

Status Report on Reducing and/or Continuing the Use of
Waimanalo Gulch Sanitary Landfill (WGSL)
Public Hearing
January 22, 2010
1:00 p.m.
Kapolei Hale Conference Room A

Presentation

1. Opening and Welcome

Notice of this public hearing was published in the Honolulu Star Bulletin on January 12, 2010. In addition, the scheduling of the public hearing was announced at the City Council Public Infrastructure Committee meeting on January 12, 2010.

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

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

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

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

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

2. Progress Toward Another Landfill Site

A. Condition 4 of the LUC Order states:

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

Funding was appropriated in FY 2010 to initiate this project. Additional funds will be requested in the FY 2011 budget cycle. The City, through the Department of Environmental Services (ENV), has already begun the project by initiating the process of selecting a consultant to assist with the site selection effort. Subsequently, a site selection committee will be convened.

- B. The following tonnage chart includes municipal solid waste (MSW), H-POWER ash, and residue delivered to WGS� during the last four months.

September 2009	20,517 tons
October 2009	24,366 tons
November 2009	16,800 tons
December 2009	14,427 tons

As evidenced by the chart, the amount of waste being disposed of at WGS� has declined recently. This is attributable to the poor economy, City landfill diversion programs, and to the start of the interim MSW shipping program (discussed below).

There were no complaints relating to WGS� received from September through December 2009.

C. Ongoing Projects

- The solid waste permit application for the lateral expansion of WGS� was submitted to the State Department of Health on December 1, 2008, and is currently under review.
- A Special Use Permit (SUP) application for the expansion of WGS� was approved with conditions by the City Planning Commission on July 31, 2009. The LUC approved the SUP, and included a condition that allows receipt of only H-POWER ash and residue at WGS� after July 31, 2012. The LUC Order is being appealed to Circuit Court by both ENV and the intervenors in the SUP proceeding.
- The interim MSW shipping project began on September 28, 2009, resulting in reduced volumes of MSW being received at the landfill.
- Excavation in the expansion area at WGS� is ongoing.

3. Progress Report on Diversion

A. The contract for the H-POWER expansion was executed on December 17, 2009. Covanta issued a Notice to Proceed (NTP) to their contractor on January 22, 2010. Construction is expected to start immediately and is estimated to be completed by the end of 2011. Funding for the expansion is divided over two fiscal years. Half the funding was appropriated in FY 2010 and the remaining funding will be requested in the FY 2011 budget.

B. Interim Off-Island Shipping of MSW

An NTP was issued to contractor Hawaiian Waste Systems (HWS) for September 25, 2009. Both parties agreed that delivery of MSW would start on September 28, 2009.

At the contractor's request, the City agreed to start out the contract by delivering to HWS 150 tons per day of refuse that is normally taken to WGS� for disposal. The City's planned normal delivery tonnage to HWS during the duration of the contract is 300 tons per day.

Following the reduced tonnage start up period, the City ramped up to 300 tons per day at the request of HWS. During the scheduled maintenance period [on October 10, October 15 – 17, and October 19 -20] for H-POWER, approximately 400 tons per day were delivered to HWS. HWS has been baling and wrapping the waste directed to their facility by the City.

HWS originally notified the City that the first shipment of baled MSW would leave the island for mainland disposal on November 2, 2009. This date was not achieved and several other subsequent shipping dates have also not been achieved. HWS is now anticipating a shipping date in mid to late February 2010, or at the beginning of March 2010.

HWS' ability to ship the baled refuse has been hindered by its lack of all the necessary permits that are required by authorities such as the USDA, and USACE.

As of today, there is approximately 17,500 tons of baled and wrapped refuse stockpiled at three locations. At the request of HWS, the City decreased the delivery volume from 300 tons per day to 100 tons per day, starting January 6, 2010. The City has been requested to continue delivering waste at this reduced daily rate until the first shipment leaves the island.

The remaining 200 tons per day, as a result of this decrease in delivery, is being disposed of at WGSL.

By March 1, 2010, we calculate that the stockpiled amount will be approximately 20,000 tons.

The majority of the bales are being placed in 40-foot shipping containers, with others being placed on flat racks. When stored on a flat rack, these bales are exposed to the elements.

An environmental assessment for HWS' revised plan to ship the baled waste to different ports (Longview, WA; Rainier, OR; and Portland, OR) than originally proposed (Roosevelt, WA) was posted on the Federal Register on January 19, 2010 and the closing date for comments is February 18, 2010. The Amended Compliance Agreement **should** be issued within 15 days of the closing date, depending on the extent of comments received during this 30-day period.

C. Materials Recycling

Most recent data shows annual recycling rates have increased by approximately 60,000 tons, from 610,000 tons in 2007 to 670,000 tons reported for 2008. (ENV is currently surveying recycling companies for 2009 recycling data). There was a drop in cardboard recycling, which industry representatives attribute to the downturn in the economy--less commerce means a decrease in products and their associated packaging. However, there were increases in recovery for glass, plastic, metals and green waste, indicating a growing effectiveness in City initiatives such as curbside recycling, and in the State's HI-5 redemption program. There were also increases in recovery for electronics, wood waste and construction and demolition materials.

Overall, with these increases in recycling rates the City landfill diversion rate through material and energy recycling programs has increased from 57% to 60% (the national average is 44-46%). The material recycling programs account for a 38% landfill diversion rate (3% increase compared to 2007). Estimates are based on a total waste stream of 1.79 million tons per year.

The City's efforts to increase residential recycling have continued with the expansions of the islandwide curbside recycling program, community recycling bin program, condo recycling assistance programs and increases in budget commitments to support these efforts.

ENV is preparing for the final phase expansion of the 3-cart curbside recycling program into the Leeward Communities, scheduled to begin week of May 3, 2010. There are currently 120,000 homes participating in the program. The final phase expansion will bring an additional 40,000 onboard. Once the program is fully implemented, the City estimates it will capture approximately 28,000 tons of mixed recyclables and 46,000 tons of green waste per year, a net gain of 53,000 tons per year over pre-curbside recycling program activity.

The City has maintained approximately 100 Community Recycling Bin sites on Oahu. The community recycling bins provide convenient drop-off to areas not serviced by curbside collection, for residents living in condos, and for the host schools.

The City continues to promote condominium recycling through a program that reimburses condominium properties for costs associated with the start-up of a recycling program.

State law requiring manufacturers to provide take back programs for electronic waste went into effect January 1, 2010. In these early months, the manufacturers' programs are not yet clearly defined, but the State Department of Health (DOH) has indicated that it expects the programs and consumer convenience to evolve as the new program matures. City ENV will continue to work in collaboration with DOH.

Public education regarding recycling is ongoing--distribution of brochures and print materials, opala.org website, WasteLine e-newsletter and annual events including Tour de Trash and Discover Recycling. In October 2009, ENV and Oceanic Time Warner Cable launched "Opalavision" on the Green Channel at Oceanic 332 and online at opala.org. Short stories about the City's recycling initiatives and programs are featured in 3-minute episodes that educate and entertain. New episodes are produced monthly.

D. Solid Waste Integrated Management Plan

Funds were appropriated in the FY 2010 to initiate the next update of the plan.

4. City Council Resolutions and Bills

The following resolutions were heard in the City Council Public Infrastructure Committee.

RESOLUTION NO.	DESCRIPTION	STATUS
09-316	Install special bins for collection and eventual non-landfill disposal of electronic waste	Resolution deferred in committee
09-345	City administration immediately initiate site selection process for new landfill	Resolution deferred in committee
09-346	City administration select new site to be used exclusively for disposal of H-POWER ash and residue	Resolution deferred in committee
09-361	Public come forward with ideas and innovative solutions to the City's problems with disposal of solid waste, including how to deal with landfills	Resolution reported out of committee for adoption as amended in CD1 form
09-367	City recycle its concrete debris	Resolution reported out of committee for adoption as amended in CD1 form
10-4	City auditor conduct an audit relating to delays in shipping City's municipal solid waste to mainland	Resolution deferred in committee

The following bills were heard in the City Council Public Infrastructure Committee.

BILL NO.	DESCRIPTION	STATUS
74 (2009), CD 1	Disposal charges for City-operated or City-contracted trans-shipment facilities	Bill reported out of committee for passage on third reading
76 (2009)	Waimanalo Gulch Landfill close no later than July 31, 2012	Bill deferred in committee
78 (2009)	Relating to bulky wastes and penalties	Bill deferred in committee

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

Public Comment:

No one from the public attended.

EXHIBIT K16

City Attendees:

Department of Environmental Services

Timothy E. Steinberger, P.E., Director
Manuel S. Lanuevo, P.E., Deputy Director
Markus Owens, Public Information Officer
Frank J. Doyle, P.E., Chief Refuse Division
Wilma Namumnart, P.E., Assistant Chief Refuse Division
Steven Serikaku, P.E., Refuse Planning Engineer
Wayne Hamada, P.E., Disposal Engineer
Suzanne Jones, Recycling Program Branch Chief
Robert Aona, Recorder for the Event

Department of the Corporation Counsel

Gary Takeuchi, Deputy Corporation Counsel

City Council Staff

Corrine Gallardo, Councilmember Cachola's staff
Puni Chee, Councilmember Nestor Garcia's staff

Other

Dee Dee Letts, Meeting Facilitator
Joe Whelan, General Manager, Waste Management of Hawaii, Inc.