waste Systems, LLC

Cc:

Henry Eng
C & C, Department of Planning & Permitting
650 South King St., 7th Floor
Honolulu, HI 96813

Brian Takeda
R.M. Towill Corporation
420 Waiakamilo Rd., Ste. 411
Honolulu, HI 96817

Ms. Genevieve Salmonson, Director
Office of Environmental Quality Control
235 South Beretania Street, Room 702
Honolulu, Hawaii 96813-2437

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

1000 ULUOHA STREET, SUITE 308, KAPOLEI, HAWAII 96707
TELEPHONE: (808) 768-3486 • FAX: (808) 768-3487 • WEBSITE: www.honolulu.gov

MUFI HANNEMANN
MAYOR



May 12, 2008

ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-077

Mr. James Hodge
Hawaiian Waste Systems, LLC
1011 SW Klickitat Way, #C-109
Seattle, Washington 98134

Dear Mr. Hodge:

Subject: Environmental Impact Statement Preparation Notice (EISPN)
Waimanalo Gulch Sanitary Landfill Expansion

Thank you for your letter dated December 20, 2006 concerning the subject project. We have prepared the following in response to your comments (your comments have been italicized for reference):

- "1) *Identification of appropriate waste; acceptable versus unacceptable waste.*
- o *Because Roosevelt Landfill is a RCRA Subtitle D facility, it does not accept any hazardous or "dangerous" wastes as defined by the Resource Conservation and Recovery Act. Thus, multiple layers of protection against the inclusion of hazardous waste in Hawaiian waste bales will be in effect in HWS' process. First, the waste collection points in Honolulu will be prescreened per industry standards and HWS' protocol; collection from industrial sites or known producers of hazardous or dangerous wastes will be directed to a facility other than HWS' for processing. Second, waste containers will be subject to visual inspection upon entry into HWS' Honolulu processing facility to ensure that only loads from approved collection points enter the facility and that loads that appear to contain an undue amount of hazardous or potentially hazardous material will be redirected. Third, loads that are tipped on the ground at the transfer station/processing facility in Honolulu will be subject to visual inspection by HWS employees. In the event that a load is found to consist of hazardous materials, that load will be physically segregated by a loader or other machine on site, then re-loaded into a roll-off container for redirection to an alternate, appropriate facility.*
 - o *HWS' screening process will be reviewed and regulated by the State of Hawaii Department of Health, USDA and the Klickitat County Health Department, all subject to US EPA Subtitle D regulations."*

Your description of the proposed handling of transshipment waste to Roosevelt Landfill and that hazardous waste will not be accepted by the Roosevelt Landfill, are noted.

Mr. James Hodge
May 12, 2008
Page 2

- "2) *Locations for staging, handling and processing of waste for subsequent shipment/export.*
- o *Oahu has a number of suitable locations for waste processing facilities that could be easily developed. The Industrial zoning designations in Honolulu generally permit waste transfer stations and related activities, and several locations with this designation would have adequate ingress/egress, processing space and storage space to accommodate the needs of a processing facility. HWS has identified a location for waste transshipment and is currently proceeding with its development."*

Your current efforts to develop transshipment are noted. Transshipment requires special handling that will result in by-products that cannot be transshipped. We ask that you identify the materials that are unacceptable for shipping using your process, and how you plan to dispose of these unacceptable materials.

- "3) *The range of (financial) costs associated with transshipment:*
- o *It is estimated that the cost of transshipment will be dramatically less than other "new technology" alternatives that have been examined by the City of Honolulu, and competitive (considering relative capital investment) with traditional alternatives such as new landfills or incinerators."*

Your point is noted. However, costs that are associated with the adoption of any alternative will require analysis of not only immediate short-term, but long-term costs as well. Multiple factors that influence cost, including the long term cost of disposing of waste that cannot now be handled by transshipment must also be understood in order to properly assess the true costs associated with transshipment.

- "4) *Potential environmental costs for the City and County of Honolulu:*
- o *Waste transshipment will have a positive environmental impact on essential sanitary services in the City and County of Honolulu. The City and County has tried unsuccessfully to site new landfills or secure alternative technologies. Waimanalo Gulch Sanitary Landfill is no longer located in an optimal area due to urban infill. Because of these issues, Honolulu is in desperate need of disposal alternatives. HWS' export system presents an alternative that is environmentally secure over a short or long-term period. Without such an option, the City is faced with myriad environmental concerns, including but not limited to inability to site a new landfill, landfills that fail due to overburden, illegal ocean and land dumping, and human and animal health concerns related to improper disposal or solid waste handling."*

Your point concerning the potential environmental effect of transshipment is noted. However, it is not possible to conclude that transshipment is not without environmental risk or cost since it will require the major combustion of fossil fuel resources in order to accomplish the journey to Washington State, approximately 2,500 or more miles away. Furthermore, the proper environmental handling of transshipment refuse is also required potentially triggering the need for the filing of a Chapter 343, HRS, document as well as other environmental entitlements.

- "5) Potential environmental costs for the mainland U.S. facility receiving the waste:
- o Roosevelt Landfill was designed and engineered to be one of the world's most environmentally secure landfills. It is situated on 3,000 acres in the arid climate of Southeastern Washington State and its unique hydrogeological characteristics, combined with engineered features that meet or exceed all state, local and federal regulations, makes for an environmentally secure facility. The Roosevelt facility has been in service for over 15 years and currently handles over 10,000 tons per day of various waste materials from throughout the Pacific Northwest region (including Alaska). Given its excellent operational and environmental safety record and its existing infrastructure, it is uniquely suited to accept and safely dispose of waste from Hawaii. Allied Waste, the second largest solid waste company in the United States and owner/operator of Roosevelt Landfill, provides complete indemnification to its solid waste customers by taking title to all solid waste entering the facility."

This point of information concerning the engineering and operating standards of the Roosevelt Landfill, approximately 2,500 miles or more from Honolulu, is noted.

- "6) Transshipment leading to Oahu 's dependency on resources out of its control.
- o Waste export has become such an integral part of solid waste management in the United States that Hawaii is now the only US state that does not export or import any waste. Roosevelt Landfill accepts or has accepted imported waste from municipalities in Oregon, Idaho, California, British Columbia (CA) and Alaska. These municipalities rely on long-term disposal and transportation contracts to assure continuous uninterrupted service. The case of Alaska is very similar to that of Hawaii; numerous municipalities in Southeast Alaska rely on barge shipment of waste to Washington State for disposal at Roosevelt, and they do so on the basis of long term (10+ years) transportation and disposal contracts. They are reliant on tug and barge operations and have enjoyed reliable service for many years. We encourage the EIS process to review the prevalence and commonality of regional landfilling throughout the mainland US."

We note that Hawaii is also the only U.S. state that is separated from the mainland U.S. by a vast ocean. While the DEIS will examine the potential for waste transshipment, the arrangements for states other than Hawaii, are based on and benefit from the relative close proximity of shipping and waste handling infrastructure that can be called upon in the event of natural or man-induced interruptions or problems with waste delivery. This shipping and waste handling infrastructure will not be present along most of the ocean journey to the Roosevelt Landfill.

- "7) The receiving state will assume the long term environmental management issues and problems associated with accepting Oahu's refuse.
- o Klickitat County, host municipality of the Roosevelt Landfill, conceived of and developed the facility via a public procurement process as an economic development initiative. Roosevelt is now the County's third largest employer and, through host-County fees, is its single greatest source of municipal revenue. As such, Klickitat County welcomes new waste streams into the facility, to the extent that its Board of Commissioners often takes an active role in Landfill marketing

- o *with respect to municipal relationships. The Klickitat County Commissioners have been kept apprised of HWS' export project in Honolulu, and have sent letters to officials in Hawaii supporting the concept and inviting them to visit Roosevelt Landfill's capacity - permitted for 5 million tons annually and 220 million tons overall, with room for expansion - is such that waste from Honolulu would not significantly impact its ability to meet current and future domestic waste disposal needs."*

The points you offer concerning Klickitat County and the Roosevelt Landfill are noted.

We appreciate this opportunity to respond to your comments. Any further written comments may be directed to Ms. Wilma Namumart of our office.

Sincerely,



Eric S. Takamura, Ph.D., P.E.
Director

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.

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BOARD OF WATER SUPPLY

CITY AND COUNTY OF HONOLULU
630 SOUTH BERETANIA STREET
HONOLULU, HI 96843



December 18, 2006

MUFI HANNEMANN, Mayor

RANDALL Y. S. CHUNG, Chairman
HERBERT S. K. KAPOUA, SR.
SAMUEL T. HATA
ALLY J. PARK
ROBERT K. CUNDIFF

RODNEY K. HARAGA, Ex-Officio
LAVERNE T. HIGA, Ex-Officio

CLIFFORD P. LUM
Manager and Chief Engineer

TO: ERIC S. TAKAMURA, P.E., DIRECTOR
DEPARTMENT OF ENVIRONMENTAL SERVICES

FROM: *K. Shida*
KEITH S. SHIDA, PRINCIPAL EXECUTIVE
CUSTOMER CARE DIVISION

SUBJECT: YOUR LETTER DATED NOVEMBER 8, 2006 REGARDING
ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE
CHAPTER 343, HAWAII REVISED STATUTES FOR
WAIMANALO GULCH SANITARY LANDFILL EXPANSION

Thank you for the opportunity to comment on the proposed project.

We have no objections to the proposed project.

If you have any questions, please contact Robert Chun at 748-5440.

DEPARTMENT OF
ENVIRONMENTAL SERVICES
06 DEC 20 P 3:02

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://www.co.honolulu.gov>

MUFI HANNEMANN
MAYOR



ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-065

May 12, 2008

MEMORANDUM

TO: CLIFFORD P. LUM, MANAGER AND CHIEF ENGINEER,
BOARD OF WATER SUPPLY

FROM: *Eric S. Takamura*
ERIC S. TAKAMURA, Ph.D., P.E., DIRECTOR
DEPARTMENT OF ENVIRONMENTAL SERVICES

SUBJECT: ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE
(EISPN) WAIMANALO GULCH SANITARY LANDFILL EXPANSION

Thank you for your memorandum dated December 18, 2006 concerning the
subject project. We acknowledge that you have no objections to the proposed project.

Should you have any further written comments they may be directed to
Ms. Wilma Namumnart of our office at 768-3406.

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.



LINDA LINGLE
GOVERNOR OF HAWAII



GENEVIEVE SALMONSON
DIRECTOR

STATE OF HAWAII
OFFICE OF ENVIRONMENTAL QUALITY CONTROL

230 SOUTH HENRYANA STREET
SUITE 702
HONOLULU, HAWAII 96813
TELEPHONE: (808) 586-4186
FACSIMILE: (808) 586-4186
E-MAIL: oeqp@health.state.hi.us

December 15, 2006

Eric Takamura
Department of Environmental Services
1000 Uluohia Street #308
Kapolei, Hawaii 96707

Attn: Wilma Namumnart

Dear Dr. Takamura:

Subject: Environmental Impact Statement (EIS) Preparation Notice
Waimanalo Gulch Sanitary Landfill Expansion

We have the following comments to offer:

Nanakuli B Landfill: Notice of the Nanakuli EISPN was published in our May 23rd, 2006 *Environmental Notice*. In the draft EIS fully discuss the relation between the currently proposed expansion of Waimanalo Gulch and Nanakuli B.

Violations of conditions: In February 2006 the State DOH issued a Notice and Finding of Violation and Order against Waste Management of Hawaii and the City & County of Honolulu for 18 alleged violations of solid waste management laws, regulations, and permit conditions at Waimanalo Gulch Landfill. When and how will these alleged violations be corrected? What assurance does the public have that these alleged violations will not occur in the expansion area?

Acronyms list: A list of acronyms and abbreviations used in the text would be helpful for the reviewer. Please include such a list in the draft EIS.

Consultation: A list of agencies and community groups to be consulted during the EIS process was not included in the EISPN. Include this list in the EIS.

Permits and approvals: In the DEIS permits list (or chart) be sure indicate the status of each.

Figure 4-6. "Land Uses": The text accompanying this figure indicates that the Kaha power plant lies to the east of the landfill, while in the figure it lies to the west. Please correct this in the draft EIS.

Eric Takamura
December 15, 2006
Page 2

If you have any questions, call Nancy Heinrich at 586-4185.

Sincerely,

Genevieve Salmonson
GENEVIEVE SALMONSON
Director

c: Brian Takeda,
Raymond Young, DPP

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

1000 ULUOHA STREET, SUITE 308, KAPOLEI, HAWAII 96707
TELEPHONE: (808) 768-3486 • FAX: (808) 768-3487 • WEBSITE: www.honolulu.gov

MUJI HANNEMANN
MAYOR



May 12, 2008

ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-046

Ms. Katherine Puana Kealoha, Director
Office of Environmental Quality Control
235 South Beretania Street, Room 702
Honolulu, Hawaii 96813-2437

Dear Ms. Kealoha:

Subject: Environmental Impact Statement Preparation Notice (EISPN)
Waimanalo Gulch Sanitary Landfill Expansion

Thank you for your letter dated December 15, 2006, concerning the subject project. The following is prepared in response to your comments (your comments have been italicized for reference):

1. *"Nanakuli B Landfill: Notice of the Nanakuli EISPN was published in our May 23rd, 2006 Environmental Notice. In the draft EIS fully discuss the relation between the currently proposed expansion of Waimanalo Gulch and Nanakuli B."*

The relationship between the proposed expansion of the Nanakuli B landfill and the proposed expansion of the Waimanalo Gulch landfill will be further discussed in the Draft EIS (DEIS).

2. *"Violations of conditions: In February 2006 the State DOH issued a Notice and Finding of Violation and Order against Waste Management of Hawaii and the City & County of Honolulu for 18 alleged violations of solid waste management laws, regulations, and permit conditions at Waimanalo Gulch Landfill. When and how will these alleged violations be corrected? What assurance does the public have that these alleged violations will not occur in the expansion area?"*

The Notice of Violation and Order (NVO) was issued by the State Department of Health (DOH) after the alleged violations had been self-reported. The great majority of the alleged violations had been addressed before the NVO was issued. On December 7, 2007, DOH, the City and Waste Management of Hawaii, Inc., agreed to a settlement which resolved the NVO. At that time, there was only a single remaining violation that had not been resolved--the exceedance of permitted grades. On February 20, 2008, DOH issued a grade modification approval which resolved the grade exceedance issue. Thus, all alleged violations in the NVO have been resolved.

Ms. Katherine Puana Kealoha, Director
May 12, 2008
Page 2

3. *"Acronyms list: A list of acronyms and abbreviations used in the text would be helpful for the reviewer. Please include such a list in the draft EIS."*

We have directed our consultant to prepare a list of acronyms for inclusion in the DEIS to help the reviewers of the document.

4. *"Consultation: A list of agencies and community groups to be consulted during the EIS process was not included in the EISPN. Include this list in the EIS."*

We will supplement our list of agencies and community members provided in Section 8, Organizations, Agencies, and Public Parties Consulted in the Preparation of the Environmental Impact Statement Preparation Notice, with a new list identifying the consultation undertaken for the EIS process.

5. *"Permits and approvals: In the DEIS permits list (or chart) be sure indicate the status of each."*

The DEIS will include the status of the permits and approval that may be required for the proposed project.

6. *Figure 4-6, "Land Uses": The text accompanying this figure indicates that the Kahe power plant lies to the east of the landfill, while in the figure it lies to the west. Please correct this in the draft EIS."*

Your point of correction is noted and appreciated. This will be corrected in the DEIS.

We thank you for this opportunity to respond to your comments. Any further written comments may be directed to Ms. Wilma Namumart of our office.

Sincerely,

Handwritten signature of Eric S. Takamura in black ink.

Eric S. Takamura, Ph.D. P.E.
Director

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.

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/

DEPARTMENT OF COMMUNITY SERVICES
CITY AND COUNTY OF HONOLULU

715 SOUTH KING STREET, SUITE 311 • HONOLULU, HAWAII 96813 • AREA CODE 808 • PHONE: 768-7762 • FAX: 768-7792

MUFI HANNEMANN
MAYOR



DEBORAH KIM MORIKAWA
DIRECTOR

MARK K. OTO
SENIOR ADVISOR

December 14, 2006

MEMORANDUM

TO: Dr. Eric S. Takamura, Ph.D., P.E., Director of Environmental Services

ATTENTION: Ms. Wilma Namumnart, Refuse Division

FROM: *Deborah Kim Morikawa*
Deborah Kim Morikawa, Director of Community Services

SUBJECT: Waimanalo Gulch Sanitary Landfill Expansion
Environmental Impact Statement Preparation Notice

We have reviewed the subject Environmental Impact Statement Preparation Notice and have determined that the subject project will have no impact on the projects and programs of the Department of Community Services.

However, we believe it is worth noting in the Draft and Final EIS that the City and County of Honolulu will be allocating a \$2 million community benefits package to offset the impact of the Waimanalo Gulch landfill. The intent is that \$1 million will go to the Department of Parks and Recreation for parks improvements to the areas most directly affected by the landfill. The rest of the money will be used by the Department of Community Services to provide grants and services that will address problems or concerns identified by residents.

We appreciate the opportunity to provide these comments. Questions regarding this matter may be directed to Mr. Keith Ishida at 768-7750.

DKM:dn

cc: R. M. Towill Corporation

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://www.cc.honolulu.gov>

MUFI HANNEMANN
MAYOR



ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-058

May 12, 2008

MEMORANDUM

TO: DEBORAH KIM MORIKAWA, DIRECTOR OF COMMUNITY SERVICES
DEPARTMENT OF COMMUNITY SERVICES

FROM: *Eric S. Takamura*
ERIC S. TAKAMURA, Ph.D., P.E., DIRECTOR
DEPARTMENT OF ENVIRONMENTAL SERVICES

SUBJECT: ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE
(EISPN) WAIMANALO GULCH SANITARY LANDFILL EXPANSION

Thank you for your memorandum dated December 14, 2006 concerning the subject project. We acknowledge that you have determined that the subject project will not impact the projects and programs of the Department of Community Services. We further acknowledge that the City & County of Honolulu has allocated a \$2 million community benefits package in fiscal year (FY) 2007 to communities in the vicinity of the Waimanalo Gulch landfill. The Administration proposes additional funding to continue the community benefits program to Leeward Communities in the next FY.

Should you have any further written comments they may be directed to Ms. Wilma Namumnart of our office at 692-5352.

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.

120

MAKAIWA HILLS LLC

James Campbell Building, Suite 250
1001 Kamokila Boulevard
Kapolei, Hawaii 96707
Tel 808 674-3541 / Fax 808 674-3111

December 13, 2006

City & County of Honolulu
Department of Environmental Services, Refuse Division
1000 Uluohia Street, Suite 212
Kapolei, Hawaii 96707

To Whom It May Concern:

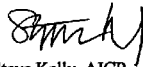
Subject: Comments on the Waimanalo Gulch Sanitary Landfill Expansion Environmental Impact Statement Preparation Notice dated November 2006

Makaiwa Hills LLC ("MH LLC") is the fee owner of approximately 1,700 acres of property ("Property") located on the eastern boundary of the Waimanalo Gulch Landfill ("Waimanalo Gulch"). As part of the Environmental Impact Statement ("EIS") Public Scoping process, MH LLC submitted a letter dated August 29, 2006, which outlined concerns regarding blasting activity that had been occurring near the western portion of the Property. MH LLC expressed concern that the aforementioned blasting activity, as well as any future activity could threaten the Property's structural integrity. At this time, we would like to reiterate our position that the EIS address the following issues:

- Structural integrity of the slope along Waimanalo Gulch's eastern boundary line.
- Proposed operations near Waimanalo Gulch's eastern boundary line.
- Proposed access points for any expansion of Waimanalo Gulch near the eastern boundary.
- The eventual height of Waimanalo Gulch along its eastern boundary.
- The distance from the top of slope to the Waimanalo Gulch eastern property line.
- Blast distances from Waimanalo Gulch's eastern property line.

Thank you for the opportunity to comment on the proposed EIS.

Sincerely,



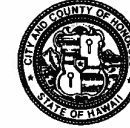
Steve Kelly, AICP
Manager
Entitlements and Infrastructure

15034500K10008

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://www.co.honolulu.gov>

MUFI HANNEMANN
MAYOR



ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-072

May 12, 2008

Mr. Steve Kelly, AICP, Manager
Entitlements and Infrastructure
Makaiwa Hills LLC
James Campbell Building, Suite 250
1001 Kamokila Boulevard
Kapolei, Hawaii 96707

Dear Mr. Kelly:

Subject: Environmental Impact Statement Preparation Notice (EISPN)
Waimanalo Gulch Sanitary Landfill Expansion

Thank you for your letter dated December 13, 2006 concerning the subject project. The following is prepared in response to your comments (your comments have been italicized for reference):

1. *"Makaiwa Hills LLC ("MH LLC") is the fee owner of approximately 1,700 acres of property ("Property") located on the eastern boundary of the Waimanalo Gulch Landfill ("Waimanalo Gulch"). As part of the Environmental Impact Statement ("EIS") Public Scoping process, MH LLC submitted a letter dated August 29, 2006, which outlined concerns regarding blasting activity that had been occurring near the western portion of the Property. MH LLC expressed concern that the aforementioned blasting activity, as well as any future activity could threaten the Property's structural integrity."*

The operation of the proposed project that will involve blasting will be discussed as a part of the Draft EIS (DEIS). The potential for geologic structural and related impacts and planned mitigation measures will be provided as part of the discussion.

Mr. Steve Kelly, AICP, Manager
May 12, 2008
Page 2

2. *"At this time, we would like to reiterate our position that the EIS address the following issues:*
- *Structural integrity of the slope along Waimanalo Gulch's eastern boundary line.*
 - *Proposed operations near Waimanalo Gulch's eastern boundary line.*
 - *Proposed access points for any expansion of Waimanalo Gulch near the eastern boundary.*
 - *The eventual height of Waimanalo Gulch along its eastern boundary.*
 - *The distance from the top of slope to the Waimanalo Gulch eastern property line.*
 - *Blast distances from Waimanalo Gulch's eastern property line."*

The specific locations and details associated with some of the items you describe will not be fully known at the time the EIS is processed. Our intention, and the intention of Waste Management of Hawai'i, Inc., is to closely coordinate and inform you of the work activities that are required to mitigate and minimize any potential for impacts to your project. As much as possible, the DEIS will describe the structural integrity of the site, operational practices, the use of controlled blasting, and other practices that will be used to ensure a well run and operated facility.

We appreciate this opportunity to respond to your comments. Any further written comments may be directed to Ms. Wilma Namumnat of our office.

Very truly yours,



Eric S. Takamura, Ph.D., P.E.
Director

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.

DEPARTMENT OF DESIGN AND CONSTRUCTION
CITY AND COUNTY OF HONOLULU
850 SOUTH KING STREET, 11TH FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 523-4584 • Fax: (808) 523-4567
Web site: www.honolulu.gov



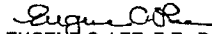
MUFI HANNEMANN
MAYOR

EUGENE C. LEE, P.E.
DIRECTOR
CRAIG I. NISHIMURA, P.E.
DEPUTY DIRECTOR

December 12, 2006

MEMORANDUM

TO: Dr. ERIC S. TAKAMURA, P.E. DIRECTOR, DIRECTOR
DEPARTMENT OF ENVIRONMENTAL SERVICES

FROM: 
EUGENE C. LEE, P.E., DIRECTOR

SUBJECT: ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE
WAIMANALO GULCH SANITARY LANDFILL EXPANSION
TAX MAP KEY: (1) 9-2-003: 072 AND 073

Thank you for giving us the opportunity to comment on the above Environmental Impact Statement.

The Department of Design and Construction has no comments to offer at this time.

ECL:it (183284))

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Reflex

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://www.co.honolulu.gov>

MUFI HANNEMANN
MAYOR



May 12, 2008

ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-069

MEMORANDUM

TO: EUGENE C. LEE, P.E., DIRECTOR
DEPARTMENT OF DESIGN AND CONSTRUCTION

Eric S. Takamura

FROM: ERIC S. TAKAMURA, Ph.D., P.E., DIRECTOR
DEPARTMENT OF ENVIRONMENTAL SERVICES

SUBJECT: ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE
(EISPN) WAIMANALO GULCH SANITARY LANDFILL EXPANSION

Thank you for your memorandum dated December 12, 2006 concerning the subject project. We acknowledge that you have no comments to offer at this time.

Should you have any further written comments they may be directed to Ms. Wilma Namumart of our office at 768-3406.

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.

LINDA LINGLE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT AND TOURISM
HAWAII HOUSING FINANCE AND DEVELOPMENT CORPORATION
677 QUEEN STREET, SUITE 300
Honolulu, Hawaii 96813
FAX: (808) 587-0600

ORLANDO "DAN" DAVIDSON
EXECUTIVE DIRECTOR

IN REPLY REFER TO:

06:PEO/194

December 12, 2006

Dr. Eric S. Takamura, P.E.
Director
Department of Environmental Services
City and County of Honolulu
1000 Uluohia Street, Suite 308
Kapolei, Hawaii 96707

Dear Dr. Takamura:

Re: Environmental Impact Statement Preparation Notice (EISPN) for the Waimanalo
Gulch Sanitary Landfill Expansion

We appreciate the opportunity to review the subject EISPN.

We have no housing-related comments to offer.

Sincerely,

Orlando "Dan" Davidson
Executive Director

c: ✓ R.M. Towill Corporation

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://www.cc.honolulu.gov>

MUFI HANNEMANN
MAYOR



May 12, 2008

ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-068

Mr. S. B. Teramoto
92-1198-2 Olani Street
Kapolei, HI 96707
December 13, 2006

Mr. Eric Takamura
P.E. Director
City & County of Honolulu
Department of Environmental Services
650 South King Street
Honolulu, HI 96813

Subject: Environmental Impact Statement Preparation Notice (EISPN) – Waimanalo
Gulch Sanitary Landfill Expansion

Dear Mr. Takamura:

The Waimanalo Gulch Landfill continues to adversely impact the surrounding areas of Ko Olina with odors, dust and a constant stream of trucks. The Association of Apartment Owners at The Coconut Plantation, whom I am representing, are very concerned with the open issues of garbage still being piled higher than a permit allows and the level of leachate - liquid seepage from garbage is not totally monitored. We have seen flying trash and plastic bags that litter the roadways, parks, nearby residences and eventually polluting our ocean.

The Coconut Plantation consists of 270 units and is located near Kai Lani within the Ko Olina Resort and near the base of the landfill. This landfill has reached its safe limit for its size and proximity to the ocean. It has previously been determined that the area between the gulch and the waterfront can only handle the load point that is now being reached.

Another concern is the run-off of storm water that comes from the landfill. This run-off is detrimental to our reefs, which are of great importance to the tourism business, here on the Leeward Coast. The artificial reef created by the warm water discharge pipe at the power station is the best snorkeling on the Leeward Coast of the Island and the life blood for numerous charter operations for both Ko Olina Marina and Waianae Harbor. All around this small section (about 500 yards to the right of the gulch), the reefs are dying as the coral heads and fish are smothered by the mud and contaminants that are allowed to flow into our ocean. To expand the landfill beyond its current limits is guaranteed to adversely effect the ocean environment here for decades.

Local government must improve management of reef resources by addressing land pollution. It has been stated that the current landfill operator is committed to implementing necessary improvements to landfill operations to address community

Mr. Orlando "Dan" Davidson
Executive Director
State of Hawaii
Hawaii Housing Finance and Development Corporation
Department of Business, Economic Development and Tourism
677 Queen Street, Suite 300
Honolulu, Hawaii 96813

Dear Mr. Davidson:

Subject: Environmental Impact Statement Preparation Notice (EISPN)
Waimanalo Gulch Sanitary Landfill Expansion

Thank you for your letter dated December 12, 2006 concerning the subject project. We acknowledge that you have no housing related comments to offer.

Should you have any further written comments they may be directed to Ms. Wilma Namumnart of our office at 768-3406.

Very truly yours,

Handwritten signature of Eric S. Takamura in cursive.

Eric S. Takamura, Ph.D., P.E.
Director

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.

23

Mr. Eric Takamura
December 11, 2006
Page 2

concerns regarding visual impacts, odors, airborne waste, litter and dust control. However, it appears that inspecting and regulating the landfill falls short of what should be expected from the State and City and County of Honolulu. It is imperative to have the environmental study incorporate how compliance enforcement is to be adhere to. So far it appears we have been failed by the watch dog organizations.

These are the concerns and issues which must be addressed in the draft EIS. It is our position that the Waimanalo Landfill be closed

Sincerely,



Bob Teramoto
Board Vice President
AOAO at The Coconut Plantation

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

1000 ULUOHIA STREET, SUITE 308, KAPOLEI, HAWAII 96707
TELEPHONE: (808) 768-3488 • FAX: (808) 768-3487 • WEBSITE: www.honolulu.gov

MUFI HANNEMANN
MAYOR



May 12, 2008

ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-078

Mr. S. B. Teramoto
92-1198-2 Olani Street
Kapolei, Hawaii 96707

Dear Mr. Teramoto:

Subject: Environmental Impact Statement Preparation Notice (EISPN)
Waimanalo Gulch Sanitary Landfill Expansion

Thank you for your letter dated December 13, 2006, concerning the subject project. The following is prepared in response to your comments (your comments have been italicized for reference):

1. *"The Waimanalo Gulch Landfill continues to adversely impact the surrounding areas of Ko Olina with odors, dust and a constant stream of trucks. The Association of Apartment Owners at The Coconut Plantation, whom I am representing, are very concerned with the open issues of garbage still being piled higher than a permit allows and the level of leachate - liquid seepage from garbage is not totally monitored. We have seen flying trash and plastic bags that litter the roadways, parks, nearby residences and eventually polluting our ocean."*

The matter involving the height of the existing landfill was coordinated with the State Department of Health (DOH) through a request for a height modification submitted in February 2006. On February 20, 2008, the DOH approved the height modification request based on thorough stability analyses.

Leachate generated from the operation of the existing area of landfill is currently being monitored in accordance with DOH requirements.

Discussion of litter management at the existing and future proposed site will be provided in the DEIS including measures that will be implemented to mitigate against adverse impacts, such as those of concern to you.

Further discussion of these and other operational matters as they relate to the proposed expansion will also be provided in the Draft EIS (DEIS).

Mr. S. B. Teramoto
May 12, 2008
Page 2

2. *"The Coconut Plantation consists of 270 units and is located near Kai Lani within the Ko Olina Resort and near the base of the landfill. This landfill has reached its safe limit for its size and proximity to the ocean. It has previously been determined that the area between the gulch and the waterfront can only handle the load point that is now being reached."*

A discussion concerning the ability of the site to support the planned lateral expansion of the landfill will be provided in the DEIS. This will include a description of the proposed area of use and its capacity. This planned area of expansion will lie entirely within the approximately 200 acre landfill property owned by the City and County of Honolulu.

3. *"Another concern is the run-off of storm water that comes from the landfill. This run-off is detrimental to our reefs, which are of great importance to the tourism business, here on the Leeward Coast. The artificial reef created by the warm water discharge pipe at the power station is the best snorkeling on the Leeward Coast of the Island and the life blood for numerous charter operations for both Ko Olina Marina and Waianae Harbor. All around this small section (about 500 yards to the right of the gulch), the reefs are dying as the coral heads and fish are smothered by the mud and contaminants that are allowed to flow into our ocean. To expand the landfill beyond it [sic] current limits is guaranteed to adversely effect the ocean environment here for decades."*

And,

"Local government must improve management of reef resources by addressing land pollution. It has been stated that the current landfill operator is committed to implementing necessary improvements to landfill operations to address community concerns regarding visual impacts, odors, airborne waste, litter and dust control. However, it appears that inspecting and regulating the landfill falls short of what should be expected from the State and City and County of Honolulu. It is imperative to have the environmental study incorporate how compliance enforcement is to be adhere [sic] to. So far it appears we have been failed by the watch dog organizations."

"These are the concerns and issues which must be addressed in the draft EIS. It is our position that the Waimanalo Landfill be closed"

Your objection to the proposed project is noted. The DEIS will describe the stormwater management controls of the existing and planned lateral landfill expansion. This will include a discussion of the potential for impacts to nearshore waters as well as mitigative measures, as appropriate, to ensure protection of the ocean coastal resources.

The DEIS will also discuss the potential for visual impacts, and odor and windblown litter and dust control.

Mr. S. B. Teramoto
May 12, 2008
Page 3

We appreciate this opportunity to respond to your comments. Any further written comments may be directed to Ms. Wilma Namumart of our office.

Sincerely,



Eric S. Takamura, Ph.D., P.E.
Director

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.

LINDA LINGLE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF EDUCATION
P.O. BOX 2360
HONOLULU, HAWAII 96804

OFFICE OF THE SUPERINTENDENT

December 8, 2006

Mr. Eric S. Takamura, Director
Department of Environmental Services
City and County of Honolulu
1000 Uluohia Street, Suite 308
Kapolei, Hawaii 96707

Dear Mr. Takamura:

SUBJECT: Environmental Impact Statement Preparation Notice, Waimanalo Landfill
Expansion, TMK: 9-2-003: 72 and 73, Kahe Valley, Oahu

The Department of Education has reviewed the Environmental Impact Statement Preparation Notice for the Waimanalo Landfill expansion. We have no comment at this time.

If you have any questions, please call Heidi Meeker of the Facilities Development Branch at 733-4862.

Very truly yours,


Patricia Hamamoto
Superintendent

PH:jmb

c: Randolph Moore, Acting Assistant Superintendent, OBS
Duane Kashiwai, Public Work Manager, FDB

AN AFFIRMATIVE ACTION AND EQUAL OPPORTUNITY EMPLOYER

29

PATRICIA HAMAMOTO
SUPERINTENDENT

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://www.co.honolulu.gov>

MUFI HANNEMANN
MAYOR



ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08067

May 12, 2008

Ms. Patricia Hamamoto
Superintendent of Education
State of Hawaii
Department of Education
P.O. Box 2360
Honolulu, Hawaii 96804

Dear Ms. Hamamoto:

Subject: Environmental Impact Statement Preparation Notice (EISPN)
Waimanalo Gulch Sanitary Landfill Expansion

Thank you for your letter dated December 8, 2006 concerning the subject project. We acknowledge that you have no comments to offer at this time.

Should you have any further written comments they may be directed to Ms. Wilma Namumnart of our office at 768-3406.

Very truly yours,



Eric S. Takamura, Ph.D., P.E.
Director

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 3378
HONOLULU, HAWAII 96801-3378

November 30, 2006

Dr. Eric S. Takamura, P.E.
Director
Department of Environmental Services
City and County of Honolulu
1000 Uluohia Street, Suite 308
Kapolei, Hawaii 96707

Attention: Ms. Wilma Namumnart
Refuse Division

Dear Dr. Takamura:

**Subject: Environmental Impact Statement Preparation Notice
Waimanalo Gulch Sanitary Landfill Expansion
Waimanalo Gulch, Oahu, Hawaii**

The Department of Health (DOH), Clean Water Branch (CWB), acknowledges receipt of the subject document, dated November 2006. The CWB has reviewed the limited information contained in the subject document and offers the following comments:

1. The Draft Environmental Impact Statement should address the impacts to state waters and controlling pollutants in storm water runoff in accordance with Hawaii Administrative Rules (HAR), Chapters 11-54, 11-55 and 11-58.1.
2. Construction activities related to the expansion requires National Pollutant Discharge Elimination System (NPDES) general permit coverage for storm water associated with construction activity. A Notice of Intent (NOI) form for NPDES general permit coverage should be submitted at least 30 days before the commencement of construction activities. The NOI form may be picked up at our office or downloaded from our website at: <http://www.hawaii.gov/health/environmental/water/cleanwater/forms/genl-index.html>.
3. Any other discharge from the project, including, but not limited to, treated effluent from leaking underground storage tank remedial activities, hydrotesting water, and construction dewatering effluent, requires separate NPDES general permit coverages. Please see Item 2 above for information regarding the submittal of NOI.

25

CHYOME L. FUKINO, M.D.
DIRECTOR OF HEALTH

In reply, please refer to:
EMD/CWB

11076PKP.06

Dr. Eric S. Takamura, P.E.
November 30, 2006
Page 2

4. The existing portion of the facility currently has coverage under the NPDES general permit for discharges of storm water associated with industrial activity. This coverage expires on November 6, 2007, and a renewal NOI must be submitted before the expiration date. A reminder will be sent to you next year. When the expansion project is completed, the Storm Water Pollution Control Plan for the facility must be revised to address the expanded area and submitted to our office.
5. In accordance with HAR, Section 11-55-38, the applicant for an NPDES permit is required to either submit a copy of the new NOI or NPDES permit application to the State Department of Land and Natural Resources, State Historic Preservation Division (SHPD), or demonstrate to the satisfaction of the DOH that the project, activity, or site covered by the NOI or application has been or is being reviewed by SHPD. If applicable, please submit a copy of the request for review by SHPD or SHPD's determination letter for the project.
6. Any discharges related to project construction or operation activities, with or without a Section 401 Water Quality Certification or NPDES permit coverage, shall comply with the applicable State Water Quality Standards as specified in HAR, Chapter 11-54.

The Hawaii Revised Statutes, Subsection 342D-50(a), requires that "[n]o person, including any public body, shall discharge any water pollutants into state waters, or cause or allow any water pollutant to enter state waters except in compliance with this chapter, rules adopted pursuant to this Chapter, or a permit or variance issued by the director."

If you have any questions, please contact Mr. Alec Wong, Supervisor of the Engineering Section, CWB, at 586-4309.

Sincerely,


DENIS R. LAU, P.E., CHIEF
Clean Water Branch

KP:np

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

1000 ULUOHA STREET, SUITE 308, KAPOLEI, HAWAII 96707
TELEPHONE: (808) 768-3486 • FAX: (808) 768-3487 • WEBSITE: www.honolulu.gov

MUFI HANNEMANN
MAYOR



May 12, 2008

ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-074

Mr. Alec Wong, P.E., Chief
Clean Water Branch
State of Hawaii
Department of Health
P.O. Box 3378
Honolulu, Hawaii 96801-3378

Dear Mr. Wong:

Subject: Environmental Impact Statement Preparation Notice (EISPN)
Waimanalo Gulch Sanitary Landfill Expansion

Thank you for your letter dated November 30, 2006, concerning the subject project. The following is prepared in response to your comments (your comments have been italicized for reference):

"1. *The Draft Environmental Impact Statement should address the impacts to state waters and controlling pollutants in storm water runoff in accordance with Hawaii Administrative Rules (HAR), Chapters 11-54, 11-55 and 11-58.1.*"

The Draft EIS (DEIS) will describe the potential for impacts and provide mitigative measures concerning the control of pollutants in storm water runoff in accordance with HAR 11-54, 11-55, and 11-58.1.

"2. *Construction activities related to the expansion requires National Pollutant Discharge Elimination System (NPDES) general permit coverage for storm water associated with construction activity. A Notice of Intent (NOI) form for NPDES general permit coverage should be submitted at least 30 days before the commencement of construction activities. The NOI form may be picked up at our office or downloaded from our website at: <http://www.hawaii.gov/health/environment/water/cleanwater/forms/genlindex.html>.*"

A permit application for the NOI Form C, Construction Stormwater permit application will be prepared and filed in accordance with the regulations you have cited. The DEIS will also identify this as a requirement of the proposed project.

Mr. Alec Wong, P.E., Chief
May 12, 2008
Page 2

"3. *Any other discharge from the project, including, but not limited to, treated effluent from leaking underground storage tank remedial activities, hydrotesting water, and construction dewatering effluent, requires separate NPDES general permit coverages. Please see Item 2 above for information regarding the submittal of NOI.*"

Construction activities for the proposed project that generate storm and non-stormwater discharges to state waters will be subject to the NPDES regulations. Should the proposed project be approved, the appropriate NPDES permit applications will be prepared and filed for the area of expansion. A list of the permit applications that may be required will be provided in the DEIS.

"4. *The existing portion of the facility currently has coverage under the NPDES general permit for discharges of storm water associated with industrial activity. This coverage expires on November 6, 2007, and a renewal NOI must be submitted before the expiration date. A reminder will be sent to you next year. When the expansion project is completed, the Storm Water Pollution Control Plan for the facility must be revised to address the expanded area and submitted to our office.*"

Our regulatory responsibilities for the NPDES NOI Form B are noted and will be complied with. It is understood that a revised Storm Water Pollution Control Plan will be required for the proposed area of expansion.

"5. *In accordance with HAR, Section 11-55-38, the applicant for an NPDES permit is required to either submit a copy of the new NOI or NPDES permit application to the State Department of Land and Natural Resources, State Historic Preservation Division (SHPD), or demonstrate to the satisfaction of the DOH that the project, activity, or site covered by the NOI or application has been or is being reviewed by SHPD. If applicable, please submit a copy of the request for review by SHPD or SHPD's determination letter for the project.*"

Information concerning compliance with SHPD regulatory requirements will be provided in the DEIS. Documents that will be submitted to the SHPD for review will include an archaeological study of the planned area of expansion, and copies of the NPDES permit applications, as applicable.

"6. *Any discharges related to project construction or operation activities, with or without a Section 401 Water Quality Certification or NPDES permit coverage, shall comply with the applicable State Water Quality Standards as specified in HAR, Chapter 11-54.*"

The requirement that all project construction activities must comply with HAR, Chapter 11-54, Water Quality Standards, is noted and will be complied with should the proposed project be approved.

Mr. Alec Wong, P.E., Chief
May 12, 2008
Page 3

Closing Remark

"The Hawaii Revised Statutes, Subsection 342D-50(a), requires that "[n]o person, including any public body, shall discharge any water pollutants into state waters, or cause or allow any water pollutant to enter state waters except in compliance with this chapter, rules adopted pursuant to this Chapter, or a permit or variance issued by the director."

This requirement is also noted and acknowledged. The City and its operator, Waste Management of Hawaii, will comply with the requirements of law.

We appreciate this opportunity to respond to your comments. Any further written comments may be directed to Ms. Wilma Namumart of our office.

Sincerely,



Eric S. Takamura, Ph.D., P.E.
Director

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.

DEPARTMENT OF PARKS AND RECREATION
CITY AND COUNTY OF HONOLULU

KAPOLEI MALE • 1000 ULUOHIA STREET, SUITE 309 • KAPOLEI, HAWAII 96707
TELEPHONE: (808) 692-9561 • FAX: (808) 692-5131 • INTERNET: www.honolulu.gov



November 30, 2006

MUFI HANNEMANN
MAYOR

26
Revised

LESTER K. C. CHANG
DIRECTOR

DANA TAKAHARA-OKAS
DEPUTY DIRECTOR

TO: DR. ERIC S. TAKAMURA, P.E., DIRECTOR
DEPARTMENT OF ENVIRONMENTAL SERVICES

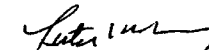
FROM: LESTER K. C. CHANG, DIRECTOR

SUBJECT: ENVIRONMENTAL IMPACT STATEMENT PREPARATION
NOTICE WAIMANALO GULCH SANITARY LANDFILL EXPANSION

Thank you for the opportunity to review and comment on the Environmental Impact Statement Preparation Notice relating to the Waimanalo Gulch Sanitary Landfill Expansion.

The Department of Parks and Recreation has no comment and as the proposed expansion will have no impact on any program or facility of this department, you are invited to remove us as a consulted party to the balance of the EIS process.

Should you have any questions, please contact Mr. John Reid, Planner, at 692-5454.



LESTER K. C. CHANG
Director

LKCC:mk
(183701)

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

1000 ULUOHA STREET, SUITE 308, KAPOLEI, HAWAII 96707
TELEPHONE: (808) 768-3486 • FAX: (808) 768-3487 • WEBSITE: <http://www.co.honolulu.gov>

MUFI HANNEMANN
MAYOR



ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-057

May 12, 2008

MEMORANDUM

TO: LESTER K. C. CHANG, DIRECTOR
DEPARTMENT OF PARKS AND RECREATION

FROM: 
ERIC S. TAKAMURA, Ph.D., P.E., DIRECTOR
DEPARTMENT OF ENVIRONMENTAL SERVICES

SUBJECT: ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE
(EISPN) WAIMANALO GULCH SANITARY LANDFILL EXPANSION

Thank you for your memorandum dated November 30, 2006 concerning the subject project. We acknowledge that the proposed project will have no impact on any program or facility of your department. We further acknowledge your notification that your Department has requested to be removed as a consulted party to the EIS process.

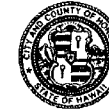
Should you have any further written comments they may be directed to Ms. Wilma Namumnart of our office at 768-3406.

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU
DEPARTMENT OF ENVIRONMENTAL SVCS
901 SOUTH BERETANIA STREET - HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 • INTERNET: www.honolulupd.org

06 DEC -1 P3:52

MUFI HANNEMANN
MAYOR



OUR REFERENCE BS-DK

November 28, 2006

TO: DR. ERIC S. TAKAMURA, P.E., DIRECTOR
DEPARTMENT OF ENVIRONMENTAL SERVICES

FROM: BOISSE P. CORREA, CHIEF OF POLICE
HONOLULU POLICE DEPARTMENT

SUBJECT: ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE
CHAPTER 343, HAWAII REVISED STATUTES

This is in response to your letter of November 8, 2006, regarding the Waimanalo Gulch Sanitary Landfill Expansion project.

This project should have no unanticipated impact on the facilities or operations of the Honolulu Police Department.

If there are any questions, please call Major Michael Moses of District 8 at 692-4253 or Mr. Brandon Stone of the Executive Office at 529-3644.

Sincerely,

BOISSE P. CORREA
Chief of Police

By 
JOHN P. KERR
Assistant Chief of Police
Support Services Bureau

Serving and Protecting With Aloha

27
Refuse
OK

BOISSE P. CORREA
CHIEF

GLEN R. KAJIYAMA
PAUL D. PUTZULU
DEPUTY CHIEFS

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://www.co.honolulu.gov>

MUFI HANNEMANN
MAYOR



ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-066

May 12, 2008

MEMORANDUM

TO: BOISSE P. CORREA, CHIEF OF POLICE
HONOLULOU POLICE DEPARTMENT

A handwritten signature in cursive script, appearing to read "Eric S. Takamura".

FROM: ERIC S. TAKAMURA, Ph.D., P.E., DIRECTOR
DEPARTMENT OF ENVIRONMENTAL SERVICES

SUBJECT: ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE
(EISPN) WAIMANALO GULCH SANITARY LANDFILL EXPANSION

Thank you for your memorandum dated November 28, 2006 concerning the subject project. We acknowledge that the proposed project should have no unanticipated impact on the facilities or operations of the Honolulu Police Department.

Should you have any further written comments they may be directed to Ms. Wilma Namumnart of our office at 768-3406.

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.

Section 16
Comments and Responses to the
Draft Environmental Impact Statement

This Final EIS has been prepared and modified to address comments received during the 45-day public comment period for the Draft Environmental Impact Statement (DEIS). As appropriate, project mitigation measures are proposed to address substantive concerns.

A list of the comment letters received for the DEIS is provided in **Table 16-1**. The comments and the written responses prepared for the comments are attached and included in this section.

Table 16-1
Comment Letters Received for the
WGSL Lateral Expansion DEIS

No.	Date	Commentor
1	6/2/2008	Honolulu Fire Department
2	No Date	G. Niotta
3	6/9/2008	Department of Design and Construction
4	6/10/2008	Honolulu Police Department
5	6/13/2008	Department of Facility Maintenance
6	6/28/2008	Imagawa
7	7/3/2008	Land Use Commission
8	7/4/2008	Saelid
9	7/6/2008	Department of Health
10	7/7/2008	UH Environmental Center
11	7/7/2008	Colleen Hanabusa
12	7/7/2008	Cynthia Rezendes
13	7/7/2008	Department of Planning and Permitting
14	7/7/2008	Ken Williams, Ko Olina Community Association
15	7/9/2008	Department of Accounting and General Services
16	7/10/2008	DBEDT Office of Planning
17	7/11/2008	Department of Land and Natural Resources
18	7/11/2008	Office of Hawaiian Affairs
19	7/14/2008	Board of Water Supply
20	7/15/2008	Department of Health, Solid & Hazardous Waste Branch
21	7/16/2008	Hawaiian Electric Company
22	7/21/2008	Commission on Water Resource Management

HONOLULU FIRE DEPARTMENT
CITY AND COUNTY OF HONOLULU

#01

636 South Street
Honolulu, Hawaii 96813-5007
Phone: 808-723-7139 Fax: 808-723-7111 Internet: www.honolulu.gov/hfd

MUFI HANNEMANN
MAYOR



KENNETH G. SILVA
FIRE CHIEF
ALVIN K. TOMITA
DEPUTY FIRE CHIEF

June 2, 2008

TO: ERIC TAKAMURA, Ph.D., P.E., DIRECTOR
DEPARTMENT OF ENVIRONMENTAL SERVICES

FROM: ALVIN K. TOMITA, ACTING FIRE CHIEF

SUBJECT: DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR
WAIMANALO GULCH SANITARY LANDFILL LATERAL EXPANSION
TAX MAP KEY: 9-2-003: PORTIONS 072 AND 073

In response to your letter of May 20, 2008, regarding the above-mentioned subject, the Honolulu Fire Department reviewed the materials provided and has no objections to the project.

Should you have any questions, please call Battalion Chief Socrates Bratakos of our Fire Prevention Bureau at 723-7151.

ALVIN K. TOMITA
Acting Fire Chief

AKT/SK:jl

cc: Henry Eng, Department of Planning and Permitting
Office of Environmental Quality Control
Brian Takeda, R.M. Towill Corporation ✓

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>

MUFI HANNEMANN
MAYOR



ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-103

October 23, 2008

MEMORANDUM

TO: KENNETH G. SILVA, FIRE CHIEF
HONOLULU FIRE DEPARTMENT

FROM:
ERIC S. TAKAMURA, Ph.D., P.E., DIRECTOR
DEPARTMENT OF ENVIRONMENTAL SERVICES

SUBJECT: DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)
WAIMANALO GULCH SANITARY LANDFILL EXPANSION

Thank you for your memorandum dated June 2, 2008, concerning the subject project. We acknowledge that you have no objections to the proposed project. Should you have any further written comments they may be directed to Ms. Wilma Namunnart of our office at 768-3406.

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.

City & County of Honolulu
Dept. of Environmental Serv.

Er. Niotta
92-1128 Olani St. Apt 2
Kapolei

#02

Ref: The draft Environmental report.

The report states "no increase in traffic".
Kapolei is the "3rd City" and more than
1000 new homes and businesses are
scheduled here. Are you assuming that
these homes & businesses will create no
traffic? Will there be no additional trucks
taking trash to the dump? Will the
streets be less torn up by the increased
traffic?

I realize that the City & County has
made up its mind to expand the dump,
but at least be honest - "no adverse
environmental impact" is definitely
not true or honest.

Copies:
• Director, Office of Environmental
Quality
• R.M. Farrell Corp.

George W. Niotta
Kapolei, HI

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

1000 ULUOHA STREET, SUITE 308, KAPOLEI, HAWAII 96707
TELEPHONE: (808) 768-3488 • FAX: (808) 768-3487 • WEBSITE: <http://envhohonolulu.org>

MUJI HANNEMANN
MAYOR



October 23, 2008

ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-127

Mr. George W. Niotta
92-1128 Olani Street, Apt. 2
Kapolei, Hawaii 96707

Dear Mr. Niotta:

Subject: Draft Environmental Impact Statement (DEIS)
Waimanalo Gulch Sanitary Landfill Expansion

Thank you for your undated letter we received in July 2008, concerning the
subject project. The following has been prepared in response to your comments (your
comments have been italicized for reference):

1. *Will there be no additional trucks taking trash to the dump? Will the
[Kapolei] streets be less torn up by the increased traffic?*

According to the DEIS, Section 6.1.1. Traffic Impact Report, the existing and
projected "with project" conditions indicated that "The critical traffic movements at the
intersection of Farrington Highway with the WGSL (Waimanalo Gulch Sanitary Landfill)
access road are expected to continue operating at LOS (level of service) "B" and
LOS "C" during the AM and PM peak periods, respectively. The total traffic volumes
entering the intersection are expected to increase by less than one percent during both
peak hours of traffic with proposed expansion. These increases in the total traffic
volumes are in the range of daily volume fluctuations along Farrington Highway and
represent a minimal increase in the overall traffic volumes."

The amount of increased vehicles entering the proposed landfill equate to
approximately 11 southbound vehicles during the morning peak period (between
6:15 AM and 7:15 AM) and 31 southbound vehicles during the afternoon peak period
(between 3:45 PM and 4:45 PM). This increase in traffic, while minimal, represents the
provision of an important public service for Kapolei and all the island communities of
Oahu, by making possible the collection and disposal of municipal refuse.

Mr. George W. Niotta
October 23, 2008
Page 2

2. *I realize the City & County has made up its mind to expand the dump, but at least be honest--"no adverse environmental impact" is definitely not true or honest.*

The project DEIS represents major effort by the City and Waste Management of Hawaii to identify potential adverse environmental impacts and appropriate mitigation measures to reduce or otherwise minimize the effects of the proposed project. No less than eight independent special studies and several engineering studies have been commissioned and are referenced in the subject DEIS. We urge you to review these documents and the mitigation measures that have been proposed to address the potential for environmental impacts.

We appreciate this opportunity to respond. Any further written comments may be directed to Ms. Wilma Namumnart of our office at 768-3406.

Sincerely,



Eric S. Takamura, Ph.D., P.E.
Director

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.

DEPARTMENT OF DESIGN AND CONSTRUCTION
CITY AND COUNTY OF HONOLULU

850 SOUTH KING STREET, 11TH FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8480 • Fax: (808) 523-4567
Web site: www.honolulu.gov

#03

MUFI HANNEMANN
MAYOR

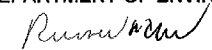


EUGENE C. LEE, P.E.
DIRECTOR
RUSSELL H. TAKARA, P.E.
DEPUTY DIRECTOR

June 9, 2008

MEMORANDUM

TO: Dr. ERIC S. TAKAMURA, Ph.D., DIRECTOR
DEPARTMENT OF ENVIRONMENTAL SERVICES

FROM:  EUGENE C. LEE, P.E., DIRECTOR

SUBJECT: DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)
WAIMANALO GULCH SANITARY LANDFILL LATERAL EXPANSION

Thank you for giving us the opportunity to comment on the above Draft Environmental Impact Statement.

The Department of Design and Construction has no comments to offer at this time.

ECL:lt (263037)

08 JUN 10 P 2:22

DEPARTMENT OF
ENVIRONMENTAL SERVICES

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

1000 ULUOHA STREET, SUITE 308, KAPOLEI, HAWAII 96707
TELEPHONE: (808) 768-3486 • FAX: (808) 768-3487 • WEBSITE: <http://envhohonolulu.org>

MUFI HANNEMANN
MAYOR



October 23, 2008

ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-102

MEMORANDUM

TO: EUGENE C. LEE, P.E., DIRECTOR
DEPARTMENT OF DESIGN AND CONSTRUCTION

FROM: 
ERIC S. TAKAMURA, Ph.D., P.E., DIRECTOR
DEPARTMENT OF ENVIRONMENTAL SERVICES

SUBJECT: DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)
WAIMANALO GULCH SANITARY LANDFILL EXPANSION

Thank you for your memorandum dated June 9, 2008, concerning the subject project. We acknowledge that you have no comments concerning the subject project.

Should you have any further written comments they may be directed to Ms. Wilma Namumart of our office at 768-3406.

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET - HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 • INTERNET: www.honoluluupd.org

#04

BOISSE P. CORREA
CHIEF

PAUL D. PITZULU
KARL A. GODSET
DEPUTY CHIEFS

MUFI HANNEMANN
MAYOR



June 10, 2008

OUR REFERENCE BS-KP

TO: ERIC S. TAKAMURA, PH. D., P.E., DIRECTOR
DEPARTMENT OF ENVIRONMENTAL SERVICES

FROM: BOISSE P. CORREA, CHIEF OF POLICE
HONOLULU POLICE DEPARTMENT

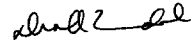
SUBJECT: DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR WAIMANALO
GULCH SANITARY LANDFILL LATERAL EXPANSION, EWA,
TAX MAP KEY: 9-2-3: PORTION 72 AND PORTION 73

Thank you for the opportunity to review and comment on the subject project.

This project should have no significant impact on the facilities or operations of the Honolulu Police Department.

If there are any questions, please call Major Michael Moses of District 8 at 692-4253 or Mr. Brandon Stone of the Executive Office at 529-3644.

BOISSE P. CORREA
Chief of Police

By 
DEBORA A. TANDAL
Assistant Chief of Police
Support Services Bureau

cc: Ms. Katherine Kealoha, OEQC
Mr. Henry Eng, DPP
Mr. Brian Takeda,
R.M. Towill Corporation

Serving and Protecting With Aloha

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>

MUFI HANNEMANN
MAYOR



October 23, 2008

ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-101

MEMORANDUM

TO: BOISSE P. CORREA, CHIEF OF POLICE
HONOLULU POLICE DEPARTMENT

Eric S. Takamura

FROM: ERIC S. TAKAMURA, PH.D., P.E., DIRECTOR
DEPARTMENT OF ENVIRONMENTAL SERVICES

SUBJECT: DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)
WAIMANALO GULCH SANITARY LANDFILL EXPANSION

Thank you for your memorandum dated June 10, 2008, concerning the subject project. We acknowledge that the proposed project should have no significant impact on the facilities or operations of the Honolulu Police Department.

Should you have any further written comments they may be directed to Ms. Wilma Namumart of our office at 768-3406.

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.

DEPARTMENT OF FACILITY MAINTENANCE
CITY AND COUNTY OF HONOLULU

1000 Uluohia Street, Suite 215, Kapolei, Hawaii 96707
Phone: (808) 768-3343 • Fax: (808) 768-3381
Website: www.honolulu.gov

MUFI HANNEMANN
MAYOR



June 13, 2008

#05

CRAIG I. NISHIMURA, P.E.
DIRECTOR AND CHIEF ENGINEER

GEORGE "KEOKI" MIYAMOTO
DEPUTY DIRECTOR

IN REPLY REFER TO:

MEMORANDUM

TO: ERIC S. TAKAMURA, Ph.D., P.E., DIRECTOR
DEPARTMENT OF ENVIRONMENTAL SERVICES

Craig I. Nishimura

FROM: CRAIG I. NISHIMURA, P. E.
DIRECTOR AND CHIEF ENGINEER

SUBJECT: ENVIRONMENTAL IMPACT STATEMENT PREPARATION NOTICE
(EISPN) WAIMANALO GULCH SANITARY LANDFILL EXPANSION

Thank you for the opportunity to review the draft Environmental Impact Statement.

We have no comments to offer as the facility does not impact us.

CIN:cr

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://env.honolulu.org>

MUFI HANNEMANN
MAYOR



October 23, 2008

ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-099

MEMORANDUM

TO: CRAIG I. NISHIMURA, P.E., DIRECTOR AND CHIEF ENGINEER
DEPARTMENT OF FACILITY MAINTENANCE

FROM: 
ERIC S. TAKAMURA, Ph.D., P.E., DIRECTOR
DEPARTMENT OF ENVIRONMENTAL SERVICES

SUBJECT: DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)
WAIMANALO GULCH SANITARY LANDFILL EXPANSION

Thank you for your memorandum dated June 13, 2008, concerning the subject project. We acknowledge that you have no comments to offer and that the proposed project will not impact your Department.

Should you have any further written comments, they may be directed to Ms. Wilma Namunnart of our office at 768-3406.

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.

#06

City and County of Honolulu
Department of Environmental Services
1000 Uluohia Street, Suite 308
Kapolei, Hawaii 96707

Gentlepersons;

I am submitting this letter to express my opposition to expansion of the Waimanalo Gulch Landfill.

As a resident of Kapolei, I live in close proximity to Honolulu's only landfill. I am deeply concerned over the lack of effort on the part of the city to find alternate ways of reducing the volume of ash, treated human sewage waste and debris that is currently being disposed of at Waimanalo Gulch Landfill.

The proposed expansion of 92.5 acres almost doubles the size of the existing landfill, and will allow another 15 years of waste disposal. This is unacceptable.

The company that runs the Waimanalo Gulch Landfill has had serious, repeated violations and fines in the past. There is no reason to believe that these violations or more troubling violations won't occur in the future.

It is unfair and unjust to approve the expansion of Waimanalo Gulch Landfill without first implementing curbside recycling inclusive of, but not limited to, green compostable waste, glass, paper, newspaper, aluminum and cardboard. Diversion of waste to energy programs must occur prior to, or in conjunction with any expansion.

Please do not allow your family members, friends and neighbors on the Leeward side of Oahu to continue to be subjected to possible exposure of hazardous waste and contaminants.


Again, I strongly oppose the approval of the expansion of Waimanalo Gulch Landfill and urge you to explore additional options regarding waste disposal and recycling.

Respectfully,

Signed:  Date: 6/28/08

Name: Yoshinori Imagawa

(Optional) Address / Phone / Email


Yoshi & Yumi Imagawa
92-121 Waiko Pl.
Kapolei, HI 96707

Cc:
Director, Office of Environmental Quality Control
235 S. Beretania Street, Suite 702
Honolulu, HI 96813

R.M. Towill Corp.
2024 N. King Street, Suite 200
Honolulu, HI 96819

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

1000 ULUOHA STREET, SUITE 308, KAPOLEI, HAWAII 96707
TELEPHONE: (808) 768-3486 • FAX: (808) 768-3487 • WEBSITE: <http://enwhonolulu.org>

MUFIHANNEMANN
MAYOR



October 23, 2008

ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-128

Mr. Yoshinori Imagawa
92-121 Waiko Place
Kapolei, Hawaii 96707

Dear Mr. Imagawa:

Subject: Draft Environmental Impact Statement (DEIS)
Waimanalo Gulch Sanitary Landfill Expansion

Thank you for your letter dated June 28, 2008, concerning the subject project. The following has been prepared in response to your comments (your comments have been italicized for reference):

1. *"The company that runs the Waimanalo Gulch Landfill has had serious, repeated violations and fines in the past. There is no reason to believe that these violations or more troubling violations won't occur in the future."*

It is acknowledged that prior violations involving the State Department of Health (DOH) and the Environmental Protection Agency (EPA) have occurred in the past at the Waimanalo Gulch Sanitary Landfill. On December 7, 2007, a settlement agreement was reached with the DOH which settled all issues arising from and related to the notice of violation. At the present time the City and Waste Management of Hawaii are fully cooperating and working with the EPA to address elevated underground temperatures at the landfill which are higher than anticipated, but which are not indicative of underground combustion conditions such as a fire. A detailed discussion of this item was provided in the DEIS, in Sections 2.3.2. U.S. Environmental Protection Agency and 5.7.3. Potential Impacts and Mitigation Measures (Air Quality).

It is important to note that throughout the events involving the DOH and EPA that self-reporting procedures have remained in place to notify governmental regulatory agencies of the operating practices and procedures applied at the landfill. At no time was the health and safety of the public at risk and we anticipate that based on these procedures that sufficient safeguards will continue to maintain public health and safety.

Mr. Yoshinori Imagawa
October 23, 2008
Page 2

2. *"It is unfair and unjust to approve the expansion of Waimanalo Gulch Landfill without first implementing curbside recycling inclusive of, but not limited to, green compostable waste, glass, paper, newspaper, aluminum and cardboard. Diversion and waste to energy programs must occur prior to, or in conjunction with any expansion."*

The City believes that curbside recycling, waste diversion, and refuse to energy are all important programs that will contribute to reducing our islandwide dependency on landfilling. However, these programs, including a number of other alternatives cited in the project DEIS, will not by themselves completely eliminate the need for a municipal sanitary landfill. For refuse that cannot be further recycled or otherwise reused, a landfill must continue to remain a key element of the City's refuse management system even as it continues to explore, examine, and implement the waste diversion and refuse to energy systems that you identify.

We appreciate this opportunity to respond. Any further written comments may be directed to Ms. Wiima Namumnart of our office at 768-3406.

Sincerely,

Handwritten signature of Eric S. Takamura in black ink.

Eric S. Takamura, Ph.D., P.E.
Director

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.

LINDA LINGLE
Governor

JAMES R. AICNA, JR.
Lieutenant Governor

THEODORE E. LIU
Director

MARK K. ANDERSON
Deputy Director



LAND USE COMMISSION
Department of Business, Economic Development & Tourism
State of Hawai'i

#07
ORLANDO "DAN" DAVIDSON
Executive Officer

SANDRA M. MATSUSHIMA
Chief Clerk

BERT K. SARUWATARU
Senior Planner

MICHAEL A. MURPHY
Planner

FRED A. TALON
Drafting Technician

July 3, 2008

Eric S. Takamura, Ph.D., P.E., Director
Department of Environmental Services
City and County of Honolulu
1000 Uluohia Street, Suite 308
Kapolei, Hawaii 96707

Dear Dr. Takamura:

Subject: Draft Environmental Impact Statement for the Waimanalo Gulch Sanitary Landfill
Lateral Expansion
Waimanalo Gulch, Oahu, Hawaii
Tax Map Key: 9-2-03: 72 and 73

We have reviewed the Draft Environmental Impact Statement (DEIS) for the proposed lateral expansion of the Waimanalo Gulch Sanitary Landfill (WGSL) and have the following comments to offer:

- 1) We confirm that the site of the lateral expansion of the WGSL is designated within the State Land Use Agricultural District.
- 2) In accordance with section 11-200-17(e), Hawaii Administrative Rules (HAR), a project description, including, among other things, a historic perspective, should be provided. We acknowledge the background of the WGSL provided in Section 2 of the DEIS, including reference to the recent action of the Land Use Commission (LUC) that extended the deadline to accept solid waste at the WGSL from May 1, 2008, to November 1, 2009. In the interest of full disclosure, please also include the appeals filed by the Ko Olina Community Association (KOCA) and Colleen Hanabusa to the decisions of the City and County of Honolulu Planning Commission (Planning Commission) and the LUC in regard to the deadline extension.

We understand that with the lateral expansion of the WGSL on the unused 92.5-acre portion of the 200-acre site, a minimum life of approximately 15 years for the landfill is projected. We further understand that prior to the closure of the expansion area, the City and County will initiate the search for the next landfill. We request that greater specification be provided regarding the municipal solid waste plans and policies of the

Eric S. Takamura, Ph.D., P.E., Director
July 3, 2008
Page 2

City and County, including alternative technology and waste reduction strategies and programs, beyond the projected life of the WGSL.

- 3) In accordance with section 11-200-17(f), HAR, a separate and distinct section on alternatives which could attain the objectives of the action, including alternatives requiring actions of a significantly different nature, should be provided. At the LUC's March 6 and 7, 2008, meeting on the deadline extension to accept solid waste at the WGSL, several commissioners noted that a district boundary amendment may be a more appropriate mechanism by which to seek the expansion of the WGSL rather than by an amendment to the existing special use permit (SUP). Accordingly, we request that the alternative of reclassifying the WGSL site from the Agricultural District to the Urban District be thoroughly addressed.
- 4) In accordance with section 11-200-17(h), HAR, the status of each identified approval should be described. Therefore, we request that to the extent possible the *projected* submittal dates (i.e., by month/year) of the various permit applications be provided.
- 5) In accordance with section 11-200-17(i), HAR, the probable impact of the proposed action on the environment should be included. Review of the DEIS indicates that no inventory and assessment of arthropods on the 92.5-acre expansion area was conducted. Although the location of the subject property may not require that a comprehensive arthropod study be conducted, we request that this matter be addressed in the interest of full environmental disclosure.

Additionally, a discussion on the existing civil defense conditions and potential impacts and proposed mitigation measures should be included.

- 6) In accordance with section 11-200-17(n), HAR, a separate and distinct section that summarizes unresolved issues should be included. To the extent that no decision has been rendered on the appeals filed by KOCA and Colleen Hanabusa to the decisions of the Planning Commission and the LUC in regard to the deadline extension, we request that they be identified as unresolved issues at this time.
- 7) As you know, by Findings of Fact, Conclusions of Law, and Decision and Order Adopting with Modifications, the City and County of Honolulu Planning Commission's Recommendation to Approve Amendment to Special Use Permit issued on March 14, 2008, the LUC extended the deadline to accept solid waste at the landfill from May 1, 2008, to November 1, 2009, subject to, among other things, the requirement that the Applicant report to the LUC every six months on the actions taken to alleviate the further use of the WGSL. We acknowledge that the DEIS (p. 9-36) references the expansion of the H-POWER garbage-to-energy plant that was approved by the Mayor on January 18, 2008. However, we request that this discussion provide greater specificity to include, but

Eric S. Takamura, Ph.D., P.E., Director
July 3, 2008
Page 3

not be limited to, the nature of the expansion, the capacity of the expansion, the life of the expansion, and its role in alleviating the further use of the WGSL.

We also request that the discussion on the transshipment of waste and curbside recycling be updated with the latest efforts of the City and County to implement such alternatives to refuse disposal at the WGSL.

- 8) Condition No. 5 of the LUC's Decision and Order Approving Amendment to Special Use Permit (D&O Approving Amendment) issued on June 9, 2003, specified that the WGSL would be operational only between the hours of 7:00 a.m. and 4:30 p.m. daily. Clarification should be provided as to whether the current operational hours of the WGSL are proposed to be changed with its expansion.
- 9) Condition No. 19 of the LUC's D&O Approving Amendment also specified that the City and County shall implement by executive order or ordinance measures for, among other things, wood recovery, metal recovery, gypsum recovery, and enhanced enforcement of landfill bans. Clarification should be provided as to the efforts of the City and County to comply with this condition.
- 10) In the DEIS, there are several references to the term *potable water*. We request that it be replaced by the term *drinking water*. We have been advised that although potable water has generally been used to mean drinking water, the Department of Health (DOH) uses the latter term specifically to indicate water for human consumption that is derived from surface water and/or groundwater and is regulated by the DOH pursuant to chapter 11-20, HAR.
- 11) We request that the EIS explicitly reference the applicable category of action within chapter 343, Hawaii Revised Statutes, and chapter 11-200, HAR, that triggered its preparation.
- 12) On page 8-12, the DEIS states that an SUP for the expansion of the WGSL must be obtained through the City and County of Honolulu. Notwithstanding the LUC's concerns about the appropriateness of an SUP in this matter, clarification should be provided as to whether the Department of Environmental Services intends to seek an amendment to the existing SUP or an entirely new SUP. Please be advised that in either case the LUC will have jurisdiction over the application in the event the Planning Commission recommends its approval. As such, Section 12 and other applicable sections within the DEIS should be revised accordingly.

Finally, as part of the SUP process, the WGSL expansion is required to meet the SUP guidelines in determining an "unusual and reasonable" use in the Agricultural District pursuant to section 15-15-95, HAR. We believe that given the purpose of the EIS, it would be appropriate to specifically address said guidelines in the document.

Eric S. Takamura, Ph.D., P.E., Director
July 3, 2008
Page 4

We have no further comments to offer at this time. Thank you for the opportunity to comment on the subject DEIS.

Should you have any questions, please feel free to call me or Bert Saruwatari of our office at 587-3822.

Sincerely,



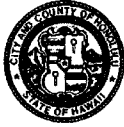
ORLANDO DAVIDSON
Executive Officer

c: Office of Environmental Quality Control
City and County of Honolulu Department of Planning and Permitting
✓ R.M. Towill Corporation

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

1000 ULUOHA STREET, SUITE 306, KAPOLEI, HAWAII 96707
TELEPHONE: (808) 768-3486 • FAX: (808) 768-3487 • WEBSITE: <http://env.honolulu.org>

MUFI HANNEMANN
MAYOR



October 23, 2008

ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-123

Mr. Orlando "Dan" Davidson
Executive Officer
Land Use Commission
State of Hawaii
P.O. Box 2359
Honolulu, Hawaii 96804

Dear Mr. Davidson:

Subject: Draft Environmental Impact Statement (DEIS)
Waimanalo Gulch Sanitary Landfill Expansion

Thank you for your letter dated July 3, 2008, concerning the subject project. The following has been prepared in response to your comments (your comments have been *italicized* for reference):

1. *We confirm that the site of the lateral expansion of the WGSL is designated within the State Land Use Agricultural District.*

This comment is acknowledged.

2. *"In accordance with Section 1 1-200-1 7(e), Hawaii Administrative Rules (HAR), a project description, including, among other things, a historic perspective, should be provided. We acknowledge the background of the WGSL provided in Section 2 of the DEIS, including reference to the recent action of the Land Use Commission (LUC) that extended the deadline to accept solid waste at the WGSL from May 1, 2008, to November 1, 2009. In the interest of full disclosure, please also include the appeals filed by the KO Olina Community Association (KOCA) and Colleen Hanabusa to the decisions of the City and County of Honolulu Planning Commission (Planning Commission) and the LUC in regard to the deadline extension."*

"We understand that with the lateral expansion of the WGSL on the unused 92.5-acre portion of the 200-acre site, a minimum life of approximately 15 years for the landfill is projected. We further understand that prior to the closure of the expansion area, the City and County will initiate the search for the next landfill. We request that greater specification be provided regarding the municipal solid waste plans and policies of the City and County, including alternative technology and waste reduction strategies and programs, beyond the projected life of the WGSL"

Mr. Orlando "Dan" Davidson
October 23, 2008
Page 2

This comment is acknowledged regarding the inclusion of the appeals filed. See Section 2.5. Historical Background of the State Special Use Permit, of the Final EIS (FEIS) for this project.

The City's Draft Integrated Solid Waste Management Plan was completed in June 2008 after the publication of the subject DEIS. We will provide further information concerning the municipal solid waste plans and policies contained in the draft document in the forthcoming FEIS for this project. See Section 2.6. City Plans Involving the Future Handling of Solid Waste.

3. *"In accordance with section 1 1-200-17(f), HAR, a separate and distinct section on alternatives which could attain the objectives of the action, including alternatives requiring actions of a significantly different nature, should be provided. At the LUC's March 6 and 7, 2008, meeting on the deadline extension to accept solid waste at the WGSL, several commissioners noted that a district boundary amendment may be a more appropriate mechanism by which to seek the expansion of the WGSL rather than by an amendment to the existing special use permit (SUP). Accordingly, we request that the alternative of reclassifying the WGSL site from the Agricultural District to the Urban District be thoroughly addressed."*

This comment is acknowledged and will be addressed in the FEIS by indicating that both the filing of a new SUP application and/or a Land Use District Boundary Amendment (LUDBA) application will constitute a viable means of addressing the use of the site for a municipal landfill. We add that the use of the site for landfilling purposes has been adequately and sufficiently addressed through the SUP filed for this project since 1989, when the site was opened for use.

See Section 8.3. State Land Use Law, and Section 12. Permits and Regulatory Approvals That May Be Required, in the FEIS.

4. *"In accordance with section 1 1-200-17(h), HAR, the status of each identified approval should be described. Therefore, we request that to the extent possible the projected submittal dates (i.e., by month/year) of the various permit applications be provided."*

The projected submittal dates for the land use entitlements and other pending permissions for the proposed project are not known at this time due to the pending EIS process that is currently underway. We can report, however, that as soon as practicable that these applications will be prepared and filed with the appropriate governmental agencies upon the conclusion of the current EIS process.

5. *"In accordance with section 1 1-200-1 7(i), HAR, the probable impact of the proposed action on the environment should be included. Review of the DEIS indicates that no inventory and assessment of arthropods on the 92.5-acre expansion area was conducted. Although the location of the subject property may not require that a comprehensive arthropod study be conducted, we request that this matter be addressed in the interest of full environmental disclosure."*

"Additionally, a discussion on the existing civil defense conditions and potential impacts and proposed mitigation measures should be included."

This comment regarding arthropods is being investigated and will be addressed in the forthcoming project's FEIS in Section 5.9.4. Invertebrates, and Section 5.9.5. Potential Impacts and Mitigation Measures.

The City Department of Emergency Management has been consulted concerning any civil defense related coordination that may be required. At this time the Department of Emergency Management has indicated no additional concerns or issues relating to the WGSL other than to note that the nearby location of the Battery Arizona site will not be used for public shelter given the condition of the facility. See attached Memorandum dated September 29, 2008.

6. *"In accordance with Section 1 1-200-1 7(n), HAR, a separate and distinct section that summarizes unresolved issues should be included. To the extent that no decision has been rendered on the appeals filed by KOCA and Colleen Hanabusa to the decisions of the Planning Commission and the LUC in regard to the deadline extension, we request that they be identified as unresolved issues at this time."*

This request is acknowledged. See Section 11. Unresolved Issues, of the FEIS which provides further information regarding this issue.

7. *"As you know, by Findings of Fact, Conclusions of Law, and Decision and Order Adopting with Modifications, the City and County of Honolulu Planning Commission's Recommendation to Approve Amendment to Special Use Permit issued on March 14, 2008, the LUC extended the deadline to accept solid waste at the landfill from May 1, 2008, to November 1, 2009, subject to, among other things, the requirement that the Applicant report to the LUC every six months on the actions taken to alleviate the further use of the WGSL. We acknowledge that the DEIS (p. 9-36) references the expansion of the H-POWER garbage-to-energy plant that was approved by the Mayor on January 18, 2008. However, we request that this discussion provide greater specificity to include, but not be limited to, the nature of the expansion, the capacity of the expansion, the life of the expansion, and its role in alleviating the further use of the WGSL."*

We also request that the discussion on the transshipment of waste and curbside recycling be updated with the latest efforts of the City and County to implement such alternatives to refuse disposal at the WGSL.

While the specific operational details of the planned H-POWER expansion project will be provided in the EIS documentation prepared for that project, we can provide information concerning the City's consideration of Waste to Energy (WTE) facilities in relation to handling the refuse needs of the Island of Oahu. This information is provided in Section 2.6.2. Waste to Energy (WTE) Capacity, in the FEIS.

Section 2.6.4. Waste Transshipment to the Mainland, in the FEIS, describes current efforts and the relationship between waste transshipment and the City's refuse management system.

The DEIS has provided information on the latest efforts of the City in promoting recycling to reduce dependency on landfilling. See Sections: 9.5.6. Expanded Recycling; 9.5.6.1. Improvements to Recycling Infrastructure; and, 9.5.6.2. Recycling to Energy.

8. *"Condition No. 5 of the LUC's Decision and Order Approving Amendment to Special Use Permit (D&O Approving Amendment) issued on June 9, 2003, specified that the WGSL would be operational only between the hours of 7:00 a.m. and 4:30 p.m. daily. Clarification should be provided as to whether the current operational hours of the WGSL are proposed to be changed with its expansion."*

Except for unusual circumstances, the operational hours of 7:00 AM to 4:30 PM are not planned to be changed.

9. *"Condition No. 19 of the LUC's D&O Approving Amendment also specified that the City and County shall implement by executive order or ordinance measures for, among other things, wood recovery, metal recovery, gypsum recovery, and enhanced enforcement of landfill bans. Clarification should be provided as to the efforts of the City and County to comply with this condition."*

In order to sustain a successful material recovery operation, the amount of material available at landfill was reestablished in the 2006 Waste Composition study. The total metals in the landfill waste stream have decreased. Gypsum board has decreased to less than one percent of the total waste or approximately 1,500 tons. In the area of wood, amounts have decreased to a little over ten percent, with treated wood making up over half of the amount of wood available. While it is possible to attempt to recover metals, gypsum board, and wood, the amounts being landfilled are not sufficient to sustain a cost-effective program.

Actions that the City is currently supporting include the State Beverage Deposit law and focusing on enhanced enforcement of landfill bans. City staff are assigned intermittently to the landfill and H-POWER to ensure compliance with bans. If any vehicle is in violation of the bans, they receive a "first warning." If the vehicle returns with a banned material the hauling company is warned that if deliveries continue the company will not be allowed to dispose of waste at the landfill. Waste hauling companies that have been issued warnings have complied.

10. *"In the DEIS, there are several references to the term potable water. We request that it be replaced by the term drinking water. The Department of Health (DOH) uses the latter term specifically to indicate water for human consumption that is derived from surface water and/or groundwater and is regulated by the DOH pursuant to chapter 11-20, HAR."*

We acknowledge your request and will augment the use of the term potable water as "potable/drinking water" in the forthcoming FEIS.

Mr. Orlando "Dan" Davidson
October 23, 2008
Page 5

11. "We request that the EIS explicitly reference the applicable category of action within Chapter 343, Hawaii Revised Statutes, and Chapter 11-200, HAR, that triggered its preparation."

We acknowledge your request. See Section 3.2. Purpose of the Draft Final Environmental Impact Statement, in the FEIS providing this information.

12. "On page 8-12, the DEIS states that an SUP for the expansion of the WGSL must be obtained through the City and County of Honolulu. Notwithstanding the LUC's concerns about the appropriateness of an SUP in this matter, clarification should be provided as to whether the Department of Environmental Services intends to seek an amendment to the existing SUP or an entirely new SUP. Please be advised that in either case the LUC will have jurisdiction over the application in the event the Planning Commission recommends its approval. As such, Section 12 and other applicable sections within the DEIS should be revised accordingly."

Finally, as part of the SUP process, the WGSL expansion is required to meet the SUP guidelines in determining an "unusual and reasonable" use in the Agricultural District pursuant to Section 15-15-95, HAR. We believe that given the purpose of the EIS, it would be appropriate to specifically address said guidelines in the document.

At this time the City has not yet determined if it will file a SUP or LUDBA for the proposed project. Section 12, Permits and Regulatory Approvals That May be Required, will be revised accordingly in the FEIS.

As noted, while the preparation of a SUP or LUDBA has not been determined at this time, we acknowledge that the content of an SUP application when it is filed should meet the SUP guidelines and applicable regulations of law, and do not necessarily agree that this determination should be a part of the EIS process under Chapter 343, HRS.

We appreciate this opportunity to respond. Any further written comments may be directed to Ms. Wilma Namumnart of our office at 768-3406.

Sincerely,



Eric S. Takamura, Ph.D., P.E.
Director

Attachment

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.

DEPARTMENT OF EMERGENCY MANAGEMENT
CITY AND COUNTY OF HONOLULU
650 SOUTH KING STREET
HONOLULU, HAWAII 96813

Mufi Hannemann
MAYOR



Melvin N Kaku
DIRECTOR

September 29, 2008

MEMO TO: WILMA NAMUMNART, ASSISTANT CHIEF
DEPARTMENT OF ENVIRONMENTAL SERVICES

FROM: MELVIN N. KAKU, DIRECTOR *Melvin N. Kaku*
DEPARTMENT OF EMERGENCY MANAGEMENT *9/29/08*

SUBJECT: EIS REQUEST - BATTERY ARIZONA

In reference to Battery Arizona, located within the Waimanalo Gulch Sanitary Landfill proposed lateral expansion zone, the Department of Emergency Management (DEM) has determined that the facility will not be used as a public shelter. Since the battery is in poor physical condition and would require extensive repairs before it could be utilized for any type of training, DEM is not able to commit to retaining this facility.

City and County of Honolulu
Department of Environmental Services
1000 Uluohia Street, Suite 308
Kapolei, Hawaii 96707

Gentlepersons;

I am submitting this letter to express my opposition to expansion of the Waimanalo Gulch Landfill.

As a resident of Kapolei, I live in close proximity to Honolulu's only landfill. I am deeply concerned over the lack of effort on the part of the city to find alternate ways of reducing the volume of ash, treated human sewage waste and debris that is currently being disposed of at Waimanalo Gulch Landfill.

The proposed expansion of 92.5 acres almost doubles the size of the existing landfill, and will allow another 15 years of waste disposal. This is unacceptable.

The company that runs the Waimanalo Gulch Landfill has had serious, repeated violations and fines in the past. There is no reason to believe that these violations or more troubling violations won't occur in the future.

It is unfair and unjust to approve the expansion of Waimanalo Gulch Landfill without first implementing curbside recycling inclusive of, but not limited to, green compostable waste, glass, paper, newspaper, aluminum and cardboard. Diversion and waste to energy programs must occur prior to, or in conjunction with any expansion.

Please do not allow your family members, friends and neighbors on the Leeward side of Oahu to continue to be subjected to possible exposure of hazardous waste and contaminants.

Again, I strongly oppose the approval of the expansion of Waimanalo Gulch Landfill and urge you to explore additional options regarding waste disposal and recycling.

Respectfully,

Mariabel M. Saclib 4 July '08
Signed Date

Name: MARIBEL M. SAELIB

(Optional) Address / Phone / Email
92-0022 Puapane Street
Kapolei HI, 96707

Cc:
Director, Office of Environmental Quality Control
235 S. Beretania Street, Suite 702
Honolulu, HI 96813

R.M. Towill Corp.
2024 N. King Street, Suite 200
Honolulu, HI 96819

Just A Note

As a member of Hawaii's youth, I must object to the expansion of the Waimanalo Gulch landfill. Expanding the landfill is tantamount to handing the problem of waste disposal to the upcoming generation. Please think of how expanding the landfill will affect the future generations of Hawaii before making your final decision.



Just A Note

If the landfill must be enlarged, please provide other options for waste disposal, such as curbside recycling.

Thank you for your time,

Rachel Saclib

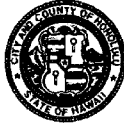
Rachel Saclib



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://enwhonolulu.org>

MUFI HANNEMANN
MAYOR



October 23, 2008

ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-129

Ms. Maribel M. Saelid
Ms. Rachael Saelid
92-6022 Puapake Street
Kapolei, Hawaii 96707

Dear Ms. Saelid:

Subject: Draft Environmental Impact Statement (DEIS)
Waimanalo Gulch Sanitary Landfill Expansion

Thank you for your letters dated July 4, 2008, concerning the subject project. The following has been prepared in response to your comments (your comments have been italicized for reference):

1. *The company that runs the Waimanalo Gulch Landfill has had serious, repeated violations and fines in the past. There is no reason to believe that these violations or more troubling violations won't occur in the future.*

It is acknowledged that prior violations involving the State Department of Health (DOH) and the Environmental Protection Agency (EPA) have occurred in the past at the Waimanalo Gulch Sanitary Landfill. On December 7, 2007, a settlement agreement was reached with the DOH which settled all issues arising from and related to the notice of violation. At the present time the City and Waste Management of Hawaii are fully cooperating and working with the EPA to address elevated underground temperatures at the landfill which are higher than anticipated, but which are not indicative of underground combustion conditions such as a fire. A detailed discussion of this item was provided in the DEIS, in Sections 2.3.2. U.S. Environmental Protection Agency and 5.7.3. Potential Impacts and Mitigation Measures (Air Quality).

It is important to note that throughout the events involving the DOH and EPA that self-reporting procedures have remained in place to notify governmental regulatory agencies of the operating practices and procedures applied at the landfill. At no time was the health and safety of the public at risk and we anticipate that based on these procedures that sufficient safeguards will continue to maintain public health and safety.

Ms. Maribel M. Saelid
Ms. Rachael Saelid
October 23, 2008
Page 2

2. *It is unfair and unjust to approve the expansion of Waimanalo Gulch Landfill without first implementing curbside recycling inclusive of, but not limited to, green compostable waste, glass, paper, newspaper, aluminum and cardboard. Diversion and waste to energy programs must occur prior to, or in conjunction with any expansion.*

The City believes that curbside recycling, waste diversion, and refuse to energy are all important programs that will contribute to reducing our islandwide dependency on landfilling. However, these programs, including a number of other alternatives cited in the project DEIS, will not by themselves completely eliminate the need for a municipal sanitary landfill. For refuse that cannot be further recycled or otherwise reused, a landfill must continue to remain a key element of the City's refuse management system even as it continues to explore, examine, and implement the waste diversion and refuse to energy systems that you identify.

3. *(Note from Rachael Saelid). As a member of Hawaii's youth, I must object to the expansion of the Waimanalo Gulch Landfill. Expanding the landfill is tantamount to handling the problem of waste disposal to the upcoming generation. Please think of how expanding the landfill will affect the future generations of Hawai'i before making your final decision. If the landfill must be enlarged, please provide other options for waste disposal, such as curbside recycling.*

We appreciate your comment and acknowledge your objection to the proposed project. The planned lateral expansion of the Waimanalo Gulch Sanitary Landfill is designed to address Oahu's refuse disposal needs for the present as well as future generations. In addition to this project the City has also considered and intends to implement other refuse disposal strategies that include the expansion of H-POWER, waste transshipment, and the continued use of recycling (including curbside collection). While there is no single solution that fully addresses our waste disposal requirements, we are hopeful that a combination of options will reduce our long term dependency on landfilling.

We appreciate this opportunity to respond. Any further written comments may be directed to Ms. Wilma Namunnart of our office at 768-3406.

Sincerely,

Handwritten signature of Eric S. Takamura in black ink.

Eric S. Takamura, Ph.D., P.E.
Director

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

July 6, 2008

CHIYOME L. FUKINO, M.D.
DIRECTOR OF HEALTH

#09

In reply, please refer to:
EPO-08-078

Eric S. Takamura, Ph. D., Director
City and County of Honolulu
Department of Environmental Services
1000 Uluohia Street, Suite 308
Kapolei, Hawaii 96813

Dear Dr. Takamura:

SUBJECT: Draft Environmental Impact Statement for Waimanalo Gulch Sanitary Landfill
Lateral Expansion
Waimanalo Gulch, Oahu, Hawaii
TMK: (1) 9-2-003: 072 and 073

Thank you for allowing us to review and comment on the subject application. The document was routed to the various branches of the Department of Health (DOH) Environmental Health Administration. We have the following Wastewater Branch, Clean Water Branch, Clean Air Branch, and General comments. In addition, our Solid and Hazardous Waste Branch will send you their comments separately.

Wastewater Branch

The document proposes the expansion of the area of landfill, the development of landfill associated support infrastructure (e.g. drainage, access roadways, landfill gas and leachate collection and monitoring systems, stockpile sites and other related features), a public drop off center and a landfill gas to energy (LFGTE) system.

The existing landfill facility is served by an existing on-site wastewater system which accommodates domestic flows from the administrative and service buildings of the site. As long as the existing wastewater system is adequate for the proposed project, we have no objections and offer our recommendation for approval of the landfill lateral expansion.

All wastewater plans must meet Department's Rules, HAR Chapter 11-62, "Wastewater Systems." We do reserve the right to review the detailed wastewater plans for conformance to applicable rules. If you have any questions, please contact the Planning & Design Section of the Wastewater Branch at 586-4294.

Dr. Takamura
July 6, 2008
Page 2

Clean Water Branch

The Department of Health, Clean Water Branch (CWB), has reviewed the subject document and offers these comments on your project. Please note that our review is based solely on the information provided in the subject document and its compliance with Hawaii Administrative Rules (HAR), Chapters 11-54 and 11-55. You may be responsible for fulfilling additional requirements related to our program. We recommend that you also read our standard comments on our website at

<http://www.hawaii.gov/health/environmental/env-planning/landuse/CWB-standardcomment.pdf>

1. Any project and its potential impacts to State waters must meet the following criteria:
 - a. Antidegradation policy (HAR, Section 11-54-1.1), which requires that the existing uses and the level of water quality necessary to protect the existing uses of the receiving State water be maintained and protected.
 - b. Designated uses (HAR, Section 11-54-3), as determined by the classification of the receiving State waters.
 - c. Water quality criteria (HAR, Sections 11-54-4 through 11-54-8).
 2. You are required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for discharges of wastewater, including storm water runoff, into State surface waters (HAR, Chapter 11-55). For the following types of discharges into Class A or Class 2 State waters, you may apply for NPDES general permit coverage by submitting a Notice of Intent (NOI) form:
 - a. Storm water associated with construction activities, including clearing, grading, and excavation, that result in the disturbance of equal to or greater than one (1) acre of total land area. The total land area includes a contiguous area where multiple separate and distinct construction activities may be taking place at different times on different schedules under a larger common plan of development or sale. An NPDES permit is required before the start of the construction activities.
 - b. Discharge of Hydrotesting water.
 - c. Discharge of dewatering effluent.
- You must submit a separate NOI form for each type of discharge at least 30 calendar days prior to the start of the discharge activity, except when applying for coverage for discharges of storm water associated with construction activity. For this type of discharge, the NOI must be submitted 30 calendar days before to the start of construction activities. The NOI

Dr. Takamura
July 6, 2008
Page 3

forms may be picked up at our office or downloaded from our website at:
<http://www.hawaii.gov/health/environmental/water/cleanwater/forms/genl-index.html>.

3. For types of wastewater not listed in Item 2 above or wastewater discharging into Class 1 or Class AA waters, you must obtain an NPDES individual permit. An application for an NPDES individual permit must be submitted at least 180 calendar days before the commencement of the discharge. The NPDES application forms may be picked up at our office or downloaded from our website at <http://www.hawaii.gov/health/environmental/water/cleanwater/forms/indiv-index.html>.
4. You must also submit a copy of the NOI or NPDES permit application to the State Department of Land and Natural Resources, State Historic Preservation Division (SHPD), or demonstrate to the satisfaction of the CWB that SHPD has or is in the process of evaluating your project. Please submit a copy of your request for review by SHPD or SHPD's determination letter for the project along with your NOI or NPDES permit application, as applicable.
5. At least 30 calendar days prior to the completion of the expansion, you must modify your NOI for storm water associated with industrial activity and Storm Water Pollution Control Plan to include the area of expansion and submit these documents to the CWB along with a \$500 filing fee.
6. Please note that all discharges related to the project construction or operation activities, whether or not NPDES permit coverage and/or Section 401 Water Quality Certification are required, must comply with the State's Water Quality Standards. Noncompliance with water quality requirements contained in HAR, Chapter 11-54, and/or permitting requirements, specified in HAR, Chapter 11-55, may be subject to penalties of \$25,000 per day per violation.

If you have any questions, please visit our website at <http://www.hawaii.gov/health/environmental/water/cleanwater/index.html>, or contact the Engineering Section, CWB, at 586-4309.

Clean Air Branch

Pursuant to current permit requirements, Waimanalo Gulch landfill must operate the collection and control system so that gas is collected from each area, cell, or group of cells in the Municipal Solid Waste Landfill (MSWLF) on which solid waste has been in place for five years or more if active, and two years or more if closed or at final grade. Therefore, expansion of the landfill does not require any revisions to the current Title V permit.

The draft EIS states that a landfill gas to energy system may be installed. If so, the installation of this system may require a modification to the existing Title V permit.

Dr. Takamura
July 6, 2008
Page 4

Control of Fugitive Dust

Fugitive dust emissions occur during all phases of construction and operations. Activities close to existing residences, businesses, public areas or thoroughfares can cause dust problems. For cases involving mixed land use, we strongly recommend that buffer zones be established, wherever possible, in order to alleviate potential nuisance problems. We recommend that the contractors operate under a dust control management plan. The plan does not require the Department of Health approval, however it will help with identifying and minimizing the dust problems from the proposed project.

Examples of measures that can be included in the dust control plan are:

- a) Planning the different phases of construction, focusing on minimizing the amount of dust-generating materials and activities, centralizing on-site vehicular traffic routes, and locating potential dust-generating equipment in areas of the least impact;
- b) Providing an adequate water resource at the site prior to start-up of construction activities;
- c) Landscaping and providing rapid covering of bare areas, including slopes, starting from the initial grading phase;
- d) Minimizing dust from shoulders and access roads;
- e) Providing adequate dust control measures during weekends, after hours, and prior to daily start-up of construction activities; and
- f) Controlling dust from debris being hauled away from the project site.

General

We strongly recommend that you review all of the Standard Comments on our website: www.hawaii.gov/health/environmental/env-planning/landuse/landuse.html. Any comments specifically applicable to this project should be adhered to.

Dr. Takamura
July 6, 2008
Page 5

If there are any questions about these comments please contact Jiakai Liu with the Environmental Planning Office at 586-4346.

Sincerely,



KELVIN H. SUNADA, MANAGER
Environmental Planning Office

c: EPO
WWB
CWB
CAB
Henry Eng, City and County of Honolulu Department of Planning and Permitting
Brian Takeda, R.M. Towill Corporation

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

1000 ULUOHA STREET, SUITE 308, KAPOLEI, HAWAII 96707
TELEPHONE: (808) 768-3486 • FAX: (808) 768-3497 • WEBSITE: <http://envhonolulu.org>

MUFI HANNEMANN
MAYOR



October 23, 2008

ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-126

Mr. Kevin H. Sunada, Manager
Environmental Planning Office
Department of Health
State of Hawaii
P.O. Box 3378
Kapolei, Hawaii 96707

Dear Mr. Sunada:

Subject: Draft Environmental Impact Statement (DEIS)
Waimanalo Gulch Sanitary Landfill Expansion

Thank you for your letter dated July 6, 2008, concerning the subject project. The following has been prepared in response to your comments (your comments have been *italicized* for reference):

1. *"Any project and its potential impacts to State waters must meet the following criteria:...*
Antidegradation policy (HAR, Section 11-54-1.1),...
Designated uses (HAR, Section 11-54-3),...
Water quality criteria (HAR, Sections 11-54-4 through 11-54-8)."

This comment cites the water quality regulations of Hawaii Administrative Rules, Section 11-54, Water Quality Standards, that apply to all projects in the State of Hawaii.

2. *"You are required to obtain a National Pollutant Discharge Elimination System (NPDES) permit for discharges of wastewater, including storm water runoff, into State surface waters (HAR, Chapter 11-55). For the following types of discharges into Class A or Class 2 State waters, you may apply for NPDES general permit coverage by submitting a Notice of Intent (NOI) form:*
Storm water associated with construction activities,
Discharge of Hydrotesting water,
Discharge of dewatering effluent.
You must submit a separate NOI form for each type of discharge at least 30 calendar days prior to the start of the discharge activity, except when applying for coverage for discharges of storm water associated with construction activity. For this type of discharge, the NOI must be submitted 30 calendar days before to the start of construction activities."

Mr. Kevin H. Sunada, Manager
October 23, 2008
Page 2

This comment cites Hawaii Administrative Rules, Section 11-55, Water Pollution Control, governing the requirements of the NPDES permit program in the State of Hawaii. The ocean waters off of the proposed project site are designated as Class "A." This designation will require the filing of the NOI Form C, Construction Stormwater permit application which has been identified in Section 12, Permits and Regulatory Approvals That May Be Required.

3. *"For types of wastewater not listed in Item 2 above or wastewater discharging into Class 1 or Class AA waters, you must obtain an NPDES individual permit. An application for an NPDES individual permit must be submitted at least 180 calendar days before the commencement of the discharge."*

Please refer to the comment above.

4. *"You must also submit a copy of the NOI or NPDES permit application to the State Department of Land and Natural Resources, State Historic Preservation Division (SHPD), or demonstrate to the satisfaction of the CWB that SHPD has or is in the process of evaluating your project."*

We acknowledge the requirement that the SHPD be provided with a copy of the NOI Form C permit application for the proposed project.

5. *"At least 30 calendar days prior to the completion of the expansion, you must modify your NOI for storm water associated with industrial activity and Storm Water Pollution Control Plan to include the area of expansion and submit these documents to the CWB along with a \$500 filing fee."*

We acknowledge this requirement for the approved existing NPDES NOI Form B permit for the Waimanalo Gulch Sanitary Landfill.

6. *"Please note that all discharges related to the project construction or operation activities, whether or not NPDES permit coverage and/or Section 401 Water Quality Certification are required, must comply with the State's Water Quality Standards."*

We acknowledge this requirement.

7. *"The draft DEIS states that a landfill gas to energy system may be installed. If so, the installation of this system may require a modification to the existing Title V permit."*

We acknowledge this requirement.

8. *"We recommend that the contractors operate under a dust control management plan. The plan does not require the Department of Health approval, however it will help with identifying and minimizing the dust problems from the proposed project."*

Mr. Kevin H. Sunada, Manager
October 23, 2008
Page 3

We acknowledge the recommendation and note that the provision for dust control has been provided in the Operations Plan for the Waimanalo Gulch Sanitary Landfill, as submitted to the DOH.

We appreciate this opportunity to respond. Any further written comments may be directed to Ms. Wilma Namumart of our office at 768-3406.

Sincerely,



Eric S. Takamura, Ph.D., P.E.
Director

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.



UNIVERSITY
of HAWAII®
MĀNOA

Water Resources Research Center
Environmental Center

#10

July 7, 2008
Page 2

July 07, 2008
RE: 0779

Mr. Eric Takamura
City and County of Honolulu
Department of Environmental Services
1000 Uluohia Street, Suite 308
Kapolei, HI 96707

Dear Mr. Takamura:

Draft Environmental Impact Statement
Waimanalo Gulch Sanitary Landfill Lateral Expansion
Waimanalo Gulch, Oahu, Hawaii

The Waimanalo Gulch Sanitary Landfill is a City and County of Honolulu facility that provides municipal and solid waste disposal for communities across Oahu. Refuge that is disposed of at the WGSL includes municipal solid waste, recycling residue, and H-Power ash and residue. Landfill operations have existed at the 200-acre site since 1989. Approximately 92.5 of the property's 200 acres are unused. If utilized, the remaining 92.5 acres are estimated to extend the operational span of the landfill by a minimum of 15 years. In March 2008, the State Land Use Commission approved an extension of the State Special Use Permit from May 1, 2008 to November 1, 2009. In addition to landfill expansion efforts, the proposed project will also include the development of landfill associated support infrastructure, a public drop-off center, and a landfill gas to energy system.

This review was conducted with the assistance of Ryan Riddle, Environmental Center.

General Comments

What is missing from the contents of this draft environmental impact statement (DEIS) is a discussion of the total waste picture on Oahu. It would be useful to know how much waste is generated on Oahu, what the total amount of waste that is handled by the City and County, how much comes into the landfill from the City and County collections and how much comes from private companies. Right now statistics are scattered throughout the document. On page 3-6 for example, we learn that the Waimanalo Gulch landfill receives approximately 1400 tons per day (TPD) of solid waste and ash residual. That equals to approximately 511,000 tons of waste per

year. Later in the document (p. 9-12) we find that the H-POWER plant processes approximately 600,000 TPD of solid waste, which on page 9-16 we find is equivalent to 40 percent of the municipal solid waste produced on Oahu. If we add up the figures of what goes into the landfill at present and what goes to H-POWER, we see that the fraction going to H-POWER is closer to 55 percent of all the municipal solid waste collected. Also, according to page 9-39, the H-POWER plant incinerates 90 percent of the garbage that comes to that facility. If we take the figure of 600,000 TPY taken to H-POWER of which 90 percent is incinerated that would leave approximately 60,000 TPY of ash or approximately 146 TPD. This is substantially smaller than the 600 TPD listed on page 3-6 as coming to the landfill from H-POWER.

Trying to determine the total picture of solid waste generation and disposal by looking at the various components is confusing. It doesn't seem to add up. Adding a discussion in Section 3 on the total amount of garbage collected, what goes into the landfill, what goes to H-POWER, what goes to green waste, and what is recycled would be helpful in understanding the magnitude of the problems and will aid in weighing the alternative waste strategies. We suggest that such a discussion be included in the final environmental impact statement.

In addition to our general comments, we also have several specific comments.

Environmental Compliance Violations (p. 2-11)

In this section, the DOH and EPA violation notices are listed. While the DEIS adequately discusses the measures that have been taken to address the violations, there is no discussion on why these violations occurred in the first place. Without a mention of this, the discussion of the retroactive measures taken to correct the violations seems incomplete.

Need for the Proposed Project (pp. 3-5 – 3-6)

The first full paragraph on page 3-6 contains the line "As an annual acreage, approximately 800 tons per day or delivered." What has acreage to do with tonnage of solid waste? Was this a mistake or is there some formula for equating amount of waste delivered with the amount of land used?

Final Cover (pp. 4-5 – 4-11)

The final line in the section of the DEIS dealing with final covering of the landfill states that the "site may request the DOH permit alternative cover in lieu of the Subtitle D prescriptive cover described above." What are other types of covering contemplated? Does the City and County have anything else in mind? If so, shouldn't they be discussed in the DEIS? Does Subtitle D allow for alternative covers for the landfill?

July 7, 2008
Page 3

Materials Acceptance (p. 4-21)

We were wondering how much waste is usually excluded per day under the Unacceptable Waste Exclusion Program?

Management of Unacceptable Waste (pp. 4-25 – 4-26)

In the management of unacceptable waste, hazardous waste is stored in a temporary storage area for 90 days after the accumulation of 220 pounds or more. What happens to the hazardous waste after the 90 day period expires? Why wait 90 days after it reaches 220 pounds, why not just dispose of it then?

Groundwater and Gas Monitoring Data (p. 4-34)

What does the groundwater and gas monitoring consist of? Are they devices that are placed in the ground that detect gas and record the data on graph paper? Are they gauges that are periodically read? How is monitoring carried out?

Drainage Control System (pp. 4-36 - 4-37)

In Section 4.6.1 the DEIS mentions that the landfill stormwater management system is designed and constructed to manage runoff from a 25-year, 24-hour storm. What about a 100-year storm? How did the site fare during the January 2007 rain events?

Potential Impacts and Mitigation Measures (p. 5-53)

In the section on landfill gas temperatures, it is mentioned that WGSJ has temperatures exceeding the EPA specified maximum temperature. Other approved mainland landfills with temperatures exceeding EPA limits are then listed. Absent from this discussion is a mention of the actual temperatures found at WGSJ.

Potential Impacts and Mitigation Measures (p. 5-84)

The DEIS states that hydromulching has not been very successful on top of the filled areas due to dry conditions at the site. The DEIS continues by stating that landscaping and the further use of irrigation will promote vegetative growth similar to that found on the adjoining hillsides. Can you provide more details on why there has been little success with revegetation, and how new action plans will remedy this?

July 7, 2008
Page 4

General Community Concerns and Issues (p. 7-11)

In this section the DEIS states "For several years, Hawai'i residents have responded to polls on the major issues facing the community by pointing to the economy and education as the most important issues for the State (Figure 7-1). Environmental issues . . . do not achieve the same salience." Figure 7-1 illustrates the relative expressed importance of the economy, education, traffic, housing, and drugs, but the issue of the environment does not appear at all. Is this because Hawai'i residents were not given the option of choosing the environment as an issue (a structured poll), or because it was mentioned so infrequently that it would not show up on the graph?

Community Involvement (p. 7-41)

The DEIS states that the value of the community benefits were identified as \$2.7 million in 2007 and \$2.0 million in 2008. While the specific benefits that will be distributed in the future have not yet been determined, can you provide more detail on the benefit packages provided in previous years?

Alternatives to the Proposed Action (pp. 9-1 - 9-45)

There are a number of technology driven options examined in the first half of the lengthy discussion of alternatives. Each of these is evaluated as an all or nothing choice. There is no reason why several options might be considered in tandem that could address the need for the City and County to address its solid waste situation. Some of these methods taken together could lead to the closure or at least lead to a drastic reduction in the use of the landfill. There is also incomplete information about the cost of each of these options. Could not reasonable estimates of cost be found so that the options could be compared?

Thank you for the opportunity to review this Draft EIS.

Sincerely,


Peter Rappa
Environmental Review Coordinator

cc: OEQC
Henry Eng, DPP
Brian Takeda, R.M. Towill
James Moncur, WRRC
Ryan Riddle

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

1000 ULUOHA STREET, SUITE 308, KAPOLEI, HAWAII 96707
TELEPHONE: (808) 768-3486 • FAX: (808) 768-3487 • WEBSITE: <http://envhonolulu.org>

MUFU HANNEMANN
MAYOR



October 23, 2008

ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-124

Mr. Peter Rappa
Environmental Review Coordinator
University of Hawaii – Manoa
Environmental Center
2500 Dole Street, Krauss Annex 19
Honolulu, Hawaii 96822

Dear Mr. Rappa:

Subject: Draft Environmental Impact Statement (DEIS)
Waimanalo Gulch Sanitary Landfill Expansion

Thank you for your letter dated July 7, 2008, concerning the subject project. The following has been prepared in response to your comments (your comments have been *italicized* for reference):

1. *"Trying to determine the total picture of solid waste generation and disposal by looking at the various components is confusing. It doesn't seem to add up. Adding a discussion in Section 3 on the total amount of garbage collected, what goes into the landfill, what goes to H-POWER, what goes to green waste, and what is recycled would be helpful in understanding the magnitude of the problems and will aid in weighing the alternative waste strategies."*

The Final EIS, Section 9.2.2. Composition of Waste Stream, will include tables to provide the information requested. The new tables will identify the amount of waste taken to Waimanalo Gulch and H-POWER, as well as an estimate of the amount of materials recycled. Tables will also be provided identifying the sector from which the waste was collected (residential and commercial), and the amount collected by the City and other waste haulers.

2. *"In [the Environmental Compliance Violations] section, the DOH and EPA violation notices are listed. While the DEIS adequately discusses the measures that have been taken to address the violations, there is no discussion on why these violations occurred in the first place. Without a mention of this, the discussion of the retroactive measures taken to correct the violations seems incomplete."*

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Both the City and Waste Management of Hawaii acknowledge that the alleged violations have occurred because of delays in implementing and reporting operational activities at the landfill. All of the allegations that were brought to light based on the operator's self-reporting practices were either corrected or were in the immediate process of being corrected (e.g., addressing the atypical temperatures at the landfill with the EPA) when the notices of violations were issued in early 2006.

The primary corrective step that has been taken since that time has been to improve the timeliness of correcting and then reporting the required information to the DOH and EPA. The DEIS identifies the steps taken to help prevent a future occurrence in Section 2.3. Environmental Compliance Violations and Section 2.4. Summary of Current Status.

3. *"The first full paragraph on page 3-6 contains the line "As an annual acreage, approximately 800 tons per day...or delivered." What has acreage to do with tonnage of solid waste? Was this a mistake or is there some formula for equating amount of waste delivered with the amount of land used?"*

Thank you for pointing out this typographical error. The correct entry that will be provided in the Final EIS will read, "As an annual average, approximately 800 tons per day"

4. *"The final line in the section of the DEIS dealing with final covering of the landfill states that the 'site may request the DOH permit alternative cover in lieu of the Subtitle D prescriptive cover described above.' What are other types of covering contemplated? Does the City and County have anything else in mind? If so, shouldn't they be discussed in the DEIS? Does Subtitle D allow for alternative covers for the landfill?"*

RCRA, Subtitle D, allows for the use of alternative cover. The alternative cover that is being considered involves a thicker soil cover to handle the root systems of the types of trees being considered at the landfill. The tree types being contemplated will be similar to those found on the surrounding terrain. Native or other trees with a long tap root will not be used. Also, boulders may be added to enhance the appearance of the site.

5. *"How much waste is usually excluded per day under the Unacceptable Waste Exclusion Program?"*

This waste amounts to less than one percent of the refuse disposed of at the landfill.

6. *"In the management of unacceptable waste, hazardous waste is stored in a temporary storage area for 90 days after the accumulation of 220 pounds or more. What happens to the hazardous waste after the 90 day period expires? Why wait 90 days after it reaches 220 pounds, why not just dispose of it then?"*

Waste identified as "hazardous" is collected for temporary holding in a specially designated site that is designed to contain the waste and prevent exposure paths to the environment. A typical hazardous waste item for example, is a car battery. The reason for the safe storage of this type of waste prior to removal to an approved disposal facility is to minimize the number of trips involving the transport of these types of materials.

7. *"What does the groundwater and gas monitoring consist of? Are they devices that are placed in the ground that detect gas and record the data on graph paper? Are they gauges that are periodically read? How is monitoring carried out?"*

The groundwater and gas monitoring systems consist of the use of subsurface wells for the collection of samples. Sampling of these wells are by trained third party personnel who collect the samples according to industry standard practices that involve chain of custody, quality assurance/quality control procedures, and other protocols that govern the length of time and conditions under which a sample is collected prior to analysis. The samples are submitted to a laboratory certified by the State DOH. The results of all analyses, including the supporting documentation establishing that the samples were collected properly are provided in a report that is submitted to the DOH.

8. *"In Section 4.6.1 the DEIS mentions that the landfill stormwater management system is designed and constructed to manage runoff from a 25-year, 24-hour storm. What about a 100-year storm? How did the site fare during the January 2007 rain events?"*

The 25-year storm was used as an industry safety standard that was compliant with the City & County of Honolulu. The handling of stormwater for a 100- year storm event would involve considerable retention and drainage system sizing requirements that are not considered feasible or reasonable for the WGSL. The performance of the WGSL during the January 2007 rain events were satisfactory and provided for the sufficient control and treatment of stormwater runoff.

9. *"In the section on landfill gas temperatures, it is mentioned that WGSL has temperatures exceeding the EPA specified maximum temperature. Other approved mainland landfills with temperatures exceeding EPA limits are then listed. Absent from this discussion is a mention of the actual temperatures found at WGSL."*

The wells with temperatures above the EPA's standard operating temperature of 131° Fahrenheit average approximately 165° F. One well has had an isolated temperature reading of 184° F, which is the highest recorded temperature of any well at the landfill. This information and the specific operational conditions associated with the decomposition of waste generating these temperatures have been submitted to the EPA.

See Section 5.7.3. Potential Impacts and Mitigation Measures, of the FEIS relating to landfill gas emissions, relating to a discussion on the LFG (landfill gas) Collection System, providing this information.

10. *"The DEIS states that hydromulching has not been very successful on top of the filled areas due to dry conditions at the site. The DEIS continues by stating that landscaping and the further use of irrigation will promote vegetative growth similar to that found on the adjoining hillsides. Can you provide more details on why there has been little success with revegetation, and how new action plans will remedy this?"*

The initial difficulty with vegetative growth involved the dry and low rainfall conditions of the Leeward side of Oahu. The sporadic level of rainfall received at the site was simply not conducive to growth. The new plan will address this constraint by selectively targeting smaller portions of the site with as many target planting spots as can be provided while meeting the water conservation requirements of the Board of Water Supply.

An important feature of the plan is to more efficiently use irrigation while recognizing that the contours of the landfill are subject to change as various portions of the site are filled. Landscaping will therefore follow the filling of the cells. In order to do so, the new system will employ a central trunk water line that will run across the slope of the landfill and use perforated feed lines that run from the central trunk line. We expect that this will constitute an improvement over the prior practice of using rigid perforated water hoses that were prone to breakage whenever it was necessary to move or relocate the water hoses.

11. *"In this section the DEIS states "For several years, Hawai'i residents have responded to polls on the major issues facing the community by pointing to the economy and education as the most important issues for the State (Figure 7-1). Environmental issues . . . do not achieve the same salience. Figure 7-1 illustrates the relative expressed importance of the economy, education, traffic, housing, and drugs, but the issue of then environment does not appear at all. Is this because Hawai'i residents were not given the no option of choosing the environment as an issue (a structured poll), or because it was mentioned so infrequently that it would not show up on the graph?"*

The question that was posed to those interviewed was open-ended allowing them to select the environment if they chose to do so. While SMS Research has noted that the environment is becoming of increasing concern to Hawaii residents it does not come up in numbers that exceed one to five percent of the population.

12. *"The DEIS states that the value of the community benefits were identified as \$2.7 million in 2007 and \$2.0 million in 2008. While the specific benefits that will be distributed in the future have not yet been determined, can you provide more detail on the benefit packages provided in previous years?"*

The community benefits initiative is a new program that was started by the current City Administration. Prior to 2007, there were no community benefits initiatives associated with the project.

13. *"There are a number of technology driven options examined in the first half of the lengthy discussion of alternatives. Each of these is evaluated as an all or nothing choice. There is no reason why several options might be considered in tandem that could address the need for the City and County to address its solid waste situation. Some of these methods taken together could lead to the closure or at least lead to a drastic reduction in the use of the landfill. There is also incomplete information about the cost of each of these options. Could not reasonable estimates of cost be found so that the options could be compared?"*

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The alternative technologies to landfilling provided in the DEIS have been used in sizes smaller than noted. The size used in the DEIS was as specified by the City to define the project types that would be considered in its Invitation for Bid (IFB) for alternative technology. The Final EIS will provide discussion of the use of multiple smaller technologies. See Section 9.6. Alternative Technologies to Refuse Disposal, subsection 9.6.1. Introduction.

Concerning the cost of the technologies, many of the alternatives evaluated have not had a full scale project built. Some have. To compare the cost of these two disparate conditions would result in an inaccurate and unfair evaluation. In addition, site specific factors must be reflected in the cost of a facility and those need to be estimated based on preliminary engineering data that was unavailable for most of the technologies.

We appreciate this opportunity to respond. Any further written comments may be directed to Ms. Wilma Namumart of our office at 768-3406.

Sincerely,



Eric S. Takamura, Ph.D., P.E.
Director

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.

Office of the President
The Senate
State of Hawaii
State Capitol
Honolulu, Hawaii
96813



July 7, 2008

Dr. Eric S. Takamura, P.E., Director
Department of Environmental Services
City and County of Honolulu
1000 Uluohia Street, Suite 308
Kapolei, HI 96707

Re: Draft Environmental Impact Statement
Waimanalo Gulch Sanitary Landfill Lateral Expansion (May 2008)

Dear Dr. Takamura:

In accordance with the provisions of Hawai'i Revised Statutes §§ 343-1 et. seq ("HRS 343") and Title 11 Chapter 200 of the Department of Health State of Hawai'i Environmental Impact Statement Rules ("EIS Rules" or "HAR"), I hereby respectfully submit my comments to the Draft Environmental Impact Statement for the Waimanalo Gulch Sanitary Landfill ("WGSL") Lateral Expansion (May 2008) ("DEIS").

The comments which address Section 1 Executive Summary are made in the more detailed sections of the DEIS as discussed below.

Section 2 Project Background

This section begins with the incorrect conclusion that WGSL is "essential and necessary" for the City and County of Honolulu ("City"). WGSL is deemed to be essential and necessary only because no action has been taken by the City in truly exploring alternatives to landfilling on this island. An honest discussion is lacking in the DEIS as to why the City delayed in bringing the expansion to the public. News media reports of comments by the Planning Commission of the City and County ("PC") and the

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Land Use Commission ("LUC") evidence that these decision makers were also not pleased with what could be construed as a deliberate delay to request the extension. This expansion request will also be construed as leaving decision makers no alternative but to grant an extension.

Blue Ribbon Commission

Much of this DEIS is based upon the Mayor's Advisory Committee on Landfill Site Selection ("Blue Ribbon Commission"). What the DEIS fails to address is that this Blue Ribbon Commission, having been staffed by R.M. Towill provided the members with inadequate information or incorrect information to fulfill their task. Though much is made about violations of the Sunshine law, what is lacking is an honest discussion of the flawed information which was provided to the Blue Ribbon Commission. Response by the City that R.M. Towill is not expected to know what the conditions of the land is absolutely laughable. The entity which has prepared all EISs in recent history and who is well aware of the Contract entered into to extend the management contract with Waste Management Hawaii, Inc. ("WMI") for the landfill operations at WGSL, cannot argue ignorance. It is of significance that the City finally admits that one of the criteria to assess the sites was no excavation. How R.M. Towill or the City could present WGSL expansion for 20 years with no excavation is akin to bad faith. The City and R.M. Towill was definitely on notice and failed to inform the Blue Ribbon Commission of this fact. The Contract between WMI and City should be made a part of the Appendices for the Final Supplement EIS to be accurate and complete.

In addition, the Appendix which is found in Volume 3 of 3 fails to include those pages which address the criteria as well as how the alternative sites were evaluated by R.M. Towill. This should definitely be included for all to review. Under Section 4 of this letter, there will be a discussion of the costs. Cost which was a criteria for the Blue Ribbon Commission had very minimal expenses for WGSL because of the lack of excavation. This is again shown to be an incorrect statement.

DOH Violations

The so called alleged efforts of the City to address the Department of Health's Notice of Violations ("NOV") and how to prevent them in the future need more details. This is especially true in light of the subsequent allegations of mismanagement and the recent lawsuit regarding the City's rebate of tipping fees to Schnitzer steel. What is of significance is the issue of what is the City doing to monitor what is being placed in the landfill. It is also important that irrespective of whether the violations were "settled;" there is still lacking information as to how and where the asbestos was buried. This is hidden in the violations regarding the reporting to the DOH.

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The exceedance of grade is a critical issue as to future monitoring and there needs to be a more detailed discussion as to how this will be avoided in the future.

EPA Violations

It is unacceptable to merely address these violations as "resolution pending." In light of this Department and the City's battles with the EPA on the sewer systems, it is important to cover in this DEIS the relationship between the two, if any.

More importantly, what is lacking is a discussion as to what the City has done in terms of contract evaluations and performance evaluations of its operator, WMI. Given the nature of their violations and the magnitude, the DEIS is required to provide this information to the public.

Section 3 Introduction

This introduction is lacking in that it fails to set forth that this is a project which was promised to be closed by the prior administration and this Mayor as well. Moreover, in that the City has chosen to address the requirements of a DEIS in this section of its document, it should be clear as to exactly what is required, such as:

Department of Health Rules ("HAR") § 11-200-14 through 23 are the requirements in the preparation of Draft and Final Environmental Impact Statements. The "General Provisions" highlight the expectation of the EIS process.

... An EIS is meaningless without the conscientious application of the EIS process as a whole, and shall not be merely a self serving recitation of benefits and a rationalization of the proposed action. Agencies shall ensure that statements are prepared at the earliest opportunity in the planning and decision making process. This shall assure an early open forum for discussion of adverse effects and available alternatives, and that the decision makers will be enlightened to any environmental consequences of the proposed action.

Clearly, this DEIS is a self serving recitation and a rationalization of what the City wants to do. The Rules require that these statements be prepared at the earliest opportunity and it is evident that the City chose to wait until the last possible moment. The argument which the City will raise is the discovery of stone outcroppings. However, the City chose to file this DEIS without a determination by the EPA on the violations at WGSL. When it has been convenient, the City has chosen to act so that there is no time for any viable alternative.

Figure 3-2 in this section depicts expansion which will exceed the present SUP boundary. This means that the expansion is expected on the lower portion of WGSL nearest Farrington Highway which will make the landfill more visible to the residents. This expansion will take all of the 200 acres at WGSL minus a 100 foot barrier around the perimeter of the property boundary.

Section 4 Project Description

It is interesting that the City refuses to acknowledge that WGSL is located near Ko Olina. Ko Olina has a community and is marked as the Second Resort destination for the Island of Oahu. In these difficult economic times, it would be significant to know that location of the landfill to a major economic engine for the City and the State of Hawai'i.

Given that there has been a contested case hearing recently completed on the WGSL, it is of interest that the sworn testimony of the City officials are not included in some form or another. For example:

Frank Doyle testified that he was Chief of the Division of Refuse when WGSL was initially selected. He confirmed that the original Environmental Impact Statement ("EIS") stated that only 59 or 60 acres was suitable for landfill use. (For ease of reference, the "Tr." refers to the transcript in the Contested Case Hearing held on December 7, 2007, followed by the page numbers Tr. 215 and 217).

You, Mr. Takamura testified that to expand WGSL under the 17 year contract with WMI, 8 million cubic yards of native soil will have to be removed to create 15 million cubic yards of airspace (landfill). (Tr. 67-68).

WGSL is up the side of a mountain. In the present expansion of WGSL by the 14.9 acres, WMI encountered blue rock and has been blasting to expand WGSL. (Tr. 177-178). Paul Burns, former manager of WMI for WGSL, testified that grading has been done at WGSL which is outside the permitted 14.9 acres and is where blue rock has been

encountered. (Tr. 149). It is for sloping of rock faces and drainage. (Tr. 150). In the E-3, E-4 area as much as 700,000 cubic yards of blue rock was removed. (Tr. 152-153).

At the landfill, leachate is created. Leachate is "the decomposition of organic matter . . . produces CO₂; if it's anaerobic, it produces methane, and the other end product is water. There's also water in – loose water with the material we grab or dispose of, so when it decomposes and breaks down, water seeps to the bottom . . . where the liner is and it collects there. . ." (Tr. 71).

Count I of the NOV is entitled "Exceedance of Permitted Grades" and is relevant to the representation of the capacity at WGSL. (*Id.* at 2). In Count I and as testified to by Burns, permitted capacity in the ash monofill area was filled and exceeded in 2004 by 100,000 tons. (Tr. 168). In addition, 129,200 cubic yards of Municipal Solid Waste ("MSW") was placed above permitted grades. This computes to about 91,000-100,000 tons. (Tr. 168-169). When the DOH learned of these violations, it had originally told WMI to re-grade the ash monofill area and remove the excess MSW to the back portion of the landfill. (Tr. 248). An alternative provided to WMI was to construct the berms to address the stability issue. (Tr. 250).

A "toe berm" was constructed at the "toe" of the ash monofill when Takamura was Director to address the overall stability of the WGSL. (Tr. 56 and 58).

Takamura testified that stability issues are common when you touch a slope and WGSL is up the slope of the mountainside. (Tr. 60).

Burns conceded the stability concerns and described WGSL as a canyon and once the valley is filled (the gulch) then when the expansion is upward, there is an effect throughout the whole facility. It is similar to stacking on the top and the effect will be there for the lower area. (Tr. 159-160).

Due to the topography of WGSL, there are three stability berms. One is for the ash monofill area and called the "toe berm." The others are the E-1 berm and the West berm. (Tr. 151). The E-1 berm was constructed in late 2005 to 2006 and the West berm in 2006-2007. (Tr. 164). All three berms were constructed with blue rock from primarily the E-3 cells. (Tr. 177-178). The West berm was constructed to stabilize the landfill as the east side (E cells) are being filled. As the east side fills the

forces push the to the west side. (Tr. 254). These berms were stability berms which were a result of WMI overfilling WGSL. (Tr. 267).

There needs to be a description of safety factors. For example the testimony has been:

Safety factor at WGSL is calculated at 1.5; however anything above it is acceptable. (Tr. 172). The example given is that in the E-1 area the safety factor is less than 1.5; however the addition of the berm brings it up to 1.5. (Tr. 173). The safety factor affects the grades at the landfill. For example if the factor was 2.0, the grades would need to be lowered. (Tr. 185). The stability factor at the ash monofill area before the toe berm was 1.29. (Tr. 248). A related issue is that WMI had used the wrong liner in that the "textured liner" was not used and a "smooth" liner was which called into question the resistance to movement of the landfill. There were at least two cells in the middle of the landfill with smooth liners. (Tr. 134).

There are two types of safety factors, static and seismic. (Tr. 257). Seismic is when movement is anticipated and is calculated into the analysis. (Tr. 258).

In a report by EA Engineering, Science and Technology, Inc., the stability factor of 2 is what is proposed with the explanation that safety factors between 1.5 to 1.9 is acceptable when it does not "pose and imminent threat to human health or the environment." The proximity to Farrington Highway and Kai Lani subdivision suggest imminent threat and supports the increase to 2.0. Exhibit H at 6.

What is clearly relevant to the general public and not set forth in this DEIS is the issue of the stability of the landfill and the requirement for the berms. It is very relevant especially when viewed in light of the first EIS which said only 59-60 acres were suitable for landfill. This is also important when viewed in light of the criteria of the Blue Ribbon Commission which included the statement that they would fill to "natural grade." (Criteria No. 23). The transcript of the Contested Case Hearing should be made a part of the Final Supplemental EIS as well.

Given the concern of the stability of the landfill and the recent earthquake on the Big Island, a discussion must be had as to what can be done if such a natural disaster caused the landfill to slip onto Farrington Highway. This discussion must look to the fact that expansion will be at the steepest part of the footprint of the parcel of land and the stress it will place on the existing landfill. The people of the Waianae Coast have only one way in and one way out.

Stability of the Landfill must be analyzed in light of Figure 3-2 which shows the expansion throughout the 200 acres of land. It will be a total landfill with the exception of a 100 foot buffer.

Though mentioned earlier, the fact that City states in this section that it has a program to control the "Contaminated Materials," this is without basis. It is also without basis that the "all documentation of asbestos disposal" is present on site. In fact, that is one of violations that WMI could not determine where the asbestos was disposed of. The asbestos disposal plan may set forth a plan; however, from the NOV we know that WMI did not follow that plan. It is unacceptable to simply state a plan and have no enforcement as to whether it will be followed.

As well, statements that their storm water or water drainage are managed is incorrect. Again, the NOV is on point and the amount of leachate which had to be pumped and dumped into the Waianae Sewage Treatment plant needs to be addressed.

Figure 4.9 seems contrary to the representations made to the Ko Olina community. Assuming that the color chart sets forth the sequence of the closure, then the area in the back of the landfill will be closed before the areas closest to Farrington Highway. This means that landfill operations will be visible from Farrington throughout the extended life of the landfill.

Cost of the Landfill

Another issue which was a criteria in the Blue Ribbon Commission's consideration was costs. At Section 4.11 a discussion of costs showed \$60,800,000 for the costs of the excavation and other costs for a total cost of \$99,400,000 in 2008 dollars. How are these costs arrived at? In addition, the costs of the berms should be included in that these structural changes enable the City to now petition for an extension. In addition, the reference in the DEIS is to the figure \$86 million as the cost. The discrepancy must be addressed. There also needs to be a discussion as to whether additional berms will be required or are anticipated at the site.

In discussing costs, the City has said it makes a profit of \$4 million a year at WGSL. If this is the case, for a 15 year expansion the operational cost will increase by at least \$6.63 million a year. Why is this then economical?

Section 5 Environmental Setting

Given the recent decisions by the Hawai'i Supreme Court, it is necessary to discuss the concept of public trust. This is especially true when looking at the waters of this State. What occurred with the operations of WGSL and the leachate is inexcusable and a violation of that public trust. Note that the leachate was disposed of, for most part, in the Waianae Sewage Treatment Plant.

In this light, there is inadequate discussion of the leachate. This is especially troubling given the DOH NVO. This requires a discussion as to how the build up of the leachate affected or could affect the integrity of liner and the stability of the landfill. It must also be addressed in light of the expansion and the stress it will have upon the liner and the stability of the landfill.

Geology

According to Figure 5.2, the proposed expansion will be primarily in the rRK soil type. This means rock over a large percentage of the surface. In addition, the description of the soil associated with rRK is "sticky and very plastic." This means that there will be a "high shrink-swell potential when moisture laden." The impact of this type of soil must be discussed when stability of the landfill will be an issue as it goes up the slope.

There must be a more detailed discussion as to the slope differential for WGSL in the proposed expansion area. It is admitted that the upper portion of WGSL where the expansion will take place will be steep with the rRK type soil. How will excavation be safely accomplished in that region must be discussed along with the storage or removal of the excavated "native soil."

The rights to the native soil (rock, etc.) must also be addressed. It is believed that with the present operation, the contractor who does the excavation is permitted to sell the rock and soil and keep the funds. If this is the case, the practice must change and the benefit should be to the taxpayers. If the "sale" of the rock is part of the contract with WMI, these amounts must be calculated.

The DEIS concludes that "adverse impacts are not anticipated" as a result of the lateral expansion. There needs to be a definition of "adverse impacts" and how the DEIS concludes that such impacts are "not anticipated." Clearly the City and its operator have stated these similar conclusions in prior EISs and the NOV has shown to the contrary. For example how else will height violations be noted other than a "fly by." What type of monitoring device will be utilized to establish that the landfill is stable other than mathematical computations performed by WMI's experts? Part of the costs of the operation of the landfill should include a fund which the DOH utilizes to hire its own experts to monitor the landfill activities.

Regional Hydrology

This discussion in the DEIS is of interest in that it is in direct contradiction to the UIC line which is what is relied upon in the siting of the landfill. Discussion is necessary as to how the UIC line has been arrived at when it is clear that WGSL does sit over and is a part of the "Makaiwa Aquifer System." Given the past mismanagement of WGSL by WMI, it is critical that we understand the assumptions which have been made in the past, in particular the UIC line and landfill operations over an aquifer. There is an EPA map on the water systems which differs from that of the DOH. There needs to be a discussion as to difference and how the UIC lines have conveniently been drawn around existing landfill areas throughout the State.

Read in conjunction with the discussion in Section 7 as to the natural springs and water sources in the area, there should be an analysis done as to why the UIC line carves out WGSL; and more importantly the long term impact of the landfill over an aquifer.

Air Quality

There needs to a discussion in Air Quality of the EPA violations against the WGSL. Though the matter has not been resolved, for the DEIS to be accurate, the violations should be set forth as well as the anticipated remedy for the problems. Also, to the extent that the EPA violations overlap with the NOV, that discussion should also be found in the EIS.

Under this section, a passing discussion is made of the impact of the "sludge" and how it is no longer being disposed of at WGSL. The accuracy of the statement is challenged as to when it was "no longer being disposed of at WGSL." How much sludge is or has been disposed of at WGSL must be discussed. In addition, it is unclear as to whether the pellets have been authorized for sale. If not, then are these pellets being disposed of in WGSL? It is believed that the statement is incorrect as to whether the sludge is no longer at WGSL.

Methane Gas

Part of the NOV was a violation as to methane gas. The concern is whether the methane gas is smoldering or burning at WGSL. There needs to be a discussion as to how this is monitored and also that methane gas fires are found in landfill operations and WGSL should be no different. If in fact there is such a fire smoldering, what is the anticipated impact on the community and the stability of the landfill. Though there is an

attempt to say that landfill permitted temperatures are higher in other states, the issue is the impact on this landfill which is located so very close to a resort and homes.

Blasting

As expected, due to the soil type in the expansion, excavation must occur with the assistance of blasting of the rocks. It is significant that the blasting is anticipated to be no more than one per day and no more than one to three times per week. If this is the average, then over a 15 year period these are a significant number of blasting activity. The discussions surround the noise and not as to the stability or structural impact on the landfill and the surrounding area. Related is the discussion on the culturally significant outcroppings which the City claims cannot safely remain in place. If the concern is over the impact of the blasting, then the blasting must have impact throughout the existing landfill. There needs to a discussion as to this fact, along with what impact it will have upon the structural berms presently built.

Pueo and Other Birds and/or Animals

It is unfortunate that the DEIS simply dispenses with these animals and birds due to the lack of sighting on a "survey." There needs to be a clear description as to how many surveys were taken and when. I have personally seen the Pueo on many occasions fly from WGS� to the area near Lanikuhonua and Kai Lani. It is questioned as to how thorough this survey is. There is a reference to a survey in 1999 and it must be clarified if the DEIS is relying upon this older study. The area is also designated as a habitat for the Elepaio. It appears that the DEIS is disagreeing with this designation. An explanation is needed as to this conclusion.

Aesthetics

As a person who has lived both at Kai Lani and now the Ko Olina Kai, I have no idea as to how the City can say that the lower portions of the landfill have a "naturalized" look. It is not natural at all and neither is the view of trucks going up and down the landfill.

The visual impact of WGS� has not been adequately addressed especially with the construction of the rock berm wall. How is this area going to be restored to its original state with a rock berm wall.

Section 6 Public Services, Potential Impacts And Mitigation Measures

Traffic

The DEIS is deficient in that it does not present the numbers of vehicles which travel to WGS� clearly in the body of its statement. It concludes by saying it is not anticipated to add more to the existing pattern. However, what is needed is a discussion as to what is the load and the description of the types of vehicles which will be used to dispose of the MSW or Ash at the WGS�. With the anticipated growth in the not only the second city of Kapolei but at Ko Olina, this discussion must address the actual numbers and the anticipated impact with the increase number of vehicles due to the growth in the area.

Wastewater System

There needs to be discussion as how the existing system will be adequate when it clearly was not adequate for the limited expansion as noted in the NOV. The City must honestly discuss the shortcomings of WMI, the operator, who has failed to operate WGS� in a professional manner.

Odors and Windblown Trash

The fact that those who live by WGS� continue to experience the odors is not adequately addressed by the DEIS. Like the "surveys" mentioned above, there needs to be a discussion as to how the odors are being monitored. Testimony has been received by people who are on the golf course and those who live in Ko Olina as to odors and windblown trash of the landfill. It is important to note that Counts in the NOV addressed the windblown trash and odor issues. Given the fact that violations have been found, the City must ensure that these violations do not occur again, given that it continues to have the same operator.

Section 7 Socioeconomic and Related Environment, Potential Impacts and Mitigation Measures

NIMBYism

As expected, the Kailua Neighborhood Board has always been adverse to the closure of the WGS�. This is due to the fact that Ameron Quarry has been viewed as a successor. It is unfortunate that the communities are forced to take positions such as they have. If the City clearly looked at alternatives and did not deal in "fear" and in its delay

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tactics, there could have been a long term resolution. It is not acceptable that the City's position is, "where do you want to put it?" The City is the governmental agency tasked with this obligation and it cannot simply wait, as it has, with the hopes that other agencies will buy in to its mantra that there will be rubbish on the streets if an extension or expansion is not approved.

Economic Considerations

The role that Ko Olina plays as it relates to the economic growth for West Oahu is significant. While no one would consider placement of a landfill near Waikiki, the City does not hesitate to continue a landfill operations directly across the street from Ko Olina.

Discussion on the Landfill impacts on jobs, etc. would exist wherever the landfill is sited. The discussion is lacking as to what could happen if WGSL is expanded as to the development of the Resort.

Fairness Issues

There is a discussion as to how some residents believe that Waianae is the dumping ground for the City; and the expansion of WGSL continues to dump on and places the burden on the Waianae Coast. There needs to be a discussion of the concept of environmental justice and how this discussion required under NEPA should be better explored in the DEIS.

Community Benefits Package

There needs to be an honest discussion on the benefits package. Remember that the Waianae Coast takes more than the City's rubbish. There is always the issue of "catch up" for the Waianae Coast because it appears that it is last to receive anything. When the concept of a "community benefits package" is discussed, there needs to be an analysis as to what the community would be entitled to as all others would and what is received in addition to that. The benefit must be in "addition to" not merely a replacement of.

Historic and Archaeological Findings

Prior EISs have not acknowledged the cultural significance of the Waimanalo Gulch. The DEIS recognized what is described as "Three upright boulders potentially utilized as trail or boundary markers."

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It was agreed to that the stones were significant and likely used by traditional Native Hawaiian practitioners in the past. The consultants believed these stones should be preserved in place; however, the City has deemed this to be "not an option" and will move the structures. Though the cultural practitioners also expressed a concern as to the appearance of the landfill after it was completed and the boulders returned, it remains the position of the City to ignore these concerns and continue with the construction of the landfill. The DEIS must address whether the landfill expansion is at any cost and the cultural significance should be ignored.

The DEIS must address the sentiments of OHA as stated:

OHA has made a field visit to the project site and we noted three significant cultural features that were still intact in the project area. We are also aware of the probable existence of others yet to be discovered in the project area. OHA is further saddened that the larger setting that this project sits in is one that has been highly developed and degraded. Therefore, what TCPs [Traditional Cultural Properties] that remain must be protected.

The Department of Planning and Permitting, as a county agency, is mandated by Hawai'i Const. Article XII, section 7, "to preserve and protect customary and traditional practices of Native Hawaiians." Ka Pa`akai O Ka`Aina v. Land Use Comm'n, 94 Haw. 31, 45 (2000). . . . OHA urges that nothing more be done with this project until full cultural assessment has been made of the project area.

(OHA letter of September 21, 2007). At the very minimum, to address OHA's concern, there needs to be a clear statement as to how and what has been done for a "full cultural assessment" of the project area. In that much of this land has been degraded, it does not give the City the right to continue in its degradation.

Though he has passed, a respected Kumu Hula of the area, John Kaimikaua, told the story of the role of Palehua and its relationship to WGSL. There is a video of his tale and it should be included in the discussion of the cultural significance of WGSL.

The stories of the strange events in the initial construction of WGSL are rich. Yet, the DEIS continues in its predetermined conclusion that the landfill should be expanded.

**Section 8 Relationship to Land Use Plans,
Policies and Controls of the Potentially Affected Area**

The concepts of the State General Plan have been revisited by the Legislature for the past 3 years. The Legislature has funded the Task Force on Sustainability for the year 2050. The Task Force has adopted its Sustainability Plans for the year 2050. In addition, what is now Act 183, SB 2646 CD1 of the 2008 Session, addresses the concepts of Important Agricultural Lands. The DEIS must engage in the discussion as to what is "important Ag lands" and recognize that it is no longer tied to land classification such as A, B, etc. In this light, does it impact the continued use of WGSLS.

The discussion of the Land Use Policies of the area cannot be made without a discussion of the LUC's D&O on the SUP, as amended. The D&O now states that no later than November 1, 2009, the area shall be "restricted from accepting any additional waste material and be closed in accordance with an approved closure plan." This is the controlling LUC Order on the site of the proposed expansion. In addition, the City is to provide the LUC with updated status every 6 months. As someone who participated in the LUC hearing, it is clear that the LUC has sent a clear message to the City that it will not be caught in the untenable position that there is no alternative in the time remaining.

There is also a need to discuss whether the SUP process under HRS 205-6 is the proper mechanism by which to seek this expansion. The DEIS must consider whether a boundary amendment must be sought for this further expansion.

Section 9 Alternatives to the Proposed Action

This discussion in the FSEIS (most recent EIS on the property) and other documents has been inadequate in addressing alternatives. After all these years, the City must have a better response on alternative technologies, transshipment and other sites than what is provided. Again, it appears that it is simply easier to continue to have the existing landfill; and therefore all attempts to address alternatives in good faith will never be a reality.

The City has failed to timely develop its Solid Waste Management Plan. In that this is not a reality, documents such as this DEIS is not being judged by the appropriate measure.

An RFP for transshipment was solicited by the City. It is believed that the company who has been working on transshipping has had its bid challenged. If the City agrees that the bid is too low, then transshipment will not become a reality. The City does not prefer to transship because of the loss of revenue for the City. The DEIS must do a proper analysis of the loss of revenue and recall that cost is not a limiting factor in the discussion of alternatives.

What is also of concern is the discussion on Plasma Arc and how this technology does not meet the City's requirements. The DEIS does not recognize the technology which is successfully operating in Japan and the GeoPlasma facility to be operational in St. Lucie, Florida. What is just as troubling is the absence of recognition that on May 7, 2008 SB 1720 HD2 was enrolled with the Governor and on May 23, 2008 it was signed into law as Act 104 (2008 Session). This Act relates to the Special Purpose Revenue Bond to Assist Jacoby Development, Inc., a Processing Enterprise. Jacoby Development Inc.-Geoplasma LLC is authorized to issue a SPRB to build a similar facility as Florida's in Hawai'i which will not cost the taxpayers anything. Instead of welcoming such a technology, the City, instead, finds that the technology is not adequate.

Discussion of alternative landfill sites are also premised on the Blue Ribbon Commission's findings. As stated earlier, the assumptions upon which the Commission made its recommendations are incorrect and must be redone. The landfill capacities and costs are especially problematic given the obvious misinformation provided by R.M. Towill. Look at Table 9-13 to demonstrate the difference in what is presented and what is the reality. This DEIS is placing the costs of WGSLS expansion at \$86-99 million.

It will always be the position of the people of the Waianae Coast that there should be no more landfills on our community. We have borne the burden for not only the landfills, MSW and construction, but also the power generation facilities, live fire exercises, the homeless, etc. There is a need to look at these alternatives in terms of what is fair and in the context of environmental justice.

What is evident is that the City is not being honest in its discussion on Maili Quarry. This DEIS fails to note that the LUC denied that SUP permit of Sphere to operate a Construction and Demolition Landfill on the site. It is just as improbable that the LUC will grant a MSW landfill on the site. The proximity of this site to Maili Elementary School and its low water table is problematic. In addition, this site did accept AES's ash without a proper permit and without lining its landfill operations. In addition, traffic and access is a major concern. This landfill site is located off of a private road, Paakea which has been the site of major accidents due to the "dip" in the road. The question is whether the City will compute into its costs for the Quarry, the cost of the road and of access.

Nanakuli B is the site of a proposed private landfill. Nanakuli B will cause major traffic problems for the people of the Waianae Coast. The community will fight Nanakuli B because it is the expansion site of PVT Landfill, the only Construction and Demolition Landfill on this island. It cannot be the intent of the City to place two landfills across the street from each other and cause this community to bear this burden for a measly pay off. This DEIS must look into this inequity. The people of the Coast also want PVT closed.

Ameron Quarry is dispensed with because of costs. When the true costs of the expansion of WGSJ is computed, the costs of WGSJ exceeds that of Ameron.

What is lacking in this DEIS is the fact that in a few years, the status of H Power will also be an issue. If the City decides to re purchase H Power, then that cost must be made known and its impact on the cost of solid waste disposal. The expansion to a third boiler will have major cost implications.

Underlying all of this is the discussion on "flow control" of the MSW. This DEIS is inadequate in that until the necessary "flow control" is defined, the alternatives as it may be available by other vendors will not become a reality and what will remain is only the expansion alternative.

Notwithstanding, what is truly lacking in the DEIS is a combination of alternatives. To discuss these choices as a "zero sum" game does not make this DEIS a true document upon which the decision makers can rely upon.

Section 10 Irreversible and Irretrievable Commitment

Again, the DEIS is a document with a predetermined outcome. It is simpler for the City to expand WGSJ than to truly explore alternatives. Promises of how the landfill will operate better and mitigation will be enforced are empty promises in light of the past performances and present performances. The recent lawsuit against Schnitzer Steel shows how there is no monitoring by the WGSJ or the City before millions are given for a rebate which allegedly should not have been given. The DEIS is without basis to make such a representation or conclusory statement to the public.

Section 11 Unresolved Issues

Missing in this section is the EPA violations. In addition, it is disconcerting that the DEIS will have as an unresolved issue; the stone uprights. Given that these issues are "unresolved," this DEIS could have been made public sooner. This is all part of the plan to go before the governmental agencies with no time left and to ask for yet another extension or the expansion.

Section 12 Permits and Regulatory Approvals that May be Required

The DEIS fails to recognize the State Land Use Commission is a State agency not within the City & County of Honolulu's process. In fact, HRS § 205-6 is the State Land Use Commission statute. This DEIS should address whether a boundary amendment will be required and not a SUP.

Section 13 Organizations, Agencies and Public Parties Consulted In the Preparation of the Environmental Impact Statement Preparation Notice

No Comment.

Section 14 Significance Criteria

The DEIS provides its analysis of the significance criteria as set forth in §11-200-12 of the EIS Rules. The Rules provide:

- A. In considering the significance of potential environmental effects, agencies shall consider the sum of effects on the quality of the environment, and shall evaluate the overall and cumulative effects of an action.
- B. In determining whether an action may have a significant effect on the environment, the agency shall consider every phase of a proposed action, the expected consequences, both primary and secondary, and the cumulative as well as the short-term and long-term effects of the action. In most instances, an action shall be determined to have a significant effect on the environment if it:
 1. Involves an irrevocable commitment to loss or destruction of any natural or cultural resource;
 2. Curtails the range of beneficial uses of the environment;
 3. Conflicts with the state's long-term environmental policies or goals and guidelines as expressed in chapter 344, HRS, and any revisions thereof and amendments thereto, court decisions, or executive orders;
 4. Substantially affects the economic welfare, social welfare, and cultural practices of the community or State;
 5. Substantially affects public health;
 6. Involves substantial secondary impacts, such as population changes or effects on public facilities;
 7. Involves a substantial degradation of environmental quality;
 8. Is individually limited but cumulatively has considerable effect upon the environment or involves a commitment for larger actions;
 9. Substantially affects a rare, threatened, or endangered species, or its habitat;
 10. Detrimentially affects air or water quality or ambient noise levels;
 11. Affects or is likely to suffer damage by being located in an environmentally sensitive area such as a flood plain, tsunami zone, beach, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal waters;

12. Substantially affects scenic vistas and viewplanes identified in county or state plans or studies; or,
13. Requires substantial energy consumption.

The DEIS answers each and every criteria in the negative. This provision of the EIS Rules is not applicable in that this section is relevant if there is to be a determination of no impact and therefore an EIS or an Environmental Assessment ("EA") will not be required. Specifically:

§11-200-9 Assessment of Agency Actions and Applicant Actions

A. For agency actions, except those actions exempt from the preparation of an environmental assessment pursuant to section 343-5, HRS, or section 11-200-8, the proposing agency shall:

...

4. Determine, after reviewing the environmental assessment described in paragraph (3), and considering the significance criteria in section 11-200-12, whether the proposed action warrants an anticipated negative declaration or an environmental impact statement preparation notice, provided that for an environmental impact statement preparation notice, the proposing agency shall inform the accepting authority of the proposed action;

However, what is missing is paragraph I of the Contents of a Draft EIS:

§ 11-200-17 provides at:

I. The draft EIS shall include a statement of the probable impact of the proposed act on the environment, and impacts of the natural or human environment on the project, which shall include consideration of all phases of the action and consideration of all consequences on the environment; direct and indirect effects shall be included. The interrelationships and cumulative environmental impacts of the proposed action and other related projects shall be discussed in the draft EIS. It should be realized that several actions, in particular those that involve the construction of public facilities or structures (e.g., highways, airports, sewer systems, water resource projects, etc.) may well stimulate or induce secondary effects. These secondary effects may be equally important as, or more important than, primary effects, and shall be thoroughly discussed to fully describe the probable impact of the proposed action on the environment. The population and growth impacts of an action shall be estimated if expected to be significant, and an evaluation made of the effects of any possible

change in population patterns or growth upon the resource base, including but not limited to land use, water, and public services, of the area in question. Also, if the proposed action constitutes a direct or indirect source of pollution as determined by any governmental agency, necessary data shall be incorporated into the EIS. The significance of the impacts shall be discussed in terms of subsections (j), (k), (l), and (m). [Emphasis added.]

The section of the EIS rules which applies to the DEIS, has its own definition of "significant impact" as defined above. What the DEIS is clearly lacking is the discussion of secondary impacts. The recent Supreme Court decision in *Sierra Club v. DOT*, 105 Haw. 299, 167 P.3d 292 (2007) is on point. This case is also known as the "Superferry Case" and it clearly has redefined the concept of secondary impacts. It is presumed under the EIS Rules that there is a secondary impact. This DEIS is void of any such discussion.

The DEIS has incorrectly concluded there is no significant impact under the EIS Rules. Clearly the DEIS has not met its burden to overcome the assumption of significant impacts for a public works project such as this.

Hawai'i Law

There will be finding of significant impacts because in order for an EIS to stand the test under Hawai'i law, it must be, 1) compiled in good faith; 2) met statutory requirements; and 3) provided sufficient information for the decision maker to make an "environmentally-informed choice."

1. The EIS Was Not Compiled In Good Faith.

The supplemental EIS's contents must comply with the requirements of an EIS. HAR § 11-200-14. An EIS is "meaningless" if it is self serving and rationalizes an outcome.

The Ninth Circuit has identified this concern as "timing." *Idaho Sporting Congress, Inc. v. Alexander*, 222 F.3d 562, 568 (9th Cir. 2000). In *Idaho*, the ninth Circuit reversed the district court's denial of an injunction and discussed the timing of the agency's action and the fact that the process shall not be used to rationalize or justify decisions already made. In *Metcalf v. Daley*, 214 F.3d 1135, 1143 (9th Cir. 2000), the Ninth Circuit found another violation of the timing requirement and looked to the fact that the EIS process had begun after the agency had signed an agreement making the process one that rationalized the decision. This is exactly what has occurred here.

There are three specific examples of the bad faith. One is the contract of 1999 which has been entered into by WMI and the City. The DEIS should have included this document in that it is critical in understanding how this outcome has been manipulated. The contract is incorporated by reference herein. The second example is the reliance on the Blue Ribbon Commission and the flawed assumptions. This is especially true when R.M. Towill has been the consultant on almost all of the EISs and the consultant for the Blue Ribbon Commission. An excuse that they are unaware of the topography is absurd. The third is the contents of the NOV.

2. The Statutory Procedural Requirements Were Not Met.

The EIS process is governed by HRS § 343. An EIS is:

§ 343-2 Definitions. As used in this chapter unless the context otherwise requires: . . .

"Environmental impact statement" or "statement" means an informational document prepared in compliance with the rules adopted under section 343-6 and which discloses the environmental effects of a proposed action, effects of a proposed action on the economic welfare, social welfare, and cultural practices of the community and State, effects of the economic activities arising out of the proposed action, measures proposed to minimize adverse effects, and alternatives to the action and their environmental effects.

The statute also sets forth what the Rules must contain, at minimum. HRS § 343-6. The legal effects of administrative rules are well settled in this jurisdiction. Administrative Rules are to be followed and given the full effect of law. *Williams v. Hawaii Medical Service Association*, 71 Haw. 545, 549, 7984 P.2d 442, 444 (1990). The Supreme Court has clearly stated that arbitrary and capricious application of the Rules will not be tolerated. *Windward Marine Resorts v. Sullivan*, 86 Haw. 171, 948 P.2d 592 (ICA 1997).

HAR § 11-200-14 through 23 are the requirements in the preparation of Draft and Final Environmental Impact Statements. The "General Provisions" highlight the expectation of the EIS process.

. . . An EIS is meaningless without the conscientious application of the EIS process as a whole, and shall not be merely a self serving recitation of benefits and a rationalization of the proposed action. Agencies shall ensure that statements are prepared at the earliest

opportunity in the planning and decision making process. This shall assure an early open forum for discussion of adverse effects and available alternatives, and that the decision makers will be enlightened to any environmental consequences of the proposed action.

HAR § 11-200-14.

Title 11, Chapter 200, contain the "Environmental Impact Statement Rules" and the following are examples of Rules which were not met.

a. **Full consultation did not occur with the DEIS.**

HAR § 11-200-15 A sets forth the following requirements to satisfy the consultation process.

In the preparation of a draft EIS, proposing agencies and applicants shall consult all appropriate agencies noted in section 11-200-10 (10) and other citizen groups, and concerned individuals as noted in sections 11-200-9 and 11-200-9.1. To this end, agencies and applicants shall endeavor to develop a fully acceptable EIS prior to the time the EIS is filed with the office, through a full and complete consultation process, and shall not rely solely upon the review process to expose environmental concerns.

This provision is to be read with the foregoing General Provisions and the requirements of HAR § 11-200-22 A, which further emphasize meaningful public participation as follows:

Public review shall not substitute for early and open discussion with interested persons and agencies, concerning the environmental impacts of a proposed action. Review of the EIS shall serve to provide the public and other agencies an opportunity to discover the extent to which a proposing agency or applicant has examined environmental concerns and available alternatives. . .

These requirements are clear and unambiguous. Hawai'i case law has consistently held that when statutes or rules are clear and unambiguous, they are to be given effect in accordance with their plain and ordinary meaning. *IBEW v. Hawaiian Tel.*, 68 Haw. 316, 323, 713 P.2d 943, 950 (1986); *RGIS Inventory v. Hawai'i Civil Rights Comm.*, 104 Haw. 158, 160, 86 P.2d 449, 451 (2004). Under the Rules, the

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consultation process should have been implemented as soon as possible to engage the appropriate agencies and the public and not rely solely upon the review process.

When the issue of the expansion was brought to the communities, the Mayor prohibited the participation of the elected officials in his meeting. This can hardly be deemed as compliance with the consultation process. In addition, there was no sense that the decision to expand was open for discussion. The discussion was simply, if you don't expand WGSL, then the landfill will go to Nanakuli. This is not a consultation process which is open to the public.

Moreover, the concerns of the NOV and the acts complained of therein should give rise to major environmental concerns and require thorough discussions. The DEIS merely dismisses it with the fact that a settlement has been reached. The violation and the fines were the largest in the Nation at that time.

b. The FEIS failed to comply with the requirement to address alternatives.

HRS § 343-2 defines an EIS as one that discloses, among other items, the "alternatives to the action and their environmental effects."

HAR § 11-200-17, which sets forth the Contents requirement of a Draft EIS, addresses the requirement as to alternatives as follows:

F. The draft EIS shall describe in a separate and distinct section alternatives which could attain the objectives of the action, regardless of cost, in sufficient detail to explain why they were rejected. The section shall include a rigorous exploration and objective evaluation of the environmental impacts of all such alternative actions. Particular attention shall be given to alternatives that might enhance environmental quality or avoid, reduce, or minimize some or all of the adverse environmental effects, costs, and risks. Examples of alternatives include: . . . (Emphasis added.)

HAR § 11-200-17 F. 5 states that "For any agency actions, the discussion of alternatives shall include, where relevant, those alternatives not within the existing authority of the agency." In *Westlands Water District v. U.S. Dept. of Interior*, 376 F.3d 853, 866 (9th Cir. 2004), the Ninth Circuit reaffirmed that alternatives must be rigorously explored and that "reasonable alternatives" include those not within the jurisdiction of the lead agency. *Westlands, supra*, at 868. The Ninth Circuit went on to say that "[t]he

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existence of a viable but unexamined alternative renders an environmental impact statement inadequate." *Id.*, citing to *Morongo Band of Mission Indians v. FAA*, 161 F.3d 569, 575 (9th Cir. 1998).

The alternatives discussed by the City assumed the City would operate the landfill and therefore required the purchase of each site. No consideration was given to private landfills and its ability to operate as an alternative landfill location, or alternatively, a private/public partnership. The DEIS fails to address the how much money the City makes on landfill operations and the need to control "flow" of MSW.

The DEIS also fails to adequately address the delay in the Solid Waste Management Plan and the City Ordinance which states that by the year 2000, at least 75 percent of the solid waste generated shall be recycled, reused, composted, or otherwise diverted from incineration or placement in the landfill.

Moreover as discussed above, there is no discussion of secondary impacts which is necessary in order for an DEIS to be adequate.

c. The purpose and need section limits discussion.

HAR § 11-200-17 D requires the Draft EIS to "contain a separate and distinct section that includes a statement of purpose and need for a proposed action." It is a similar provision under NEPA, which is looked upon to guide the discussion on alternatives. *Westlands, supra*, at 866. In *Westlands*, the Ninth Circuit looked to whether the preparers had "arbitrarily and capriciously" narrowed the scope of the statement, thereby affecting the discussion on the alternative.

Section 15 Comments and Responses to the EISPN

No Comment.

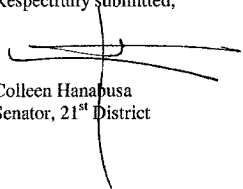
In the preparation of the Draft Supplemental EIS for this proposed expansion, it is critical that the decision maker and the general public are made to understand why the promises of government need not be kept. There should also be an explanation as to why the City prepares this DEIS and the Final EIS will be accepted by another City agency. This is especially true when the accepting agency has attached to it, the Planning Commission which is expected to be called upon to make the decision as to whether an SUP should be recommended to the LUC or whether the process requires a boundary amendment.

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I trust that these comments and concerns will be addressed fairly and completely in the Final Supplemental EIS.

If you have any questions or comments, please do not hesitate to contact me.

Respectfully submitted,


Colleen Hanabusa
Senator, 21st District

cc: ✓ R.M. Towill Corporation
Department of Planning & Permitting
City and County of Honolulu
Office of Environmental Quality
State of Hawai'i

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

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MUFI HANNEMANN
MAYOR



October 23, 2008

ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-125

The Honorable Colleen Hanabusa
President of the Senate
21st District
State of Hawaii
State Capitol, Room 409
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Senator Hanabusa:

Subject: Draft Environmental Impact Statement (DEIS)
Waimanalo Gulch Sanitary Landfill Expansion

Thank you for your letter dated July 7, 2008, concerning the subject project. The following has been prepared in response to your comments (your comments have been italicized for reference):

1. *"Section 2 Project Background—This section begins with the incorrect conclusion that WGS� is 'essential and necessary' for the City and County of Honolulu ('City'). WGS� is deemed to be essential and necessary only because no action has been taken by the City in truly exploring alternatives to landfilling on this island."*

The City is responsible for providing for the disposal of waste materials. Currently the primary disposal methods in use are recycling, landfilling and incineration. As explained in the DEIS, WGS� is the only currently permitted municipal solid waste ("MSW") landfill on Oahu. Any alternative landfill location other than Waimanalo Gulch will take time to select, acquire and permit. H-POWER handles the majority of the MSW that is disposed on the island. Waimanalo Gulch provides disposal capacity for the ash and residue from H-POWER and is a permitting requirement for H-POWER to operate. Since the Waimanalo Gulch is the only currently permitted MSW landfill and since H-POWER is required to take ash and residue to a permitted landfill, the Waimanalo Gulch Sanitary Landfill ("WGS�") is "essential and necessary."

2. *"An honest discussion is lacking in the DEIS as to why the City delayed in bringing the expansion to the public. News media reports of comments by the Planning Commission of the City and County ('PC') and the Land Use Commission ('LUC') evidence that these decision makers were also not pleased with what could be construed as a deliberate delay to request the extension. This expansion request will also be construed as leaving decision makers no alternative but to grant an extension."*

On June 9, 2003, the LUC issued its Decision and Order Approving Amendment to Special Use Permit ("2003 LUC Decision"). The City was ordered by the LUC to select a new site by June 1, 2004. The Mayor's Advisory Committee on Landfill Siting ("Mayor's Advisory Committee") was formed in June 2003 by Mayor Harris to make a recommendation to the City Council as to a new site for the landfill. The Committee issued a list of four sites for City Council consideration on December 1, 2003, in accordance with Condition No. 1 of the 2003 LUC Decision.

The City Council conducted an independent evaluation of the selection process used by the Committee, and determined that it was unable to make a decision by the LUC's June 1, 2004 deadline. The City was granted a 6-month extension, to December 1, 2004, to make a decision on a new landfill site.

The City also sought the LUC's clarification as to whether Waimanalo Gulch could be considered by the City Council as the future landfill site. The LUC stated that such a decision was not within its jurisdiction. Accordingly, Waimanalo Gulch was then considered as a potential landfill site by the City Council. The City Council selected Waimanalo Gulch as the future landfill site on December 1, 2004.

The current City administration took office in January 2005 and immediately began a review of the options for MSW disposal. This process took about a year to conclude. By early 2006, the City decided to proceed with the environmental review process for the future use of Waimanalo Gulch. In February 2006, the City Council passed Council Bill 37 (2005), CD2, which would have closed WGSL by May 1, 2008. Bill 37 was vetoed and the environmental review process for expansion of WGSL began in 2006. The EIS Preparation Notice was published in The Environmental Notice in November 2006.

Stone uprights were identified in the proposed expansion area in the Spring of 2007. Due to a staff shortage at SHPD, the evaluation of the cultural significance of the stones was delayed. Because a cultural impact assessment is required in an EIS, completion of the EIS was delayed. Additionally, the City has been in the process of seeking to increase waste-to-energy capacity as an alternative to landfilling and to transship refuse to be landfilled on the mainland. In both cases, the results to date have been reflected in the DEIS.

Because it was clear that given the delays related to evaluation of the stone uprights the City would be unable to complete the EIS and receive the proper permits before the May 1, 2008 deadline for cessation of waste acceptance at WGSL, the City sought a 2-year extension based on the fact that there was additional unused capacity. Ultimately, an 18-month extension was granted.

3. *"Blue Ribbon Commission - Much of this DEIS is based upon the Mayor's Advisory Committee on Landfill Site Selection ('Blue Ribbon Commission'). What the DEIS fails to address is that this Blue Ribbon Commission, having been staffed by R.M. Towill provided the members with inadequate information or incorrect information to fulfill their task."*

The process followed by the Mayor's Advisory Committee is detailed in the EIS. The Mayor's Advisory Committee's recommendations were made based on its own selection of criteria it considered important to the selection of an alternative landfill site. R. M. Towill supported by Pacific Waste Consulting Group, SMS Research, Cultural Surveys Hawaii, and the City gathered the information requested of it by the Committee. Site specific information was sought in a number of instances, but access to some of the potential sites was either denied or delayed (until late in the LUC timetable) by the landowners of four of the five sites. As a result assumptions that were shared with the Committee were made to enable a reasonable comparative analysis. Although there was significant technical data about WGSL available, in order to put all of the sites on an equal level for comparison, the "no excavation" assumption and other assumptions were used for the evaluation. These assumptions were documented in the data sheets that were provided to the Committee.

4. *"Though much is made about violations of the Sunshine law, what is lacking is an honest discussion of the flawed information which was provided to the Blue Ribbon Commission. Response by the City that R.M. Towill is not expected to know what the conditions of the land [sic] is absolutely laughable. The entity which has prepared all EISs in recent history and who is well aware of the Contract entered into to extend the management contract with Waste Management Hawaii, Inc. ('WMI') for the landfill operations at WGSL, cannot argue ignorance. It is of significance that the City finally admits that one of the criteria to assess the sites was no excavation. How R.M. Towill or the City could present WGSL expansion for 20 years with no excavation is akin to bad faith. The City and R.M. Towill was definitely on notice and failed to inform the Blue Ribbon Commission of this fact."*

This comment regarding the City's contract with Waste Management of Hawaii, Inc. ("Waste Management"), and the comment regarding "no excavation," are similar to comments made in earlier letters from you dated August 30, 2006 and December 26, 2006. We offer the following response, which is consistent with earlier responses:

The contract amendment dated May 1, 1999, provided for the expansion of the Waimanalo Gulch site. Subsequently, the prior administration decided on a five-year limit for the use of the site. The contract was not amended to a shorter term because the exact date of termination could not have been determined. Although the contract was not amended, the City retains control of the contract and can terminate it at any time when it is in the best interest of the City. As provided in Contract Special Provision 29, the contract can be terminated, "... in whole or in part, whenever the Director shall determine that termination of the contract, in whole or in part, is in the best interest of the City." (Letter to Colleen Hanabusa from ENV, May 12, 2008)

Waste Management, consultants, and the City all understand this provision. The contract is a publicly available document.

Regarding "no excavation":

The no excavation remark that you cite comes from the Waimanalo Gulch Expansion, Potential Landfill Site Data Sheets, prepared for the Mayor's Advisory Committee on Landfill Siting, October 2003. The specific reference is to information provided for Criteria No. 23, Landfill Capacity or Site Life. According to the data sheet, "The volume was calculated assuming a 100 foot buffer around the site boundary, 30 acres for infrastructure facilities, no excavation, and filling to the natural grade." The rationale for not incorporating excavation as a factor involved the following:

- A. It was not in the consultant's scope of work to do field studies including drilling borings to obtain subsurface information. This is typically the case when doing preliminary siting studies due to difficulty in gaining access to the property, the extensive time required for such studies, and the high cost of doing field studies. Without these studies, it is not possible to determine excavation depths or difficulty with any degree of certainty. Therefore, it is typical to assume minimal or no excavation in order to compare site capacities;
- B. Criteria No. 23, therefore, was established to provide an estimate of capacity only based on: an area adjusted with an approximately 100 foot buffer around the perimeter of the site; the use of 30 acres for infrastructure to operate the facility; no detailed engineering calculations incorporating soils conditions to produce information on excavation; and filling of the site to the natural grade of the terrain of the finished site. It is incorrect to conclude or imply on the basis of information from the data sheet alone that in the course of developing a landfill site that no excavation would be required.

See Letter to Colleen Hanabusa from ENV, May 12, 2008.

5. *"The Contract between WMI and City should be made a part of the Appendices for the Final Supplement EIS to be accurate and complete."*

The contract between the City and Waste Management is a matter of public record and is publicly available for those who may wish to view it. The absence of the contract in the Appendices will not affect the accuracy, nor completeness, of the EIS.

6. *"In addition, the Appendix which is found in Volume 3 of 3 fails to include those pages which address the criteria as well as how the alternative sites were evaluated by R.M. Towill. This should definitely be included for all to review."*

The full Report of the Mayor's Advisory Committee (Blue Ribbon Committee) on Landfill Site Selection dated December 1, 2003, which addressed the 31 criteria used by the Mayor's Advisory Committee as well as how alternative sites were evaluated, is attached as an exhibit to Appendix K of the DEIS, and located on the City's website at http://www.opala.org/solid_waste/archive/Mayor%27s_Advisory_Committee_on_Landfill_Siting.html. Additionally, a description of the criteria and evaluation process is located on pages 9-51 to 9-73 of the DEIS.

7. *"Under Section 4 of this letter, there will be a discussion of the costs. Cost which was a criteria for the Blue Ribbon Commission had very minimal expenses for WGSL because of the lack of excavation. This is again shown to be an incorrect statement."*

Costs are addressed below in responses to comments 35 and 36.

8. *"DOH Violations - The so called alleged efforts of the City to address the Department of Health's Notice of Violations ('NOV') and how to prevent them in the future need more details. This is especially true in light of the subsequent allegations of mismanagement and the recent lawsuit regarding the City's rebate of tipping fees to Schnitzer steel. What is of significance is the issue of what is the City doing to monitor what is being placed in the landfill. It is also important that irrespective of whether the violations were 'settled,' there is still lacking information as to how and where the asbestos was buried. This is hidden in the violations regarding the reporting to the DOH."*

As a result of the NOV, and new regulations and requirements, additional provisions were included in the revised landfill operating permit. Furthermore, the Department of Health, State of Hawaii ("DOH"), has greatly increased the frequency of its site inspections and review of the required operating documents. Finally, City staff is in constant contact with Waste Management and addresses issues that may arise on a daily basis. City staff does an initial screening of what is being placed in the landfill when the delivery vehicle is at the scale house. Waste Management does further screening as the waste is disposed of at the working face of the landfill. The City co-authors or receives copies of all reports submitted to DOH.

The allegations in the Schnitzer Steel lawsuit – to which the City is not a party – have yet to be proven, and in any event, Schnitzer Steel provides annual certification that the recycling residue in question meets all legal requirements for landfill disposal.

Asbestos is handled in accordance with Part II, Section C, of the operating permit dated February 20, 2008, which is publicly available.

9. *"The exceedance of grade is a critical issue as to future monitoring and there needs to be a more detailed discussion as to how this will be avoided in the future."*

After extensive review and a stability analysis, DOH approved the grade modification to WGSL. A ground survey is performed on a bi-monthly basis to compare existing grades with approved grades. DOH is responsible for enforcement at the site and determines the frequency of its inspections.

See also Section 2.3.1, State Department of Health of the FEIS, for further discussion.

10. *"EPA Violations - It is unacceptable to merely address these violations as 'resolution pending.' In light of this Department and the City's battles with the EPA on the sewer systems, it is important to cover in this DEIS the relationship between the two, if any."*

The primary violation in the EPA Finding and Notice of Violation ("EPA NOV") was the late installation of the gas collection system, which was self-reported. It was installed and operational by November 2005. Subsequently, the EPA issued its NOV in April 2006. Thus, what led to the initial violation was corrected.

In addition, EPA alleged that the WGS� continues to operate in violation of EPA regulations because the WGS�'s wellhead gas temperatures exceed 131°F in some of the landfill gas wells. Waste Management continues to monitor and evaluate the potential causes of the elevated gas temperatures and has provided documentation to EPA and DOH to demonstrate that the Landfill can be safely operated at these higher temperatures. Waste Management will continue to coordinate appropriate measures to maintain compliance with all regulations as required by law.

There is no relationship between this EPA NOV and the City's sewer systems.

See also Section 2.3.2. U.S. Environmental Protection Agency, of the FEIS.

11. *"More importantly, what is lacking is a discussion as to what the City has done in terms of contract evaluations and performance evaluations of its operator, WMI. Given the nature of their violations and the magnitude, the DEIS is required to provide this information to the public."*

To evaluate operations performance, the City hired a third-party engineering consultant to evaluate landfill operations. They concluded that Waste Management was performing at a satisfactory level. Waste Management also contracted with another third-party engineering consultant to evaluate the effect landfill operations may have on neighboring areas and has shared data with the City. The City's staff meets weekly with Waste Management's staff to discuss landfill operations. In addition, the City's Refuse Disposal Engineer is in daily contact with Waste Management's General Manager regarding operations at WGS�.

See also Section 2.4. Summary of Current Status, of the FEIS.

12. *"Section 3 Introduction - This introduction is lacking in that it fails to set forth that this is a project which was promised to be closed by the prior administration and this Mayor as well."*

The City acknowledges that prior commitments were made by previous administration officials to close WGS� by 2008. See also pages 2-2 and 2-3 of the DEIS. This position was overridden by the subsequent City Council selection of WGS� as the location of the City's future landfill as described in section 2 of the DEIS. The City is unaware of any commitment by the current administration to close WGS�.

13. *"Moreover, in that the City has chosen to address the requirements of a DEIS in this section of its document, it should be clear as to exactly what is required, such as:*

Department of Health Rules ("HAR") § 11-200-14 through 23 are the requirements in the preparation of Draft and Final Environmental Impact Statements. The 'General Provisions' highlight the expectation of the EIS process.

... An EIS is meaningless without the conscientious application of the EIS process as a whole, and shall not be merely a self serving recitation of benefits and a rationalization of the proposed action. Agencies shall ensure that statements are prepared at the earliest opportunity in the planning and decision making process. This shall assure an early open forum for discussion of adverse effects and available alternatives, and that the decision makers will be enlightened to any environmental consequences of the proposed action."

The DEIS was prepared in accordance with Hawaii Revised Statutes ("HRS") Chapter 343 and Title 11, Chapter 200, of the Hawaii Administrative Rules ("HAR"). The environmental review process allows for public input, such as your letter, which benefits the integrity of the review.

14. *"Clearly, this DEIS is a self serving recitation and a rationalization of what the City wants to do. The Rules require that these statements be prepared at the earliest opportunity and it is evident that the City chose to wait until the last possible moment. The argument which the City will raise is the discovery of stone outcroppings. However, the City chose to file this DEIS without a determination by the EPA on the violations at WGS�. When it has been convenient, the City has chosen to act so that there is no time for any viable alternative."*

See the response at pages 1-2 of this letter regarding the EIS process and timeline. A cultural impact assessment is a necessary component of an EIS in accordance with Hawaii law. This assessment could not be completed until the cultural stone uprights were evaluated. This evaluation and the cultural impact assessment have been completed, however, the final preservation plan for the stone uprights is currently being developed, and has therefore, been identified as an unresolved issue in Section 11 of the DEIS. The City, Waste Management and SHPD will work to ensure that an appropriate preservation plan is put into place.

Resolution of the EPA NOV is not required to complete this DEIS. The EIS is an informational document and provides the current status of the EPA NOV. It cannot predict the resolution of the EPA NOV. The City did not wait for completion of the negotiations with EPA to complete the EIS as doing so would have further compressed the schedule. The EPA operates on its own schedule.

15. *"Figure 3-2 in this section depicts expansion which will exceed the present SUP boundary. This means that the expansion is expected on the lower portion of WGSL nearest Farrington Highway which will make the landfill more visible to the residents. This expansion will take all of the 200 acres at WGSL minus a 100 foot barrier around the perimeter of the property boundary."*

The extent of proposed landfill expansion area is shown in Figure 3-2, Figure 4-6, Figure 5-1 and Figure 5-3 of the DEIS, and these figures show that expansion will occur mauka and northeast of the currently permitted area. The area south of Ash Cells 1 and 8, which you referred to as the "lower portion of WGSL nearest Farrington Highway," is currently permitted for facilities, but not for landfilling. That area is already a part of the permitted footprint and is expected to continue to be used for facilities.

The lower portions of the expansion area, as depicted on Figure 3-2 will be used for accessory uses, not landfilling. See also Figure 4-6 (Approximate Final Grading Plan and Proposed Stockpile Location). Surface treatments including landscaping will be done to improve the appearance of the site.

16. *"Section 4 Project Description - It is interesting that the City refuses to acknowledge that WGSL is located near Ko Olina. Ko Olina has a community and is marked as the Second Resort destination for the Island of Oahu. In these difficult economic times, it would be significance [sic] to know that location of the landfill to a major economic engine for the City and the State of Hawai'i."*

The DEIS clearly shows the location of Ko Olina and its proximity to WGSL in Figures 7-3, 7-4, and 7-5. Section 7.2., Land Use and Ownership, clearly acknowledges the presence and importance of Ko Olina as one of several regional land uses in proximity to WGSL.

17. *"Given that there has been a contested case hearing recently completed on the WGSL, it is of interest that the sworn to testimony of the City officials are not included in some form or another."*

The transcript of the Contested Case Hearing is a publicly available document. It is not necessary to recite or attach the transcript to the EIS. However, where your comment misstates testimony, the corrections are noted below.

18. *"For example: Frank Doyle testified that he was Chief of the Division of Refuse when WGSL was initially selected. He confirmed that the original Environmental Impact Statement ('EIS') stated that only 59 or 60 acres was suitable for landfill use. (For ease of reference, the "Tr." refers to the transcript in the Contested Case Hearing held on December 7, 2007, followed by the page numbers Tr. 215 and 217)."*

Mr. Doyle testified that the first EIS contained a reference that WGSL contained "59, 60 [acres], somewhere in that area" of land good for landfilling. See Transcript at 217. Please also refer to comment 29 below.

19. *"You, [sic] Mr. Takamura testified that to expand WGSL under the 17 year contract with WMI, eight million cubic yards of native soil will have to be removed to create 15 million cubic yards of airspace (landfill). (Tr. 67-68)."*

Dr. Takamura testified that it sounded familiar that eight million cubic yards of native soil will have to be removed to create 15 million cubic yards of airspace. See Transcript at 68.

20. *"WGSL is up the side of a mountain. In the present expansion of WGSL by the 14.9 acres, WMI encountered blue rock and has been blasting to expand WGSL. (Tr. 177-178). Paul Burns, former manager of WMI for WGSL, testified that grading has been done at WGSL which is outside the permitted 14.9 acres and is where blue rock has been encountered. (Tr. 149). It is for sloping of rock faces and drainage. (Tr. 150). In the E-3, E-4 area as much as 700,000 cubic yards of blue rock was removed. (Tr. 152-153)."*

Mr. Burns testified that drainage, grading and sloping of rock faces for safety reasons has occurred outside of the 14.9 acre expansion area designated for landfilling. See Transcript at 150. Mr. Burns also testified that rock "probably in the 700,000 cubic yard range" was removed from Cells E-3 and E-4. See id. at 152-53.

21. *"At the landfill, leachate is created. Leachate is 'the decomposition of organic matter . . . produces CO2; if it's anaerobic, it produces methane, and the other end product is water. There's also water in--loose water with the material we grab or dispose of, so when it decomposes and breaks down, water seeps to the bottom . . . where the liner is and it collects there. . . ' (Tr. 71)."*

Dr. Takamura testified as follows:

In the decomposition of organic matter, I guess the biological activity produces CO2; if it's anaerobic it produces methane; and the other end product is water. There's also water in--loose water with the material we grab or dispose of, so when it decomposes and breaks down, water seeps to the bottom of the--where the liner is and it collects there and it goes to the low point, and that's what we term "leachate."

See Transcript at 70-71.

22. *"Count I of the NOV is entitled 'Exceedance of Permitted Grades' and is relevant to the representation of the capacity at WGSL. (Id. at 2). In Count I and as testified to by Burns, permitted capacity in the ash monofill area was filled and exceeded in 2004 by 100,000 tons. (Tr. 168). In addition, 129,200 cubic yards of Municipal Solid Waste ('MSW') was placed above permitted grades. This computes to about 91,000-100,000 tons. (Tr. 168-169). When the DOH learned of these violations, it had originally told WMI to re-grade the ash monofill area and remove the excess MSW to the back portion of the landfill. (Tr. 248). An alternative provided to WMI was to construct the berms to address the stability issue. (Tr. 250)."*

Paragraph 9 of Count I of the DOH Notice and Finding of Violation (NOV) provides, "In a letter dated February 3, 2005, Waste Management states 'approximately 100,000 tons of ash delivered from the H-POWER facility has been placed above the current permitted grades of the ash monofill'. The February 3, 2005, letter further states that the placement of ash occurred during 2004."

Mr. Burns testified that he was unable to answer whether 100,000 tons of ash had been placed above current permitted grades in the ash monofill because that was before he arrived in Hawaii. See Transcript at 167-68.

Paragraph 11 of Count I of the DOH NOV provides, "With a submission dated February 22, 2005, showing 2005 topography and master plan final grades, Waste Management noted that 139,485 cubic yards of ash and 129,240 cubic yards of MSW were placed beyond the permitted grades."

As to paragraph 11 of Count I of the DOH NOV, Mr. Burns testified that 130,000 cubic yards was "about 91,000 tons, about there, 90-something thousand?". See Transcript at 168-169.

Gary Siu of DOH testified that DOH asked Waste Management and/or the City to regrade the ash on the Waianae side, and to remove the overfilled area in the MSW area and take it to areas with capacity. See Transcript at 248. Regarding the berm, Gary Siu testified, "The construction of the ash--the berm to stabilize the ash was done--because when they told us that they overfilled it, I believe there's a letter signed by Larry Lau putting some options in front of them, and the option they chose was to build a stability berm." See Transcript at 250.

23. "A 'toe berm' was constructed at the 'toe' of the ash monofill when Takamura was Director to address the overall stability of the WGSL. (Tr. 56 and 58)."

Dr. Takamura stated that Colleen Hanabusa should ask the engineers about the purpose of the toe berm. See Transcript at 56. He testified that he understood that his approval was needed for the construction of the toe berm because "[i]t's part of the operations of the Waimanalo Gulch landfill." See id., at 57. Dr. Takamura further testified that the toe berm was already being constructed prior to a meeting with DOH regarding the NOV. See id., at 58. He believed that there had been discussions about stability prior to his meeting with DOH. See id.

24. "Takamura testified that stability issues are common when you touch a slope and WGSL is up the slope of the mountainside. (Tr. 60).

Burns conceded the stability concerns and described WGSL as a canyon and once the valley is filled (the gulch) then when the expansion is upward, there is an effect throughout the whole facility. It is similar to stacking on the top and the effect will be there for the lower area. (Tr. 159- 160)."

It is unclear what "Burns conceded the stability concerns" means. Specifically, Mr. Burns testified, "As you mentioned earlier, we've got a canyon fill or a valley fill, and that valley, it's a 'V' shape, in very simplistic terms a 'V'-shaped gulch and it's not flat, it kind of points uphill; so, whatever you do on the upper reaches has an effect, pretty much through the whole facility..." See Transcript at 158-59.

In response to the question "[B]ecause of what I consider the stacking--just a layman person's perspective--stacking of the MSW and the landfill that you--that the decision was made that at the ash monofill, the bottom area, that the height should be reduced for stability?," Mr. Burns testified, "They all kind of go together." See id., at 159.

25. "Due to the topography of WGSL, there are three stability berms. One is for the ash monofill area and called the 'toe berm.' The others are the E-1 berm and the West berm. (Tr. 151). The E-1 berm was constructed in late 2005 to 2006 and the West berm in 2006-2007. (Tr. 164). All three berms were constructed with blue rock from primarily the E-3 cells. (Tr. 177-178). The West berm was constructed to stabilize the landfill as the east side (E cells) are being filled. As the east side fills the forces push the to [sic] the west side. (Tr. 254). These berms were stability berms which were a result of WMI overfilling WGSL. (Tr. 267)."

Mr. Burns testified that he believed the E-1 berm was built in late 2005, maybe into 2006. See Transcript at 164. Mr. Burns also testified that the western berm was constructed with blue rock, that the toe berm was constructed with blue rock which primarily came out of Cell E-3, and that he was unsure where the material to construct the E-1 berm came from. See Transcript at 177-78.

Mr. Siu testified, "As you fill the east side, the force is pushing on the west side." See id., at 254. In response to the question, "So, the stability berm is the ones that came in 2005?," Mr. Siu stated, "That's correct. And they're not a part of a permit application; they're part of a response to overfilling the landfill and potentially making a site unstable, which is what their analysis showed." See id., at 267.

Regarding Mr. Siu's comment, the City clarifies that only the ash toe berm was added to address an isolated low factor of safety in some portions of the ash monofill caused by overfill. The E-1 berm and West berm were a part of the initial design for the 14.9-acre expansion of WGSL, and were not added at a later date to address an unanticipated low factor of safety.

It should also be noted that Mr. Siu testified that he was not an expert on stability analysis and did not conduct his own stability analysis of WGSL. See id., at 260-261.

26. *"There needs to be a description of safety factors. For example the testimony has been: Safety factor at WGSL is calculated at 1.5; however anything above it is acceptable. (Tr. 172). The example given is that in the E-1 area the safety factor is less than 1.5; however the addition of the berm brings it up to 1.5. (Tr. 173). The safety factor affects the grades at the landfill. For example if the factor was 2.0, the grades would need to be lowered. (Tr. 185). The stability factor at the ash monofill area before the toe berm was 1.29. (Tr. 248). A related issue is that WMI had used the wrong liner in that the 'textured liner' was not used and a 'smooth' liner was which called into question the resistance to movement of the landfill. There were at least two cells in the middle of the landfill with smooth liners. (Tr. 134)."*

Mr. Burns testified that Hawaii has a minimum safety factor of 1.5, and that anything above 1.5 is acceptable. See Transcript at 171-77. Mr. Burns provided a hypothetical example, "So, if we do a design without, say--for example, without a stability berm, in the E-1 area we may have a factor of safety below 1.5; it could be 1.4. You add that stability berm in place, it--you know, it boosts your factor of safety to the 1.5. It just gives you that extra level of insurance." Id. at 173.

Mr. Burns testified that if 2.0 was the factor of safety, it may affect WGSL's final grades or future designs. Id. at 185. He testified, "They would need to be lower, probably," and "There's some areas it would have no effect on; other areas it may have some effect." Id. at 185-86.

Mr. Siu testified that he thought the factor of safety was 1.29 with the overfill in the ash area. Id. at 247-48.

As to the liner issue, Mr. Burns testified as follows:

So, during--in 2001, while we were doing the design of the 14.9 acre expansion, we realized there were some cells constructed in the middle that were done with a different lining system. They were specified to be a--what we call a "textured liner"; it's a real course, rough thing with a high-friction surface on it. There were a couple of cells that were built with smooth. Why? I can't answer; I wasn't there at the time. But the due diligence of that analysis brought that to light. So, what that means is, instead of having a real course friction angle in some of these cells, it's smooth, so it's not quite as resistant to movement. However, looking at it in the light of the whole project, I want to make sure that everybody knows the landfill was stable, there was no--ever any sense or--that the facility was going to slide. So, I want to make sure everybody is clear. Even though that friction value was lower in some areas, the whole site was stable and there was never any problems from that perspective.

Id. at 134.

27. *"There are two types of safety factors, static and seismic. (Tr. 257). Seismic is when movement is anticipated and is calculated into the analysis. (Tr. 258)."*

Mr. Siu testified that the seismic safety factor is different from the static safety factor. See Transcript at 257. As to the seismic safety factor, Mr. Siu testified, "There's a number of ways to do seismic. You can do it by using what they call a pseudostatic; and that is, you try to analyze in such a way that there would be no movement, and then you would, again, have a factor of safety. The other way, which this facility is using is, they're using a deformation type of analysis, and there's a determination made as to how much deformation you will--is appropriate to accept." Id. at 257-58.

28. *"In a report by EA Engineering, Science and Technology, Inc., the stability factor of 2 is what is proposed with the explanation that safety factors between 1.5 to 1.9 is acceptable when it does not 'pose and [sic] imminent threat to human health or the environment.' The proximity to Farrington Highway and Kai Lani subdivision suggest imminent threat and supports the increase to 2.0. Exhibit H at 6."*

The EA Engineering Science and Technology, Inc. ("EA") Report introduced at the Contested Case Hearing was never authenticated by EA and was not signed by a licensed professional.

Licensed and qualified professionals at DOH and experts retained to assist it will evaluate details of the landfill design. The safety factors, and other analytical approaches used by Waste Management to design the expansion, will be subject to extensive scrutiny to ensure the analysis is appropriate considering all conditions at this site.

29. *"What is clearly relevant to the general public and not set forth in this DEIS is the issue of the stability of the landfill and the requirement for the berms. It is very relevant especially when viewed in light of the first EIS which said only 59-60 acres were suitable for landfill. This is also important when viewed in light of the criteria of the Blue Ribbon Commission which included the statement that they would fill to "natural grade." (Criteria No. 23). The transcript of the Contested Case Hearing should be made a part of the Final Supplemental EIS as well."*

The Revised Environmental Impact Statement accepted by the Director of Land Utilization on October 17, 1985 (the "first" EIS), stated that WGSL contained about 80+ acres of usable land. See Revised Environmental Impact Statement dated May 7, 1984, at S-5, S-7. The usable area was estimated based on the engineering knowledge, operational processes and regulatory environment at that time, all of which have changed since 1984. The usable area for a landfill is subject to continuing evaluation and change over time, as the science and engineering of landfills evolve. WGSL is an example. The preliminary design of the usable footprint is disclosed in Section 4 of the DEIS.

The first EIS also mentioned that 57+ acres will be used for the landfill. See id. at 2-1.

One part of one of the 31 criteria used by the Mayor's Advisory Committee to provide a basis for comparative analysis of the sites was filling to natural grade. The Committee never assumed that any of the four sites, or an expansion at WGSL, would be designed as a landfill to the "natural grade." The final design of the selected site would consider the site specific conditions and would have to be approved by DOH.

Regarding your suggestion that the transcript of the Contested Case Hearing should be made a part of the Final EIS ("FEIS"), please refer to the response to comment 17 above.

30. *"Given the concern of the stability of the landfill and the recent earthquake on the Big Island, a discussion must be had as to what can be done if such a natural disaster caused the landfill to slip onto Farrington Highway. This discussion must look to the fact that expansion will be at the steepest part of the footprint of the parcel of land and the stress it will place on the existing landfill. The people of the Waianae Coast have only one way in and one way out."*

The design of the Waimanalo Gulch expansion considers the seismic and other factors appropriate to the island and to the area of the site. Detailed stability analyses were completed during the project design. The design of the current SUP area and the proposed area of expansion will meet the EPA Subtitle D (40 CFR Part 258) standard for stability. The design of the expansion will be subject to review by appropriate City and State agencies when they evaluate the permit documents.

See also Section 5.6.5., Potential Impacts and Mitigation Measures, pertaining to Seismic Activity (Earthquakes), of the FEIS.

31. *"Stability of the Landfill must be analyzed in light of Figure 3-2 which shows the expansion throughout the 200 acres of land. It will be a total landfill with the exception of a 100 foot buffer."*

As noted in the DEIS, the areas that will be used for MSW and ash cells do not encompass the entire 200 acres. Comments related to stability were responded to earlier in this letter.

32. *"Though mentioned earlier, the fact that City states in this section that it has a program to control the 'Contaminated Materials,' this is without basis. It is also without basis that the 'all documentation of asbestos disposal' is present on site. In fact, that is one of violations that WMI could not determine where the asbestos was disposed of. The asbestos disposal plan may set forth a plan; however, from the NOV we know that WMI did not follow that plan. It is unacceptable to simply state a plan and have no enforcement as to whether it will be followed."*

Any waste that is not MSW is considered "special waste," subject to profiling as described in the Operations Plan, which is publicly available at WGSL. The description of the Operations Plan in the EIS, including the Asbestos Acceptance Plan, was developed to address proper waste practices and procedures. The Operations Plan addresses all safety regulations including those in the NOV. Accordingly, the policies and practices outlined in the EIS and detailed in the Operations Plans are more than adequate because they address the issues identified in the NOV. Moreover, the Operations Plan was reviewed by DOH during its evaluation of the grade modification permit application. This permit was approved on February 20, 2008. DOH has been actively reviewing and inspecting landfill operations. Questions now and in the future about the documentation of asbestos disposal will be handled as outlined in the Operations Plan.

33. *"As well, statements that their storm water or water drainage are managed is incorrect. Again, the NOV is on point and the amount of leachate which had to be pumped and dumped into the Waianae Sewage Treatment plant needs to be addressed."*

Leachate is not allowed to co-mingle with stormwater runoff. Stormwater runoff is managed pursuant to the Surface Water Plan, and is unrelated to leachate management. While Count XV of the NOV related to a failure to submit the annual surface water (stormwater) plan, the leachate management issues are wholly separate from surface water and stormwater management issues. Again, the Operations Plan was developed to address proper waste handling practices and procedures, and includes extensive stormwater monitoring and surface water management. Leachate level issues related to pump and equipment failures were corrected as part of the NOV resolution.

The leachate that is accepted by the operator of the Waianae Wastewater Treatment Plant was, and continues to be, handled in accordance with regulatory requirements to ensure public health and safety. Leachate is collected at the site, analyzed regularly through independent laboratory tests, and taken to the Waianae Sewage Treatment Plant where it is properly treated. The amount of leachate varies and the need to pump and dispose of it is monitored regularly. The monitoring reports are part of the documentation reviewed by the DOH inspectors and are publicly available. Pumping the leachate from the site and disposing of it at the Waianae Wastewater Treatment Plant are DOH-approved waste disposal practices.

As noted in a memorandum to ENV from the operators of the Waianae Wastewater Treatment Plant, the leachate accepted by the plant for processing has had very little or no impact on the wastewater effluent quality that is being discharged to the ocean outfall. See October 2, 2007 memorandum from the Division of Environmental Quality to Frank Doyle, which was included as a part of section 15 of the DEIS. Leachate management and monitoring will be a part of the Solid Waste Operating Permit application.

34. *"Figure 4.9 seems contrary to the representations made to the Ko Olina community. Assuming that the color chart sets forth the sequence of the closure, then the area in the back of the landfill will be closed before the areas closest to Farrington Highway. This means that landfill operations will be visible from Farrington throughout the extended life of the landfill."*

It is unclear what representations are being referred to regarding visibility of the landfill. The closure sequence depicted in Figure 4.9 does not reflect the cessation of actual landfilling operations, but rather the anticipated final cover of those areas. Final cover or closure cannot be installed until the landfill operations associated with the expansion area in the back of WGSL have been completed.

The present plan is to continue filling along the west side of the landfill as the final phase of filling. These operations will start at the west stability berm and continue to the area of the ash monofill. It is important to recognize that the face of the ash disposal area has largely been covered with an interim soil cover, and portions have been planted with natural vegetation. As that vegetation matures and becomes fully established, and as the operator places rocks on the face to emulate the nearby undisturbed ground, even the ash monofill will be much less distinguishable from the surrounding land. Additional landscaping to the front area of WGSL is planned.

See also Section 4.10. Closure of Lateral Expansion Area, of the FEIS.

35. *"Cost of the Landfill - Another issue which was a criteria in the Blue Ribbon Commission's consideration was costs. At Section 4.11 a discussion of costs showed \$60,800,000 for the cots [sic] of the excavation and other costs for a total cost of \$99,400,000 in 2008 dollars. How are these costs arrived at?"*

Engineers did a design cost analysis for the WGSL and calculated costs for anticipated excavation, grading, landfill liners, access roads, a leachate collection system, a drainage system, and other accessory requirements.

36. *"In addition, the costs of the berms should be included in that these structural changes enable the City to now petition for an extension."*

The cost of the existing toe berm is not a part of the anticipated future costs of the expansion project, which are described in Section 4.11. As noted above in response to comment 25, the existing E-1 berm and West berm were a part of the initial design of WGSL and were not included in the estimated costs of future improvements. However, as noted in the response to No. 38, below, the cost of extending a portion of the west berm up the canyon is included in the proposed expansion project.

37. *"In addition, the reference in the DEIS is to the figure \$86 million as the cost. The discrepancy must be addressed."*

The estimated figure of \$86 million dollars was identified on Page 7-30 of the DEIS by SMS Research through consultation with Waste Management, as costs associated with the construction of the site over a 10-year period. The estimated figure of \$99.4 million dollars, also prepared by Waste Management, is provided in the DEIS in Section 4.11, Project Schedule and Cost, and represents operating and construction costs that would be incurred over a 15-year period. Thus, the two figures represent two different periods of time and different activities, and are not comparable.

38. *"There also needs to be a discussion as to whether additional berms will be required or are anticipated at the site."*

At this time, while additional berms are not anticipated, the proposed expansion design includes extending the west berm up the canyon. The final design, however, will be determined during permitting after completion of the EIS process.

See also Section 11.2. Final Engineering and Construction Details, of the DEIS.

39. *"In discussing costs, the City has said it makes a profit of \$4 million a year at WGSL. If this is the case, for a 15 year expansion the operational cost will increase by at least \$6.63 million a year. Why is this then economical?"*

The EIS does not address the City's profit at the landfill. It is unclear what representations are being referred to regarding \$4 million annual profit. The City is responsible for providing safe and adequate waste disposal, and these costs will exist at any landfill site, regardless of the amount of income it receives because of landfill operations.

40. *"Section 5 Environmental Setting - Given the recent decisions by the Hawaii Supreme Court, it is necessary to discuss the concept of public trust. This is especially true when looking at the waters of this State. What occurred with the operations of WGSL and the leachate is inexcusable and a violation of that public trust. Note that the leachate was disposed of, for most part, in the Waianae Sewage Treatment Plant."*

There has been no violation of the public trust. Pursuant to the public trust doctrine, the state holds certain resources in trust for the benefit of its citizens, establishing the right of the public to fully enjoy them for commerce, navigation, fishing, bathing, and related activities. It is unclear, however, how the principles of the public trust doctrine are applicable to operations of WGSL and the disposal of leachate at the Waianae Wastewater Treatment Plant. Leachate from the landfill is disposed of and processed through secondary treatment at the Waianae Wastewater Treatment Plant, consistent with all regulatory requirements. The content of the leachate is sampled and analyzed regularly through independent laboratory tests. Monitoring data show that the leachate has not changed the water quality near the outfall. See October 2, 2007 memorandum from the Division of Environmental Quality to Frank Doyle, which was included as a part of section 15 of the DEIS. Any suggestion that the disposal of leachate at the Waianae Wastewater Treatment Plant is harming the waters of the State is without basis.

41. *"In this light, there is inadequate discussion of the leachate. This is especially troubling given the DOH NVO. This requires a discussion as to the how the build up of the leachate affected or could affect the integrity of liner and the stability of the landfill. It must also be addressed in light of the expansion and the stress it will have upon the liner and the stability of the landfill."*

The amount of leachate the landfill is expected to produce is based on rainfall and operating experience. The methods used to collect and transport it to the points from which it is extracted and the ultimate disposal of the material are all part of the landfill design and the Operations Plan approved by DOH. The impact of the leachate on liner integrity and landfill stability are design considerations. As noted earlier, the design of the landfill will be subjected to DOH scrutiny to ensure they are consistent with conditions at this site, and with current practice and applicable regulations. The amount of detail in the EIS is adequate as the details of the leachate and site operations will be evaluated with the permit documents by DOH.

The depth of leachate is not necessarily related to the integrity of the liner. The impact of various leachate levels on stability was evaluated and reported to DOH. The design and overall factor of safety includes all anticipated operating conditions, including level of leachate.

42. *"Geology - According to Figure 5.2, the proposed expansion will be primarily in the rRK soil type. This means rock over a large percentage of the surface. In addition, the description of the soil associated with rRK is 'sticky and very plastic.' This means that there will be a 'high shrink-swell potential when moisture laden.' The impact of this type of soil must be discussed when stability of the landfill will be an issue as it goes up the slope."*

Soils and geotechnical analyses were performed to meet safety and regulatory requirements. The various factors affecting stability have been and will be taken into account as stability issues are reviewed and analyzed. In addition, DOH and any retained experts will review the analysis.

See also Section 5.3.3. Potential Impacts and Mitigation Measures, of the FEIS, relating to soils, which addresses this issue.

43. *"There must be a more detailed discussion as to the slope differential for WGSL in the proposed expansion area. It is admitted that the upper portion of WGSL where the expansion will take place will be steep with the rRK type soil. How will excavation be safely accomplished in that region must be discussed along with the storage or removal of the excavated 'native soil.'"*

The stability of all cut slopes has been analyzed and will be reviewed by registered professionals during construction. All slopes will be excavated to meet required factors of safety and work will be done in accordance with all OSHA requirements. The DOH engineers and staff are expected to review all aspects of the construction during the permit review and while construction is in progress.

See also Section 5.3.3. Potential Impacts and Mitigation Measures, of the FEIS, relating to soils which addresses this issue.

44. *"The rights to the native soil (rock, etc.) must also be addressed. It is believed that with the present operation, the contractor who does the excavation is permitted to sell the rock and soil and keep the funds. If this is the case, the practice must change and the benefit should be to the taxpayers. If the 'sale' of the rock is part of the contract with WMI, these amounts must be calculated."*

The City retains the ownership rights to the excavated materials. On May 30, 1991, the City received bids for the material excavated, processed, and removed from Waimanalo Gulch Sanitary Landfill. Since August 1, 1991, the City has received royalties for any excavated and processed material removed from WGSL. Until the final design has been approved, it is difficult to determine the volume of excess materials that could be removed from the site.

45. *"The DEIS concludes that 'adverse impacts are not anticipated' as a result of the lateral expansion. There needs to be a definition of 'adverse impacts' and how the DEIS concludes that such impacts are 'not anticipated.' Clearly the City and its operator have stated these similar conclusions in prior EISs and the NOV has shown to the contrary. For example how else will height violations be noted other than a 'fly by.' What type of monitoring device will be utilized to establish that the landfill is stable other than mathematical computations performed by WMI's experts? Part of the costs of the operation of the landfill should include a fund which the DOH utilizes to hire its own experts to monitor the landfill activities."*

Adverse impacts to topography, geology, or soils are not anticipated with appropriate mitigation measures. Adverse impacts are detrimental impacts, and include adverse ecological effects, aesthetic effects, historic effects, cultural effects, economic effects, social effects, health effects, whether primary, secondary or cumulative. See HAR § 11-200-2. The height violation, while it exceeded the DOH permit, did not result in an adverse impact to stability. The landfill was stable at all times even when the grade exceedance occurred. The earlier permitted grades were lowered causing in part the grade exceedance. The issue was more complicated than just exceeding a permitted grade height, as the comment portrays. The exceedance was self-reported, since it was known at the time that the grade height was lowered as a precaution.

A ground survey is performed by a licensed professional surveyor on a bi-monthly basis to compare existing grades with approved grades.

The current operating permit requires seismic monitoring. Inclinometers are being considered for WGSL to aid in identifying movement should it occur. While there is no device that would determine whether a landfill is stable or not, the stability analyses are based on "state of practice," and they, along with the selected factor of safety, are based on experience with similar slopes and extensive analysis of both stable and unstable slopes by the U.S. Army Corps of Engineers and the U.S. Bureau of Land Reclamation. In the case of WGSL, Waste Management has undertaken steps beyond standard practice, and outside experts have reviewed the work performed by its consultants. Additionally, DOH has reviewed the stability analyses and consulted with outside experts.

Every ton that goes into the landfill is assessed a fee which is paid to the State to assist with funding their administrative and enforcement activities. DOH already employs inspectors who visit the landfill at frequent intervals.

46. *"Regional Hydrology - This discussion in the DEIS is of interest in that it is in direct contradiction to the UIC line which is what is relied upon in the siting of the landfill. Discussion is necessary as to how the UIC line has been arrived at when it is clear that WGSL does sit over and is a part of the 'Makaiwa Aquifer System.' Given the past mismanagement of WGSL by WMI, it is critical that we understand the assumptions which have been made in the past, in particular the UIC line and landfill operations over an aquifer. There is an EPA map on the water systems which differs from that of the DOH. There needs to be a discussion as to difference and how the UIC lines have conveniently been drawn around existing landfill areas throughout the State."*

Read in conjunction with the discussion in Section 7 as to the natural springs and water sources in the area, there should be an analysis done as to why the UIC line carves out WGSL; and more importantly the long term impact of the landfill over an aquifer."

The UIC line designations are handled by DOH and other state agencies. Neither ENV nor Waste Management were involved in the determination of the UIC line at WGSL. If location or validity of such lines are in question, it is an issue that must be addressed pursuant to applicable federal or state law and procedure. The UIC line was determined pursuant to state and local law and jurisdiction. The City accepts current laws and regulations as validly enacted and promulgated. The location of the UIC line is one example.

We are not aware of the EPA map to which you refer, and cannot prepare a response to a vague reference to an EPA map.

47. *"Air Quality - There needs to a discussion in Air Quality of the EPA violations against the WGSL. Though the matter has not been resolved, for the DEIS to be accurate, the violations should be set forth as well as the anticipated remedy for the problems. Also, to the extent that the EPA violations overlap with the NOV, that discussion should also be found in the EIS."*

The matter involving the installation of the gas collection system has been addressed. A gas monitoring and collection system was installed in 2005, and has been operating successfully. It is regulated through the terms of WGSL's air permit.

The DOH NOV does not overlap with the EPA violations.

48. *"Under this section, a passing discussion is made of the impact of the 'sludge' and how it is no longer being disposed of at WGSL. The accuracy of the statement is challenged as to when it was 'no longer being disposed of at WGSL.' How much sludge is or has been disposed of at WGSL must be discussed. In addition, it is unclear as to whether the pellets have been authorized for sale. If not, then are these pellets being disposed of in WGSL? It is believed that the statement is incorrect as to whether the sludge is no longer at WGSL."*

The DEIS does not state that sludge is no longer being disposed of at WGSL. The DEIS emphasizes a change in processing sludge from the Sand Island Wastewater Treatment Plant ("SIWWTP") and the reduction of sludge disposed of at WGSL from the SIWWTP due to this change in processing. The sludge from the SIWWTP previously disposed of at WGSL is currently undergoing treatment in a waste digester at the SIWWTP where the sludge is turned into fertilizer pellets. The process of drying sludge into fertilizer pellets began in March 2007.

In June 2007, due to a fire, operations at SIWWTP pelletizing facility ceased until September 2007. During that time 763 tons of de-watered sludge from SIWWTP were landfilled at WGSL. For the entire 2007 year, approximately 3,122 tons of stabilized, de-watered sludge (pelletized and nonpelletized) from the SIWWTP were disposed of at WGSL. At present, all of the de-watered sludge from SIWWTP is turned into fertilizer pellets, and on average, 85% of the pellets is being used for golf course construction and soil manufacturing. The remaining amount of pellets, approximately 15% on average, is disposed at WGSL. All regulatory requirements have been met to allow beneficial use of the pellets. As the process matures and marketability increases, we anticipate a decrease in the amount of pellets that are landfilled at WGSL. Due to unforeseen circumstances, however, such as the June 2007 fire at the pelletizing facility at SIWWTP, there may times when stabilized, de-watered sludge from SIWWTP will need to be landfilled at WGSL.

Besides some of the fertilizer pellets from the SIWWTP, stabilized, de-watered sludge from the Honouliuli, Waianae, Kailua Regional, and Kahuku Wastewater Treatment Plants, as well as sludge from private (non-City) sources is still being landfilled at WGSL. For the entire 2007 year, the following approximate amounts of stabilized, de-watered sludge were disposed of at WGSL from the following City waste water treatment plants ("WWTP"): Honouliuli WWTP - 4,192 tons; Kailua Regional - 766 tons; Waianae WWTP - 277 tons; and Kahuku WWTP - 1 ton. Besides the significant reduction of sludge from the SIWWTP being landfilled, the City is in the process of seeking beneficial uses for the stabilized, de-watered sludge from the Honouliuli Wastewater Treatment Plant.

See also Section 4.2. Facility Operations, 4.2.1. Waste Accepted at Landfill, of the FEIS.

49. *"Methane Gas - Part of the NOV was a violation as to methane gas. The concern is whether the methane gas is smoldering or burning at WGSL. There needs to be a discussion as to how this is monitored and also that methane gas fires are found in landfill operations and WGSL should be no different. If in fact there is such a fire smoldering, what is the anticipated impact on the community and the stability of the landfill. Though there is an attempt to say that landfill permitted temperatures are higher in other states, the issue is the impact on this landfill which is located so very close to a resort and homes."*

Extensive studies at WGSL have shown that there is no subsurface fire occurring now or in the past at the landfill. Information demonstrating that there is no fire has been sent to the EPA and DOH.

See also the following sections already provided as a part of the DEIS: Section 4.6.1. Explosive Gas, for monitoring requirements related to explosive gases such as methane; and Section 5.7.3. Potential Impacts and Mitigation Measures, relating to air quality addressing the monitoring practices, procedures, and regulations that are in place to mitigate against any potential for impacts associated with the atypical elevated temperatures at WGSL.

50. *"Blasting - As expected, due to the soil type in the expansion, excavation must occur with the assistance of blasting of the rocks. It is significant that the blasting is anticipated to be no more than one per day and no more than one to three times per week. If this is the average, then over a 15 year period these are a significant number of blasting activity. The discussions surround the noise and not as to the stability or structural impact on the landfill and the surrounding area. Related is the discussion on the culturally significant outcroppings which the City claims cannot safely remain in place. If the concern is over the impact of the blasting, then the blasting must have impact throughout the existing landfill. There needs to a discussion as to this fact, along with what impact it will have upon the structural berms presently built."*

Controlled blasting will not be required for the entire anticipated life of the landfill, and is required only until the construction of the final cell. Controlled blasting does not impact the stability of the WGS� or any of its berms as it will be used only for loosening the rock from the slope. The energy output from controlled blasting is designed to be well below that produced by the design earthquake considered in the stability analysis performed to evaluate the safety of the landfill.

See also Section 5.8.2. Potential Impacts and Mitigation Measures, of the FEIS, relating to acoustic characteristics.

With respect to the cultural stone uprights, the City has proposed relocation prior to any excavation or controlled blasting at the proposed new expansion area for landfill cells as described on pages 7-81 through 7-87 of the DEIS (Section 7.3.8. Potential Impacts and Mitigation Measures, relating to historic and archaeological resources). The City, Waste Management and SHPD will work to ensure that an appropriate preservation plan is put in place.

51. *"Pueo and Other Birds and/or Animals - It is unfortunate that the DEIS simply dispenses with these animals and birds due to the lack of sighting on a 'survey.' There needs to be a clear description as to how many surveys were taken and when. I have personally seen the Pueo on many occasions fly from WGS� to the area near Lanikuhonua and Kai Lani. It is questioned as to how thorough this survey is. There is a reference to a survey in 1999 and it must be clarified if the DEIS is relying upon this older study. The area is also designated as a habitat for the Elepaio. It appears that the DEIS is disagreeing with this designation. An explanation is needed as to this conclusion."*

The DEIS, Section 5.9.3., Fauna, clearly indicated that two separate surveys were performed:

In 2006, Phil Bruner, Ph.D., prepared the report, Survey of the Avifauna and Feral Mammals for the Proposed Waimanalo Gulch Landfill Expansion Project, Oahu (Appendix F). The purpose was to provide the findings of a bird and mammal field survey. The same area of the site was previously surveyed in 1999 (Bruner, 1999) and data from this earlier survey is provided in the current study for comparison purposes. References to literature and unpublished reports since 1999 are included.

According to the 2006 Report, the Pueo or Hawaiian Owl may forage in the area which is consistent with your observation. The area designated as critical habitat for the Elepaio by the U.S. Fish and Wildlife Services is located approximately 2 miles from the WGS�. No impacts to the habitat of the Elepaio are anticipated.

52. *"Aesthetics - As a person who has lived both at Kai Lani and now the Ko Olina Kai, I have no idea as to how the City can say that the lower portions of the landfill have a 'naturalized' look. It is not natural at all and neither is the view of trucks going up and down the landfill."*

As parts of the landfill are closed, surface treatments including landscaping will be done to change the appearance of the site so that it blends in with the surrounding terrain. The excavation plan includes stockpiling of rocks with a "natural" look. The rocks will be placed on the surface after closing of the landfill. The trucks are a part of the operation and the view of trucks cannot be completely mitigated. We have included additional landscaping along the Kahe Point side of the landfill in order to mitigate views from the Waianae side of the landfill. Just as the view of a natural coastline cannot be mitigated or naturalized once hotel or resort development has occurred, the view of a natural gulch or ravine will be impacted by the presence of a landfill. Nevertheless, efforts to mitigate the impact will be ongoing.

53. *"The visual impact of WGS� has not been adequately addressed especially with the construction of the rock berm wall. How is this area going to be restored to its original state with a rock berm wall."*

The view of the rock berms will be mitigated by the planting of trees. As they mature, the appearance of the berms will be mitigated by the vegetation. However, given the nature of the use of the site involving landfilling, it will not be possible to return the site to its original condition. The landscaping plans are included in the DEIS as Figures 5-19 through 5-21.

54. *"Section 6 Public Services, Potential Impacts And Mitigation Measures - Traffic - The DEIS is deficient in that it does not present the numbers of vehicles which travel to WGS� clearly in the body of its statement. It concludes by saying it is not anticipated to add more to the existing pattern. However, what is needed is a discussion as to what is the load and the description of the types of vehicles which will be used to dispose of the MSW or Ash at the WGS�. With the anticipated growth in the not only the second city of Kapolei but at Ko Olina, this discussion must address the actual numbers and the anticipated impact with the increase number of vehicles due to the growth in the area."*

A traffic study, which includes vehicle counts, is directly cited in the body of the DEIS. As indicated in Section 6.1.1. Traffic Impact Report,

"At the intersection with the existing landfill access road, Farrington Highway carries 2,046 vehicles eastbound and 859 vehicles westbound during the AM peak period. During the PM peak period, the overall traffic volume is higher with 1,131 vehicles traveling eastbound and 2,079 vehicles traveling westbound. The critical movement on the Farrington Highway approaches of the intersection is the eastbound left-turn traffic movement which operates at LOS "B" during both peak periods."

"The WGSL access road approach of the intersection carries 11 vehicles southbound during the AM peak hour of traffic. During the PM peak hour of traffic, the traffic volume is slightly higher with 31 vehicles traveling southbound. The access road approach of the intersection operates at LOS "C" during both peak periods. Traffic queues occasionally formed on this approach of the intersection with average queue lengths of 2-3 vehicles observed during both peak periods."

The entirety of the report is attached as Appendix I to the DEIS. In general, with the construction of the third boiler at H-POWER, the number of vehicles delivering MSW to WGSL is expected to decrease, and the number of vehicles delivering ash and residue from H-POWER will increase. The overall result will be fewer vehicles arriving and departing from WGSL.

55. *"Wastewater System - There needs to be discussion as how the existing system will be adequate when it clearly was not adequate for the limited expansion as noted in the NOV. The City must honestly discuss the shortcomings of WMI, the operator, who has failed to operate WGSL in a professional manner."*

Wastewater facilities on page 6-10 of the DEIS refers to the toilets and other facilities for the workers at the landfill. Those facilities are currently in place and adequate. The need will not change with the expansion. No violations regarding the wastewater facilities were included in the NOV.

56. *"Odors and Windblown Trash - The fact that those who live by WGSL continue to experience the odors is not adequately addressed by the DEIS. Like the 'surveys' mentioned above, there needs to be a discussion as to how the odors are being monitored. Testimony has been received by people who are on the golf course and those who live in Ko Olina as to odors and windblown trash of the landfill. It is important to note that Counts in the NOV addressed the windblown trash and odor issues. Given the fact that violations have been found, the City must ensure that these violations do not occur again, given that it continues to have the same operator."*

Odor was not a part of the NOV. Waste Management responds to odor complaints and maintains an odor complaint log. Air quality and odor, as well as mitigative measures, are discussed on pages 5-37 through 5-59 of the DEIS.

The wind-blown litter issue has been addressed through litter fences and permanent litter patrol. Litter, as well as mitigative measures, are discussed on page 4-18 of the DEIS.

According to Waste Management, less than 5 complaints were received about odor and/or litter within the last 12 months. Not all of those complaints were verified.

57. *"Section 7 Socioeconomic and Related Environment, Potential Impacts and Mitigation Measures - NIMBYism - As expected, the Kailua Neighborhood Board has always been adverse to the closure of the WGSL. This is due to the fact that Ameron Quarry has been viewed as a successor. It is unfortunate that the communities are forced to take positions such as they have. If the City clearly looked at alternatives and did not deal in 'fear' and in its delay tactics, there could have been a long term resolution. It is not acceptable that the City's position is, 'where do you want to put it?' The City is the governmental agency tasked with this obligation and it cannot simply wait, as it has, with the hopes that other agencies will buy in to its mantra that there will be rubbish on the streets if an extension or expansion is not approved."*

The City is tasked with the obligation to provide environmentally sound disposal services for solid waste. There is a need for a landfill on Oahu. The City must select the location of its landfill based on objectively established criteria. In accordance with this obligation, and as stated in the DEIS, the City selected WGSL.

Other areas of the island have had landfills including, but not limited to, Ala Moana, Kakaako, Kailua, Kalihi, Laie, Kaneohe, Pearl City, Wahiawa and Waipahu. [See also http://www.opala.org/solid_waste/archive/History%20Garbage_in_paradise.html](http://www.opala.org/solid_waste/archive/History%20Garbage_in_paradise.html). Landfills, freeways, prisons and wastewater treatment plants are an unfortunate necessity of modern civilization. The suggestion that politics, policy and fear play a role in landfill selection is undocumented. Politics and policy, however, have a role in timing of decisions. It is always important that decision makers provide the public with opportunities for input, even if such opportunities for input cause decisions to be delayed. However, it is a part of the process expected by the public. WGSL has been selected as the landfill for the benefit of the entire island and was approved by the City Council.

58. *"Economic Considerations - The role that Ko Olina plays as it relates to the economic growth for West Oahu is significant. While no one would consider placement of a landfill near Waikiki, the City does not hesitate to continue a landfill operations directly across the street from Ko Olina."*

The City does not discount the importance of economic growth wherever it is occurring on the island of Oahu. While there are no viable landfill sites near Waikiki, places such as Ala Moana Park and the Kakaako Waterfront Park once served as landfills. Various parts of Windward Oahu also supported landfills.

As represented in the DEIS, the City remains committed to the proper operation of the WGSL and to appropriate mitigation of potential adverse impacts.

59. *"Discussion on the Landfill impacts on jobs, etc. would exist wherever the landfill is sited. The discussion is lacking as to what could happen if WGSL is expanded as to the development of the Resort."*

The DEIS provided a discussion of the economic conditions of the proposed landfill. Further information concerning the potential for adverse effects to surrounding land uses such as the Ko Olina Resort, will be addressed in the FEIS.

See also Section 7.1.5. Addendum to Socioeconomic Impacts, of the FEIS, which provides additional information on the potential for effects on property values in the surrounding region.

60. *"Fairness Issues - There is a discussion as to how some residents believe that Waianae is the dumping ground for the City; and the expansion of WGSL continues to dump on and places the burden on the Waianae Coast. There needs to be a discussion of the concept of environmental justice and how this discussion required under NEPA should be better explored in the DEIS."*

Environmental injustice is addressed on pages 7-28 and 7-29 of the DEIS. In summary, the median household income in the immediate areas near WGSL exceeds the island average. The City is required to complete the EIS process pursuant to HRS Chapter 343, which does not require an analysis under NEPA.

61. *"Community Benefits Package - There needs to be an honest discussion on the benefits package. Remember that the Waianae Coast takes more than the City's rubbish. There is always the issue of 'catch up' for the Waianae Coast because it appears that it is last to receive anything. When the concept of a 'community benefits package' is discussed, there needs to be an analysis as to what the community would be entitled to as all others would and what is received in addition to that. The benefit must be in 'addition to' not merely a replacement of."*

Basic City services are provided to all areas of the island as funded by the City Council, which must approve the City budget each fiscal year. The suggestion that programs and projects for the Leeward Coast communities are not as well funded as those for other parts of the island is undocumented. The current City administration has recognized that WGSL has a potential impact on the neighboring communities and implemented the community benefits program to provide those communities with funding for programs beyond those provided in the regular operating and capital budgets. This administration was the first to recognize the need for such a benefits program.

A Committee comprised of representatives of Leeward Coast communities was established by the Mayor to review funding applications from nonprofit community groups and identify capital projects in their communities, and determine how funds will be utilized. The Committee is diligent in assuring that any program or project they fund will provide services and benefits that are in addition to, and not in lieu of, any provided through the normal City budget process.

See also Section 7.1.3.2. Community Issues and Concerns Regarding WGSL, On The Community Benefits Package, in the FEIS.

62. *"Historic and Archaeological Findings - Prior EISs have not acknowledged the cultural significance of the Waimanalo Gulch. The DEIS recognized what is described as 'Three upright boulders potentially utilized as trail or boundary markers.'*

It was agreed to that the stones were significant and likely used by traditional Native Hawaiian practitioners in the past. The consultants believed these stones should be preserved in place; however, the City has deemed this to be "not an option" and will move the structures. Though the cultural practitioners also expressed a concern as to the appearance of the landfill after it was completed and the boulders returned, it remains the position of the City to ignore these concerns and continue with the construction of the landfill. The DEIS must address whether the landfill expansion is at any cost and the cultural significance should be ignored."

The City has an obligation to protect public safety and health by providing waste management services. While City has proposed to preserve the stones by relocating them, the final preservation plan has not yet been determined. Relocation and preservation of the stones are currently options under consideration. The plan would be determined based on further consultation with cultural consultants, SHPD, ENV and Waste Management. The option of relocating the stones back to near their original resting places will be considered.

63. *"The DEIS must address the sentiments of OHA as stated:*

OHA has made a field visit to the project site and we noted three significant cultural features that were still intact in the project area. We are also aware of the probable existence of others yet to be discovered in the project area. OHA is further saddened that the larger setting that this project sits in is one that has been highly developed and degraded. Therefore, what TCPs [Traditional Cultural Properties] that remain must be protected.

The Department of Planning and Permitting, as a county agency, is mandated by Hawai'i Const. Article XII, section 7, "to preserve and protect customary and traditional practices of Native Hawaiians." Ka Pa'akai O Ka'Aina v. Land Use Comm'n, 94 Haw. 31, 45 (2000). . . . OHA urges that nothing more be done with this project until full cultural assessment has been made of the project area.

(OHA letter of September 21, 2007). At the very minimum, to address OHA's concern, there needs to be a clear statement as to how and what has been done for a "full cultural assessment" of the project area. In that much of this land has been degraded, it does not give the City the right to continue in its degradation."

A full cultural impact assessment of the area and archaeological inventory survey were performed, attached to the DEIS as Appendices G and H and summarized in section 7 of the DEIS. A discussion of traditional cultural practices is included in the cultural impact assessment.

No action will be taken at the site until concurrence with SHPD is obtained.

64. *"Though he has passed, a respected Kumu Hula of the area, John Kaimikaua, told the story of the role of Palehua and its relationship to WGSL. There is a video of his tale and it should be included in the discussion of the cultural significance of WGSL."*

We have instructed our cultural and archaeological consultant to further investigate this item. If it is applicable, further information on the cultural significance of the content of the video will be referenced in the FEIS.

65. *"The stories of the strange events in the initial construction of WGSL are rich. Yet, the DEIS continues in its predetermined [sic] conclusion that the landfill should be expanded."*

The stories are documented in the cultural impact assessment. At the same time, the City is pursuing development of the site because there is a need for a landfill to benefit all areas of Oahu.

66. *"Section 8 Relationship to Land Use Plans, Policies and Controls of the Potentially Affected Area - The concepts of the State General Plan have been revisited by the Legislature for the past 3 years. The Legislature has funded the Task Force on Sustainability for the year 2050. The Task Force has adopted it [sic] Sustainability Plans for the year 2050. In addition, what is now Act 183, SB 2646 CD1 of the 2008 [sic] Session, addresses the concepts of Important Agricultural Lands. The DEIS must engage in the discussion as to what is 'important Ag lands' and recognize that it is no longer tied to land classification such as A, B, etc. In this light, does it impact the continued use of WGSL."*

The sustainability of our island State is important. The use of WGSL promotes sustainability through the use of an on-island facility that has remaining but unused capacity. Without Waimanalo Gulch, new land, a precious resource, would need to be prematurely used when there is remaining capacity at this existing public facility.

The DEIS addresses the proposed project's impacts on Important Agricultural Lands in Section 8.3. The DEIS notes that the proposed project is located within the State Agricultural District, however, the subject site is not classified as one of the three types of agricultural land (i.e., prime, unique, or other important agricultural lands) according to the Agricultural Lands of Importance to the State of Hawaii ("ALISH") system. The subject site is not currently used for agricultural production; is not associated with traditional native Hawaiian agricultural uses; has mostly rocky soil, has a relatively dry climate; and is not near support infrastructure conducive to agricultural productivity.

67. *"The discussion of the Land Use Policies of the area cannot be made without a discussion of the LUC's D&O on the SUP, as amended. The D&O now states that no later than November 1, 2009, the area shall be restricted from accepting any additional waste material and be closed in accordance with an approved closure plan.' This is the controlling LUC Order on the site of the proposed expansion. In addition, the City is to provide the LUC with updated status every 6 months. As someone who participated in the LUC hearing, it is clear that the LUC has sent a clear message to the City that it will not be caught in the untenable position that there is no alternative in the time remaining."*

The EIS process will continue to fairly and accurately describe the events leading to the decision to select WGSL as the City's preferred alternative. Further information regarding this past history of events, including the current order of the LUC, will be provided in the FEIS in Section 2, Project Background.

68. *"There is also a need to discuss whether the SUP process under HRS 205-6 is the proper mechanism by which to seek this expansion. The DEIS must consider whether a boundary amendment must be sought for this further expansion."*

Because the subject property is located within the State Agricultural District, a State Special Use Permit ("SUP") must be obtained. HRS § 205-6 provides that the county Planning Commission "may permit certain unusual and reasonable uses within agricultural and rural districts other than those for which the district is classified." Because the SUP will be for land greater than 15 acres, the approval by the LUC is necessary. In the past, the LUC has granted SUP approvals for landfills, including WGSL. For purposes of the expansion addressed herein, the City may pursue either a SUP or a boundary amendment. This procedural decision does not impact the analysis contained in the EIS.

69. *"Section 9 Alternatives to the Proposed Action - This discussion in the FSEIS (most recent EIS on the property) and other documents has been inadequate in addressing alternatives. After all these years, the City must have a better response on alternative technologies, transshipment and other sites than what is provided. Again, it appears that it is simply easier to continue to have the existing landfill, and therefore all attempts to address alternatives in good faith will never be a reality."*

The City has in good faith pursued alternative technologies that are reliable, cost efficient and scalable, and issued an RFP for alternative technologies. In response to the RFP, the only qualified proposals were for existing mass burn technologies. The City is currently pursuing mass burn technology through the expansion of H-POWER. As noted in the DEIS, no alternative can completely eliminate the need for a landfill. WGSL is a strategic component of the City's solid waste management system and the final destination for certain solid wastes including MSW, recycling residue, and H-POWER generated ash, residue and unacceptable waste that cannot be further combusted, shipped, recycled or reused.

70. *"The City has failed to timely develop its Solid Waste Management Plan. In that this is not a reality, documents such as this DEIS is not being judged by the appropriate measure."*

The City has an Integrated Solid Waste Management Plan, and an update of that plan was adopted by the City Council in December 1994 through Resolution 94-306, CD1. A new draft update to the City's Integrated Solid Waste Management Plan was sent to DOH on July 1, 2008, for review. The DOH will determine its appropriateness prior to consideration by the City Council.

The words "judged by the appropriate measure," are undefined and unclear. The DEIS as well as the FEIS are prepared according to the standards set forth in HRS Chapter 343, as well as Hawaii Administrative Rules, Title 11, Chapter 200.

See also Section 2.6. City Plans Involving the Future Handling of Solid Waste, of the FEIS, relating to the Integrated Solid Waste Management Plan.

71. *"An RFP for transshipment was solicited by the City. It is believed that the company who has been working on transshipping has had its bid challenged. If the City agrees that the bid is too low, then transshipment will not become a reality. The City does not prefer to transship because of the loss of revenue for the City. The DEIS must do a proper analysis of the loss of revenue and recall that cost is not a limiting factor in the discussion of alternatives."*

A request for bids ("RFB"), not an RFP, was issued by the City for interim transshipment of MSW. The lowest bidder's bid has been challenged by three procurement protests, and the process to rule on the protests is on-going. If the low bid is ultimately determined to be a non-responsive or non-responsible bid, or the bid is otherwise rejected, then next lowest bid will be considered, consistent with applicable public procurement laws. As evidenced by the fact that an RFB for interim shipping was issued, and funds for this program have been appropriated, the City desires to transship; and if a contract can be awarded after the procurement protests are resolved, the City will transship up to the amount of available funds.

72. *"What is also of concern is the discussion on Plasma Arc and how this technology does not meet the City's requirements. The DEIS does not recognize the technology which is successfully operating in Japan and the GeoPlasma facility to be operational in St. Lucie, Florida. What is just as troubling is the absence of recognition that on May 7, 2008 SB 1720 HD2 was enrolled with the Governor and on May 23, 2008 it was signed into law as Act 104 (2008 Session). This Act relates to the Special Purpose Revenue Bond to Assist Jacoby Development, Inc., a Processing Enterprise. Jacoby Development Inc. - Geoplasma LLC is authorized to issue a SPRB to build a similar facility as Florida's in Hawai'i which will not cost the taxpayers anything. Instead of welcoming such a technology, the City, instead, finds that the technology is not adequate."*

A discussion of why the Plasma Arc technology is inadequate at this time is contained in Section 9 of the DEIS. That section identifies the Plasma Arc plant operating in Utanshani Japan and provides a table summarizing the operating results from 2005. It also showed that the plant had not generated power for commercial sale during that time. The plant proposed for St. Lucie, Florida is also identified. Jacoby Development and St. Lucie are still in negotiations and construction of plant has not yet commenced. In addition, the DEIS identifies a plant in Ottawa Canada (owned by Plasco) that began processing MSW on January 26, 2008.

The Plasco plant capacity is 85 tons per day of MSW. The operator of the plant posts reports monthly detailing the operating statistics. The following table shows the average amount of waste processed daily through the plasma system at the plant since start of operations. Power was first generated in the plant in February 2008. The results in this table are for the plant in startup, and should improve with time. The plant capacity will not meet the City's minimum requirements even at full capacity operation.

Time Period	Tons/Day
January 24 to February 29, 2008	2.0
March 2008	1.3
April 2008	8.3
May 2008	5.0
June 2008	19.8

The discussion of plasma technology in the EIS will be revised to reflect these later operating results. The EIS will also be revised to reference Act 104 (SB 1720), which became law on May 23, 2008.

73. *"Discussion of alternative landfill sites are also premised on the Blue Ribbon Commission's findings. As stated earlier, the assumptions upon which the Commission made its recommendations are incorrect and must be re done. The landfill capacities and costs are especially problematic given the obvious misinformation provided by R.M. Towill. Look at Table 9-13 to demonstrate the difference in what is presented and what is the reality. This DEIS is placing the costs of WGSL expansion at \$86-99 million."*

The subject DEIS has documented the work of the Mayor's Advisory Committee and where appropriate has updated the basis for the findings of the Committee with new information to ensure that changed conditions were fairly and accurately considered in this current EIS effort. For example, according to the DEIS, Page 9-70,

Since the Advisory Committee report was completed, additional information has been provided regarding the cost of acquiring the Ameron Quarry and Makaiwa Gulch sites. In the Advisory Committee report, the cost of acquisition was the assessed value for property [tax] purposes. Parties representing Ameron Quarry and Makaiwa Gulch provided information to correct that information in letters appended to a letter from City Councilmember Tam to the State LUC.

The information from Ameron Hawaii and the Estate of James Campbell was subsequently used to maintain the integrity of the analysis. (DEIS, Page 9-70).

With regard to the contents of Table 9-13, Revised Evaluation of Criterion 18, Cost of Site Acquisition, it is noted that the table identifies the cost of acquiring the various sites evaluated. Because the City already owns WGSL, the cost of acquisition is represented as \$0. The site acquisition costs provided in Table 9-13 are completely different and are not to be confused with the construction and operating cost of \$99.4 million for a period of 15 years provided in Section 4.11, Project Schedule and Cost, and the \$86 million for construction over a period of 10 years provided on Page 7-30. See also the response to letter item no. 37, above.

74. *"It will always be the position of the people of the Waianae Coast that there should be no more landfills on our community. We have borne the burden for not only the landfills, MSW and construction, but also the power generation facilities, live fire exercises, the homeless, etc. There is a need to look at these alternatives in terms of what is fair and in the context of environmental justice."*

The specific term "environmental justice" as defined by the EPA applies to documents prepared under NEPA standards and regulations. The subject DEIS, prepared pursuant to Chapter 343, HRS, however, does provide further discussion of "environmental injustice" in Section 7, Socioeconomic and Related Environment, Potential Impacts and Mitigation Measures.

While the subject EIS has been prepared to specifically address the potential for significant environmental effects associated with the proposed project, the consideration for potential impacts associated with other power generation facilities, live fire exercises, and the homeless, while important issues, are not a part of the environmental disclosure of the subject project. Please also refer to the response to comment 60 above.

75. *"What is evident is that the City is not being honest in its discussion on Maili Quarry. This DEIS fails to note that the LUC denied that SUP permit of Sphere to operate a Construction and Demolition Landfill on the site. It is just as improbable that the LUC will grant a MSW landfill on the site. The proximity of this site to Maili Elementary School and its low water table is problematic. In addition, this site did accept AES's ash without a proper permit and without lining its landfill operations. In addition, traffic and access is a major concern. This landfill site is located off of a private road, Paakea which has been the site of major accidents due to the "dip" in the road. The question is whether the City will compute into its costs for the Quarry, the cost of the road and of access."*

The Sphere Application was dismissed for a purely procedural reason, namely, because of a lack of jurisdiction. The case was not dismissed based on the merits. What the LUC would do if the City were to seek appropriate permits to operate an MSW landfill at Maili is not known.

Maili appears to be a less attractive site for a landfill than Waimanalo Gulch. The Mayor's Advisory Committee also concluded that Maili was the least attractive out of the five sites as shown on table 9-15. The costs of road improvements were reflected in Cost of Development Criterion (number 19) for the Maili Quarry, which was published with the Mayor's Advisory Committee report. It should be noted, that the costs developed for the Mayor's Advisory Committee evaluation were based on the publicly available data and would be recalculated with site specific data if the site were selected by the City Council.

76. *"Nanakuli B is the site of a proposed private landfill. Nanakuli B will cause major traffic problems for the people of the Waianae Coast. The community will fight Nanakuli B because it is the expansion site of PVT Landfill, the only Construction and Demolition Landfill on this island. It cannot be the intent of the City to place two landfills across the street from each other and cause this community to bear this burden for a measly pay off. This DEIS must look into this inequity. The people of the Coast also want PVT closed."*

The purpose of this EIS is to disclose the potential environmental effects of the proposed expansion at WGSL, not to close PVT Landfill. Nanakuli B appears to be a less attractive site for an MSW landfill than Waimanalo Gulch. The Mayor's Advisory Committee also concluded that Nanakuli B was the third least attractive out of the five sites as shown on Table 9-15.

77. *"Ameron Quarry is dispensed with because of costs. When the true costs of the expansion of WGSL is computed, the costs of WGSL exceeds that of Ameron."*

Ameron Quarry was not "dispensed with because of costs." A review of Table 9-15 shows that Ameron Quarry received a lower score than WGSL across the 31 criteria.

Information provided by the operators/owners of both the Ameron Quarry and the Makaiwa Gulch sites was considered. Both had advised the City that the cost of acquisition needed to be increased. Table 9-13 identifies the scoring for all five sites before and after the revision of the cost of acquisition. As can be seen in both Tables 9-13 and 9-14, the relative ranking of the sites with respect to their suitability as a landfill changed, but the clear conclusion that Waimanalo Gulch was the higher ranked site was unchanged.

78. *"What is lacking in this DEIS is the fact that in a few years, the status of H Power will also be an issue. If the City decides to re purchase H Power, then that cost must be made known and its impact on the cost of solid waste disposal. The expansion to a third boiler will have major cost implications."*

Please see Section 9, Alternatives Analysis, of the FEIS regarding the relation of expansion of H-POWER to WGSL. Should H-POWER add a third boiler, a full environmental review will be performed in accordance with applicable laws and regulations of the federal, state, and City and County of Honolulu governments.

79. *"Underlying all of this is the discussion on 'flow control' of the MSW. This DEIS is inadequate in that until the necessary 'flow control' is defined, the alternatives as it may be available by other vendors will not become a reality and what will remain is only the expansion alternative."*

The DEIS adequately addresses the City's responsibility to manage solid waste for the City & County of Honolulu. Flow control is important and has been upheld by the U.S. Supreme Court because in order for local governments to properly manage solid waste and promote alternatives to landfilling, they need the ability to direct flow. The City has flow control pursuant to state law, and consistent with that authority, will continue to exercise such control so that it can be assured that various initiatives that minimize the need for landfill capacity can be managed and financed. The City's efforts to decrease the need for landfill disposal include expanded waste-to-energy capacity, interim transshipment of waste while additional H-POWER capacity is being constructed, expanded curbside recycling programs and illegal dumping control.

80. *"Notwithstanding, what is truly lacking in the DEIS is a combination of alternatives. To discuss these choices as a 'zero sum' game does not make this DEIS a true document upon which the decision makers can rely upon."*

Please see section 9. Alternatives to the Proposed Action of the FEIS for a discussion of a combination of alternatives. Alternatives have been discussed, but Oahu will always need a landfill because there will always be waste that cannot be further combusted, shipped, recycled or reused. Any viable alternative cannot completely eliminate the need for a landfill. Thus, a combination of viable alternatives will not eliminate the need for a landfill.

81. *"Section 10 Irreversible and Irretrievable Commitment - Again, the DEIS is a document with a predetermined outcome. It is simpler for the City to expand WGSL than to truly explore alternatives. Promises of how the landfill will operate better and mitigation will be enforced are empty promises in light of the past performances and present performances. The recent lawsuit against Schnitzer Steel shows how there is no monitoring by the WGSL or the City before millions are given for a rebate which allegedly should not have been given. The DEIS is without basis to make such a representation or conclusory statement to the public."*

The purpose of the DEIS and the HRS Chapter 343 environmental review process is not to select the ideal landfill site. Rather, Waimanalo Gulch was selected by the Honolulu City Council in December 2004. The history of that process and the outcome of that selection process is presented in section 2 of the DEIS.

The DEIS is an informational process prepared in compliance with HRS Chapter 343 and HAR Title 11, Chapter 200, and discloses "the environmental effects of a proposed action, effects of a proposed action on the economic welfare, social welfare, and cultural practices of the community and State, effects of the economic activities arising out of the proposed action, measures proposed to minimize adverse effects, and alternatives to the action and their environmental effects." HRS § 343-2. Here the proposed action, consistent with the City Council's decision, is to expand WGSL as Oahu's future landfill site.

Notwithstanding the allegations of any pending lawsuit, there are and have been considerable and substantive monitoring efforts, inspections, record keeping and reports regarding operations at WGSL. These requirements and records are being and have been maintained in accordance with WGSL's operating permit issued by the Solid and Hazardous Waste Branch of DOH. All records and reports are generally available publicly at DOH.

Please refer to the response to comment 8 above regarding the Schnitzer Steel lawsuit.

82. *"Section 11 Unresolved Issues - Missing in this section is the EPA violations. In addition, it is disconcerting that the DEIS will have as an unresolved issue; the stone uprights. Given that these issues are 'unresolved,' this DEIS could have been made public sooner. This is all part of the plan to go before the governmental agencies with no time left and to ask for yet another extension or the expansion."*

The EPA violations have been added to the FEIS at Section 11. Note that the EPA violations were discussed on pages 2-14 through 2-16 of the DEIS.

The EISPN for the proposed project was published in November 2006. The stone uprights were located in the Spring of 2007. Due to a staff shortage at SHPD, evaluation of the cultural significance of the stone uprights was delayed, and the cultural impact assessment could not be completed. Because a cultural impact assessment is required in an EIS, completion of the EIS was delayed. The final preservation plan for the stone uprights has been identified as an unresolved issue in Section 11 of the FEIS. The City and Waste Management will work with SHPD to ensure that an appropriate preservation plan is put in place.

83. *"Section 12 Permits and Regulatory Approvals that May be Required - The DEIS fails to recognize the State Land Use Commission is a State agency not within the City & County of Honolulu's process. In fact, HRS § 205-6 is the State Land Use Commission statute. This DEIS should address whether a boundary amendment will be required and not a SUP."*

This comment will be addressed in a revised Section 12, Permits and Regulatory Approvals That May be Required, in the FEIS. For purposes of the expansion, the City may pursue either an SUP or a boundary amendment, and both will be identified in the FEIS. This procedural decision does not impact the analysis contained in the EIS.

84. "Section 14 Significance Criteria - The DEIS provides its analysis of the significance criteria as set forth in §11-200-12 of the EIS Rules. The Rules provide:

- A. In considering the significance of potential environmental effects, agencies shall consider the sum of effects on the quality of the environment, and shall evaluate the overall and cumulative effects of an action.
- B. In determining whether an action may have a significant effect on the environment, the agency shall consider every phase of a proposed action, the expected consequences, both primary and secondary, and the cumulative as well as the short-term and long-term effects of the action. In most instances, an action shall be determined to have a significant effect on the environment if it:
 - 1. Involves an irrevocable commitment to loss or destruction of any natural or cultural resource;
 - 2. Curtails the range of beneficial uses of the environment;
 - 3. Conflicts with the state's long-term environmental policies or goals and guidelines as expressed in chapter 344, HRS, and any revisions thereof and amendments thereto, court decisions, or executive orders;
 - 4. Substantially affects the economic welfare, social welfare, and cultural practices of the community or State;
 - 5. Substantially affects public health;
 - 6. Involves substantial secondary impacts, such as population changes or effects on public facilities;
 - 7. Involves a substantial degradation of environmental quality;
 - 8. Is individually limited but cumulatively has considerable effect upon the environment or involves a commitment for larger actions;
 - 9. Substantially affects a rare, threatened, or endangered species, or its habitat;
 - 10. Detrimentally affects air or water quality or ambient noise levels;
 - 11. Affects or is likely to suffer damage by being located in an environmentally sensitive area such as a flood plain, tsunami zone, beach, erosion-prone area, geologically hazardous land, estuary, fresh water, or coastal waters;
 - 12. Substantially affects scenic vistas and viewplanes identified in county or state plans or studies; or,
 - 13. Requires substantial energy consumption.

The DEIS answers each and every criteria in the negative. This provision of the EIS Rules is not applicable in that this section is relevant if there is to be a determination of no impact and therefore an EIS or an Environmental Assessment ('EA') will not be required. Specifically:

§ 11-200-9 Assessment of Agency Actions and Applicant Actions

- A. For agency actions, except those actions exempt from the preparation of an environmental assessment pursuant to section 343-5, HRS, or section 11-200-8, the proposing agency shall:
 - 4 Determine, after reviewing the environmental assessment described in paragraph (3), and considering the significance criteria in section 11-200-12, whether the proposed action warrants an anticipated negative declaration or an environmental impact statement preparation notice, provided that for an environmental impact statement preparation notice, the proposing agency shall inform the accepting authority of the proposed action;

However, what is missing is paragraph I of the Contents of a Draft EIS: § 11-200-17 provides at:

- I. The draft EIS shall include a statement of the probable impact of the proposed act on the environment, and impacts of the natural or human environment on the project, which shall include consideration of all phases of the action and consideration of all consequences on the environment; direct and indirect effects shall be included. The interrelationships and cumulative environmental impacts of the proposed action and other related projects shall be discussed in the draft EIS. It should be realized that several actions, in particular those that involve the construction of public facilities or structures (e.g., highways, airports, sewer systems, water resource projects, etc.) may well stimulate or induce secondary effects. These secondary effects may be equally important as, or more important than, primary effects, and shall be thoroughly discussed to fully describe the probable impact of the proposed action on the environment. The population and growth impacts of an action shall be estimated if expected to be significant, and an evaluation made of the effects of any possible change in population patterns or growth upon the resource base, including but not limited to land use, water, and public services, of the area in question. Also, if the proposed action constitutes a direct or indirect source of pollution as determined by any governmental agency, necessary data shall be incorporated into the EIS. The significance of the impacts shall be discussed in terms of subsections (j), (k), (1), and (m). [Emphasis added.]

The comment that discussions of secondary and cumulative impacts associated with the project were not provided is incorrect. Secondary and cumulative effects were discussed and addressed in the DEIS in Section 1.4, Secondary and Cumulative Effects. The discussion concerning significance criteria was discussed and addressed in Section 14, Significance Criteria.

85. *"The section of the EIS rules which applies to the DEIS, has its own definition of 'significant impact' as defined above. What the DEIS is clearly lacking is the discussion of secondary impacts. The recent Supreme Court decision in Sierra Club v. DOT, 105 Haw. 299, 167 P.3d 292 (2007) is on point. This case is also known as the 'Superferry Case' and it clearly has redefined the concept of secondary impacts. It is presumed under the EIS Rules that there is a secondary impact. This DEIS is void of any such discussion."*

There are very significant differences between the Superferry case and the City Council's selection of WGSJ as the site of Oahu's future landfill. In the Superferry case, there had been no ongoing or existing ferry operations in the State. Here, WGSJ has been in operation since 1989, almost 20 years ago. Unlike the Superferry case, secondary impacts of WGSJ are and have been known and observable since it began operations in 1989. Thus, the impacts of current operations at WGSJ are known and have been observed for years. It is not necessary to predict or assume such impacts. Most of the Ko Olina Resort was planned, developed, marketed and sold while WGSJ was in full operation. Most of the town of Kapolei was built and developed while WGSJ was in full operation. The land use growth, population growth, and public services in the Kapolei and Ko Olina areas developed while WGSJ was in full operation. Thus, secondary impacts on growth, population, and public services are likely related to City policies rather than the presence of a landfill.

Secondary and cumulative impacts are discussed and addressed in Section 1.4 of the DEIS.

86. *"The DEIS has incorrectly concluded there is no significant impact under the EIS Rules. Clearly the DEIS has not met its burden to overcome the assumption of significant impacts for a public works project such as this."*

There is no "assumption" of significant impacts for the proposed expansion of WGSJ. Additionally, the DEIS concluded that when appropriate mitigative measures or other actions are undertaken, that potentially significant adverse impacts can be reduced to acceptable levels that would not constitute an adverse effect.

87. *"Hawaii Law - There will be finding of significant impacts because in order for an EIS to stand the test under Hawaii law, it must be, 1) compiled in good faith; 2) met statutory requirements; and 3) provided sufficient information for the decision maker to make an 'environmentally-informed choice.'*

1. The EIS Was Not Compiled In Good Faith.

The supplemental EIS's contents must comply with the requirements of an EIS. HAR § 11-200-14. An EIS is "meaningless" if it is self serving and rationalizes an outcome. The Ninth Circuit has identified this concern as 'timing.' Idaho Sporting Congress, Inc. v. Alexander, 222 F.3d 562, 568 (9th Cir. 2000). In Idaho, the Ninth Circuit reversed the district court's denial of an injunction and discussed the timing of the agency's action and the fact that the process shall not be used to rationalize or justify decisions already made. In Metcalf v. Daley, 214 F.3dc 1135, 1143 (9th Cir. 2000), the Ninth Circuit found another violation of the timing requirement and looked to the fact that the EIS process had begun after the agency had signed an agreement making the process one that rationalized the decision. This is exactly what has occurred here.

There are three specific examples of the bad faith. One is the contract of 1999 which has been entered into by WMI and the City. The DEIS should have included this document in that it is critical in understanding how this outcome has been manipulated. The contract is incorporated by reference herein."

The contract between Waste Management and the City is a publicly available document. Amendment No. 5 to the contract, dated May 1, 1999, provided for the expansion of the Waimanalo Gulch site. Subsequently, the prior City administration decided on a five-year limit for the use of the site. The contract was not amended to a shorter term because the exact date of termination could not have been determined. Furthermore, Amendment No. 5, reads, in relevant part:

Contractor shall increase the existing Landfill footprint and operate the Landfill for a period of fifteen (15) years from the date of receipt of all permits for the initial operation of the additional landfill area, hereinafter called the Permit Date, or until the landfill is completely filled as determined by mutual agreement of the parties, or closed by regulatory requirement imposed by a state or federal agency, whichever occurs first.

(Emphasis added). Thus, the effective term of the contract could have been shortened if closed by regulatory requirement, such as a failure to extend the SUP.

Additionally, the City retains control of the contract and can terminate it at any time when it is in the best interest of the City. As provided in Contract Special Provision 29, the contract can be terminated "in whole or in part, whenever the Director shall determine that termination of the contract, in whole or in part, is in the best interest of the City."

Please also refer to the response provided to comment no. 4, above.

88. *"The second example is the reliance on the Blue Ribbon Commission and the flawed assumptions. This is especially true when R.M. Towill has been the consultant on almost all of the EISs and the consultant for the Blue Ribbon Commission. An excuse that they are unaware of the topography is absurd."*

This comment is similar to prior comments nos. 3 and 4, contained in your letter. Please refer to the responses provided, above.

89. "The third is the contents of the NOV."

It is unclear how the NOV's contents relate to alleged bad faith in drafting the EIS. The NOV was issued by DOH after the alleged violations had been self-reported. The great majority of the alleged violations had been addressed before the NOV was issued. On December 7, 2007, DOH, the City and Waste Management agreed to a settlement which concluded the NOV process. At that time, there was only a single remaining violation that had not been brought into compliance--the exceedance of permitted grades. On February 20, 2008, DOH issued a grade modification approval which addressed the grade exceedance issue. Thus all alleged violations have been addressed to the satisfaction of DOH. See section 2.3.

The NOV also gave rise to several operational changes at WGSL. The current operating permit substantially increased oversight, monitoring and reporting requirements.

90. "2. The Statutory Procedural Requirements Were Not Met. The EIS process is governed by HRS § 343. An EIS is:

§ 343-2 Definitions. As used in this chapter unless the context otherwise requires: . . .

'Environmental impact statement' or 'statement' means an informational document prepared in compliance with the rules adopted under section 343-6 and which discloses the environmental effects of a proposed action, effects of a proposed action on the economic welfare, social welfare, and cultural practices of the community and State, effects of the economic activities arising out of the proposed action, measures proposed to minimize adverse effects, and alternatives to the action and their environmental effects.

The statute also sets forth what the Rules must contain, at minimum. HRS § 343-6. The legal effects of administrative rules are well settled in this jurisdiction. Administrative Rules are to be followed and given the full effect of law. *Williams v. Hawaii Medical Service Association*, 71 Haw. 545, 549, 7984 P.2d 442, 444 (1990). The Supreme Court has clearly stated that arbitrary and capricious application of the Rules will not be tolerated. *Windward Marine Resorts v. Sullivan*, 86 Haw. 171, 948 P.2d 592 (ICA 1997).

HAR § 11-200-14 through 23 are the requirements in the preparation of Draft and Final Environmental Impact Statements. The "General Provisions" highlight the expectation of the EIS process.

. . . An EIS is meaningless without the conscientious application of the EIS process as a whole, and shall not be merely a self serving recitation of benefits and a rationalization of the proposed action. Agencies shall ensure that statements are prepared at the earliest opportunity in the planning and decision making process. This shall assure an early open forum for discussion of adverse effects and available alternatives, and that the decision makers will be enlightened to any environmental consequences of the proposed action.

HAR § 11-200-14."

Title 11, Chapter 200, contain the 'Environmental Impact Statement Rules' and the following are examples of Rules which were not met.

a. **Full consultation did not occur with the DEIS.**

HAR § 11-200-15 A sets forth the following requirements to satisfy the consultation process.

In the preparation of a draft EIS, proposing agencies and applicants shall consult all appropriate agencies noted in section 11-200-10 (10) and other citizen groups, and concerned individuals as noted in sections 11-200-9 and 11-200-9.1. To this end, agencies and applicants shall endeavor to develop a fully acceptable EIS prior to the time the EIS is filed with the office, through a full and complete consultation process, and shall not rely solely upon the review process to expose environmental concerns.

This provision is to be read with the foregoing General Provisions and the requirements of HAR § 11-200-22 A, which further emphasize meaningful public participation as follows:

Public review shall not substitute for early and open discussion with interested persons and agencies, concerning the environmental impacts of a proposed action. Review of the EIS shall serve to provide the public and other agencies an opportunity to discover the extent to which a proposing agency or applicant has examined environmental concerns and available alternatives. . .

These requirements are clear and unambiguous. Hawai'i case law has consistently held that when statutes or rules are clear and unambiguous, they are to be given effect in accordance with their plain and ordinary meaning. IBEW v. Hawaiian Tel., 68 Haw. 316, 323, 713 P.2d 943, 950 (1986); RGIS Inventory v. Hawai'i Civil Rights Comm., 104 Haw. 158, 160, 86 P.2d 449, 451 (2004). Under the Rules, the consultation process should have been implemented as soon as possible to engage the appropriate agencies and the public and not rely solely upon the review process."

The consultation process mandated by HRS Chapter 343 and Title 11, Chapter 200, HAR, was followed. The consulted agencies were disclosed in the EISPN and in the DEIS at Section 13. Section 3.4 of the DEIS described the community EIS scoping meetings. Public comments were solicited during these meetings and used to prepare the EISPN and subsequent DEIS. Comment letters regarding the EISPN and responses are included in section 15 of the DEIS.

91. *"When the issue of the expansion was brought to the communities, the Mayor prohibited the participation of the elected officials in his meeting. This can hardly be deemed as compliance with the consultation process. In addition, there was no sense that the decision to expand was open for discussion. The discussion was simply, if you don't expand WGSL, then the landfill will go to Nanakuli. This is not a consultation process which is open to the public."*

The meeting referred to above was not a part of the EIS consultation process.

92. *"Moreover, the concerns of the NOV and the acts complained of therein should give rise to major environmental concerns and require thorough discussions. The DEIS merely dismisses it with the fact that a settlement has been reached. The violation and the fines were the largest in the Nation at that time."*

The NOV was issued by DOH after the alleged violations had been self-reported. The great majority of the alleged violations had been addressed before the NOV was issued. On December 7, 2007, DOH, the City and Waste Management agreed to a settlement which concluded the NOV process. At that time, there was only a single remaining violation that had not been brought into compliance—the exceedance of permitted grades. On February 20, 2008, DOH issued a grade modification approval which addressed the grade exceedance issue. Thus, all alleged violations have been addressed to the satisfaction of DOH, and WGSL is currently in compliance with all laws. See section 2.3. of the DEIS.

The NOV also gave rise to several operational changes at WGSL. The current operating permit substantially increased oversight, monitoring and reporting requirements.

93. **"b. The FEIS failed to comply with the requirement to address alternatives.**

HRS § 343-2 defines an EIS as one that discloses, among other items, the 'alternatives to the action and their environmental effects.'

HAR §11-200-17, which sets forth the Contents requirement of a Draft EIS, addresses the requirement as to alternatives as follows:

F. The draft EIS shall describe in a separate and distinct section alternatives which could attain the objectives of the action, regardless of cost, in sufficient detail to explain why they were rejected. The section shall include a rigorous exploration and objective evaluation of the environmental impacts of all such alternative actions. Particular attention shall be given to alternatives that might enhance environmental quality or avoid, reduce, or minimize some or all of the adverse environmental effects, costs, and risks. Examples of alternatives include:.. (Emphasis added.)

HAR § 11-200-17 F. 5 states that 'For any agency actions, the discussion of alternatives shall include, where relevant, those alternatives not within the existing authority of the agency.' In Westlands Water District v. U.S. Dept. of Interior, 376 F.3d 853, 866 (9th Cir. 2004), the Ninth Circuit reaffirmed that alternatives must be rigorously explored and that 'reasonable alternatives' include those not within the jurisdiction of the lead agency. Westlands, supra, at 868. The Ninth Circuit went on to say that '[t]he existence of a viable but unexamined alternative renders an environmental impact statement inadequate.' Id.. [sic] citing to Morongo Band of Mission Indians v. FAA, 161 F.3d 569, 575 (9th Cir. 1998).

The alternatives discussed by the City assumed the City would operate the landfill and therefore required the purchase of each site. No consideration was given to private landfills and its ability to operate as an alternative landfill location, or alternatively, a private/public partnership. The DEIS fails to address the how much money the City makes on landfill operations and the need to control 'flow' of MSW."

The DEIS discussed technical and other alternatives, as well as alternative public and private locations for the proposed action. Numerous sites were eliminated because they did not meet state requirements. An EIS is not required to explore alternatives that "are not significantly distinguishable from alternatives actually considered, or which have substantially similar consequences." *Westlands Water District v. U.S. Dept. of Interior*, 376 F.3d 853, 868 (9th Cir. 2004) (internal citations omitted). The choice of alternatives is "bounded by some notion of feasibility and need not include "remote and speculative alternatives." *Id.* (internal citations omitted). "The touchstone [of] inquiry is whether an EIS' selection and discussion of alternatives fosters informed decision-making and informed public participation." *Id.* (internal citations omitted). The DEIS for the proposed project helps to foster informed decision-making and informed public participation, as evidenced by your letter and similar comment letters.

There was no assumption that the City would operate the landfill. In fact, the City does not currently operate WGSL--Waste Management, a private company, is the operator of WGSL under contract with the City. The City is tasked with the obligation to provide environmentally sound disposal services for solid waste. In that regard, the City currently works closely with various private entities, such as those operating the landfill, the Synagro bioconversion facility at Sand Island, H-POWER, and the processing of curbside recyclables. Private sites and public sites were considered for a municipal landfill. As explained in the DEIS, numerous sites were eliminated because they did not meet state requirements. Further, WGSL is the only permitted MSW landfill on the island.

The City combines tip fee revenue from City transfer stations and the landfill. The revenue for FY06 was \$14,051,214 as reported in the City and County of Honolulu Operating Budget, Detailed Statement of Revenues and Surplus, Solid Waste Special Fund (250) Disposal Charges. The revenue for FY07 and FY08 was \$10,794,073.00 and \$11,332,649.27, respectively. A small portion of the tip fee revenue is attributed to commercial accounts disposal at transfer stations. Most of the tip fee revenue is generated by commercial accounts disposal at the landfill. In accordance with Chapter 9, Section 9-4.2, Revised Ordinances of Honolulu ("ROH"), only businesses, and Federal and State agencies' accounts are charged a landfill tip fee. Homeowners and eleemosynary organizations pay no fees.

Your comment regarding flow control is addressed in the response to Comment 79.

94. *"The DEIS also fails to adequately address the delay in the Solid Waste Management Plan and the City Ordinance which states that by the year 2000, at least 75 percent of the solid waste generated shall be recycled, reused, composted, or otherwise diverted from incineration or placement in the landfill."*

The City has an Integrated Solid Waste Management Plan, and an update of that plan was adopted by the City Council in December 1994 through Resolution 94-306, CD1. A new draft update to the City's Plan was sent to DOH on June 30, 2008, for review. DOH will determine its appropriateness prior to consideration by the City Council.

The update to the Plan makes it clear that there will always be a need for a landfill in order to manage waste that cannot be further combusted, shipped, recycled or reused, to manage solid waste during natural disasters, and to provide for other contingencies. Please see section 2.6. City Plans Involving the Future Handling of Solid Waste, of the FEIS.

Your citation to the City Ordinance is incorrect. The City Ordinance to which you refer is Section 9-1.1, which provides in relevant part:

Sec. 9-1.1 Findings--Determinations--Goals.

(b) (1) In addition to the findings and determinations made under this section, the council establishes the following goals:

(A) By the end of 2007, at least 65 percent of the solid waste generated within the City be recycled, reused, composted, used for the generation of power, fuel or electricity through a waste-to-energy or other alternative technology facility, or otherwise diverted from placement in a landfill;

(B) By the end of 2010, at least 75 percent of the solid waste generated within the City be recycled, reused, composted, used for the generation of power, fuel or electricity through a waste-to-energy or other alternative technology facility, or otherwise diverted from placement in a landfill; and

(C) By the end of 2015, at least 90 percent of the solid waste generated within the City be recycled, reused, composted, used for the generation of power, fuel or electricity through a waste-to-energy or other alternative technology facility, or otherwise diverted from placement in a landfill.

(2) The percentage goals in this subsection shall be reviewed annually by the Department of Environmental Services, which shall recommend to the Council any necessary revisions. For the purpose of these goals, "solid waste" includes source separated waste generated in the City, but not introduced into the disposal system.

Please note that these are goals, as opposed to mandates. Additionally, these goals are subject to revision as necessary.

95. *"Moreover as discussed above, there is no discussion of secondary impacts which is necessary in order for an [sic] DEIS to be adequate."*

Secondary and cumulative effects associated with the subject project was discussed and addressed in Section 1.4, Secondary and Cumulative Effects, of the DEIS.

96. *"c. The purpose and need section limits discussion.*

HAR § 11-200-17 D requires the Draft EIS to 'contain a separate and distinct section that includes a statement of purpose and need for a proposed action.' It is a similar provision under NEPA, which is looked upon to guide the discussion on alternatives. Westlands, supra, at 866. In Westlands, the Ninth Circuit looked to whether the preparers had 'arbitrarily and capriciously' narrowed the scope of the statement, thereby affecting the discussion on the alternative."

The DEIS was prepared in accordance with HRS Chapter 343 and HAR, Title 11, Chapter 200. The DEIS contains separate and distinct sections regarding the purpose and need for the proposed project, located at Section 3.2 and Section 3.3 respectively. These sections reasonably define the objectives of the project.

97. *"In the preparation of the Draft Supplemental EIS for this proposed expansion, it is critical that the decision maker and the general public are made to understand why the promises of government need not be kept. There should also be an explanation as to why the City prepares this DEIS and the Final EIS will be accepted by another City agency. This is especially true when the accepting agency has attached to it, the Planning Commission which is expected to be called upon to make the decision as to whether an SUP should be recommended to the LUC or whether the process requires a boundary amendment."*

Representations of officials may become law and be binding when appropriately enacted into law, or through other acts that have the force and effect of law. Subsequent Mayors and/or City Councils may, however, change prior law through appropriate legislative, regulatory or legal processes.

The Mayor, in accordance with HAR § 11-200-4.A., is the final authority to accept the EIS:

- A. Whenever an agency proposes an action, the final authority to accept a statement shall rest with:
1. The governor, or an authorized representative, whenever an action proposes the use of state lands or the use of state funds or, whenever a state agency proposes an action within section 11-200-6(b); or
 2. **The mayor, or an authorized representative, of the respective county whenever an action proposes only the use of county lands or county funds.**

The Planning Commission will not be called upon to make any decision as to whether the City should seek a boundary amendment or SUP. For purposes of the expansion addressed herein, the City will decide to pursue either an SUP or a boundary amendment. This procedural decision does not impact the analysis contained in the EIS.

We appreciate this opportunity to respond. Any further written comments may be directed to Ms. Wilma Namumart of our office at 768-3406.

Sincerely,



Eric S. Takamura, Ph.D., P.E.
Director

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.

#12

Cynthia K.L. Rezentes

87-149 Maipela Street
Wai'anae, HI 96792-3154
E-mail: rezentesc@aol.com

July 7, 2008

City and County of Honolulu
Department of Environmental Services, Refuse Division
Attn: Mr. Eric Takamura, PhD., P.E., Director
1000 Uluohia Street
Kapolei, HI 96707

Subject: Waimanalo Gulch Sanitary Landfill Lateral Expansion

Dear Director Takamura:

I respectfully oppose any lateral expansion of the current Waimanalo Gulch Sanitary Landfill located at TMK 9-2-3: Portion 72 and Portion 73.

The Special Use Permit allowing a municipal solid waste landfill at this location should be concluded as of November 1, 2009 and this landfill closed as per the intent of the State Land Use Commission which approved an 18-month extension to the current permit for this location. The current landfill should be closed per guidelines established by the State Department of Health and under guidelines recommended by EPA 40 CFR 258.

Any further request for use of this property should be proposed under a completely new and independent application and EIS with the requisite new surface water management plans, stability analysis, groundwater monitoring system, gas collection system, odor management, litter management, etc.

The current landfill has already exceeded the topographical and airspace request per the original EIS at which point said EIS stated that there was a limited amount of the 200 acres of property that was apropos for a landfill. The current landfill has gone beyond that original evaluation and request by not limiting itself to the natural topography but has developed a new topography for the receipt of municipal solid waste. Any further use of the property should be under a new application.

With the development of a new topography with which to establish the airspace to allow a 15+ year usage of the property should come the onus to do so responsibly and without potentially increasing the complexity of the analysis of the current landfill stability with increasing loads placed above and to the rear of the landfill (at the highest level of original topography).

Mr. Eric Takamura, PhD., P.E., Director
July 7, 2008
Page 2 of 2

As can be seen in the first attached photograph, the topography of the area that is being proposed to be expanded into is within a steep, narrow area of the gulch with a naturally occurring waterway leading directly towards the base of the current landfill. This configuration places more stresses from a narrower base leading into a broader base and thus should be structured to be able to handle its' own load without impacting the current landfill.

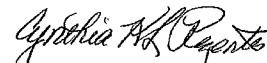
In addition to there being a need to completely separate the current landfill from the proposed expansion, there needs to be an explanation of what activities are or should be allowed to take place upon the landfill once the height limits are reached. As can be seen in the second attached photograph, rock crushing, "daily" cover and other activities besides filling of currently open cells with municipal solid waste occurs. What are the impacts of these activities taking place on supposed "full" cells? This should be projected as there will be less "virgin" land area and more area comprised of municipal solid waste the further into the gulch operations move. Where will these activities take place and how does that affect the analysis of the appropriateness of extending further into the gulch?

The analysis of how the expansion of ~37 acres of land equates to 15+ years of usage needs to be demonstrated. If one takes the 60.5 acres of landfill space that will be utilized by November of 2009 and does a strict ratio of the acreage proposed to be used for the landfill expansion (not taking into consideration the more complex nature of a narrower gulch to operate within) there should only be about 12 years worth of capacity beyond November 2009. The claims that there would be a minimum of 15 years life should be proven.

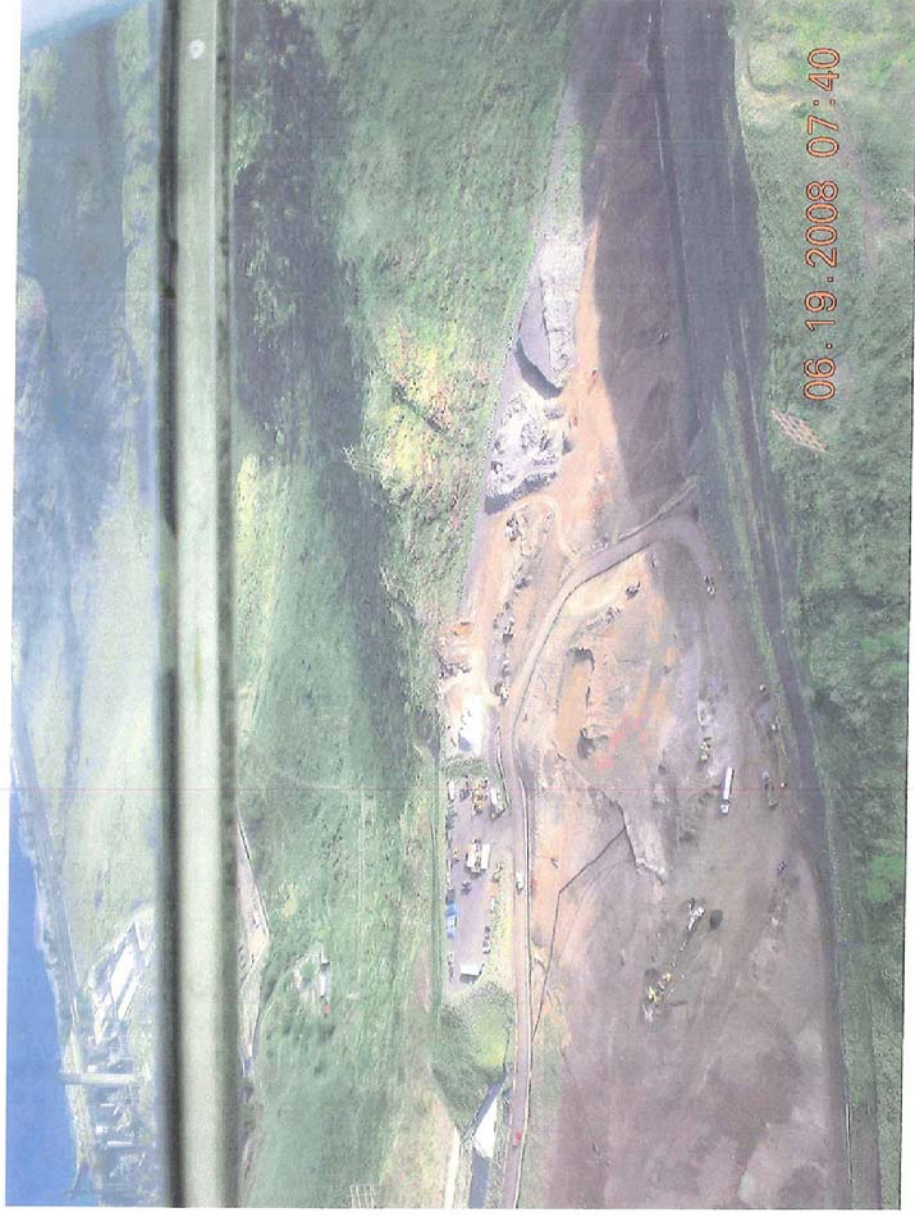
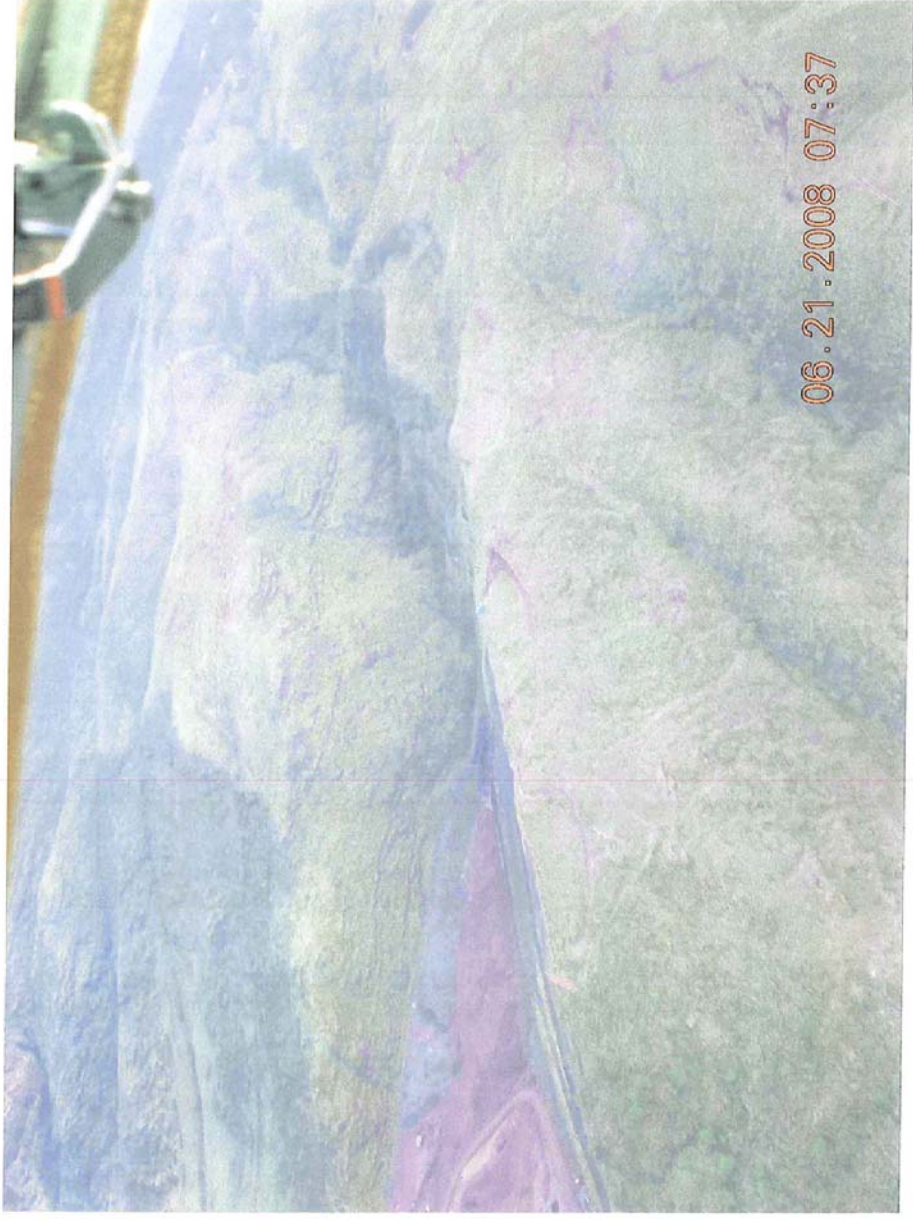
There continue to be numerous questions with regards to when, if ever, the City proposes to close this area to taking trash from the entire island. Where are the plans for what happens as this area is filled more rapidly than ever due to the expanding development being allowed and built on the island?

Until there is a real faith effort made in addressing the solid waste problems faced by the City and County of Honolulu, I will respectfully disagree with any plans to continue doing "business as usual" and continuing to "dump" on the Leeward Coast.

Sincerely,


Cynthia K.L. Rezentes
Wai'anae Resident

cc: City and County of Honolulu, Department of Planning and Permitting
R.M. Towill Corporation
Office of Environmental Quality Control



DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

1000 ULUOHA STREET, SUITE 308, KAPOLEI, HAWAII 96707
TELEPHONE: (808) 768-3486 • FAX: (808) 768-3487 • WEBSITE: <http://envhonolulu.org>

MUFU HANNEMANN
MAYOR



October 23, 2008

ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-117

Ms. Cynthia K.L. Rezendes
87-149 Maipela Street
Waianae, Hawaii 96792-3154

Dear Ms. Rezendes:

Subject: Environmental Impact Statement (EIS)
Waimanalo Gulch Sanitary Landfill Expansion

Thank you for your letter dated July 7, 2008, concerning the subject project. The following has been prepared in response to your comments (your comments have been italicized for reference):

1. *"I respectfully oppose any lateral expansion of the current Waimanalo Gulch Sanitary Landfill located at TMK 9-2-3: Portion 72 and Portion 73."*

This comment is acknowledged.

2. *"The Special Use Permit allowing a municipal solid waste landfill at this location should be concluded as of November 1, 2009 and this landfill closed as per the intent of the State Land Use Commission which approved an 18-month extension to the current permit for this location. The current landfill should be closed per guidelines established by the State Department of Health and under guidelines recommended by EPA 40 CFR 258."*

This comment is acknowledged, however, for the reasons cited in the DEIS this option is not available to the City. We note for clarification that the planned area of use will be within an area of the property that has not yet been permitted for use as a municipal sanitary landfill.

3. *"Any further request for use of this property should be proposed under a completely new and independent application and EIS with the requisite new surface water management plans, stability analysis, groundwater monitoring system, gas collection system, odor management, litter management, etc."*

Ms. Cynthia K.L. Rezendes
October 23, 2008
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The subject DEIS proposes the use of an area of the City owned property that has not yet been permitted nor used as a municipal sanitary landfill. The landfill infrastructure that is proposed for the subject project is based on utilization and integration with several of the environmental management systems that are already in place and operational. New management systems will be installed as appropriate to ensure proper environmental management and compliance. A new EIS for this project is not considered appropriate given the status of review for the current EIS process that is underway.

4. *"The current landfill has already exceeded the topographical and airspace request per the original EIS at which point said EIS stated that there was a limited amount of the 200 acres of property that was apropos for a landfill. The current landfill has gone beyond that original evaluation and request by not limiting itself to the natural topography but has developed a new topography for the receipt of municipal solid waste. Any further use of the property should be under a new application."*

In addition to the comment above, it is noted that the City has requested an amendment to the current area of landfilling from the LUC to allow for use of the airspace that has exceeded the original area designated in the Special Use Permit. On March 14, 2008, the LUC amended Condition No. 12 of the permit as follows:

"The 200-acre Property shall be restricted from accepting any additional waste material and be closed in accordance with an approved closure plan by November 1, 2009, or until the approved area reaches its permitted capacity, whichever occurs first."

While it is acknowledged that an appeal to the LUC regarding this decision is presently on-going, a date for the hearing of the appeal will be at a later date. This process, however, will involve the use of the existing area of landfilling. In contrast, the subject EIS is for the evaluation of uses for an area outside of the presently permitted landfill footprint.

5. *"With the development of a new topography with which to establish the airspace to allow a 15+ year usage of the property should come the onus to do so responsibly and without potentially increasing the complexity of the analysis of the current landfill stability with increasing loads placed above and to the rear of the landfill (at the highest level of original topography)."*

"As can be seen in the first attached photograph, the topography of the area that is being proposed to be expanded into is within a steep, narrow area of the gulch with a naturally occurring waterway leading directly towards the base of the current landfill. This configuration places more stresses from a narrower base leading into a broader base and thus should be structured to be able to handle its' own load without impacting the current landfill."

Ms. Cynthia K.L. Rezendes
October 23, 2008
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The design of the proposed Waimanalo Gulch expansion considers geotechnical, seismic and other factors appropriate to the island and to the area of the site. Detailed stability analyses were completed during the project design. The design of the current SUP area and the proposed area of expansion will meet the EPA Subtitle D (40 CFR Part 258) standard for stability. The design of the expansion will be subject to review by appropriate City and State agencies when they evaluate the permit documents.

6. *"In addition to there being a need to completely separate the current landfill from the proposed expansion, there needs to be an explanation of what activities are or should be allowed to take place upon the landfill once the height limits are reached. As can be seen in the second attached photograph, rock crushing, "daily" cover and other activities besides filling of currently open cells with municipal solid waste occurs. What are the impacts of these activities taking place on supposed "full" cells? This should be projected as there will be less "virgin" land area and more area comprised of municipal solid waste the further into the gulch operations move. Where will these activities take place and how does that affect the analysis of the appropriateness of extending further into the gulch?"*

Sufficient space is expected to be available for the proposed project given that only a portion of the approximately 200 acres will be used for landfilling. Space for associated landfill support activities that include the stockpiling of cover material will be in locations approved by the DOH based on the required load bearing capacity and surface stability. Rock crushing is not currently performed at the landfill. Rock crushing that is planned will not be performed on landfill cells that have reached capacity.

7. *"The analysis of how the expansion of -37 acres of land equates to 15+ years of usage needs to be demonstrated. If one takes the 60.5 acres of landfill space that will be utilized by November of 2009 and does a strict ratio of the acreage proposed to be used for the landfill expansion (not taking into consideration the more complex nature of a narrower gulch to operate within) there should only be about 12 years worth of capacity beyond November 2009. The claims that there would be a minimum of 15 years life should be proven."*

The comparison suggested is inappropriate since it does not take into account the factors that should be considered in engineering the lateral expansion of the site. These factors include geotechnical soils studies and reports to establish appropriate slopes to maintain safety and stability of the site, and hydrogeologic factors to establish safe excavation depths. Other industry and governmental regulatory standards will also be considered in the final design of the site. The engineering design for the site will be reviewed by the State DOH as part of the Solid Waste Permit for consistency of design.

Ms. Cynthia K.L. Rezendes
October 23, 2008
Page 4

8. *"There continue to be numerous questions with regards to when, if ever, the City proposes to close this area to taking trash from the entire island. Where are the plans for what happens as this area is filled more rapidly than ever due to the expanding development being allowed and built on the island?"*

The City's long range plan will continue to involve the on-going adoption and use of waste reduction and recycling technologies and practices to reduce Oahu's dependency on landfilling. However, as noted in the subject DEIS, there are no immediate alternatives including transshipment, that can completely eliminate the need for landfills. Each alternative will result in the generation of some form of waste that cannot be further recycled, reduced, or reused. For these waste by-products landfilling remains the most viable and feasible alternative for disposal.

9. *"Until there is a real faith effort made in addressing the solid waste problems faced by the City and County of Honolulu, I will respectfully disagree with any plans to continue doing "business as usual" and continuing to "dump" on the Leeward Coast."*

This comment is acknowledged. The City has in good faith pursued alternative technologies to waste reduction that are reliable, cost efficient and scalable, and issued an RFP for alternative technologies. In response to the RFP, the only qualified proposals received to date have been for existing mass burn technologies. The City is currently pursuing mass burn technology through the expansion of H-POWER. No alternative can completely eliminate the need for a landfill. WGSL is a strategic component of the City's solid waste management system and the final destination for certain solid wastes including MSW, recycling residue, and H-POWER generated ash, residue and unacceptable waste that cannot further be combusted, recycled or reused.

We appreciate this opportunity to respond. Any further written comments may be directed to Ms. Wilma Namunnart of our office at 768-3406.

Sincerely,



Eric S. Takamura, Ph.D., P.E.
Director

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU
650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813
PHONE: (808) 768-8000 • FAX: (808) 527-6743
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#13

MUFI HANNEMANN
MAYOR



HENRY ENG, FAICP
DIRECTOR

DAVID K. TANOUE
DEPUTY DIRECTOR

2006/GEN-32(RY)

July 7, 2008

MEMORANDUM

TO: DR. ERIC TAKAMURA, DIRECTOR
DEPARTMENT OF ENVIRONMENTAL SERVICES

FROM: HENRY ENG, FAICP, DIRECTOR
DEPARTMENT OF PLANNING AND PERMITTING *Henry Eng*

SUBJECT: DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)
WAIMANALO GULCH SANITARY LANDFILL LATERAL EXPANSION
TAX MAP KEY: 9-2-3: PORTION 72 AND PORTION 73, WAIMANALO,
EWA, OAHU

We have reviewed the subject document and offer the following comments:

1. A rockfall and vibration hazard assessment focusing on potential impacts to existing and proposed residential developments, including those of the proposed Makaiwa Hills community and any others in close proximity to the landfill, should be conducted.
2. The Final EIS should include a view impact assessment that describes impacts of the construction and completion of landfill cells and accessory activities until final closure and landscaping from major public vantage points. The assessment should contain color simulations and proposed mitigation measures in 5-year increments, similar to those provided for the 21-acre expansion. Three dimensional computer generated graphics of the color simulations would help illustrate the anticipated views of the landfill from select vantage points such as roadways in Ko Olina, Farrington Highway near Kahe Power Plant, and nearby public parks/beaches.

The prior Supplemental Environmental Impact Statement for the 21-acre expansion referred to faux rocks as components of the final landscape plan. The

Dr. Eric Takamura, Director
Department of Environmental Services
July 7, 2008
Page 2

current DEIS did not make reference to this proposal, therefore, the Final EIS should clarify if faux rocks are still being considered for the final landscape plan.

3. Initial construction activities for the expansion of the existing landfill may require grubbing, grading, and stockpiling permits. In addition, a grading permit will be required for the final cover that will be placed prior to landfill closure.
4. The discussion on anticipated impacts should consider dust generated by blasting and any required mitigation measures. Please note that State air quality standards prohibit visible fugitive dust from crossing property lines.
5. Figure 4-7 on page 4-13 should show the height of the HECO transmission lines and the required clearances.
6. Figure 8-1 on page 8-11 should show State Land Use District boundaries with their respective labels. The existing and proposed SUP areas should also be shown.
7. Figure 8-2 on page 8-13 should highlight ALISH categories while de-emphasizing property boundaries. The existing and proposed SUP areas should also be shown.
8. On page 9-80, the section on Makaiwa Hills should be updated to indicate that the project has an accepted EIS and that it is presently undergoing a zone change application process.
9. There should be discussion on whether development of the H-Power third boiler would curtail pursuing alternate technologies in the near future or make it economically unfeasible to close the landfill sooner than later. The discussion could include how alternate technologies can be adopted even before any H-Power boiler needs replacement so that the City can move toward high efficiency disposal technologies which reduces residues to miniscule amounts or which has marketable end products.
10. A more detailed description of accessory activities, such as recycling, grading, rock crushing, stockpiling and their dust and noise impacts on surrounding uses, especially Makaiwa Hills residential development, and their mitigation measures should be provided. Please note that the any activities that manufacture products for off-site uses are not generally considered accessory and may not be allowed unless expressly permitted by SUP.

Dr. Eric Takamura, Director
Department of Environmental Services
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Page 3

11. With respect to vendors' proposals in response to "Project to Construct and Operate Alternative Energy Facility and/or H-POWER Facility," January 16, 2007, there should be a table comparing how each vendor's alternate technology meet or do not meet the six (6) minimum requirements.
12. There should be discussion of the City's waste management plans for the years beyond 2024.

Thank you for the opportunity to comment. Should you have any questions, please contact Raymond Young of our staff at 768-8049.

HE:lh
Doc. 629481

cc: State DOH - OEQC
B. Takeda, R. M. Towill, Corporation

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

1000 ULUOHA STREET, SUITE 308, KAPOLEI, HAWAII 96707
TELEPHONE: (808) 768-3466 • FAX: (808) 768-3487 • WEBSITE: <http://envhonolulu.org>

MUFI HANNEMANN
MAYOR



October 23, 2008

ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-116

MEMORANDUM

TO: HENRY ENG, FAICP, DIRECTOR
DEPARTMENT OF PLANNING AND PERMITTING

FROM: *Eric S. Takamura*
ERIC S. TAKAMURA, Ph.D., P.E., DIRECTOR
DEPARTMENT OF ENVIRONMENTAL SERVICES

SUBJECT: DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)
WAIMANALO GULCH SANITARY LANDFILL EXPANSION

Thank you for your letter dated July 7, 2008, concerning the subject project. The following has been prepared in response to your comments (your comments have been italicized for reference):

1. *"A rockfall and vibration hazard assessment focusing on potential impacts to existing and proposed residential developments...should be conducted."*

See Section 5.3.3. Potential Impacts and Mitigation Measures of the FEIS, relating to soils, for a description of the testing program that will be undertaken to address rockfall and vibration hazards as a result of the use of controlled blasting.

2. *"The Final EIS should include a view impact assessment that describes impacts of the construction and completion of landfill cells and accessory activities until final closure and landscaping from major public vantage points."*

See Section 5.10.1. Scenic and Aesthetic Environment, of the FEIS, for further information on the assessment of potential viewplane impacts.

3. *"The final EIS should clarify if faux rocks are still being considered for the final landscape plan."*

Once the expansion is approved, the contractor will perform clearing and grubbing activities each time a new landfill cell is constructed. Surface rocks encountered during this process will be collected and stockpiled for use on the final cap during the closure process. During closure the final cap will be installed and vegetated with a combination of grasses and natural vegetation that is native to the area. These stockpiled rocks will be placed on the final cap after the revegetation process is completed in an attempt to make the final appearance of the landfill blend into the surrounding hillsides. No faux rocks will be needed based on the availability of surface rocks as cell construction moves up through the gulch.

4. *"Initial construction activities for the expansion of the existing landfill may require grubbing, grading, and stockpiling permits. In addition, a grading permit will be required for the final cover that will be placed prior to landfill closure."*

This comment is acknowledged and was addressed in the DEIS, Section 12, Permits and Regulatory Approvals That May Be Required.

5. *"The discussion on anticipated impacts should consider dust generated by blasting and any required mitigation measures."*

This comment is acknowledged. Generally, the type of controlled blasting that is performed at the site has resulted in the minimal generation of dust. However, to further address this concern, personnel performing the blasting will inspect the site for any loose sediments or soils that can constitute a dust source following blasting. As required, the area of the blast will be wetted down to suppress dust.

See Section 5.7.3. Potential Impacts and Mitigation Measures of the FEIS, relating to air quality, for a discussion on mitigative measures for dust control from the use of controlled blasting.

6. *"Figure 4-7 on page 4-13 should show the height of HECO transmission lines and the required clearances."*

This figure has been revised to show the approximate heights of the HECO lines and is provided in the FEIS.

7. *"Figure 8-1 on page 8-11 should show State Land Use District boundaries with their respective labels. The existing and proposed SUP areas should also be shown."*

This figure has been revised and is provided in the FEIS.

8. *"Figure 8-2 on page 8-13 should highlight ALISH categories while de-emphasizing property boundaries. The existing and proposed SUP areas should also be shown."*

This figure has been revised and is provided in the FEIS.

9. *"On page 9-80, the section on Makaiwa Hills should be updated to indicate that the project has an accepted EIS and that it is presently undergoing a zone change application process."*

We acknowledge this present status of the Makaiwa Gulch project. This comment is addressed in Section 9.7.4.3. Makaiwa Gulch, in the FEIS.

10. *"There should be a discussion on whether development on the H-POWER third boiler would curtail pursuing alternate technologies in the near future or make it economically unfeasible to close the landfill sooner or later."*

The proposed expansion of the H-POWER facility is considered to be independent of the selection of other alternative technologies that may help the City and County of Honolulu with its handling of municipal refuse. This means that the City will continue to evaluate refuse management alternatives whenever feasible and advantageous as part of its overall system for refuse management.

See also Section 2.6. City Plans Involving the Future Handling of Solid Waste, in the FEIS, providing a discussion on H-POWER and other future actions that will be taken by the City.

11. *"A more detailed description of accessory activities, such as recycling, grading, rock crushing, stockpiling and their dust and noise impacts on surrounding uses, especially Makaiwa Hills residential development, and their mitigation measures should be provided."*

General information is provided in the FEIS to describe the community drop-off center to handle residential refuse recycling and disposal in Section 4.1.2. Features of Construction of Lateral Expansion. Adverse effects to the planned Makaiwa Hills project are not anticipated based on the limited scale of this activity that will be restricted to a small area within the interior of the Waimanalo Gulch site.

The potential effects of construction that include grading, rock crushing, and stockpiling, have taken into consideration the Makaiwa Hills development as well as surrounding properties that include Ko Olina and other residences that surround the landfill property. While the detailed operational practices associated with construction will not be determined until such time that the final project plans are prepared following the current EIS effort, Waste Management has already initiated contact with the developer of Makaiwa Hills and fully intends to coordinate its future work activities to minimize and mitigate the potential for adverse effects.

12. *"With respect to vendors' proposals in response to 'Project to Construct and Operate Alternative Energy Facility and/or H-POWER Facility,' January 16, 2007, there should be a table comparing how each vendor's alternate technology meet or do not meet the six (6) minimum requirements."*



Henry Eng, FAICP, Director
October 23, 2008
Page 4

The procurement solicitation referred to, Competitive Sealed Proposal No. 047, was cancelled on January 16, 2008 and is no longer under consideration by the City. Accordingly, a comparative table evaluating the proposals against the six minimum requirements was not prepared. However, a description of the City's requirements as they pertain to various alternative technologies, and a discussion of how each of the alternatives compares with the City's requirements are provided in Section 9. Alternatives to the Proposed Action, in the DEIS and FEIS documents.

- 13. "There should be discussion of the City's waste management plans for the years beyond 2024."

The Integrated Solid Waste Management Plan is presently under preparation and is scheduled for completion in early 2009. Information from a draft of the plan has been provided in the FEIS to describe future activities of the City in managing solid waste for the future. See also Section 2.6. City Plans Involving the Future Handling of Solid Waste.

We appreciate this opportunity to respond. Any further written comments may be directed to Ms. Wilma Namumart of our office.

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.

July 7, 2008

Dr. Eric Takamura, Director
Department of Environmental Services
City & County of Honolulu
1000 Uluohia Street, Suite 308
Kapolei, Hawaii 96707

Re: Waimanalo Gulch Sanitary Landfill Lateral Expansion - Draft Environmental Impact Statement, May 2008

Dear Dr. Takamura:

Thank you for the opportunity to review the subject Draft EIS for the Waimanalo Gulch Sanitary Landfill Lateral Expansion. We offer the following comments for your consideration and action:

1. The subject Draft EIS is flawed due to an inappropriate statement of need for the proposed project in Section 3.3. Section 2-Project Background discusses, at length, the City's unsuccessful attempts to select and begin operation of a site for a new landfill prior to November 1, 2009. That date is the extended deadline imposed by the State Land Use Commission, after which the amended State Special Use Permit prohibits further acceptance of solid waste at the Waimanalo Gulch Sanitary Landfill (WGSL). Section 2 further elaborates on the numerous violations of State and Federal laws resulting from operation of the WGSL and the City's on-going efforts to address those violations. Therefore, it is inconceivable that Section 3.3 should cite the need for the proposed project as "required to address the municipal waste disposal needs of the island of Oahu." This statement of need is inappropriate due to the following reasons:

- It attempts to use the EIS process to supersede site selection procedures required by the State Land Use Commission and initiated by the City Council and the previous City administration. While an EIS is a decision-making tool, Section 2 clearly documents the intent of the State Land Use Commission to use a formal site selection process. The EIS process cannot equal the level of detailed evaluation, dialogue, deliberation and community input that a process dedicated to selecting a landfill site can achieve.

- It attempts to circumvent the State Land Use Commission's intent of establishing a deadline for the site selection process to determine a long-term landfill site. The proposed lateral expansion of the WGSL could defer closure of the WGSL by as much as 15 years or longer. This is contrary to the intent of the State Land Use Commission. Such a lengthy deferral should not be justified by merely reciting failed efforts to select a long-term site.

Based on the situation described in Section 2-Project Background, the statement of need should be for an interim solution to dispose solid waste in the event that the City cannot meet the November 1, 2009 deadline. In addition, there is a need to determine how future violations of State and federal laws pertaining to landfill operations can be avoided. The proposed interim solution would serve until a long-term site(s) and/or method(s) for solid waste disposal can be implemented. The interim solution would also include a process, schedule and deadline for long-term site/method selection and measures to prevent operating violations of State and federal laws.

If, after a rigorous and objective assessment of alternatives, the expanded use of the WGSL is proposed to serve as part of an interim project, it must be tied to a plan with a schedule, commitments and deadline for terminating acceptance of solid waste at the facility as soon as possible. The current proposal does not include such a plan. Without it, the current proposal violates the spirit of the State Land Use Commission's requirement for a site selection process tied to a deadline. It accomplishes little toward determining a long-term solution by the current City administration.

2. Throughout Section 5, 6 and 7 the existing impacts of the current WGSL operation are not consistently nor systematically described in each category of environmental setting, existing public services and socioeconomic setting. If the expanded use of the WGSL is proposed to serve as part of an interim project, it presents a unique case where there is a baseline of existing impacts resulting from the current operations. These existing impacts need to be systematically described, quantitatively and/or qualitatively, as appropriate. This would establish a baseline against which to describe changes in impacts should solid waste disposal at the WGSL be terminated by November 1, 2009. The impacts of expanding the WGSL would be discussed in comparison to conditions that would exist if solid waste disposal were terminated. While many impacts would be a continuation of existing impacts, they must be described in relation to the relief that the nearby communities have been anticipating.

3. Throughout Section 5, 6 and 7 the cumulative impacts of the existing WGSL operation are not consistently nor systematically described in each category of environmental setting, public services and socioeconomic setting. If the expanded use of the WGSL is proposed to serve as part of an interim project, it presents a unique case where the prior impacts incurred by the existing landfill must be cumulatively assessed with the impacts of the proposed expansion. Examples of anticipated impacts that will be cumulative include those on flora, fauna, cultural resources and visual/aesthetic. The discussion in Section 1.4-Secondary and Cumulative Impacts is wholly inadequate in that it does not provide quantitative and qualitative descriptions of the impacts incurred by the expansive existing operation at WGSL as a baseline against which to discuss the cumulative impacts of the proposed expansion.

4. Section 6-Public Services, Potential Impact and Mitigation Measures fail to quantitatively and/or qualitatively discuss impacts in each category. For example, historic statistics on fire and police responses to the WGSL should be provided as a baseline for demands created by current operations. These should be compared to anticipated demands following termination of operations on November 1, 2009 and anticipated changes in demand should interim operations be continued at WGSL. While some discussion of public service statistics is provided in Section 7, having alternative discussions of the same public service impacts in two sections reflects poor organization of the Draft EIS and is confusing to the reader.

Another example is the existing impacts of odors and windblown trash on public and resort facilities from the current operation. These need to be documented by records of complaints, anecdotal reports and prevailing wind conditions as a baseline for assessing termination of operations on November 1, 2009 and an interim continuation of operations, including the viability of proposed mitigation measures.

The demands on the services of the State Department of Health should also be assessed due to the history of violation at the WGSL. Mitigation measures to minimize violations for any proposed interim continuation of operations should be discussed.

5. Section 9-Alternatives to the Proposed Action is flawed due to the inappropriate statement of project need, as discussed in item 1, above. Since an interim alternative is not a commitment to a long-term solution, the range of potential alternative sites and methods, or combinations thereof, available for evaluation is



Dr. Eric Takamura, Director
July 7, 2008
Page 4

greatly expanded. For example, alternatives such as the joint use with on-going quarry operations, smaller and/or multiple sites, or landfill combinations with transshipment can be considered. Impacts would be shorter in duration, with a rigid schedule for finding a long-term solution. We believe that a rigorous and objective evaluation of such alternatives can yield a proposed interim solution that would be preferable to expanding the WGSL.

6. Due to the flawed statement of need, the proposed project, assessment of impacts and consideration of alternatives is also flawed. The Draft EIS was crafted around a pre-determined solution to an impasse in selecting a long-term landfill site. As a result, it does not comply with the rigorous decision-making rationale required by Chapter 343, HRS. Therefore, a new DEIS based on a more appropriate statement of need should be prepared.

We appreciate the opportunity to review and comment on the Draft EIS.

Sincerely,

Ko Olina Community Association, Inc.

Ken Williams
Vice President - Resort Operations

Copies to: Henry Eng, FAICP, Director
Dept. of Planning & Permitting

Brian Takeda
R.M. Towill Corporation

Office of Environmental Quality Control

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MUFI HANNEMANN
MAYOR



October 23, 2008

ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-119

Mr. Ken Williams
Vice President Resort Operations
Ko Olina Resort & Marina
92-1480 Aliinui Drive
Kapolei, Hawaii 96707

Dear Mr. Williams:

Subject: Draft Environmental Impact Statement (DEIS)
Waimanalo Gulch Sanitary Landfill Expansion

Thank you for your letter dated July 7, 2008, concerning the subject project. The following has been prepared in response to your comments (your comments have been italicized for reference):

1. *"The subject Draft EIS is flawed due to an inappropriate statement of need for the proposed project in Section 3.3. This statement of need is inappropriate due to the following reasons:*

It attempts to use the EIS process to supersede site selection procedures required by the State Land Use Commission and initiated by the City Council and the previous City administration. While an EIS is a decision-making tool, Section 2 clearly documents the intent of the State Land Use Commission to use a formal site selection process. The EIS process cannot equal the level of detailed evaluation, dialogue, deliberation and community input that a process dedicated to selecting a landfill site can achieve.

It attempts to circumvent the State Land Use Commission's intent of establishing a deadline for the site selection process to determine a long-term landfill site. The proposed lateral expansion of the WGSL could defer closure of the WGSL by as much as 15 years or longer. This is contrary to the intent of the State Land Use Commission. Such a lengthy deferral should not be justified by merely reciting failed efforts to select a long-term site."

The subject DEIS has appropriately stated the need for the project which is consistent with Chapter 343, Hawaii Revised Statutes (HRS), Environmental Impact Statements. According to Section 343-2, Definitions:

"Environmental impact statement" or "statement" means an informational document prepared in compliance with the rules adopted under Section 343-6 and which discloses the environmental effects of a proposed action, effects of a proposed action on the economic welfare, social welfare, and cultural practices of the community and State, effects of the economic activities arising out of the proposed action, measures proposed to minimize adverse effects, and alternatives to the action and their environmental effects.

Each of these requirements defining the EIS, including its use for the purpose of environmental disclosure, has been documented for the Waimanalo Gulch Sanitary Landfill as the preferred alternative for the disposal of Oahu's municipal solid waste and H-POWER ash and residue.

It is further noted that the subject DEIS provides for the evaluation of alternatives that include potential landfill sites as well as technology based alternatives and other methods, such as waste transshipment, to address the need for the future disposal of Oahu's municipal refuse. The DEIS, therefore, provides an important source of information for the LUC in evaluating the reasons why the City considers Waimanalo Gulch as the most viable and feasible alternative for our island. This effort to evaluate and provide environmental disclosure information that is relevant to the decision making process is clearly in the public interest.

2. *"Based on the situation described in Section 2-Project Background, the statement of need should be for an interim solution to dispose solid waste in the event that the City cannot meet the November 1, 2009 deadline. There is a need to determine how future violations of State and federal laws pertaining to landfill operations can be avoided."*

This comment is noted. However, for reasons stated in the DEIS, the preferred alternative is for the use of the Waimanalo Gulch Sanitary Landfill Lateral Expansion site until the area has reached capacity, which under the present conditions is estimated to be 15 more years.

It is acknowledged that prior violations involving the State Department of Health (DOH) and the Environmental Protection Agency (EPA) have occurred in the past at the Waimanalo Gulch Sanitary Landfill. On December 7, 2007, a settlement agreement was reached with the DOH which settled all issues arising from and related to the notice of violation. At the present time the City and Waste Management of Hawaii are fully cooperating and working with the EPA to address elevated underground temperatures at the landfill which are higher than anticipated, but which are not indicative of underground combustion conditions such as a fire. A detailed discussion of this item was provided in the DEIS, in Sections 2.3.2. U.S. Environmental Protection Agency and 5.7.3. Potential Impacts and Mitigation Measures (Air Quality).

It is important to note that throughout the events involving the DOH and EPA that self-reporting procedures have remained in place to notify governmental regulatory agencies of the operating practices and procedures applied at the landfill. At no time was the health and safety of the public at risk and we anticipate that based on these procedures that sufficient safeguards will continue to maintain public health and safety.

3. *"Throughout Section 5. 6 and 7 the cumulative impacts of the existing WGSL operation are not consistently nor systematically described in each category of environmental setting, public services and socioeconomic setting ... Examples of anticipated impacts that will be cumulative include those on flora, fauna, cultural resources and visual/aesthetic."*

The potential for secondary and cumulative impacts have been described separately in both the DEIS and FEIS, in Section 1.4, Secondary and Cumulative Impacts, and in other sections of the document.

4. *"Section 6-Public Services, Potential Impact and Mitigation Measures fail to quantitatively and/or qualitatively discuss impacts in each category. For example, historic statistics on fire and police responses to the WGSL should be provided as a baseline for demands created by current operations. These should be compared to anticipated demands following termination of operations on November 1 2009 and anticipated changes in demand should interim operations be continued at WGSL."*

Another example is the existing impacts of odors and windblown trash on public and resort facilities from the current operation. These need to be documented by records of complaints, anecdotal reports and prevailing wind conditions as a baseline for assessing termination of operations on November 1 2009, and an interim continuation of operations, including the viability of proposed mitigation measures.

The demands on the services of the State Department of Health should also be assessed due to the history of violation at the WGSL."

The Waimanalo Gulch Sanitary Landfill maintains appropriate and responsive relationships with the local fire and police departments, as well as the Department of Health and other relevant City and State agencies. See Section 15, Comments and Responses to the EISPN, which lists the fire and police comment letters regarding their belief that expansion of the WGSL will not adversely affect the level of commitment that these important institutions provide in maintaining public health and safety.

The Waimanalo Gulch Sanitary Landfill maintains an active litter and odor control program which is described in the DEIS. See Section 4.2.2. Operational Controls. An odor complaint file is maintained on-site. According to Waste Management, less than five complaints were received about odor and/or litter within the last 12 months. Not all of those complaints were verified.

Mr. Ken Williams
October 23, 2008
Page 4

Comments from the DOH regarding potential issues associated with the proposed project is a part of the EIS process. A copy of the DOH comments and the responses to their comments are provided in Section 16, Comments and Responses to the DEIS, which a part of the FEIS. Based on the comments received no adverse impacts to DOH services are anticipated.

5. *"Alternatives to the Proposed Action is flawed due to the inappropriate statement of project need, as discussed in item 1, above. Since an interim alternative is not a commitment to a long-term solution, the range of potential alternative sites and methods, or combinations thereof, available for evaluation is greatly expanded."*

The statement of need for the project has been properly prepared and is consistent with the requirements for the preparation of a Chapter 343, HRS, compliant EIS. The alternatives evaluated for the proposed project, as well as the preferred alternative, do not involve the consideration of an interim solution.

6. *"Due to the flawed statement of need, the proposed project, assessment of impacts and consideration of alternatives is also flawed. The Draft EIS was crafted around a pre-determined solution to an impasse in selecting a long-term landfill site. As a result, it does not comply with the rigorous decision-making rationale required by Chapter 343, HRS. Therefore, a new DEIS based on a more appropriate statement of need should be prepared."*

Please refer to the responses to Items 1, 3, and 5, above, concerning the preparation of the subject document in accordance with the requirements of Chapter 343, HRS. The subject DEIS does not have a predetermined outcome based on the nature of the document which serves the purpose of environmental disclosure. A new DEIS is therefore neither planned nor appropriate for preparation.

We appreciate this opportunity to respond. Any further written comments may be directed to Ms. Wilma Namunnart of our office at 768-3406.

Sincerely,



Eric S. Takamura, Ph.D., P.E.
Director

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.

LINDA LINGLE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
P.O. BOX 119, HONOLULU, HAWAII 96810

JUL - 9 2008

#15

RUSS K. SAITO
COMPTROLLER

BARBARA A. ANNIS
DEPUTY COMPTROLLER

(P)1195.8

Mr. Eric S. Takamura, Director
Department of Environmental Services
City and County of Honolulu
1000 Uluohia Street, Suite 308
Kapolei, Hawaii 96707


Dear Mr. Takamura:

Subject: Waimanalo Gulch Sanitary Landfill Expansion
Draft Environmental Impact Statement

Thank you for the opportunity to review the information regarding the subject project. We support the City and County of Honolulu's efforts in resolving the issues related to the island of Oahu's municipal refuse. We have no additional comments to offer at this time.

If there are any questions regarding the above, please have your staff call Mr. David DePonte of the Planning Branch at 586-0492.

Sincerely,



ERNEST Y. W. LAU
Public Works Administrator

DD:vca

c: Ms. Katherine Kealoha, OEQC
Mr. Henry Eng, City and County of Honolulu, Dept. of Planning and Permitting
Mr. Brian Takeda, R.M. Towill Corporation

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

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MUFI HANNEMANN
MAYOR



October 23, 2008

ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-095

Mr. Ernest Y. W. Lau
Public Works Administrator
State of Hawaii
Department of Accounting and General Services
P.O. Box 119
Honolulu, Hawaii 96810

Dear Mr. Lau:

Subject: Draft Environmental Impact Statement (DEIS)
Waimanalo Gulch Sanitary Landfill Expansion

Thank you for your letter dated July 9, 2008, concerning the subject project.
We appreciate your statement of support and acknowledge that you have no additional
comments to offer.

Any further written comments may be directed to Ms. Wilma Namumnart of our
office.

Sincerely,

Eric S. Takamura, Ph.D., P.E.
Director

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.



DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM

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#16

Ref. No. P-12180

July 10, 2008

Eric S. Takamura, Ph.D., P.E.
Director
Department of Environmental Services
City and County of Honolulu
1000 Uluohia Street
Kapolei, Hawaii 96707

Dear Dr. Takamura:

Re: Draft Environmental Impact Statement (EIS) for
Waimanalo Gulch Sanitary Landfill Lateral Expansion

Thank you for the opportunity to comment on the Draft EIS for the proposed Waimanalo
Gulch Sanitary Landfill Lateral Expansion to utilize the remaining 92.5 acres of the existing 200
acre property.

The Office of Planning believes that the Draft EIS does adequately disclose potential
impacts, alternatives, mitigating measures, and the secondary and cumulative impacts of those
areas cross-cutting state concern that we requested be addressed in our comments on the EIS
Preparation Notice.

The Office of Planning defers to the State Department of Health on whether impacts
relating to public health and safety of the proposed lateral expansion have been adequately
disclosed.

Should you have any questions, please contact Mary Alice Evans at 587-2802.

Sincerely,

Abbey Seth Mayer
Director

c: Brian Takeda, R.M. Towill Corp.
Steven Y.K. Chang, DOH, SHWB

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

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MUJI HANNEMANN
MAYOR



October 23, 2008

ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-088

Mr. Abbey Seth Mayer, Director
Office of Planning
State of Hawaii
Department of Business, Economic Development and Tourism
P.O. Box 2359
Honolulu, Hawaii 96804

Dear Mr. Mayer:

Subject: Draft Environmental Impact Statement (DEIS)
Waimanalo Gulch Sanitary Landfill Expansion

Thank you for your letter dated July 10, 2008 concerning the subject project. The following is prepared in response to your comments (your comments have been *italicized* for reference):

"The Office of Planning believes that the Draft EIS does adequately disclose potential impacts, alternatives, mitigating measures, and the secondary and cumulative impacts of those areas cross-cutting state concern that we requested be addressed in our comments on the EIS Preparation Notice."

We appreciate your review of the subject document and acknowledge this statement.


"The Office of Planning defers to the State Department of Health on whether impacts relating to public health and safety of the proposed lateral expansion have been adequately disclosed."

We acknowledge the deferral of potential issues involving public health and safety to the State Department of Health (DOH) and will respond to any concerns identified by the DOH concerning the DEIS in a separate letter.

Mr. Abbey Seth Mayer, Director
October 23, 2008
Page 2

We appreciated the time you have taken to review the subject document. Any further written comments may be directed to Ms. Wilma Namumart of our office.

Sincerely,


Eric S. Takamura, Ph.D., P.E.
Director

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.



#17



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

July 11, 2008

City & County of Honolulu
Department of Environmental Services
1000 Uluohia Street Suite 308
Kapolei, Hawaii 96707

Attention: Mr. Eric Takamura, Ph.D., P.E., Director

Gentlemen:

Subject: Waimanalo Gulch Sanitary Landfill Lateral Expansion, Ewa, Oahu, Tax Map
Key: (1) 9-2-3:por 72, 73

Thank you for the opportunity to review and comment on the subject matter. The Department of Land and Natural Resources' (DLNR) Land Division distributed or made available a copy of your report pertaining to the subject matter to DLNR Divisions for their review and comment.

Other than the comments from Engineering Division, Division of Forestry & Wildlife, Land Division, the Department of Land and Natural Resources has no other comments to offer on the subject matter. Should you have any questions, please feel free to call our office at 587-0433. Thank you.

Sincerely,

Morris M. Atta
Administrator

Cc: OEQC
RM Towill Corporation



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

May 27, 2008

MEMORANDUM

TO: DLNR Agencies:
 Div. of Aquatic Resources
 Div. of Boating & Ocean Recreation
 Engineering Division
 Div. of Forestry & Wildlife
 Div. of State Parks
 Commission on Water Resource Management
 Office of Conservation & Coastal Lands
 Land Division - Oahu District

FROM: Morris M. Atta, Administrator *M. Atta*
SUBJECT: Draft Environmental Impact Statement (DEIS) for Waimanalo Gulch Sanitary Landfill Lateral Expansion

LOCATION: Ewa, Oahu; TMK: (1) 9-2-003:por. 72 and por. 73

APPLICANT: City and County of Honolulu, Department of Environmental Services

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by July 3, 2008.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

- We have no objections.
- We have no comments.
- Comments are attached.

Signed: *Eric Takamura*
Date: 5/27/08

cc: Central Files

DEPARTMENT OF LAND AND NATURAL RESOURCES
ENGINEERING DIVISION

LD/Morris/MTA

Ref.: DEIS Waimanalo Gulch Landfill Expansion
Oahu.617

COMMENTS

- () We confirm that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Zone _____.
- () Please take note that the project site, according to the Flood Insurance Rate Map (FIRM), is located in Zone _____.
- () Please note that the correct Flood Zone Designation for the project site according to the Flood Insurance Rate Map (FIRM) is Zone D. The National Flood Insurance Program does not have any regulations for development within Zone D.
- () Please note that the project must comply with the rules and regulations of the National Flood Insurance Program (NFIP) presented in Title 44 of the Code of Federal Regulations (44CFR), whenever development within a Special Flood Hazard Area is undertaken. If there are any questions, please contact the State NFIP Coordinator, Ms. Carol Tyau-Beam, of the Department of Land and Natural Resources, Engineering Division at (808) 587-0267.

Please be advised that 44CFR indicates the minimum standards set forth by the NFIP. Your Community's local flood ordinance may prove to be more restrictive and thus take precedence over the minimum NFIP standards. If there are questions regarding the local flood ordinances, please contact the applicable County NFIP Coordinators below:

- () Mr. Robert Samitomo at (808) 768-8097 or Mr. Mario Siu Li at (808) 768-8098 of the City and County of Honolulu, Department of Planning and Permitting.
- () Mr. Kelly Gomes at (808) 961-8327 (Hilo) or Mr. Kiran Emler at (808) 327-3530 (Kona) of the County of Hawaii, Department of Public Works.
- () Mr. Francis Cerizo at (808) 270-7771 of the County of Maui, Department of Planning.
- () Mr. Mario Antonio at (808) 241-6620 of the County of Kauai, Department of Public Works.
- () The applicant should include project water demands and infrastructure required to meet water demands. Please note that the projects requiring water service from the Honolulu Board of Water Supply system will be required to pay a resource development charge, in addition to Water Facilities Charges for transmission and daily storage.
- () The applicant should provide the water demands and calculations to the Engineering Division so it can be included in the State Water Projects Plan Update.
- () Additional Comments: _____
- (X) Other: Our comments dated December 23, 2006 for the subject, which were incorporated and attached at the Draft Environmental Assessment document, still apply.

Should you have any questions, please call Ms. Suzie S. Agraan of the Planning Branch at 587-0258.

Signed: Eric T. Hirano
ERIC T. HIRANO, CHIEF ENGINEER

Date: 5/30/08

LINDA LINGLE
GOVERNOR OF HAWAII



LARREA H. THOLEN
CHAIRMAN
BOARD OF LAND AND NATURAL RESOURCES
COMMISSIONER OF WATER RESOURCES DEVELOPMENT

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

May 27, 2008

MEMORANDUM

TO: DLNR Agencies:
 Div. of Aquatic Resources
 Div. of Boating & Ocean Recreation
 Engineering Division
 Div. of Forestry & Wildlife
 Div. of State Parks
 Commission on Water Resource Management
 Office of Conservation & Coastal Lands
 Land Division - Oahu District

FROM: Morris M. Atta, Administrator *M. Atta*

SUBJECT: Draft Environmental Impact Statement (DEIS) for Waimanalo Gulch Sanitary Landfill Lateral Expansion

LOCATION: Ewa, Oahu; TMK: (1) 9-2-003:por. 72 and por. 73

APPLICANT: City and County of Honolulu, Department of Environmental Services

RECEIVED
MAY 29 10 43 AM '08

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by July 3, 2008.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

- We have no objections.
- We have no comments.
- Comments are attached.

Signed: Paul J. Conry
Date: JUN - 3 2008

cc: Central Files

PAUL J. CONRY, ADMINISTRATOR
DIVISION OF FORESTRY AND WILDLIFE



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

May 27, 2008

MEMORANDUM

From: TO:

DLNR Agencies:

- Div. of Aquatic Resources
- Div. of Boating & Ocean Recreation
- Engineering Division
- Div. of Forestry & Wildlife
- Div. of State Parks
- Commission on Water Resource Management
- Office of Conservation & Coastal Lands
- Land Division - Oahu District

TO: FROM:

FROM: Morris M. Atta, Administrator *M. Atta*

SUBJECT: Draft Environmental Impact Statement (DEIS) for Waimanalo Gulch Sanitary Landfill Lateral Expansion

LOCATION: Ewa, Oahu; TMK: (1) 9-2-003:por. 72 and por. 73

APPLICANT: City and County of Honolulu, Department of Environmental Services

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by July 3, 2008.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

- We have no objections.
- We have no comments.
- Comments are attached.

Signed: *Jaw*
Date: 5/28/08 *bc*

cc: Central Files

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

1000 LILUOPIA STREET, SUITE 308, KAPOLEI, HAWAII 98707
TELEPHONE: (808) 768-3466 • FAX: (808) 768-3467 • WEBSITE: <http://envhonolulu.org>

MUFI HANNEMANN
MAYOR



October 23, 2008

ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-098

Mr. Morris M. Atta, Administrator
Department of Land and Natural Resources
State of Hawaii
P.O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Atta:

Subject: Draft Environmental Impact Statement (DEIS)
Waimanalo Gulch Sanitary Landfill Expansion

Thank you for your letter dated July 11, 2008, concerning the subject project. The following has been prepared in response to your comments (your comments have been *italicized* for reference):

"Engineering Division:

Our comments dated December 23, 2006 for the subject, which were incorporated and attached at the Draft Environmental Assessment document, still apply."

We acknowledge that the comments of the Engineering Division dated December 23, 2006, have been incorporated into the DEIS document.

"Division of Forestry and Wildlife:

We have no comments."

"Land Division:

We have no comments."

We acknowledge that the Division of Forestry and Wildlife and the Land Division have no comments.

Mr. Morris M. Atta, Administrator
August 29, 2008
Page 2

We appreciate this opportunity to respond. Any further written comments may be directed to Ms. Wilma Namumart of our office.

Sincerely,



Eric S. Takamura, Ph.D., P.E.
Director

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.

Rec'd 7/22/08

#18

FAX (808) 594-1865

PHONE (808) 594-1888



STATE OF HAWAII
OFFICE OF HAWAIIAN AFFAIRS
711 KAPOLANI BOULEVARD, SUITE 500
HONOLULU, HAWAII 96813

HRD08/2765F

July 11, 2008

Eric Takamura
City and County of Honolulu
Department of Environmental Services
1000 Uluohia Street, Suite 308
Kapolei, Hawaii 'i 96707

RE: Draft Environmental Impact Statement (DEIS) Waimānalo Gulch Sanitary Landfill Lateral Expansion, O'ahu, TMK: 9-2-03:72 and 73.

Aloha e Eric Takamura,

The Office of Hawaiian Affairs (OHA) is in receipt of the above-mentioned letter dated May 20, 2008. OHA has reviewed the project and offers the following comments.

While OHA understands the need and pressures that surround this proposed action, OHA is concerned that this document focuses too narrowly on the isolated issue of expanding a landfill. We wish to see more of a pro-active and far-reaching effort centering on sustainable waste management.¹ This DEIS focuses on the 15 -year window of breathing room that the proposed action buys, and does not offer insight into finite planning for waste in Hawai'i. OHA is disappointed that this proposed project is not coordinated in any way reducing the current waste stream into the landfill.² There is a demonstrated need to explore how other communities are efficiently dealing with their waste streams. An active recycling program, incentives, taxes, alternative technologies and regulations are just of the few low-hanging fruit that should be taken advantage of.

¹ Both our December, 2006 and September, 2007 comment letters made this specific point.

² See page 1-35 of the DEIS.

In November of 2006, OHA commented, "We also recommend that you conceive of the project area as a portion of a larger traditional cultural landscape; and, that the possible presence of one or more Traditional Cultural Properties (TCPs) is considered in your CIA (Cultural Impact Statement)." OHA has made a field visit to the project site and we noted three significant cultural features that were still intact in the project area. We are also aware of the probable existence of others yet to be discovered in the project area. OHA is further saddened that the larger setting that this project sits in is one that has been highly developed and degraded. Therefore, what TCPs that remain must be protected.

We appreciate that a cultural assessment has been made; however, it is important to note that OHA has consistently recommended that the three large upright boulders potentially used as trail markers that constitute State Inventory of Historic Properties (SIHP) site # 50-8012-6903 should be preserved in place. These features would likely be determined to be significant due to information content (criteria D) and traditional cultural significance (criteria E) under the Hawai'i Register of Historic Places.³

Not only OHA, but also all the cultural consultants contacted by the applicant recommend the same course of action.⁴ If the uprights are removed as the applicant first proposes on page 1-22 of the DEIS, then what they mark will be lost as well. There is little point on making them more accessible, as is also proposed, because they are thought to be boundary markers; it is what the stones delineate, not the stones themselves that is more relevant in this place. Access for cultural practitioners should also be considered as is indicated on page 1-31 of the DEIS.

OHA objects to the determination made on page 7-82 of the DEIS which states "Considering the use of the site as a landfill, preservation in place (of site # 50-8012-6903) is not thought to be an appropriate mitigation treatment for the stones, considering their cultural sensitivity." Using the very significance of the stones to destroy their relevance is callous and unfair. OHA also finds it odd that this DEIS repeatedly calls to remove site # 50-8012-6903 (see also pages 7-123 and 124) yet then on page 11-1 sites the preservation of the stone uprights as an unresolved issue to "develop and define an appropriate course of preservation." Once again, OHA states that due to the admitted cultural significance of site # 50-8012-6903, they should be preserved in place.

The DEIS mentions environmental injustice on page 1-15 and indicates that "Leeward O'ahu is on the receiving end of many of O'ahu's burdens." The Environmental Protection Agency (EPA) defines this concept as the "fair treatment for people of all races, cultures, and incomes, regarding the development of environmental laws, regulations, and policies." Table 7-1 of the DEIS shows that Wai'anae county has a resident population of 42, 259 while 'Ewa has 68,696. OHA notes that the Native

³ See, pages 7-73 and 7-81 of the DEIS.

⁴ See page 1-21 of the DEIS.

Hawaiian populations in those two counties are among the highest on O'ahu at 65% and 61% respectively.⁵

We express concern that Native Hawaiian populations are bearing a disproportionate amount of adverse health and environmental effects in this area stemming from what this DEIS on page 1-13 lists as odor, windblown litter, and visual impacts. The DEIS on page 7-21 states that within a 10-mile radius of the project area there are two separate landfills, two existing electrical power plants, a proposed new power generator plant, a deep draft harbor, and an industrial park all of which service the entire island. This is the very definition of environmental injustice. OHA points out there is also a large number of homeless people that have settled there from other areas of the island as well, which this community is now supporting.

The DEIS does little to compensate for these inequalities and even states that "condominium analysis shows a significant correlation of increased value and proximity to the landfill." As such, OHA inquires as to whether or not the applicant actually asserts that living next to the landfill is more beneficial in terms of property value, health, and aesthetics.

The applicant claims on page 1-32 of the DEIS that "The proposed project provides for the safe and effective disposal of municipal refuse for all the communities of O'ahu." However, OHA notes that this landfill has been in violation with both state department of health and federal EPA regulations. Further, the landfill was supposed to have ceased operations in May of this year and not benefited from a 2007 application to amend the Special Use Permit which eventually allowed this landfill to remain in operation. The proposed action will only add further burdens to our beneficiaries in these areas.

There are further impacts as well, such as the potential for run-off from the site to effect water quality in the area, including the velocity of the run-off. The DEIS on page 1-7 directly states that "There is potential for leachate entering brackish groundwater from the landfill." Additional retention basins, leachate and gas systems are needed as well as the accompanying monitoring that they require. After the fact permit modifications should no longer be granted. OHA is also concerned about the effect that the leachate has on the wastewater treatment plant in the area as well as the eventual final outflow that results from it.

Additionally, OHA would also like to suggest that the current project area (and future if permitted) be landscaped with drought tolerant native or indigenous species that are common to the area. Any invasive species should also be removed. Doing so would not only serve as practical water-saving landscaping practices, but also serve to further

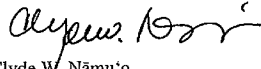
⁵ See the 2001 state census as well as the Native Hawaiian Data Book.

Eric Takamura
July 11, 2008
Page 4

the traditional Hawaiian concept of mālama 'āina and create a more Hawaiian sense of place. This would also help to reduce the amount of impervious surfaces in the project area, thereby reducing runoff as well. OHA also recommends tree and landscape planting used to shade parking areas and provide shade and cooling to building elements and outdoor use areas. The final plans for this project should include restoration of the native environment.

Thank you for the opportunity to comment. If you have further questions, please contact Grant Arnold at (808) 594-0263 or e-mail him at granta@oha.org.

'O wau iho nō me ka 'oia 'i'o,



Clyde W. Nāmu'o
Administrator

C: Office of Environmental Quality Control
235 S. Beretania St., Suite 702
Honolulu, Hawai'i 96813

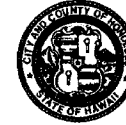
C: Brian Takeda
R.M. Towill Corporation
2024 N. King Street #200
Honolulu, Hawai'i 96819

C: Henry Eng
City and County of Honolulu
Department of Planning and Permitting
650 South King Street, 7th Floor
Honolulu, Hawai'i 96813

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

1000 ULUOHA STREET, SUITE 308, KAPOLEI, HAWAII 96707
TELEPHONE: (808) 768-3486 • FAX: (808) 768-3497 • WEBSITE: <http://env/honolulu.org>

MUFI HANNEMANN
MAYOR



October 23, 2008

ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-120

Mr. Clyde W. Nāmu'o, Administrator
State of Hawaii
Office of Hawaiian Affairs
711 Kapiolani Boulevard, Suite 500
Honolulu, Hawaii 96813

Dear Mr. Nāmu'o:

Subject: Draft Environmental Impact Statement (DEIS)
Waimanalo Gulch Sanitary Landfill Expansion

We acknowledge your letter dated July 11, 2008, received by our office on July 22, 2008, concerning the subject project. The following is in response to your comments (your comments have been *italicized* for reference):

1. *"While OHA understands the need and pressures that surround this proposed action, OHA is concerned that this document focuses too narrowly on the isolated issue of expanding a landfill. We wish to see more of a pro-active and far-reaching effort centering on sustainable waste management.¹ This DEIS focuses on the 15 -year window of breathing room that the proposed action buys, and does not offer insight into finite planning for waste in Hawai'i. OHA is disappointed that this proposed project is not coordinated in any way reducing the current waste stream into the landfill.² There is a demonstrated need to explore how other communities are efficiently dealing with their waste streams. An active recycling program, incentives, taxes, alternative technologies and regulations are just of the few low-hanging fruit that should be taken advantage of."*

Footnotes:

¹ Both our December, 2006 and September, 2007 comment letters made this specific point."

² See page 1-35 of the DEIS."

The purpose of the DEIS is to address Chapter 343, HRS, requirements relating to the preparation of an Environmental Impact Statement for the planned lateral expansion of the WGSL for 15 or more years. The City's Integrated Solid Waste Management Plan is currently being updated and will provide policy guidance with regard to the overall use and relationship between landfilling and waste reduction strategies such as recycling, alternative waste reduction or elimination technologies, and waste transshipment. Although all options will continue to be pursued by the City, the use of landfilling remains the single most viable option for the disposal of MSW and H-POWER generated ash and residue. According to the DEIS,

"There are several alternative technologies and the transshipment of waste that show promise toward reducing the need for landfills. The generation of MSW that exceeds the processing capacity of H-POWER as well as the generation of ash and residue, however, requires that facilities such as a municipal waste landfill be a part of the City's long term waste management system." (Section 9.7. Preferred Alternative).

2. *"In November of 2006, OHA commented, "We also recommend that you conceive of the project area as a portion of a larger traditional cultural landscape; and, that the possible presence of one or more Traditional Cultural Properties (TCPs) is considered in your CIA (Cultural Impact Statement)." OHA has made a field visit to the project site and we noted three significant cultural features that were still intact in the project area. We are also aware of the probable existence of others yet to be discovered in the project area. OHA is further saddened that the larger setting that this project sits in is one that has been highly developed and degraded. Therefore, what TCPs that remain must be protected."*

The evaluation of the stone uprights as a "TCP" will be based on a review of these features in accordance with the requirements of applicable Federal and State law for this designation. This evaluation will be performed by a qualified archaeological and cultural resource consultant and reviewed by the State Historic Preservation Division (SHPD) for applicability. We add that while this evaluation will be performed, it has always been the City's intent that the stone uprights be treated in a manner consistent with its future preservation.

"We appreciate that a cultural assessment has been made; however, it is important to note that OHA has consistently recommended that the three large upright boulders potentially used as trail markers that constitute State Inventory of Historic Properties (SIHP) site # 50-8012-6903 should be preserved in place. These features would likely be determined to be significant due to information content (criteria D) and traditional cultural significance (criteria E) under the Hawai'i Register of Historic places."³

"Not only OHA, but also all the cultural consultants contacted by the applicant recommend the same course of action.⁴ If the uprights are removed as the applicant first proposes on page 1-22 of the DEIS, then what they mark will be lost as well. There is little point on making them more accessible, as is also proposed, because they are thought to be boundary markers; it is what the stones delineate, not the stones themselves that is more relevant in this place. Access for cultural practitioners should also be considered as is indicated on page 1-31 of the DEIS."

"OHA objects to the determination made on page 7-82 of the DEIS which states "Considering the use of the site as a landfill, preservation in place (of site # 50-8012-6903) is not thought to be an appropriate mitigation treatment for the stones, considering their cultural sensitivity." Using the very significance of the stones to destroy their relevance is callous and unfair. OHA also finds it odd that this DEIS repeatedly calls to remove site # 50-8012-6903 (see also pages 7-123 and 124) yet then on page 1 1-1 sites the preservation of the stone uprights as an unresolved issue to "develop and define an appropriate course of preservation." Once again, OHA states that due to the admitted cultural significance of site # 50-8012-6903, they should be preserved in place."

Footnotes:

³ See, pages 7-73 and 7-81 of the DEIS."

⁴ See page 1-21 of the DEIS."

The restatement of OHA's position that the stones be preserved in place is noted. At this time the City is continuing to work with the SHPD and members of the community that have been identified by SHPD as important parties to the process. The final decision regarding the manner of preservation for the uprights will be determined by the SHPD.

3. *"The DEIS mentions environmental injustice on page 1-15 and indicates that "Leeward O'ahu is on the receiving end of many of O'ahu's burdens." The Environmental Protection Agency (EPA) defines this concept as the "fair treatment for people of all races, cultures, and incomes, regarding the development of environmental laws, regulations, and policies." Table 7-1 of the DEIS shows that Wai'anae county has a resident population of 42, 259 while 'Ewa has 68,696. OHA notes that the Native Hawaiian populations in those two counties are among the highest on O'ahu at 65% and 61% respectively."⁵*

"We express concern that Native Hawaiian populations are bearing a disproportionate amount of adverse health and environmental effects in this area stemming from what this DEIS on page 1-13 lists as odor, windblown litter, and visual impacts. The DEIS on page 7-21 states that within a 10-mile radius of the project area there are two separate landfills, two existing electrical power plants, a proposed new power generator plant, a deep draft harbor, and an industrial park all of which service the entire island. This is the very definition of environmental injustice. OHA points out there is also a large number of homeless people that have settled there from other areas of the island as well, which this community is now supporting."

"The DEIS does little to compensate for these inequalities and even states that "condominium analysis shows a significant correlation of increased value and proximity to the landfill." As such, OHA inquires as to whether or not the applicant actually asserts that living next to the landfill is more beneficial in terms of property value, health, and aesthetics."

Footnote:

⁵ See the 2001 state census as well as the Native Hawaiian Data Book."

According to the DEIS, Section 9, Alternatives to the Proposed Action, a major part of the reason for identifying Waimanalo Gulch as the preferred alternative from the standpoint of its physical location, is based on the assessment of: EPA Exclusionary Criteria involving physical features advantageous to the siting of a landfill; alternative sites that are located in areas which have since been developed or which are closed landfills with no further expansion potential; Board of Water Supply and Department of Health considerations that involve the need to protect our groundwater supply; and other factors involving the life of the site. The selection of Waimanalo Gulch as the preferred alternative due to the presence of residents with selected characteristics was never a part of the evaluation process.

The correct reference to the presence of public and private facilities is on Page 7-28 of the DEIS. The context for citing this information is that, "A number of interviewees point out that Leeward Oahu has been and continues to remain on the receiving end of many of Oahu's burdens." The current Administration recognizes this as a major concern of the community and as noted in the DEIS, has provided \$2.7 million in 2007 as part of a community benefits package with a further distribution of \$2.0 million in 2008. They expect that participation and the benefits provided will continue to evolve as they gain experience in working with the community. (Page 7-20). Other mitigative measures to further address the potential for impacts to the surrounding community have also been identified in Section 7.1.5., Socioeconomic Mitigation Measures.

4. *"The applicant claims on page 1-32 of the DEIS that "The proposed project provides for the safe and effective disposal of municipal refuse for all the communities of O'ahu." However, OHA notes that this landfill has been in violation with both State Department of Health and Federal EPA regulations. Further, the landfill was supposed to have ceased operations in May of this year and not benefited from a 2007 application to amend the Special Use Permit which eventually allowed this landfill to remain in operation. The proposed action will only add further burdens to our beneficiaries in these areas."*

It is acknowledged that prior violations involving the State Department of Health (DOH) and the Environmental Protection Agency (EPA) have occurred in the past at the Waimanalo Gulch Sanitary Landfill. On December 7, 2007, a settlement agreement was reached with the DOH which settled all issues arising from and related to the notice of violation. At the present time the City and Waste Management of Hawaii are fully cooperating and working with the EPA to address elevated underground temperatures at the landfill which are higher than anticipated, but which are not indicative of underground combustion conditions such as a fire. A detailed discussion of this item was provided in the DEIS, in Sections 2.3.2. U.S. Environmental Protection Agency and 5.7.3. Potential Impacts and Mitigation Measures (Air Quality).

It is important to note that throughout the events involving the DOH and EPA that self-reporting procedures have remained in place to notify governmental regulatory agencies of the operating practices and procedures applied at the landfill. At no time was the health and safety of the public at risk and we anticipate that based on these procedures that sufficient safeguards will continue to maintain public health and safety.

The purpose of the recent amendment to the Special Use Permit which allows Waimanalo Gulch Sanitary Landfill to remain in operation is to allow for the necessary disposal of MSW and H-POWER associated ash and residue. Without this capability the City would be left with no viable means of disposing of Oahu's refuse. Please refer to the response to Item 3, above, concerning the City's community benefits package.

5. *"There are further impacts as well, such as the potential for run-off from the site to effect water quality in the area, including the velocity of the run-off. The DEIS on page 1-7 directly states that "There is potential for leachate entering brackish groundwater from the landfill." Additional retention basins, leachate and gas systems are needed as well as the accompanying monitoring that they require. After the fact permit modifications should no longer be granted. OHA is also concerned about the effect that the leachate has on the wastewater treatment plant in the area as well as the eventual final outflow that results from it."*

The potential for leachate entering brackish groundwater is provided in the DEIS, Section 5.5.5. Potential Impacts and Mitigation Measures. This section acknowledges that potential impacts to groundwater resources involve the possible release or entry of leachate entering brackish groundwater. Mitigation to address this concern is provided by use of a Leachate Collection and Removal System. Other measures associated with the protection of groundwater resources are described.

The description and use of retention basins, leachate recovery, and gas control systems that serve to mitigate potential impacts are provided in the DEIS and describe both the existing and proposed future features of the landfill. Further detail can be found in the DEIS sections:

<u>Subject</u>	<u>DEIS Section</u>
Retention Basins	4.6. Stormwater Management
	4.6.1. Drainage Control System
	4.6.2. Erosion Controls
Leachate	5.4.1. Drainage Control System
	5.4.1. Potential Impacts and Mitigation Measures
	4.1.2. Features of Construction of Lateral Expansion
	4.1.5. Liner and Final Cover Systems
Gas Collection	5.4.1. Drainage Control System
	5.4.2. Potential Impacts and Mitigation Measures
	4.1.2. Features of Construction of Lateral Expansion
	4.2.3. Environmental Controls
	4.7. Regulation of Air Quality
	5.7.2. Landfill Associated Gas Emissions
	5.7.3. Potential Impacts and Mitigation Measures

Mr. Clyde W. Nāmu'o, Administrator
October 23, 2008
Page 6

According to the operator of the Waianae Wastewater Treatment Plant, leachate collected for treatment and disposal from the Waimanalo Gulch Sanitary Landfill, "...has not changed the water quality near the outfall and the sampling at the outfall shows all are in compliance with State Department of Health regulation. The plant has continuously met minimum State and Federal water quality requirements." (See DEIS Section 15. Comments and Responses to Environmental Impact Statement Preparation Notice, response letter to Cynthia K.L. Rezentes, Attachment, dated October 2, 2007).

6. *"Additionally, OHA would also like to suggest that the current project area (and future if permitted) be landscaped with drought tolerant native or indigenous species that are common to the area. Any invasive species should also be removed. Doing so would not only serve as practical water-saving landscaping practices, but also serve to further the traditional Hawaiian concept of mālama 'āina and create a more Hawaiian sense of place. This would also help to reduce the amount of impervious surfaces in the project area, thereby reducing runoff as well. OHA also recommends tree and landscape planting used to shade parking areas and provide shade and cooling to building elements and outdoor use areas. The final plans for this project should include restoration of the native environment."*

Existing and future planned landscaping will incorporate the use of drought tolerant species as much as possible as a water conservation measure. As applicable, native species will be used and plantings of trees to provide shade for the parking and building areas of the landfill will be provided. The removal of alien species to completely restore the native environment, however, is not considered feasible. As noted in the DEIS, Appendix E, Botanical Resources Report for Alternative Municipal Refuse Disposal Sites on the Island of O'ahu,

"The results of all botanical surveys and searches of pertinent sources of information indicate that there are no special concerns or legal constraints related to botanical resources on any of the proposed sites. Non-native or introduced species of plants clearly dominate the natural vegetation in all areas proposed for landfill use, and the remnants of native vegetation extant on or near these sites consists of generally sparse growth of a limited number of species that remain relatively common in all undeveloped lowlands around Oahu."

We appreciate this opportunity to respond. Any further written comments may be directed to Ms. Wilma Namumnat of our office at 768-3406.

Sincerely,



Eric S. Takamura, Ph.D., P.E.
Director

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.

BOARD OF WATER SUPPLY

CITY AND COUNTY OF HONOLULU
630 SOUTH BERETANIA STREET
HONOLULU, HI 96843

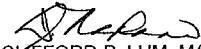


July 14, 2008

MUFI HANNEMANN, Mayor
RANDALL Y. S. CHUNG, Chairman
SAMUEL T. HATA
ALLY J. PARK
ROBERT K. CUNDIFF
MARC C. TILKER
CRAIG I. NISHIMURA, Ex-Officio
BRENNON T. MORIOKA, Ex-Officio
CLIFFORD P. LUM
Manager and Chief Engineer
DEAN A. NAKANO
Deputy Manager and Chief Engineer

#19

TO: DR. ERIC S. TAKAMURA, Ph.D., P.E., DIRECTOR
DEPARTMENT OF ENVIRONMENTAL SERVICES

FROM:  for CLIFFORD P. LUM, MANAGER AND CHIEF ENGINEER

SUBJECT: YOUR TRANSMITTAL DATED MAY 20, 2008 OF THE
DRAFT ENVIRONMENTAL IMPACT STATEMENT FOR
THE WAIMANALO GULCH SANITARY LANDFILL LATERAL
EXPANSION, EWA, OAHU, TMK: 9-02-03: PORTIONS 72 AND 73

Thank you for the opportunity to review and comment on the subject document.

We have no objections to the proposed project.

If you have any questions, please contact Scot Muraoka at 748-5942.

cc: Department of Planning and Permitting
Office of Environmental Quality Control
R.M. Towill Corporation

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>

MUFU HANNEMANN
MAYOR



October 23, 2008

ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-100

MEMORANDUM

TO: CLIFFORD P. LUM, MANAGER AND CHIEF ENGINEER
BOARD OF WATER SUPPLY

FROM: 
ERIC S. TAKAMURA, PH.D., P.E., DIRECTOR
DEPARTMENT OF ENVIRONMENTAL SERVICES

SUBJECT: DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)
WAIMANALO GULCH SANITARY LANDFILL EXPANSION

Thank you for your memorandum dated July 14, 2008, concerning the subject project. We acknowledge that you have no objections to the proposed project.

Should you have any further written comments they may be directed to Ms. Wilma Namumart of our office at 768-3406.

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 3378
HONOLULU, HAWAII 96801-3378

CHYOME L. FUKINO, M.D.
DIRECTOR OF HEALTH

#20

In reply, please refer to:
EMDSHWB

July 15, 2008

S0730LO

Mr. Eric S. Takamura, P.E., Director
Department of Environmental Services
City and County of Honolulu
1000 Uluohia St., Suite 308
Kapolei, HI 96707

Dear Mr. Takamura:

SUBJECT: Waimanalo Gulch Sanitary Landfill Expansion
Final Environmental Impact Statement (EIS)

Thank you for the opportunity to review and provide comments on this document. The Solid Waste Section (SWS) offers the following comments:

1. In our comments on the Waimanalo Gulch Landfill Expansion Preparation Notice, the SWS noted its concern over the designated 100-foot buffer on the boundary with the proposed Makaiwa Hills residential development. In your letter of May 12, 2007 you noted nuisance control measures to be implemented along that border in addition to the 100-foot buffer without actually increasing the size of the buffer zone.

We maintain our position that the 100-foot buffer is inadequate to sufficiently ameliorate landfill impacts on the proposed residential development and instead recommend a 750 to 1,000-foot buffer. Such a buffer would be more effective in containing the impacts of landfill activities within the facility boundaries.
2. Table 4-1, page 4-1. The DOH recommends amending this table to reflect expansion and soil usage estimates for MSW and ash cells separately.
3. Section 5.4.1, page 5-11. Figure 5-3, Surface Water Plan: Figure 5-3 shows the Western Drainage System with the detention basin above the present landfill. The accompanying discussion indicates that this depiction is applicable for the preferred expansion. This is incorrect and would leave a question as to whether or not a detention basin is still being contemplated. The DOH recommends a

Mr. Eric S. Takamura
July 15, 2008
Page 2

later version of the Western Drainage System be used that reflects the deletion of the detention pond.

If you have any questions regarding this letter, please contact me at (808) 586-4226.

Sincerely,


STEVEN Y.K. CHANG, P.E., CHIEF
Solid and Hazardous Waste Branch

c: Abbey Sethmayer, DBEDT/OP

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

1000 ULUOHA STREET, SUITE 308, KAPOLEI, HAWAII 96707
TELEPHONE: (808) 768-3486 • FAX: (808) 768-3487 • WEBSITE: <http://emv.honolulu.org>

MUFI HANNEMANN
MAYOR



October 23, 2008

ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-121

Mr. Steven Y.K. Chang, P.E., Chief
Solid and Hazardous Waste Branch
State of Hawaii
Department of Health
P.O. Box 3378
Honolulu, Hawaii 96801-3378

Dear Mr. Chang:

Subject: Draft Environmental Impact Statement (DEIS)
Waimanalo Gulch Sanitary Landfill Expansion

Thank you for your letter dated July 15, 2008, concerning the subject project. The following is prepared in response to your comments (your comments have been *italicized* for reference):

"1. *In our comments on the Waimanalo Gulch Landfill Expansion Preparation Notice, the SWS noted its concern over the designated 100-foot buffer on the boundary with the proposed Makaiwa Hills residential development. In your letter of May 12, 2007 you noted nuisance control measures to be implemented along that border in addition to the 100-foot buffer without actually increasing the size of the buffer zone.*

We maintain our position that the 100-foot buffer is inadequate to sufficiently ameliorate landfill impacts on the proposed residential development and instead recommend a 750 to 1,000-foot buffer. Such a buffer would be more effective in containing the impacts of landfill activities within the facility boundaries."

The 100-foot buffer was initially suggested to us as a minimal buffer to provide for mitigation of potential nuisances. In some instances an increased area of buffer may be warranted to allow for landscaping and other mitigative control measures. This area of buffer however, should not be arbitrarily assigned given that grading and excavation will be required to establish cells and other structural elements of the landfill. In these instances, while some earthwork will be required within proximity to the 100-foot buffer, the completion of this initial work will make possible two important features: (1) the establishment of proper landfill slopes will make possible the implementation of improved mitigative control measures such as landscaping, such that the area of buffer would exceed the minimum 100-feet, e.g., landscaping is expected to be facilitated on newly excavated soils rather than the existing unworked soils; and (2) the area of landfill use will be maximized thereby promoting the efficient use of the site.

Mr. Steven Y.K. Chang, P.E., Chief
October 23, 2008
Page 2

- "2. Table 4-1, page 4-1. The DOH recommends amending this table to reflect expansion and soil usage estimates for MSW and ash cells separately."

The detailed configuration and location of the individual MSW and Ash cells within the expansion area are identified in the DEIS. The soil usage estimates for construction of these cells will be dependant on the final field configuration of the individual MSW and ash disposal cells. While these specific estimates of use are not known at this time, it should be noted that the amount of excavated material produced during the expansion will result in a surplus of available cell construction and daily cover material.

- "3. Section 5.4.1, page 5-11. Figure 5-3, Surface Water Plan: Figure 5-3 shows the Western Drainage System with the detention basin above the present landfill. The accompanying discussion indicates that this depiction is applicable for the preferred expansion. This is incorrect and would leave a question as to whether or not a detention basin is still being contemplated. The DOH recommends a later version of the Western Drainage System be used that reflects the deletion of the detention pond."

Thank you for noting this error. A correct copy of the surface water control system will be provided in the forthcoming Final EIS for this project. As you have noted the detention basin has been deleted.

We appreciate this opportunity to respond. Any further written comments may be directed to Ms. Wilma Namumhart of our office at 768-3406.

Sincerely,



Eric S. Takamura, Ph.D., P.E.
Director

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.



July 16, 2008

EIS
#21

Eric S. Takamura, Ph.D. - Director
Department of Environmental Services
City & County of Honolulu
1000 Uluohia Street - Suite 308
Kapolei, HI 96707

Dear Dr. Takamura:

**Re: Waimanalo Gulch Sanitary Landfill
Lateral Expansion
Waimanalo Gulch, Oahu
TMK: 9-2-3: Portion 72 & Portion 73**

Thank you for the opportunity to comment on the draft EIS of above-referenced project. Hawaiian Electric Company, Inc. (HECO) has no objections at this time. The following comments were received from our Engineering and Construction & Maintenance Departments:

- (1) Engineering/Transmission & Distribution Division (Hsun Jou, 543-7527). HECO has existing overhead facilities within the subject property and will require continued access for maintenance purposes.

Should it become necessary to relocate HECO's facilities, please immediately submit a request in writing and we will work with you so that construction of the project may proceed as smoothly as possible. Please note that there may be costs associated with any relocation work, and that such costs may be borne by the requestor. Because any redesign or relocation of HECO's facilities may cause lengthy delays, upon determination that HECO facilities will need to be relocated, HECO should be notified immediately in order to minimize any delays in or impacts on the project schedule.

We appreciate your efforts to keep us apprised of the planning process. As the project progresses, please continue to keep us informed. We will be better able to evaluate any effects on our system facilities further along in the project's development. We request that development plans show all affected HECO facilities, and address any conflicts between the proposed plans and HECO's existing facilities. Please forward the pre-final development plans to HECO for review.

Eric S. Takamura, Ph.D.
July 16, 2008
Page Two

- (2) Engineering/Telecommunications Section (Dixon Lau, 543-7543). Section 6.4.1, Power and Communication Facilities (p. 6-12) of the DEIS states, "A separate easement crossing the present landfill access road is also held by HECO for periodic maintenance of the overhead lines." The document is not definitive as to whether this easement is the same easement used by HECO to gain access to its existing telecommunications facility at Kahe Point near Battery Arizona. The easement for this access crosses over Ash Cell 4, Ash Cell 5, MSW Cell 4B and MSW Cell 5. This telecommunications facility provides critical communications interconnectivity for our Kahe Power Plant to the rest of the HECO system. As such, access to the site is required year-round, 24/7. We would appreciate that this concern be addressed in the final EIS.

Please keep us informed in the same manner as requested above by our Transmission & Distribution Division. We request that the development plans reflect and highlight any conflicts that will affect access to our Kahe Point telecommunications facility.

- (3) Engineering/Structural Division (Roy Noda, 543-7067). The planned expansion is further mauka of the existing landfill and near the top of the ridgeline, which will impact our Kahe Power Plant as follows: (i) airborne debris from wind gusts will carry over the ridge and come down on HECO's 138kV Switching Station and other plant facilities; and (ii) the bird population may grow and result in increased nesting and littering problems within the plant facilities.
- (4) Construction & Maintenance (Paul Nakagawa, 543-7062). We will need continued access to our facilities for maintenance purposes, as covered by our existing easement(s). Should relocation or additional facilities be required, a formal request should be submitted and coordinated through appropriate HECO department(s).

To ensure HECO's continuing input in this project, I suggest dealing directly with the points of contact noted above. Thank you again for the opportunity to comment.

Sincerely,

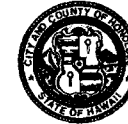


Kirk S. Tomita
Senior Environmental Scientist

cc: Henry Eng, FAICP (C&C DP&P)
Mr. Brian Takeda (R.M. Towill Corp.)
H. Jou/R. Tamayo/M. Lum
D. Lau/R. Shiroma/C. Emoto/
D. Fukunaga/P. Hauret
R. Noda
P. Nakagawa

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

1000 ULUOHA STREET, SUITE 308, KAPOLEI, HAWAII 96707
TELEPHONE: (808) 768-3486 • FAX: (808) 768-3487 • WEBSITE: <http://envhono.hawaii.gov>



October 23, 2008

MUFI HANNEMANN
MAYOR

ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-122

Mr. Kirk S. Tomita
Senior Environmental Scientist
Hawaiian Electric Company, Inc.
P.O. Box 2750
Honolulu, Hawaii 96840-0001

Dear Mr. Tomita:

Subject: Draft Environmental Impact Statement (DEIS)
Waimanalo Gulch Sanitary Landfill Expansion

Thank you for your letter dated July 16, 2008, concerning the subject project and your statement that HECO has no objections to the proposed project at this time. The following has been prepared in response to comments from your Engineering and Construction & Maintenance Departments (the comments have been *italicized* for reference):

- (1) *"Engineering/Transmission & Distribution Division (Hsun Jou, 543-7527). HECO has existing overhead facilities within the subject property and will require continued access for maintenance purposes.*

Should it become necessary to relocate HECO's facilities, please immediately submit a request in writing and we will work with you so that construction of the project may proceed as smoothly as possible. Please note that there may be costs associated with any relocation work, and that such costs may be borne by the requestor. Because any redesign or relocation of HECO's facilities may cause lengthy delays, upon determination that HECO facilities will need to be relocated, HECO should be notified immediately in order to minimize any delays in or impacts on the project schedule.

We appreciate your efforts to keep us apprised of the planning process. As the project progresses, please continue to keep us informed. We will be better able to evaluate any effects on our system facilities further along in the project's development. We request that development plans show all affected HECO facilities, and address any conflicts between the proposed plans and HECO's existing facilities. Please forward the pre-final development plans to HECO for review."

Mr. Kirk S. Tomita
October 23, 2008
Page 2

We acknowledge your comments and need for continued access to overhead facilities. Although the relocation of HECO facilities is not anticipated and will not be required at this time, any future requirements will be coordinated with HECO. The prefinal plans for the proposed project will be submitted to you for review.

- (2) *"Engineering/Telecommunications Section (Dixon Lau, 543-7543). Section 6.4.1, Power and Communication Facilities (p. 6-12) of the DEIS states, "A separate easement crossing the present landfill access road is also held by HECO for periodic maintenance of the overhead lines." The document is not definitive as to whether this easement is the same easement used by HECO to gain access to its existing telecommunications facility at Kahe Point near Battery Arizona. The easement for this access crosses over Ash Cell 4, Ash Cell 5, MSW Cell 48 and MSW Cell 5. This telecommunications facility provides critical communications interconnectivity for our Kahe Power Plant to the rest of the HECO system. As such, access to the site is required year-round, 24/7. We would appreciate that this concern be addressed in the final EIS.*

Please keep us informed in the same manner as requested above by our Transmission & Distribution Division. We request that the development plans reflect and highlight any conflicts that will affect access to our Kahe Point telecommunications facility."

We appreciate this point of clarification concerning easements near Battery Arizona that also cross the Ash and MSW cells. This will be addressed in Section 6.4.1. Power and Communications Facilities, in the FEIS. Project activities that have the potential to affect the Kahe Power Plant facility will also be coordinated with your Engineering Department.

- (3) *"Engineering/Structural Division (Roy Noda, 543-7067). The planned expansion is further mauka of the existing landfill and near the top of the ridgeline, which will impact our Kahe Power Plant as follows: (i) airborne debris from wind gusts will carry over the ridge and come down on HECO's 138kV Switching Station and other plant facilities; and (ii) the bird population may grow and result in increased nesting and littering problems within the plant facilities."*

We acknowledge your comment and will address these concerns in the Final EIS. In general, the control of windblown litter will continue to be addressed as provided in Section 4.2.3. Environmental Controls, subsections on Litter and Cover Soil, in the FEIS. The control of birds will also continue to be provided by promoting the immediate covering of odorous waste with soil cover to discourage foraging. While current efforts have been effective it is recognized that continued diligence will be necessary to maintain the safety of the Kahe Power Plant facility.

Mr. Kirk S. Tomita
October 23, 2008
Page 3

- (4) *"Construction & Maintenance (Paul Nakagawa, 543-7062). We will need continued access to our facilities for maintenance purposes, as covered by our existing easement(s). Should relocation or additional facilities be required, a formal request should be submitted and coordinated through appropriate HECO department(s)."*

We acknowledge the existing easements and need for access for maintenance purposes. Should any future relocation or additional facilities be required a formal request will be submitted to the appropriate HECO departments by the City or operator.

We appreciate this opportunity to respond. Any further written comments may be directed to Ms. Wilma Namunnart of our office at 768-3406.

Sincerely,



Eric S. Takamura, Ph.D., P.E.
Director

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.

LINDA LINGLE
GOVERNOR OF HAWAII



LAURA H. THEILEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

#22



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

July 21, 2008

City & County of Honolulu
Department of Environmental Services
1000 Uluohia Street Suite 308
Kapolei, Hawaii 96707

Attention: Mr. Eric Takamura, Ph.D., P.E., Director

Gentlemen:

Subject: Waimanalo Gulch Sanitary Landfill Lateral Expansion, Ewa, Oahu, Tax Map
Key: (1) 9-2-3:por 72, 73

Thank you for the opportunity to review and comment on the subject matter. The Department of Land and Natural Resources' (DLNR) Land Division distributed or made available a copy of your report pertaining to the subject matter to DLNR Divisions for their review and comment.

Other than the comments from Commission on Water Resource Management, the Department of Land and Natural Resources has no other comments to offer on the subject matter. Should you have any questions, please feel free to call our office at 587-0433. Thank you.

Sincerely,

Morris M. Atta
Administrator

LINDA LINGLE
GOVERNOR OF HAWAII



LAURA H. THEILEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RECEIVED

08 MAY 28 9:18



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
LAND DIVISION

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

May 27, 2008

MEMORANDUM

TO: **DLNR Agencies:**
 Div. of Aquatic Resources
 Div. of Boating & Ocean Recreation
 Engineering Division
 Div. of Forestry & Wildlife
 Div. of State Parks
 Commission on Water Resource Management
 Office of Conservation & Coastal Lands
 Land Division - Oahu District

FROM: Morris M. Atta, Administrator

SUBJECT: Draft Environmental Impact Statement (DEIS) for Waimanalo Gulch Sanitary Landfill Lateral Expansion

LOCATION: Ewa, Oahu; TMK: (1) 9-2-003:por. 72 and por. 73

APPLICANT: City and County of Honolulu, Department of Environmental Services

Transmitted for your review and comment on the above referenced document. We would appreciate your comments on this document. Please submit any comments by July 3, 2008.

If no response is received by this date, we will assume your agency has no comments. If you have any questions about this request, please contact my office at 587-0433. Thank you.

Attachments

- () We have no objections.
- () We have no comments.
- (/) Comments are attached.

Signed: _____
Date: _____

cc: Central Files

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT
P.O. BOX 621
HONOLULU, HAWAII 96809

July 14, 2008

REF: Waimanalo Gulch Exp.DEIS

TO: Morris Atta, Administrator
Land Division

FROM: Ken C. Kawahara, P.E., Deputy Director
Commission on Water Resource Management

SUBJECT: Draft Environmental Impact Statement for Waimanalo Gulch Sanitary Landfill Lateral Expansion

FILE NO.: NA

Thank you for the opportunity to review the subject document. The Commission on Water Resource Management (CWRM) is the agency responsible for administering the State Water Code (Code). Under the Code, all waters of the State are held in trust for the benefit of the citizens of the State, therefore, all water use is subject to legally protected water rights. CWRM strongly promotes the efficient use of Hawaii's water resources through conservation measures and appropriate resource management. For more information, please refer to the State Water Code, Chapter 174C, Hawaii Revised Statutes, and Hawaii Administrative Rules, Chapters 13-167 to 13-171. These documents are available via the Internet at <http://www.hawaii.gov/dlnr/cwm>.

Our comments related to water resources are checked off below.

- 1. We recommend coordination with the county to incorporate this project into the county's Water Use and Development Plan. Please contact the respective Planning Department and/or Department of Water Supply for further information.
- 2. We recommend coordination with the Engineering Division of the State Department of Land and Natural Resources to incorporate this project into the State Water Projects Plan.
- 3. There may be the potential for ground or surface water degradation/contamination and recommend that approvals for this project be conditioned upon a review by the State Department of Health and the developer's acceptance of any resulting requirements related to water quality.

Permits required by CWRM: Additional information and forms are available at www.hawaii.gov/dlnr/cwm/forms.htm.

- 4. The proposed water supply source for the project is located in a designated ground-water management area, and a Water Use Permit is required prior to use of ground water.
- 5. A Well Construction Permit(s) is (are) required before the commencement of any well construction work.
- 6. A Pump Installation Permit(s) is (are) required before ground water is developed as a source of supply for the project.

DRF-IA 06/19/2008

Morris Atta, Administrator
Page 2
July 14, 2008

- 7. There is (are) well(s) located on or adjacent to this project. If wells are not planned to be used and will be affected by any new construction, they must be properly abandoned and sealed. A permit for well abandonment must be obtained.
- 8. Ground-water withdrawals from this project may affect streamflows, which may require an instream flow standard amendment.
- 9. A Stream Channel Alteration Permit(s) is (are) required before any alteration can be made to the bed and/or banks of a stream channel.
- 10. A Stream Diversion Works Permit(s) is (are) required before any stream diversion works is constructed or altered.
- 11. A Petition to Amend the Interim Instream Flow Standard is required for any new or expanded diversion(s) of surface water.
- 12. The planned source of water for this project has not been identified in this report. Therefore, we cannot determine what permits or petitions are required from our office, or whether there are potential impacts to water resources.
- 13. We recommend that the report identify feasible alternative non-potable water resources, including reclaimed wastewater.
- OTHER:

If there are any questions, please contact Lenore Ohye at 587-0216.

LN:ss

DRF-IA 06/19/2008

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://envhawaii.org>

MUFI HANNEMANN
MAYOR



October 23, 2008

ERIC S. TAKAMURA, Ph.D., P.E.
DIRECTOR

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 08-097

Mr. Morris M. Atta, Administrator
Land Division
State of Hawaii
Department of Land and Natural Resources
P.O. Box 621
Honolulu, Hawaii 96809

Dear Mr. Atta:

Subject: Draft Environmental Impact Statement (DEIS)
Waimanalo Gulch Sanitary Landfill Expansion

Thank you for your letter dated July 21, 2008, concerning the subject project. We appreciated the comments of the Commission on Water Resource Management and have prepared the following in response.

Comment:

"There may be the potential for ground or surface water degradation/contamination and recommend that approvals for this project be conditioned upon a review by the State Department of Health and the developer's acceptance of any resulting requirements related to water quality."

We acknowledge this comment and confirm that the proposed project will be subject to review by the State Department of Health. The Department of Environmental Services and the operator of the landfill are aware that conditions related to the maintenance of water quality in accordance with Hawaii Administrative Rules, Chapter 11-54, Water Quality Standards, may be applied to this project.

We appreciate this opportunity to respond. Any further written comments may be directed to Ms. Wilma Namumart of our office.

Sincerely,

A handwritten signature in cursive script that reads "Eric S. Takamura".

Eric S. Takamura, Ph.D., P.E.
Director

cc: R.M. Towill Corporation
Waste Management of Hawaii, Inc.

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EIS Preparers

This Environmental Impact Statement was prepared for the Department of Environmental Services, City & County of Honolulu, and Waste Management of Hawai'i, Inc., by R. M. Towill Corporation. The following list identifies the parties involved in the preparation of this document and their respective contributions.

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Waimānalo Gulch Sanitary Landfill Expansion

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