

Appendix A

EIS Public Scoping

Waimanalo Gulch Sanitary Landfill Expansion
Waimanalo Gulch, Oahu, Hawaii

October 2006

City & County of Honolulu
Department of Environmental Services
1000 Uluohia Street, 3rd Floor
Kapolei, Hawaii 96707



R. M. TOWILL CORPORATION
SINCE 1930

420 Waiakamilo Road, Suite 411
Honolulu, Hawaii 96817-4941

1-19777-01

EIS Public Scoping

Waimanalo Gulch Sanitary Landfill Expansion
Waimanalo Gulch, Oahu, Hawaii
TMKs: (1) 9-2-003: 072 and 073

October 2006

Prepared for:
City & County of Honolulu
Department of Environmental Services
Kapolei, Hawaii 96707

Prepared by:
R.M. Towill Corporation
420 Waiakamilo Road, Suite 411
Honolulu, Hawaii 96817

**Environmental Impact Statement (EIS)
Public Scoping Summary**

1. Background

The Department of Environmental Services (ENV) held a series of four EIS Community Scoping Meetings between July 10 and August 10, 2006 to obtain input on issues that islandwide communities feel should be addressed in the preparation of the EIS for the expansion of the Waimanalo Gulch Sanitary Landfill. Waimanalo Gulch is located close to the boundaries of the Nanakuli and Ewa regions of Oahu but is used islandwide by all Oahu communities for the disposal of municipal refuse. The series of public scoping meetings were therefore convened to obtain input from the communities closest to the landfill, as well as other communities that are important users of the facility. The meetings were held on the following dates and at the following locations:

Mtg. No. 1	July 10, 2006	Nanakuli High and Intermediate School 98-980 Nanakuli Avenue Waianae, Hawaii 96792
Mtg. No. 2	July 11, 2006	Benjamin Parker Elementary School 45-259 Waikalua Road Kaneohe, Hawaii 96744
Mtg. No. 3	July 27, 2006	Mission Memorial Auditorium 550 South King Street Honolulu, Hawaii 96813
Mtg. No. 4	August 10, 2006 ¹	Kapolei Hale 1000 Uluohia Street Kapolei, Hawaii 96707

¹The date for this meeting was changed from a previous date on July 26th that conflicted with the scheduling of Neighborhood Board No. 34, Makakilo/Kapolei.

2. EIS Public Scoping Meeting Agenda

Each of the four public scoping sessions was conducted by a meeting facilitator who explained that the purpose of the meetings are to obtain community input on environmental issues that the public feels should be addressed in the preparation of the project EIS. The agenda used for the meetings included:

- A. An overview of the purpose of the meeting;
- B. Remarks by the Department of Environmental Services (ENV) concerning the need for the project and important events that have transpired since the last EIS for the expansion of Waimanalo Gulch was approved in 2003;
- C. A session during the meeting when the community provides comments on issues or subject areas that they feel should be addressed in the EIS;
- D. A session summarizing the input provided by the community during the last 15-30 minutes of the meeting; and
- E. Adjournment and "Thank You" to audience for attendance.

3. List of Participants and Summary of Issues and Concerns Raised

A record of each of the four meetings is attached and includes the date of the meeting, the sign-in list of meeting attendees, and written comments that were received by the close of the EIS Public Scoping comment period on August 30, 2006.

***Meeting No. 1
Nanakuli High and Intermediate School
Monday, July 10, 2006***

Public Scoping Meeting for Preparation of EIS
Waimanalo Gulch Sanitary Landfill Expansion

July 10, 2006

Nanakuli High and Intermediate School/Benjamin Parker Elementary School

	NAME	Address	Phone No.	E-mail Address
1	Bud Ebel ^{EBEL}	84854 FRICK ST	696-8104	bud96792@att.net, com
2	Lee Munson	Ko Olina	934-2345	lmunsonusa@aol.
3	Mary Josue	89407 KOLIANE ST	668-1473	lady hands 1st @ hawaii.rr.com
4	Romeo Moncus	Ko Olina Kai	671-2890	romeo@royalhawaiianresorts.com
5	Harry Basso	89-246 PUNAHU	668-5417	
6	Nina Fisher	89-639 Nanakuli		
7	Uma Kinlan	"		
8	Hanalei Aipoalani	89-308 MOKIAWE ST	351-3989	haipoalani@yahoo.com
9	CLARA BROWN BAC	87-140 HELEWA ST #2		cbatongbac@aol
10	Ronald F. Harris	92-1527-H Aliinui Dr	440-7999	@hawaii.rr.com Ronald.Harris@Kodimns.com
11	TODD APO	92-1184 OLANI ST	680-7660	TAPU@HONOLULU.GOV
12	Cynthia R.L. Rezentes	87-149 MAIPALA ST	696-0131	rezentesc@aol.com
13	Kamaki Kanahole	89-237 Kaula	696-1515	
14	Agnes Cope	" "	" "	
15	Ken Williams	92-1480 Aliinui	671-2512	Ken@Koolia.ca
16	Carolyn Holroy	84-192 Kapea	695-5069	Carolyn @ wisconsultingllc.com
17	Mapuana Tector	85-832 Old Gow Rd	696-7812	Mapuana@Hawaii.edu
18	Kahikiana Naeppi	89-4116 Nanakuli Ave	668-1039	
19	Kahikiana Michael P.	"	"	"
20	Terrie Spottscoff	PO Box 1888 Waimanalo 91792	3064164	terrie@att.net AOL.com

Public Scoping Meeting for Preparation of EIS
 Waimanalo Gulch Sanitary Landfill Expansion
 July 10-11, 2006

Nanakuli High and Intermediate School/Benjamin Parker Elementary School

	NAME	Address	Phone No.	E-mail Address
1	Johanne-Mae L. Perry	Waimanalo	_____	_____
2	Herb. Hew Len	86-313 Holoapae	Waimanalo	
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COMMENT FORM

**Waimanalo Gulch Sanitary Landfill Expansion
Public Scoping Meeting for Environmental Impact Statement (EIS)
July 10-11, 2006**

Your comments are important and appreciated. Please use this form to make your comments regarding issues or concerns pertinent to the preparation of the EIS for this project. All comments should be received by **August 10, 2006**. Please send to:

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

*It is very frustrating to have been involved in mtgs. of
city council hearings & testimony for several years now
and then to gear up for battle again??
The community has said "No More Landfill!!" When will
the City get the message - No Landfill - Yes JDI
Plasma Arc Gasification!! Stop thinking about
the money - think & look at our community, our families
health & safety - How about designating landfills
for East/Windward & Central Areas - We always take
everybody's opala - Seriously, JDI can eliminate
a lot of this "opala mea" plus renewable energy for who?
No, take people - Address our health, safety concerns
Stop looking at the money, give us a chance - look at "JDI
plasma arc gasification.*

Name: Naomi Kahikena

*People take time to voice their
concern - Are you all hearing
them?? STOP landfills!!*

Address: 89-416 nanakuli Ave

Telephone: 448-1033

Fax: _____

COMMENT FORM

Waimanalo Gulch Sanitary Landfill Expansion
Public Scoping Meeting for Environmental Impact Statement (EIS)
July 10-11, 2006

Your comments are important and appreciated. Please use this form to make your comments regarding issues or concerns pertinent to the preparation of the EIS for this project. All comments should be received by **August 10, 2006**. Please send to:

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1000 Uluohia Street, Suite 212, Kapolei, Hawaii 96707

Waimanalo Gulch Issues:

o Health concerns

1. Unknown effects to the land, water + air
2. Who is liable if people get sick or hurt? City? Private?
3. Community ~~is~~ has ~~is~~ right to sue?

o Community Benefits:

1. What community benefits? Who defines?
2. Who and how selection to committee is done?
3. Not living up to agreement with community in closure.

o Alternative Processing:

1. Plasma Arc Gasification
Jacobus Inc.

Name: Representative Michael P. Kahikina

Address: 89-416 Nanakuli Ave.

Telephone: 668-1033

Fax: 586-8469

***Meeting No. 2
Benjamin Parker Elementary School
Tuesday, July 11, 2006***

Public Scoping Meeting for Preparation of EIS
 Waimanalo Gulch Sanitary Landfill Expansion
 July 10-11, 2006
 Nanakuli High and Intermediate School/Benjamin Parker Elementary School

	NAME	Address	Phone No.	E-mail Address
1	Shirley Foley	3926 Aao Kaaaka St.	780-7774	foleyhawaii@aol.com
2	Sonia W. Yick	email - jsonia@yick@aol.com		
3	Bue Sager	bsager@lava.net		
4	Ron Boyle	47-128 Palama Rd Kaneohe 96744	239 5621	boyle@rr.hawaii
5	Ken Williams	92-1480 Aliinui	671252	ken@koolina.com
6	STANN REIZISS	KAILUA PO Box 1517	230-8199	REIZISS@CCHawaii.com
7	Lucy Gay	86-088 Jannetun Hwy	696-6378	lucy@hawaii.de
8	SUSAN BACH	47459 HUI IWA	392146	SUEBACH@HOTMAIL
9	Andrew Malahoff	503 S. King St.	527-5813	amalaloff@hawaii.gov
10	Uma Knicker	85-639 Nandul Ave		
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COMMENT FORM

Waimanalo Gulch Sanitary Landfill Expansion Public Scoping Meeting for Environmental Impact Statement (EIS) July 10-11, 2006

Your comments are important and appreciated. Please use this form to make your comments regarding issues or concerns pertinent to the preparation of the EIS for this project. All comments should be received by **August 10, 2006**. Please send to:

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I support the full use of ~~of~~ the Waimanalo Site before any other site is considered. Any thing else would be a terrible waste of money & resources.

Incorporate a comprehensive waste management program to minimize waste stream which needs to be land filled. Include analysis in EIS.

Address problem of fire burning deep into land fill & being impossible to put out.

Address issue of vegetation to be used when land fill is closed. Impact of hydromulch

Name: Bill Sager

Address: 44-211 Mikida Dr, Kaneohe, HI 96744

Telephone: 235-0757

Fax: bsager@lava.net

***Meeting No. 3
Mission Memorial Auditorium
Thursday, July 27, 2006***

Public Scoping Meeting for Preparation of EIS
 Waimanalo Gulch Sanitary Landfill Expansion
 July 27 - August 10, 2006
 Mission Memorial Auditorium/Kapolei Hale

	NAME	Address	Phone No.	E-mail Address
1	Paul Herran	1301 Lusitan St #611	383-8829	pherran@hawaii.gov
2	SIM CORCORAN	1171 LANA ROAD KAPOLEI HI	263-3093	corcoran@lanar.net
3	ROY SEON	37 MAKAHEU ST	876-5613	
4	Bob Ohira	Honolulu	Adventis EN	
5	TEDARO	5305 KING	5477001	
6	ROBERT KAIALAN III	515 KOKOA ST. D-7 HOA #818	3069787	
7	Randy Clark	1560 KAUAI ST 96797	942-0145	oakurandy@yahoo.com
8	Cynthia K.L. Perentes	87-149 MAIPELOA ST 96797	696-0131	perentes@aol.com
9	Hilwa Kimlan	89-639 Nanihale Ave		
10	Kyle Kajihira	2426 Oahu Ave	988 6266	KKajihira@afsc.org
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***Meeting No. 4
Kapolei Hale
Thursday, August 10, 2006***

Public Scoping Meeting for Preparation of EIS
 Waimanalo Gulch Sanitary Landfill Expansion
 July 27 - August 10, 2006
 Mission Memorial Auditorium/Kapolei Hale

	NAME	Address	Phone No.	E-mail Address
1	BUD EBEL	84-854 FALCON ST.	571-571-5711	696-8100 / clud@96792.com
2	JAMES KASUI	89 796 HAWAIIAN ST.	808-9912	
3	Cameron Nekola	1917 Colburn St.	358-2772	Cameron@hawaii.edu
4	MIKE FLETCHER	92-1489 HALEI	391-3702	MIKE.FLETCHER@HAWAII.COM
5	RACH HARRIS	92-1527-14 Aliiui	679-0085	RACH.HARRIS@KOOLINA.COM
6	Ken Williams	92-1480 Aliiui	671 2512	Ken@koolina.com
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Public Scoping Meeting for Preparation of EIS
 Waimanalo Gulch Sanitary Landfill Expansion
 July 27 - August 10, 2006
 Mission Memorial Auditorium/Kapolei Hale

	NAME	Address	Phone No.	E-mail Address
1	ROBERT H. KAIMALAN JR	545 KOKOA ST. HAWAII 96717	508-306-9787	
2	DAVID LEONG	1338 Kowaleka St. Pe.	351-6714	
3	ROBERT STRAZZON	87-207 MAIOLU	265-2784	
4	BYRYAN HA'O		732-9751	
5	CHUCK & JENNIFER BENEKE	92-958 PANAMA ST #27	672-8087	nbene8@aol.com
6	Michael Volunberg	89-416 Ahaakua Ave Kapaeha, HI 96722	668-1033	mkehinia@qsh.com
7	GREGORY FUSITA	92-608 MALINAHALE KAPOLEI, HI 96727	682-4889	fusitg@usm.com
8	Beverly M. Dwyer	500 FORTY-THIRD KAPOLEI, HI 96727	508-248-1133	
9	Lee Munson	"	"	
10	Kunlei Johnson	42-769 PAKINI ST. KAPOLEI 96707	682-5002 (h) 542-0628 (c)	Kunlei.jp@aol.com
11	STEVE KELLY	1001 KAMOKILA #255 KAPOLEI 96707	674-3289	stevek@kapolei.com
12	Cynthia K.L. Reeves	87-149 MAIOLA ST. KAPOLEI HI 96722	686-0131	cezentso@aol.com
13	PAT CHARRAN	92-968 MAIOLA ST KAPOLEI	482-6020	
14	SARAH M. MARTINEZ			
15	TODD ARU	530 S. V. ST HAWAII 96713	547-7001	TAROE@HONOLULU.GOV

Public Scoping Meeting for Preparation of EIS
 Waimanalo Gulch Sanitary Landfill Expansion
 July 27 - August 10, 2006
 Mission Memorial Auditorium/Kapolei Hale

	NAME	Address	Phone No.	E-mail Address
1	Piada Tinson	Kapolei Neighborhood Board		
2	C. Maria De la Cruz	Villages of Kapolei Board		
3	Michael & Pen Antosa	Moana Kai: A17		
4	ROBERT WEBSTER	91-174/Hua St. Kapolei	682-0201	
5	Lehua Kimbun	89-699 Nuualei		
6	Colleen Hanabusa	Free Seals		
7	Hanalei Aipualani	Nuualei, HI		
8	Nalani Aipualani-Timani-Tiaki	Heleluu		
9	Todd Upton	91-1067 Makahala	561-3802	
10	Kelli Upton	↓	↓	
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Bud Ebel Republican Candidate For The 45th District House Representatives

The Landfill ! - Just a short time ago the C&C of Honolulu was under the threat of huge fines (perhaps millions of dollars) for the operation and illegal continued use of the Waimanalo Gulch landfill by the EPA, State of Hawaii and some private watchdog groups threatening legal action.

First lets get it straight ! The government will never pay a dime in fines ! Only the tax payers have that privilege.

The latest proposal is an offer by the Waste Management Co. to take over operation of the gulch from the C&C of Honolulu which has by some miracle found room for 15 years of trash storage at the site.

Needless to say the residents of the west coast are a bit perturbed.

I am fully cognizant of the fact that trash removal services are the responsibility of the county.

However as a candidate for the 45th district State House the questions about the landfill are unavoidable and must be addressed.

My Solution

Legislation being passed requiring each council district to be responsible for the trash from their district being buried in their district. If the residents of the Districts will not consent to a landfill in their district it may be buried in the Waimanalo gulch at an additional tipping charge. These charges must be of sufficient rate as to (A) encourage each district to be responsible for their trash or (B) be adequate enough for the residents of the 1st district to accept the trash from any other districts. These monies would be used for the sole benefit of the legal residents of the 1st district and only them. They could be used to offset property taxes, utility charges or many other lawful use as provided by law.

The most important safeguard would be strict accounting and keeping these monies out of the hands of any but the legal beneficiaries.

Respectfully submitted for discussion. Bud Ebel republican candidate 45th house district

Robert H Kaialau III

565 Kokea Street, Suite D7 ♦ Honolulu, HI 96817
(808) 306-9787 ♦ robert@fightdrugs.us

10 August 2006

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

RE: Waimanalo Gulch Sanitary Landfill Expansion – EIS Public Scoping Meeting

I am Robert H Kaialau III, and I am testifying in opposition to the proposed expansion and permit extension for the Waimanalo Gulch Sanitary Landfill.

On Friday, February 3, 2006 the Honolulu Star Bulletin reported on the \$2.8 million dollar fine imposed by the State Department of Health on the City and County of Honolulu and its landfill operator Waste Management, Inc. for permit violations at the Waimanalo Gulch Sanitary Landfill. To date, the public has yet to be advised of the final disposition of those fines. Have they been paid? How have the violations cited in the order been addressed?

The information provided in the Star Bulletin article validated long-held concerns by the community. In addition to the multiple environmental, health and safety threats attributable to the existing landfill – the management company contracted to operate the landfill, is unable to properly and consistently adhere to the requirements of the state issued DOH Solid Waste and LUC Special Use permits.

Mayor Hannemann's veto of Bill 37, CD 2 presented a list of "indisputable facts". Of these, the assertion that 1) the City cannot have a new landfill in operation by May 1, 2008 and 2) for the *foreseeable* future, the City "needs" a landfill on island are both inaccurate and misleading.

Before any approval of the requested permits are considered, the City and County of Honolulu's administration must be required to demonstrate the following:

1. The timely completion of the long delayed Integrated Solid Waste Management Plan, which was to have been completed and submitted to the Honolulu City Council for review and approval in 2003.
2. The issuance of a "Request for Proposals" notice and initiation of the review process for the consideration of alternative MSW processing technologies by October 2006 as stated by Director Takamura at the last City Council Public Works committee meeting held on July 27, 2006 .
3. The presentation of a plan to the Honolulu City Council for the execution of a long overdue comprehensive and mandatory island-wide Recycling program by December 2006.
4. A detailed, comprehensive closure plan for the existing Waimanalo Gulch landfill site irrespective of the proposed closure date. The plan must include details on required permits for closure, the identification of the authorizing government agencies and the listing of required monitoring activities after the closure process is complete.

In closing, it is my desire to provide the decision making body reviewing the proposed application with an additional perspective and a few requirement considerations regarding the existing landfill.

Thank you for this opportunity to provide my testimony.

Sincerely,



Robert H Kaialau, III

Additional Letters Received

Wm. Anderson and Sara Barnes
92-1001 Aliinui Drive
Kapolei, HI 96707

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

Re: Waimanalo Gulch Landfill Hearing

Dear City and County Leaders:

As residents of Kai Lani at Ko Olina, we are writing to urge that you not expand the landfill at Waimanalo Gulch either temporarily or permanently. Indeed, we urge you to close the landfill as you originally promised.

We are subject to excessive dust, blowing plastic bags and garbage, increased truck traffic and noise on the highway, and at times, sickening smells due to the landfills current location and activities.

We understand the need to have landfills. As a Texas friend of mine said recently: "Everyone wants to have their trash picked up, but nobody wants to have it put down." And so, on a positive note, we think that there are three things that need to be done to address the trash/garbage problem.

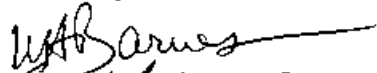

1. Immediately start easy-to-use, comprehensive recycling programs throughout the island. After all, this is an island and our land and resources are even more precious here than on continental places in the world. Glass, plastic, metal and newspapers should all go into one bin and be picked up and sorted for recycling.
2. Start innovative programs to encourage us all to use less and re-use what we have. Get the business community involved in this effort. (For example: How many shoppers throw out their plastic grocery store bags? How many return them for recycling? How reuse them several times before they do any of the above? How many use cloth bags instead? Couldn't Safeway do some inexpensive consciousness raising about this?) The city and county of Honolulu and its business community could and should become a national and international leader in this area.
3. With the latest innovative technology in mind, open a new landfill at another site on another part of the island. Start over the right way. We know that this is a political challenge, but done right, it will help to teach us all – on all sides of the island - to be better stewards of the land; educate us in the latest landfill technologies; and say to the people of the Wai'anāe Coast that you value this area and do not see it - or its people - as a place of garbage.

Wm. Anderson and Sara Barnes
92-1001 Aliinui Drive
Kapolei, HI 96707

We urge you to honor your previous commitment to close the landfill. We urge you not to expand it, either temporarily or permanently. We urge you to exert your leadership in being good stewards of the land and give us easy-to-accomplish incentives to re-use and recycle.

In order to remain economically viable, Honolulu must grow, but it must grow in a sustainable way. Thank you for your service to us all and for considering these comments.

Sincerely,



Wm. Anderson and Sara Barnes

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

1000 ULUOHIA STREET, SUITE 308, KAPOLEI, HAWAII 96707
TELEPHONE: (808) 692-5159 • FAX: (808) 692-5113 • WEBSITE: <http://www.cc.honolulu.gov>

MUFI HANNEMANN
MAYOR



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

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 06-046

August 16, 2006

Mr. William Anderson and Ms. Sara Barnes
92-1001 Aliinui Drive
Kapolei, Hawaii 96707

Dear Mr. Anderson and Ms. Barnes:

Thank you for your letter regarding the Waimanalo Gulch Sanitary Landfill.

We appreciate your understanding of the need for landfills as part of our integrated solid waste management program. Our goal is to significantly reduce the volume of waste going to landfill. Over the past years our H-POWER facility has been the primary operation to meet this goal. We intend to further expand our waste-to-energy capability.

The collection of residential and commercial separated green waste for delivery and recycling to compost is another major diversion from landfill undertaking. Our sludge composting program will soon become operational. This material will also be diverted. Other materials under consideration for diversion include e-waste, mattresses, and carpet, which may better be recycled on the mainland.

As you know, we are preparing the EIS for the Waimanalo Gulch Sanitary Landfill. The community scoping meetings are part of the process and your letter will be forwarded for inclusion in the comments. We also have initiated a landfill oversight advisory committee to assist us in assuring that Waste Management Inc. continues to improve their operations.

We are proceeding in a deliberate and professional manner to manage our solid waste. Your input is again appreciated.

Sincerely,

A handwritten signature in black ink, appearing to be "Eric S. Takamura", written over a horizontal line.

Dr. Eric S. Takamura, P.E.
Director

cc: RM Towill w/attachment

MAKAIWA HILLS LLC

James Campbell Building, Suite 250
1001 Kamokila Boulevard
Kapolei, Hawaii 96707
Tel 808 674-3541 / Fax 808 674-3111

August 29, 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 Proposed Waimanalo Gulch Landfill Expansion EIS

Makaiwa Hills, LLC is the fee owner of approximately 1,700 acres of property located on the eastern boundary of the Waimanalo Gulch Sanitary Landfill ("Waimanalo Gulch"). It has come to our attention that certain blasting and grading activity has been occurring, and is planned as part of the proposed expansion, along the shared property line between Waimanalo Gulch and Makaiwa Hills. We are concerned that this type of activity could threaten the structural integrity of Makaiwa Hills, LLC property. Based on the foregoing, we request the Environmental Impact Statement ("EIS") address the following issues:

- Structural integrity of the slope along the shared property line.
- Appropriate blasting and grading setbacks from the shared property line.
- Proposed operations near the shared property line and line of sight to these operations.
- Proposed access points for any expansion of Waimanalo Gulch near the shared property line.
- The eventual height of Waimanalo Gulch along the shared property line.
- The distance from the top of slope that is being manufactured as part of the landfill to the shared property line.

Thank you for the opportunity to comment on the proposed EIS.

Sincerely,



Steve Kelly, AICP
Manager
Entitlements and Infrastructure

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

1000 ULUOHIA STREET, SUITE 308, KAPOLEI, HAWAII 96707
TELEPHONE: (808) 692-5159 • FAX: (808) 692-5113 • WEBSITE: <http://www.co.honolulu.gov>

MUFI HANNEMANN
MAYOR



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

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 06-068

October 16, 2006

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:

Thank you. We received your written comments. We will incorporate the issues determined to be relevant within the environmental impact statement process.

Sincerely,

A handwritten signature in cursive script that reads "Eric S. Takamura".

Dr. Eric S. Takamura, P.E.
Director

cc: Brian Takeda- RM Towill
Paul Herran-COR

COMMENT FORM

Waimanalo Gulch Sanitary Landfill Expansion
Public Scoping Meeting for Environmental Impact Statement (EIS)
July 27 - August 10, 2006

Your comments are important and appreciated. Please use this form to make your comments regarding issues or concerns pertinent to the preparation of the EIS for this project. All comments should be received by **August 30, 2006**. Please send to:

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

Name: *Cynthia K. Rezentes*

Address: *87-149 Maipua St. Waiānae 96797*

Telephone: *696-0131*
497-1432 (c)

Fax: *696-0131*

Cynthia K.L. Rezentes

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

August 29, 2006

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

RE: Comments Submitted for Environmental Impact Statement Public Scoping for the Proposed Waimanalo Gulch Sanitary Landfill Expansion

Dear Director Takamura:

Thank you for the opportunity to submit public scoping comments regarding the proposed Waimanalo Gulch Sanitary Landfill Expansion Environmental Impact Statement.

I continue to oppose the continuing operation of Waimanalo Gulch Sanitary Landfill beyond the agreed upon date of closure by the City and County of Honolulu in 2003 and as ordered by the State Land Use Commission. This should be the primary position of all concerned with actions taken to fulfill those commitments.

As many of us are aware, the City and County of Honolulu is at a critical point in time in making decisions as to how our municipal solid waste should be managed for future generations. It is imperative that we, as an island community, pursue the best solution for the long-term health and well being of all of the residents of O`ahu. It is with this in mind that I submit the following comments for consideration of inclusion in the proposed Draft Environmental Impact Statement (EIS) for the Waimanalo Gulch Sanitary Landfill (WGSL) to be released in the near future.

1. The EIS needs to address 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.
2. All previous violations as identified in "Department of Health, State of Hawaii v. Waste Management of Hawaii, Inc. and City and County of Honolulu" should be resolved and all challenges concluded prior to the drafting of an EIS for the expansion of WGSL. (In fact, no new permits or permit modifications should be allowed until the violations are addressed and resolved.) Each of the eighteen counts brought against Waste Management of Hawaii, Inc. (WMI) and the City and County of Honolulu (C&C) should be identified and a current status provided within the proposed EIS. Each of the following counts (Taken directly from the Notice and Finding of Violation – Docket No. 05-SHW-SWS-004) should be addressed:
 - a. Exceedance of Permitted Grades
 - b. Failure to Submit Annual Operating Reports in a Timely Manner
 - c. Failure to place daily cover on the active faces of MSW landfill
 - d. Failure to place intermediate cover material on the ash monofill
 - e. Exceedance of leachate head on the liner in the ash monofill

- f. Exceedance of leachate head on the liner in MSW Cell E-1 sump
 - g. Failure to Measure Leachate and to Maintain Records on Leachate Levels in Cell 4B Sump
 - h. Failure to Measure Leachate Levels and to Maintain Records on Leachate Levels in the Ash Monofill Sump
 - i. Failure to notify DOH of noncompliance on equipment blockage in MSW Cell 4-B leachate lateral line and inability to measure leachate levels
 - j. Failure to Notify DOH of Noncompliance in a Timely Manner on the Exceedences of Permit Grades and Submission of the AORs
 - k. Unauthorized storage of material on the ash monofill
 - l. Failure to manage and ban the acceptance of special waste
 - m. Failure to maintain records and record location of asbestos disposal at the landfill
 - n. Failure to cover a dead animal
 - o. Failure to Submit Annual Surface Water Management Plan
 - p. Failure to control the generation of dust from vehicular traffic
 - q. Failure to minimize free litter generation at the landfill
 - r. Failure to monitor explosive gases and maintains monitoring records
3. The EIS should clearly define the current state of the WGSF footprint and airspace occupied. This information should include the fact that the permit modification to allow the expansion for the 14.9 acres (to keep the landfill open until 2008) actually redesigned fill slopes and caused portions of the landfill to exceed the fills limits for the ash monofill. The information will provide the baseline of the actual dimensions of the landfill from which the expansion may be measured.
 4. The current permitted WGSF footprint and airspace allowances should be completed and a closure plan (including stabilization of the structure) for the current permitted footprint and airspace allowances should be part of the EIS. This closure should include 30-year monitoring as part of the closure plan. This will act to separate the current landfill and any future expansion. This separation of the landfill into two separate permitted footprints with independent safety and monitoring issues effectively should build in a factor of safety thereby not compounding and confusing any future issues or problems that may arise from continued filling contiguous to the current landfill which has received numerous counts of violations in the Notice and Finding of Violation, Docket No. 05-SHW-SWS-004.
 5. An explanation needs to be provided as to the conflicting position of the 1984/1985 EIS which stated that only 57+/- of the 200 or so acres owned were feasible for utilization as a landfill due to the slope angles of the hillsides. What conditions have changed to allow additional expansion? Is the quarrying of the mountain the reason for additional volume being available for MSW and monofill ash waste deposits? Has the quarrying effects on the remaining mountain range been analyzed to assure stability of not only the landfill but also the surrounding area? Those calculations should be included in the EIS. Also to be included in the EIS is the design and analysis of material removed and it's impacts on the landfill design (primarily safety issues of stability), if quarrying is the manner in which additional volume is freed up for MSW and monofill waste receipt.
 6. Considering the extensive list of violations the current WGSF has received, the EIS needs to clearly identify who is to enforce the conditions of the Planning Commission Approval, LUC Decision and Order, DOH permit and as importantly, who is responsible for adherence to conditions placed on any expansion of the landfill? There needs to be a section on what

- guarantees the public have that violations will not occur in the future and what role the public has in providing information regarding violations observed.
7. One of the conditions of the permit was to allow for ridgeline and site views being maintained. Currently, the landfill exceeds the view plains with the approach from Wai'anāe to Honolulu. What will be done to rectify that situation and guarantee that this will not happen in the future?
 8. There should be clearly identified, separate (physically divided) municipal solid waste (MSW) and ash monofill cells for the expansion
 9. There should be a clearly identified location for the disposal of asbestos that is not contained within a MSW or monofill cell. This is required considering the location of the asbestos that has been disposed of in the past cannot be identified with any level of confidence.
 10. Considering the violation identifying not having enough or not providing time to complete soil cover as required on a daily basis, the EIS should reflect from where the soil cover will be procured. There should be records kept on when soil cover is received and when it is used via a daily tracking system. In addition, the hours of operation should reflect the time of last disposal versus completion of the day's activities to allow for the soil cover to be done daily.
 11. With the new expansion area, there should be separate stormwater retention basins, leachate systems, and methane gas monitoring and collection systems to preclude confusion with current systems and recognized violations assigned to these systems. This would be consistent with closure of the current landfill and the establishment of a new landfill with separate construction analyses, stormwater retention basins, leachate systems, gas monitoring and collection systems, and any other requirements that would need to be followed for a separate landfill.
 12. The chemical composition of the ash monofill should be identified and specific issues addressed, i.e. detection of heavy metals, dioxins, furans, etc. and the information should be shared with the public. There should be established an independent testing and recording system.
 13. The EIS needs to clearly identify how fugitive trash (e.g. flying plastic bags) will end. This includes fugitive trash that settles on the land or in the near shore waters. What extra measures will be taken when HPOWER (a waste-to-energy generation facility) is down for maintenance and all MSW is diverted to WGSF? As you go further back into the gulch you approach known high wind areas. That information should be included as a factor in the plans provided for fugitive trash control.
 14. The EIS needs to define how dust control will be handled. During high wind days not only is fugitive trash a problem but high quantities of dust can be observed swirling above the site. This could create health problems with individuals downwind from the site and should be addressed as a plan on how this will be prevented and controlled in the future.
 15. The EIS needs to provide data regarding how the current WGSF is affecting the near shore waters. This needs to include not just during arid times but also when there are significant rain events and what the stormwater runoff contains or how it will all be contained on the property.
 16. The EIS needs to address traffic concerns:
 - a. No trucks should be parked on Farrington Highway waiting for entrance into the facility
 - b. Farrington Highway should not have mud and dirt dropped from exiting trucks (trucks should leave the facility clean)

- c. Farrington Highway, fronting the facility, should be regularly cleaned of mud and dirt
17. There needs to be a commitment to maintain the route to WGS1. in a clean condition (i.e. no roadside litter).
 18. There should be identification of how the WGS1 will be maintained facing Farrington Highway, landscaped to reflect surrounding areas, park-like upkeep, greenbelt, set backs, etc. What will this buffer look like to preclude visual impacts?
 19. What specific controls will be put into place to address the odors emanating from the site? Will sewage sludge continue to be accepted, thereby adding to the odor concerns expressed in the past? Will it be pretreated or treated once received? A commitment should be made that if sewage sludge is received it will be given a high priority for immediate coverage to minimize the odor problems associated with this type of waste deposit and not wait until the end of the day final soil cover to be applied. The EIS should identify what will be contained in the odor plan and an outline should be listed.
 20. There should be a section to specifically address the stability of the expansion. Static stability should discuss the safety factor with which the new expansion will be built and take into consideration and show the calculations used to provide the safety factor for construction (i.e. stability berm). What will be the safety factor (minimum is required to be 1.5 but should be greater, preferably 1.75-2.0).

Deformation characteristics caused by an earthquake need to be discussed including potential liquefaction of the fill and subsequent consequences. Considering the August 28, 2006 earthquake experienced off the east coast of O'ahu at a magnitude between 3 and 4 on the Richter scale and the USGS position that we are in a seismically active region, this is no longer remote theory but a distinct possibility. How will that affect the overall safety factor applied to the structure's construction? There should be a higher safety factor applied to the proposed landfill expansion due to this seismic instability and not the minimum of 1.5 allowed by EPA. What are the alternatives to receiving MSW, monofill or other debris after an earthquake, if an analysis of the integrity of the liner system needs to be investigated? What are the alternatives if the liner system is compromised?

21. There has been a lack of urgency on the part of WMI to provide timely reports, how will that be addressed and how will the reports be made available to the public? I request that they be placed on the C&C webpage for the Environmental Services Division (www.opala.org) since they are public documents. There should be photos with a high resolution (perhaps 5M per photo) at the beginning, middle and end of the day to record the progress made during the depositing of MSW and monofill ash. These photos should be a part of the information made available to the public on the webpage. The C&C should also consider the potential of having a webcam on the operations of the site for recordation of the daily activities.
22. What are the impacts if leachate removal is required again in the future? In the past leachate was removed from WGS1 and sent to the Wai'anae Wastewater Treatment Plant which discharges secondary treated water into the offshore waters. What kinds of affects could be expected on the offshore waters, flora or fauna considering leachate, at times contain heavy metals or other undesirable chemicals?
23. A full discussion on alternative methodologies for managing MSW and monofill ash needs to be included in this EIS. Currently, there are two for-profit projects being proposed in the Wai'anae

area to do composting on the organic portion of the MSW collected. The C&C needs to answer why if these projects are profitable for private enterprises, is the C&C not pursuing these and other alternative technologies which have been presented, e.g. plasma arc/torch/gasification/vitrification?

24. What is the C&C's plans for recycling and reduction of the waste stream going into WGSI? Curbside recycling, green waste recycling, adding a third boiler to HIPOWER, etc?
25. What role does this expansion play in the C&C's Solid Waste Management Plan and what does the plan state as to how the C&C will address landfills in the future considering a very limited number of sites which can qualify for receipt of MSW?

The items identified need to be addressed in addition to the standard requirements as an EIS is prepared. Some of the other standard requirements may include but are not limited to: archaeological impacts, cultural impacts, social impacts, traffic concerns, noise, odor, etc.

The proposed EIS for this expansion of WGSI 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.

Sincerely,

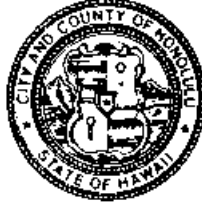


Cynthia K.L. Rezentes

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

1000 ULUOHIA STREET, SUITE 308, KAPOLEI, HAWAII 96707
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MUFI HANNEMANN
MAYOR



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

KENNETH A. SHIMZU
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 06-068

October 16, 2006

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

Dear Ms. Rezentes:

Thank you. We received your written comments. We will incorporate the issues determined to be relevant within the environmental impact statement process.

Sincerely,

A handwritten signature in cursive script, appearing to read "Eric S. Takamura".

Dr. Eric S. Takamura, P.E.
Director

cc: Brian Takeda- RM Towill
Paul Herran-COR

State Capitol
415 S. Beretania Street
Honolulu, HI 96813

Hawaii State Senate

Fax

To: Wilma Namurnart	From: Senator Colleen Hanabusa
Fax: 692-5402	Pages: 9, including cover
Phone: 692-5410	Date: 08/30/06
Re: Comments for EIS preparation on expansion of WGSL	CC:

• **Comments:** Submittal via fax.

This message is intended only for the use of the individual or entity to which it is addressed and may contain information that is privileged or confidential. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone. Thank you.

The Senate

The Twenty-Third Legislature

of the State of Hawaii

STATE CAPITOL HONOLULU, HAWAII 96813



August 30, 2006

- HUGH HIRAIWA
PRESIDENT
- CLYDIA MEREDITH
VICE PRESIDENT
- COLLEEN HANABUSA
MAJORITY LEADER
- CLAYTON HEP
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MINORITY LEADER
- BOB HODGE
MINORITY FLOOR LEADER
- GORDON SYMBLE
MINORITY CLERK

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
LAWRENCE HOGAN
- SECOND DISTRICT
RUSSELL A. AOKI
- THIRD DISTRICT
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- TWENTY FOURTH DISTRICT
BOB HODGE
- TWENTY FIFTH DISTRICT
FRED EMMAIDS
- CITY CLERK
KAYLA KAWANAKA

Department of Environmental Services, Refuse Division
08/30/06
Page 2 of 8

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 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 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?

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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 Hawaii.

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 WQSL 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.

Department of Environmental Services, Refuse Division
08/30/06
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These are concerns and issues which must be addressed in the EIS. It continues to remain my position that WGSU 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

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MUFI HANNEMANN
MAYOR



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

KENNETH A. SHIMIZU
DEPUTY DIRECTOR

IN REPLY REFER TO:
RA 06-068

October 16, 2006

The Honorable Colleen Hanabusa
State Senate
State Capitol
Honolulu, Hawaii 96813

Dear Senator Hanabusa:

Thank you. We received your written comments. We will incorporate the issues determined to be relevant within the environmental impact statement process.

Sincerely,

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

Dr. Eric S. Takamura, P.E.
Director

cc: Brian Takeda- RM Towill
Paul Herran-COR

Summary of Issues by Topic Area

Combined Issues by Topic Area for Consideration:
Developed At EIS Scoping Meetings In Waianae, Kaneohe, Downtown Honolulu, and
Kapolei Regarding The Expansion Of Waimanalo Gulch Sanitary Landfill

October 31, 2006

Note: Issues that are in **bold** are those that were received in writing by August 30, 2006, and are not duplicative of what was already stated by the community during the course of the meetings.

General

- The 2001 EIS should not be used as the basis for this EIS
- EIS needs to clearly illustrate what expansion is taking place
- Need to provide number of years of continuing operation as well as the number of acres the expansion will take
- Need to clarify the location, size of the area and what the current zoning is. Documents need to be very clear and specify the boundaries
- Need to look at mainland sewage sludge studies
- New ash area that is covered in EIS needs to be specified where and size
- Impact of other new proposed private sites such as Nanakuli B – do not need both
- Need to identify impacts to RFP process
- Need to consider federal draft rules for shipping of waste
- Need to look seriously at all sites available around the island
- Need to discuss worst case scenario contingencies including earthquake etc.
- Need to determine how the DEIS will tie-in to the City's comprehensive, Solid Waste Integrated Management Plan (SWIMP) update that the city is supposed to prepare
- There is a need to be aware that other areas of the island have hosted landfill sites in the past until their capacity was reached i.e. Aikahi, Kawaiianui Marsh, Kapa`a Quarry etc. – they have not all been on the Leeward side
- The EIS needs to reflect the current status at the landfill not the preferred status
- There was a concern expressed about the ability of a local planning firm to be neutral on this issue with all the political pressure
- Need to include all Federal, state and local laws that affect landfill operations
- Need to address Waste Management's 1999 contract with Mayor Harris
- Need clarity between airspace and landfill
- Need to explain why the community should believe the City at this point and why promises have not been kept
- HPOWER has never failed an EPA test on its ash – need to know why DOH has not approved reuse for concrete etc.
- Need to deal with the reality that because of our tourist economy or per person generation of waste is 7 pounds per day instead of the national average of 4 pounds

- Need to consult the County of Hawai`i who has just completed review of 61 alternatives and chosen 3 proven technologies to address this same issue
- **EIS needs to comply with all EIS rules and statutes – including those that require “good faith”**
- **Must not just address expansion but cumulative impacts since the 1980s**

Closure of Landfill

- EIS needs to focus on closing of Waimanalo Gulch now or as soon as possible – should not just go for life of area but should have a plan to reduce waste stream as quickly as possible to provide for closing sooner rather than later
- Review all alternatives available to reduce the waste stream with the intent of closing the landfill as soon as possible
- Need to consider the fact that many landowners and developers were fully aware of the landfill’s existence pre-development of their current homes and projects and moved in anyway
- Landowners in the area maintain that they were told the landfill would close in ‘08 when they bought and had depended on these representations in making their decisions
- Need for active recycling program that would cut down the need for a landfill; need for a sensible plan that would allow for the earliest possible closure of the landfill
- Need for finite planning – Hawai`i should be at the cutting edge and shouldn’t worry about costs to keep it a paradise
- City must explain why we are here – other meetings have been held in the past which promised closure of the landfill by 08 and it is still open
- EIS needs to provide factual/historic information for the issue of the promised closure in 2008 and the issuance of an operating permit that required closure in ‘08
- **Need a comprehensive closure plan for the existing Waimanalo Gulch landfill site irrespective of the proposed closure date**
- **Need to address the State Land Use Commission Decision and Order calling for closure in 2008**
- **Need to address the conflicting position of the 1984/1985 EIS which stated that only 57+/- of the 200 or so acres owned were feasible for utilization as a landfill due to the slop angles of the hillsides.**
- **Close it and put it somewhere else on the island**

Environmental

- Need to explain what the relationship will be between the newly created topography of the expanded landfill, and the prevailing wind patterns of the area including any impact on ocean currents and near shore water temperatures as well as any impacts the new topography may have on adjacent landowners (including the slope integrity along shared property lines, and heights and distances along these lines)
- Need to review Hawaiian Electric Company’s wind study and explain the logic of the increase in height of the landfill in light of the wind energy study

- Need an assessment of the static stability of the landfill both ash and solid waste areas including consideration of past history as well as the dynamic stability of the landfill recognizing the fact that we live in a seismically active area
- Need to address how much of the mountain land space is being shaved for the landfill and discuss blasting or grading setbacks that are necessary
- Need to address environmental impacts of potential hazards
- Need to understand how 20 years of further capacity will be provided without excavation as previously stated – if there is excavation need to address where the soil will go
- Need to review recent State of Hawai`i Supreme Court case (Hokulia) regarding State DOH responsibility for water quality in relation to how it is being affected by the landfill e.g. ocean run off
- If expansion moves forward, storm water retention basins, leachate and gas monitoring systems are needed
- Address future ash monofills
- Need to know chemical composition of ash
- The location of potential hazards such as asbestos within the landfill need to be identified
- **Address unknown effects to the land, water, and air**
- **Need to address odor issues – will the expansion take sludge and if so for how long**
- **How is the liner tested and how secure is it needs to be addressed**
- **The ability of the rock berm to handle the expansion needs to be discussed**
- **Needs to address the need for a surface water management plan**
- **Need fugitive trash plan designed to end this problem**

Infrastructure

- Impact to landfill when H-POWER is down is an issue
- Impact on highway; road blockages, etc.
- Maintenance issues along Farrington Highway with heavy truck use – standards for adequate maintenance of this highway
- Any new access points and their impacts on adjacent property owners

Economic Issues

- Economic impacts
- Costs of closing landfill
- Need a solution to address lost revenues to the city should the solid waste go to a private landfill – tipping fees

Explore Alternatives

- Need to look at all alternatives that are appearing (i.e., Plasma ARC gasification, etc.) and determine how these alternatives fit in with everything else that the City is doing – including how they can reduce the waste stream to allow for the earliest closing possible of the landfill
- Need to explore all viable alternatives

- Need to look at other places, especially Europe, and how they dispose of their waste, the kinds of incentives/taxes/sanctions they use to reshape people's attitudes at the curbside
- Expansion should be limited to a specific time and coupled with a plan to reduce the waste stream
- Need to address things that can be done to reduce the amount of waste that goes to the landfill – curbside recycling, alternative technologies, partnerships with the business community to promote recycling and reuse, etc. Need to get innovative and creative.
- Need to increase HPOWER and explore reuse of ash – HPOWER type facilities could be decentralized and built anywhere
- Need to address trans-shipping of waste
- Need to address providing a funding stream to address alternatives
- Need to speed up action on alternatives
- **Plasma Arc Gasification – Jacoby Inc.**
- **Need to address the implementation of the comprehensive and mandatory island-wide recycling program (proposed to be done by December 2006)**
- **Alternatives looked at must be explained including why they are rejected – the exploration must be rigorous**

Facilities Management

- Need to look at as a facilities management problem and apply technologies correctly (especially as pertains to smells and debris)
- The EIS should address the status of all violations and what has been done regarding violations – need to close violations prior to new EIS and permit
- Hours of operation need to be clear and adhered to – the community recently expressed concerns about night operations taking place and the impact of the lighting on houses and neighborhoods
- Need to address overfilling of landfill site
- Need to look at rubbish control and sludge issues
- Need a specific operational plan for soil cover
- **Explain the contracts between the city and Waste Management Inc and the timing of these contracts.**
- **There should be a clearly identified, separate (physically divided) MSW and ash monofill cells for the expansion**
- **A separate area should be identified for asbestos disposal**
- **A full discussion of all management techniques must be included**
- **Impact of expanded operations on adjacent property owners including line of sight issues**

Monitoring and Enforcement

- Need to provide for air quality monitoring, testing as it corresponds to traffic at the site, and along the route to/from the site
- Need to examine enforcement capability and capacity of DOH – including the lack of resources required for monitoring, enforcement, reporting, and accountability

- Major dirt and dust issues; monitoring doesn't work – need for more data collection
- Need to consider past problems with the landfill (i.e., EPA violations, leachate collection system) and be sure the DEIS identifies ways to assure that they do not happen again
- Need to address and explain the \$2.8 million fine that has been imposed on the landfill by the Department of Health and assure that these types of practices/violations do not continue in the expansion
- Need to assure that a system is in place to hold the operator accountable
- Monitoring should be adequate so that after the fact permit modification should not happen – example the permit modification needed for the leachate sump pump system
- Need to monitor methane gas levels
- Need to have rigid standards and adequate monitoring to ensure the health and safety of the community
- Need regular monitoring by the Department of Environmental Services
- Need to address who will be responsible for enforcement of things in the EIS and what guarantees will be made in the EIS
- Need to include status of compliance with current permit – by modifying the permit, are we negating prior violations which should not be allowed
- **Need to assure timely reporting by the operator and public access to these reports – consider webcam on site for monitoring purposes**

Leachates

- Need to also address leachate and its impact to groundwater, runoff to ocean, subsidence and slippage resulting from seismic activity, methane fires, and EPA violations relating to gas collection systems
- Need to look back and forward – what has been/will be done to take care of leachate problems and make sure these do not reoccur in the future
- Need to address leachate pumped out to the sewer treatment plant and what happens to it and what is its effect on the final outflow water quality from the sewer treatment plant
- Need to discuss comprehensively the leachate management system – including possible failure of the geo-membrane lining system and how it will be taken care of

Environmental Justice

- Need to address “environmental justice” along the Leeward Coast and as it pertains to this landfill, including the multitude of existing private and proposed sites in the area

Health impacts

- Need to include discussion of potential health hazards
- Who is liable for the health costs to residents should the landfill cause health problems
- When considering expansion, need to discuss EPA finding regarding gas collection system issues
- Compensation to neighbors for health impacts
- Impact of multiple landfills, both public and private, on air quality needs to be addressed
- Higher standards are needed for dust and debris and possible impacts to health

Community issues

- The DEIS needs to deal with the lack of sensitivity to cultural sites and issues
- What communities will benefit - who will be selected and how will the compensation benefits committees be set up also needs to be addressed
- Need to include impact of non-closure of Waimanalo Gulch on for-profit businesses in the area or planning to locate in the area
- Smells, trash escape, floating dust, truck traffic and speeding, trash on road, visual blight all need to be addressed
- Landfill should not be going above the ridge lines, which can be seen from Waianae
- **One of the conditions of the permit was to allow for ridgeline and site views being maintained**
- **No trucks should be parked on Farrington Highway waiting for entrance to the facility**
- **Trucks should be cleaned when leaving facility so there is no mud or dirt dropped on the highway**
- **Route along Farrington Highway should be kept clean of rubbish or dirt generated by the facility**
- **There should be identification of how the Waimanalo Gulch Sanitary Landfill will be maintained facing Farrington Highway, landscaped to reflect surrounding areas, park-like upkeep, greenbelt, setbacks, etc.**