

BEFORE THE PLANNING COMMISSION
OF THE CITY AND COUNTY OF HONOLULU

STATE OF HAWAII

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In the Matter of the) FILE NO. 2008/SUP-2 (RY)
Application of) AND 86/SUP-5
)
DEPARTMENT OF ENVIRONMENTAL)
SERVICES, CITY AND COUNTY)
OF HONOLULU)
)
For a New Special Use)
Permit to supersede)
Existing Special Use Permit)
to allow a 92.5-acre)
Expansion and Time Extension)
For Waimanalo Gulch Sanitary)
Landfill, Waimanalo Gulch,)
Oahu, Hawaii, Tax Map Key)
Nos. (1)9-2-003:072 and 073)
_____)

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TRANSCRIPT OF HEARING

15 held on Wednesday, July 1, 2009, at 9:05 a.m., at the First
16 Floor Committee Meeting Room, Kapolei Hale, 1000 Uluohia
Street, Kapolei, Hawaii,

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1 COMMITTEE MEMBERS PRESENT:

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James C. Pacopac
Kerry M. Komatsubara
Vicki Gaynor
Rodney Kim
Andrew M. Jamila, Junior
Beadie K. Dawson
Harold J. Dias, Junior

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1 DIRECT EXAMINATION

2 BY MR. TAKEUCHI:

3 Q. Thank you.

4 Good afternoon. Would you please state your name,
5 place of employment, and business address for the record.6 A. My name is Frank Doyle. I am employed by the City and
7 County of Honolulu, Chief of Division of Refuse. And I work
8 right here in this building, at 1000 Uluohia Street, Kapolei,
9 Hawaii.10 Q. Would you please briefly describe your educational,
11 professional background?12 A. I have a bachelor's degree from the Pennsylvania Military
13 College, in Chester, Pennsylvania, and a master's degree from
14 the University of Hawaii, which I got in 1976.

15 Q. And what were those degrees in? What fields?

16 A. Both of them were in civil engineering, and concentrating
17 on environmental in my masters.18 Q. And can you briefly describe your professional
19 background?20 A. On the mainland, after graduation, I worked primarily for
21 chemical companies, building chemical plants throughout the
22 United States and Mexico.23 And I moved here in 1970 and went to work for a
24 consulting firm, and worked for them for seven years, then
25 came to the city, and I have been here ever since.

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1 Q. And, once again, what is your current position with the
2 city?

3 A. I am Chief Division of Refuse.

4 Q. And that's in what department?

5 A. Environmental Services.

6 Q. And how long have you been employed in that position?

7 A. Approximately 26 years roughly -- uh, 32 years, actually.

8 Q. As the chief of refuse?

9 A. As the chief of refuse. But I did do some other work, as
10 the deputy director of Environmental Services, and director of
11 Environmental Services.

12 Q. Okay.

13 As the chief of the Refuse Division, what are your
14 primary duties and responsibilities?

15 A. I oversee the planning and operations for the collection,
16 design -- collection and disposal of city operations. Also,
17 the collection of private operations with respect to
18 licensing, landfilling, and disposal at H-Power.

19 We operate transfer stations, convenience stations
20 and our two major disposal sites are at H-Power and the
21 Landfill.

22 Q. And, more generally, what does the Department of
23 Environmental Services do in addition to the kind of things
24 that the Refuse Division handles?

25 A. In addition to solid waste, the Department of

1 about \$1 million, for improvements to park areas; and the
2 other \$1 million was for nonprofit organizations that
3 submitted money for grants for improvements throughout the
4 community.

5 Q. And when you say the community, what area of that are you
6 referring to?

7 A. The Waianae Coast.

8 Q. Now, in terms of alternatives to landfill disposal, what
9 kind of actions has ENV taken -- and I'm referring the
10 Department of Environmental Services by "ENV" -- what kind of
11 actions has ENV taken to reduce the waste volumes that are
12 going to the landfills?

13 A. Well, the two major efforts, of course, are the H-Power
14 facility and our recycling operations.

15 And, in those two areas, H-Power has been in
16 operation now since 1990, we have done over 10 million tons of
17 refuse.

18 We have saved almost 10 million barrels of oil
19 coming into the state because of the factor that we generate
20 electricity from that material which does not have to be
21 generated by HECO, therefore saving us the oil.

22 We have also saved a lot of space in any landfill
23 because you reduce the volume considerably when you combust
24 it.

25 And it made sense, and we are very happy that we are

1 moving forward with the expansion of 300,000 tons per year.
2 That facility is now in design, some of the equipment is being
3 purchased, and we hope to bring that facility on line in late
4 2011 or early 2012. So that's going to really make a big
5 increase in reducing additional material from going into the
6 landfill.

7 And our recycling efforts, we of course are holding
8 out curbside recycling island-wide, and there will be an
9 increase with that as we move forward.

10 We have a goal of having everything that can have
11 carts, with our automated collection, in place in May of next
12 year. So those two efforts are some of our bigger efforts
13 with respect to reducing the amount of materials.

14 We also have other things that we do. Right now we
15 have bulky item pickup, and bulky item pickup is everything
16 that you see on the curb.

17 And, in the bulky item pickup, a lot of that
18 material had been going to the landfill because it isn't
19 conducive to H-Power.

20 The best example is, if you had, for instance, lawn
21 chairs and furniture, you can't just crunch them all up and
22 put them into the H-Power facility because we refine the fuel
23 there before we burn it.

24 But our new facility is what we call mass burn.
25 With mass burn, you take the fuel and put everything in there.

1 condominiums to do recycling, and we are making some headway
2 with those programs.

3 Over the years we have kind of got to remove things
4 from the landfill. There was a time in the initial part of
5 our operations that we had construction and demolition
6 materials go to landfill. They don't go to our landfill now.

7 There was talk at one time of recovering gypsum
8 board from the landfill because the percentage was fairly
9 high. Now that percentage is quite low, which gives you an
10 understanding that a lot of the C and D material is now out of
11 the landfill.

12 Green waste, we don't accept truck loads with more
13 than ten percent. The same thing with cardboard. So, in
14 general, we think that has pushed a lot of material out of the
15 landfill.

16 And that segues into green waste recycling, along
17 with our mixed recyclables. You have seen our blue cans. We
18 have our green cans out there for green waste. And today we
19 take all of that green waste to a composter, who chops it up
20 into mulch, and then uses some of that mulch, but also turns
21 that mulch into compost.

22 We have a program that we are going to be going out
23 for in September, for a new green waste recycling facility.
24 And, in that facility, we are also going to include food waste
25 sewage sludge. And hopefully that facility -- the program is

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1 to get it online in 2012.

2 We also, with that facility, will make a pretty good
3 cut in some of the bio-solids that are presently going to the
4 landfill.

5 Today, at our Sand Island sewage treatment plant,
6 which is our largest plant, we're turning bio-solids into -- I
7 don't have to describe bio-solids, right?

8 Q. No.

9 A. Okay.

10 We're turning bio-solids into pellets. And they
11 look almost like small BB's. And we are hoping that we can do
12 well with that on golf courses, and other areas like that.

13 We had, in the beginning, been sending that material
14 to the landfill. Last year, I understand we did about 50
15 percent product; and now we are shooting for 75 percent
16 product this year.

17 So eventually we will get to 100 percent product for
18 the reuse of that material.

19 But that leaves us all the rest of the sewage
20 treatment plants that presently go to landfill, and that's the
21 material that we're going to be sending to this green
22 waste/food waste sludge facility to either compost it into
23 compost materials, or some people have come to us and said
24 that we are going to have an opportunity to look at turning
25 that into biofuel, or some form of energy, perhaps even

1 Q. When did it change from Public Works to Environmental
2 Services?

3 A. It changed about the second term of the Harris
4 administration.

5 Q. Now, this decision and order, condition number ten, is
6 that, within five years of the date of the special use permit,
7 whichever occurs later, but not beyond May 1, 2008, the --
8 (inaudible) -- acre property shall be restricted from
9 accepting any additional waste material, and be closed in
10 accordance with the -- (inaudible).

11 A. Yes, that's correct.

12 Q. And this permit actually granted a 21 acre expansion,
13 which basically is 14.9 acres of landfill space; correct?

14 A. Correct.

15 Q. Now, my recollection is that it was the position of the
16 City and County of Honolulu at that time that the landfill
17 would close on May 1, 2008; is that also correct?

18 A. That's correct.

19 Q. So this was not a condition which was imposed by the
20 planning commission, it was something that, as I recall, the
21 city basically came forward and said, this is what's going to
22 happen?

23 A. That's correct.

24 Q. And I believe it was you who put forth that position for
25 the City and County of Honolulu?

1 A. To the Land Use Commission, that's correct.

2 Q. And, in fact, if you look at A-17, that is the decision
3 of June 9th, '03, before the Land Use Commission, regarding
4 the addition of -- I think the 21 acres, and also the
5 condition in the Land Use Commission decision, on Page --

6 A. Small numbers on there --

7 Q. I think it's Page 9, condition 12.

8 A. Yeah.

9 Q. And, again, it's the same restriction, on May 1, 200- --

10 A. That's correct.

11 Q. And that was the position of the city that you presented
12 to the Land Use Commission?

13 A. That's correct, on behalf of the administration.

14 Q. And that was the Harris administration at that time?

15 A. That's correct.

16 Q. And I think you heard the testimony of Mr. Von Pein, when
17 he said that he recalls that the original request that --
18 well, the original, I guess, expansion that he worked on, in
19 1999, was for 15 years?

20 A. That's correct.

21 Q. And was my recollection correct? Was it for 60 acres at
22 that time? 60 additional acres at that time?

23 A. I don't recall, but it was for, definitely, greater
24 property.

25 Q. Do you know if it would be what is being requested here,

1 Waimanalo; but, in actuality, you have run out of space
2 sooner, even with the anticipated reduction.

3 Do you have an explanation for why that has
4 happened?

5 A. Well, it could be a number of things. It could have been
6 the rate that we were filling the materials that we had going
7 in, the amount of time -- I would have to check -- that
8 H-Power was on or off. All of those things come into play.

9 Q. Mr. Doyle, can you tell me -- I think Mr. Whelan
10 testified that H-Power is off maybe three weeks, and I think I
11 asked him whether H-Power actually accepted rubbish on
12 Saturdays and Sundays.

13 Do you know if they accept rubbish on Saturdays and
14 Sundays, or --

15 A. We are open half a day on Saturday, and, when necessary,
16 on Sunday, but not very frequently.

17 We do, however -- because we supply HECO with
18 electricity, we are on the grid burning during those periods,
19 24/7.

20 Q. So, on Sundays, for example, if rubbish needed to be
21 disposed of, it would have to be at Waimanalo Gulch?

22 A. Correct, right.

23 But at that time, there's a very reduced amount,
24 because, one, all of our collection trucks are not operating,
25 a lot of the private haulers are not -- we have probably only

1 A. No, I have not.

2 Q. So, H-Power produces how many kilowatts, or --

3 A. We export approximately 45 megawatts.

4 Q. 45 megawatts?

5 A. Correct.

6 Q. Is that on a daily basis?

7 A. Every time we are operating.

8 Q. Okay, so when you say every time you operate --

9 A. We're putting 45 megawatts into the grid, and -- for
10 instance, I think they power at the new place at something
11 like 150, 180, something like that.

12 Q. 100-something?

13 A. Yes. Maybe it's 120.

14 Q. And they are also supposed to burn biofuel. Maybe you
15 can sell them the pellets...

16 A. Maybe we can sell them what comes out of, maybe, the
17 green waste: Food waste and sewage sludge. That would be
18 nice.

19 Q. That would be nice.

20 So, when you said, whenever you're operating, we
21 have already established that you don't usually -- do you
22 operate on Sundays, as well?

23 A. We are burning 24/7. The only time we are not operating
24 is when we go down for our scheduled maintenance, and
25 sometimes when we have to go down because of an unusual

1 repair.

2 Q. And how often do you go down for scheduled maintenance?

3 A. We go down for scheduled maintenance about six weeks a
4 year.

5 Q. And is that a consistent six weeks?

6 A. No. We try to go down one boiler at a time, so that we
7 are always burning on one side. There are some times, though,
8 that we have to, maybe, do some work on our electrical
9 systems, which requires us to shut down both boilers.

10 H-Power originally was designed for 561,600 tons.
11 Our average that we are putting out is 600,000 tons a year, so
12 we are meeting more than our capacity.

13 HECO and us had a little thing about what we call
14 firm energy. Actually, we are getting paid firm energy, which
15 means that we are getting paid because we are there when they
16 want us.

17 They now have -- in discussing some new things with
18 them, when they look at how they perceive energy's value to
19 them, they have what they call dispatchable energy, which
20 means they control, totally, your operation; not that you're
21 there always when you should be there, according to contract,
22 but that they want to be able to push the boiler up or down.

23 So we are working with them to see how they can do
24 that, because that's going to be best for them and best for
25 us.

1 Q. You made a comment about the fact that the solid waste
2 management plan, you are going to begin a new plan -- was it
3 next year? Did I hear you correctly?

4 A. Yes.

5 Actually, we have money in the budget for initiating
6 a study for a secondary landfill.

7 Q. Is that like going through and doing another solid waste
8 management plan, or is this a separate plan?

9 A. No, it's going through another five-year plan.

10 Of course, it takes time to do this, so it's not all
11 going to be done in 2010. The bulk of it will probably be
12 done in 2011.

13 Q. And that's for what time period? The next five years?

14 A. The next five years after our submittal to the Department
15 of Health, which was in June of this year.

16 Q. So --

17 A. Or, June of last year, I'm sorry.

18 Q. So it would be 2008 to -- is the plan that's been
19 approved from 2008 to 2013?

20 A. Well, let's just say the plan will be approved this year,
21 or submitted formally to the Department of Health this year,
22 and then we'll go from there for the next five years.

23 Q. So this solid waste plan that has been accepted is a plan
24 for the past?

25 A. It covered a period of the past, yes.

1 Q. Does the City and County pay --

2 A. The city pays at H-Power; it does not pay at the
3 landfill.

4 Q. So what is it that you pay at the H-Power right now, in
5 terms of tipping fee?

6 A. Approximately \$45 a ton.

7 Q. Does a private entity pay the same tipping fee --

8 A. They pay more.

9 Q. They pay more?

10 A. They pay more.

11 Q. Do they pay the same tipping fee for the landfill as they
12 do for H-Power?

13 A. Yes, they do.

14 Q. And do you know what that tipping fee is?

15 A. I think it's approximately \$81 a ton.

16 Q. I thought it went up?

17 A. It has gone up recently, but you may be thinking about
18 the addition of the 12 percent surcharge, and the money that
19 goes to the state, which gets it to about \$92.

20 Q. \$92? That's the figure I was thinking about.

21 A. Okay.

22 Q. So, a private -- somebody who picks up my rubbish that I
23 have to pay separate for would be charging -- well, would be
24 charging probably a premium, but they would have to pay \$92?

25 A. Correct.

1 questions.

2 MS. HOLMA: Commissioners, any questions for
3 Mr. Doyle?

4 MS. GAYNOR: I have some questions.

5 EXAMINATION

6 BY MS. GAYNOR:

7 Q. Mr. Doyle, I am wondering if you can just tell us -- you
8 know, since back in the eighties, when Waimanalo was
9 identified and permitted as, I guess, Oahu's only landfill
10 then, right?

11 A. No, actually, at that time we were still operating our
12 Kalaheo landfill on the other side of the island.

13 Q. And how much time did we continue to have --

14 A. About a year and a half, roughly, because we had to make
15 the transition.

16 Q. So how long did it take to identify Waimanalo, and permit
17 it, and get it operational?

18 A. Well, we went in there in '87. Took about two-and-a-half
19 years. It's easier to start new sometimes than to add on.

20 Q. Well, Ewa was a different place than it is now.

21 A. That's true.

22 Q. Can you tell us -- we are hearing a lot, and reading a
23 lot, so, can you tell us a little bit more about this
24 discussion, and this promise that was made to the region back
25 in 2003, that the landfill was going to cease to operate in

1 2008?

2 A. Yeah.

3 We were before the planning commission, and it was
4 our intention -- it was the intention of the division at that
5 time, and the department, that we would go for the 15-year
6 extension, which was basically the rest of the landfill that
7 we are looking at today, excluding the part that we got,
8 those 21 acres. And that's what we would have done.

9 There was a lot of discussion at that time, from the
10 community, as well as whatever, to the mayor, and based on
11 whatever his inputs were giving him, and where he decided to
12 go, it was his decision, which I conveyed, that we would only
13 go for a five-year extension.

14 Q. Okay, so --

15 A. So, after that, we did that, and we were instructed at
16 that time as to -- under the conditions of the LUC decision,
17 that we were to go out and find a new landfill. And that that
18 was supposed to be done by the council by a certain date.

19 We weren't able to do it by that certain date, and
20 we went back in and got an extension for about six months, so
21 the county could make their decision.

22 What happened was, when the mayor made that
23 decision, he also, because we were told to go find a new
24 landfill, established the blue ribbon committee. And the blue
25 ribbon committee looked at, has it in their report, a lot of

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1 landfills.

2 The blue ribbon committee, based on all that you
3 heard, from Brian, who was involved, about the double-blind
4 tests that went on, had selected Waimanalo Gulch by consensus,
5 and points, and scoring.

6 I understand it, and I wasn't at any of the meetings
7 except, as I said, the very first meeting. At the last
8 meeting, the rules got changed, or whatever, people got
9 persuaded, Waimanalo Gulch was taken out by that committee.
10 They wrote a report, and made the report as to Waimanalo Gulch
11 being not part of the selection process.

12 Q. So, given the fact that you already had a land use
13 condition, and an SUP condition that said Waimanalo couldn't
14 be --

15 A. Right.

16 Q. -- Waimanalo needed to close down, why was the blue
17 ribbon committee ever allowed to even go that far?

18 A. Well, the blue ribbon committee could look at whatever
19 they wanted to.

20 In fact, when we went back to the extension of time,
21 for six months more that the council wanted, that particular
22 question was asked of the Land Use Commission: Could we
23 consider Waimanalo Gulch? And they said, it's up to you.

24 And so, in considering landfills, even the -- you
25 know, one of the -- I forget all of the testimony, but one of

1 That's the kind of decisions that we're going to have to make.
2 And if that's the decision that we make, that's the decision
3 that's made.

4 Q. I think that's pretty clear, that nobody wants the
5 landfill, but nobody wants to pay for it.

6 A. Well --

7 Q. Pay to not have a landfill.

8 A. Well, we are, though. We have made a decision that we
9 wanted to conserve Waimanalo Gulch by building the first
10 H-Power. And that was to conserve that resource for as long
11 as we could conserve it. And we are continuing to do that.

12 Q. So, are there viable sites in the future, if we need
13 another landfill, that ENV is considering?

14 I mean, even if we say 15 years, given how
15 controversial and critical this is, in two years you are going
16 to be working on it.

17 A. We are going to be working on it next year, because we
18 are looking at what we call the secondary landfill. Not that
19 Waimanalo Gulch is going away, but what is the secondary
20 landfill?

21 In fact, we have to look at that and decide whether
22 we want to not only have a landfill for -- what's going into
23 the landfill today, but do we want a separate separate ash
24 landfill? Is there any credibility to having a separate ash
25 landfill somewhere?

1 You know, we consider, well, hauling it over
2 mountains to someplace else may not be as good as what we
3 have, but -- maybe.

4 We can only look, okay.

5 A lot of this is going to be going over what we did
6 for Waimanalo Gulch way back in the seventies. Some of the
7 same sites are now gone because they have been taken over by,
8 actually, developments, in some areas.

9 But we'll look, again, at every nook and cranny that
10 we can. I mean, everybody knows that there are big holes in
11 the ground in different locations.

12 Some of them are beyond Waimanalo Gulch, out towards
13 the windward side, the windward coast. Some of them are over
14 here in Kapaa. Some of them might not be available, like
15 Kapaa, for a certain period of time.

16 Certainly, that's a -- Kapaa quarry is a big barn,
17 with a big hole, so, logically, you'd think about that.

18 So we will look, we will talk, we will ask, we will
19 start this process again in 2010.

20 Q. So, next year, you guys will start looking for a
21 secondary -- I mean you will start studying the possibility of
22 a secondary landfill, and what type of materials it would
23 take, and where it might be?

24 A. Yes. And maybe it's going to be more than one location.

25 MS. GAYNOR: Okay.