

DEPARTMENT OF THE CORPORATION COUNSEL
CITY AND COUNTY OF HONOLULU

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LAND USE COMMISSION
 STATE OF HAWAII

2016 JUN -7 A 6: 36

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June 3, 2016

Dean I. Hazama, Chairman
 Honolulu Planning Commission
 City and County of Honolulu
 650 South King Street, 7th Floor
 Honolulu, Hawaii 96813

Dear Chair Hazama:

Re: A Request for Follow-Up Status Report or Extension on State Special Use Permit to Supersede Existing Special Use Permit to Allow a 92.5-Acre Expansion and Time Expansion for Waimanalo Gulch Sanitary Landfill, Waimanalo Gulch, Oahu, Hawaii, Tax Map Key: 9-2-03: 72 and 73

This letter responds to the Honolulu Planning Commission's ("Planning Commission") letter dated May 25, 2016, which requests "a follow-up status report or extension on State Special Use Permit to Supersede Existing Special Use Permit to Allow a 92.5-Acre Expansion and Time Expansion for the Waimanalo Gulch Sanitary Landfill." In light of recent developments before the State Land Use Commission ("LUC") and discussions between the parties, the City and County of Honolulu, Department of Environmental Services ("City"), intends to file a motion to stay the proceedings before the Planning Commission to April 22, 2017.

On October 22, 2015, the City appeared before the LUC to report on the status of the proceedings before the Planning Commission. The City represented that it has made progress in negotiating with Intervenor Ko Olina Community Association ("KOCA") as evidenced by the City's success in diverting additional wastes streams from the landfill. The City reported, however, that the parties need additional time to establish objectives for further landfill waste diversion. Thus, the parties represented that they intend to file a stipulation with the Planning Commission to commit to an 18-month schedule to implement additional alternative uses or disposal methods to increase waste diversion. The

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parties estimated that they needed two months to agree on the stipulation that would memorialize the diversion objectives. The LUC agreed to this plan of action but requested that the City and KOCA include Intervenor Colleen Hanabusa (“Hanabusa”) in these negotiations.

The City and KOCA spent nearly six months reviewing and discussing the objectives to include in the stipulation. While this process took longer than initially anticipated, the parties ultimately reached a productive agreement. The City and Intervenor KOCA, Maile Shimabukuro (“Shimabukuro”), and Schnitzer Steel Hawaii Corporation (“Schnitzer”) signed the stipulation to continue proceedings before the Planning Commission to April 22, 2017. A copy of the stipulation was forwarded to Hanabusa, but the City has been informed that she will not sign the agreement. A copy of the partially-signed stipulation is attached hereto as Attachment 1.

Because we were not able to reach an agreement with all of the parties, the City is now preparing a motion to stay the proceedings until April 22, 2017, which we anticipate will be filed no later than June 24, 2016. The contents of the motion will be similar to the stipulation that was signed by four of the five parties. The City understands that KOCA, Shimabukuro, and Schnitzer intend to join the City’s motion.

Sincerely,



KAMILLA C. K. CHAN
Deputy Corporation Counsel

KCKC:di
Attach.

cc: Edmund Aczon, Chair
Land Use Commission

Brian Yee, Esq.
Deputy Attorney General

Richard N. Wurdeman, Esq.

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09-01760/501008

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DEPARTMENT OF ENVIRONMENTAL SERVICES,
CITY AND COUNTY OF HONOLULU

BEFORE THE PLANNING COMMISSION
OF THE CITY AND COUNTY OF HONOLULU

STATE OF HAWAII

In the Matter of the Application of)	FILE NO. 2008/SUP-2
)	
DEPARTMENT OF ENVIRONMENTAL)	STIPULATION AND ORDER TO
SERVICES, CITY AND COUNTY OF)	CONTINUE PROCEEDINGS TO APRIL 22,
HONOLULU)	2017; CERTIFICATE OF SERVICE
)	
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, O'ahu,)	
Hawai'i, Tax Map Key: 9-2-03: 72 And 73)	
)	
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In the Matter of the Application of)	
)	
DEPARTMENT OF ENVIRONMENTAL)	
SERVICES, CITY AND COUNTY OF)	
HONOLULU)	
)	
To delete Condition No. 14 of Special Use)	
Permit No. 2008/SUP-2 (also referred to as Land)	
Use Commission Docket No. SP09-403) which)	
states as follows:)	
)	
"14. Municipal solid waste shall be allowed at)	
the WGS� up to July 31, 2012, provided that)	
only ash and residue from H-POWER shall be)	
allowed at the WGS� after July 31, 2012.")	
)	
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**STIPULATION AND ORDER TO
CONTINUE PROCEEDINGS UNTIL APRIL 22, 2017**

Applicant DEPARTMENT OF ENVIRONMENTAL SERVICES, CITY AND COUNTY OF HONOLULU ("ENV"), and Intervenors KO OLINA COMMUNITY ASSOCIATION and MAILE SHIMABUKURO, SCHNITZER STEEL HAWAII CORP., and COLLEEN HANABUSA request that the Commission continue the proceedings to April 22, 2017.

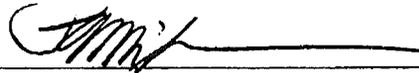
During the continuation, ENV will work to divert all waste from the landfill that can be disposed of by a method other than by landfilling, except if (1) H-POWER cannot accept the landfill waste or there is an emergency, and (2) there is no reasonably available alternative disposal method for the waste, by the following means:

1. Municipal Solid Waste, specifically:
 - (a) Residue: ENV will divert residue resulting from the H-POWER waste-to-energy process through H-POWER equipment improvements that will enable H-POWER to better filter residue to capture more of the burnable material and reduce the disposable waste. ENV will also continue to evaluate ways, including boiler optimization, to capture more of the residue at H-POWER.
 - (b) Bulky waste: As of July 2015, ENV has diverted all bulky waste previously used to dispose of sludge from the landfill.
 - (c) Unacceptable waste or waste rejected for disposal at H-POWER such as long wires, car parts, cables, and other oversized items: ENV will divert these wastes through H-POWER equipment improvements, such as the addition of a new waste shredder that will further process unacceptable waste so that these wastes may be incinerated at H-POWER. ENV is also investing in additional staff training at the Waimanalo Gulch Sanitary Landfill ("WGSL") to enhance inspections of incoming waste loads such that waste that could be burned at H-POWER will be identified and screened out in the future.
2. Ash (residue from H-POWER waste-to-energy process): ENV will follow the progress of facilities in Pasco County, Florida, and York County, Pennsylvania, that are pioneering ash reuse and will seek the Department of Health's approval of ash reuse projects modeled after these programs.

3. Automotive Shredder Waste ("ASR"), which comprises the majority of the Miscellaneous Special Waste category: The Department of Health has approved a pilot project for the City to evaluate the constituents of ASR to ensure it is compatible with the H-POWER system and/or determine what is needed to enable H-POWER processing.
4. Wastewater Treatment Plant Waste: ENV has diverted all sewage sludge produced by the City and County of Honolulu from the landfill as of July 2015. For sewage sludge from the private wastewater treatment plant, ENV will determine if adding water to the sludge or combining it with loads at the City's wastewater treatment plants will enable processing at H-POWER. For bar screening waste, ENV will institute enhanced odor control protocol or equipment to enable processing at H-POWER.
5. Homeowner Waste: ENV will continue efforts to establish a new refuse convenience center in the Campbell Industrial Park so there is an alternative depository for homeowner waste loads currently going to the landfill.
6. Outdated Food Waste: ENV will evaluate the constituents to determine compatibility with the H-POWER system to enable burning.
7. Treated Medical Waste: As of the end of December 2015, ENV has diverted all treated medical waste except for treated medical sharps.
8. Rendering Waste: Currently, only approximately 1,700 tons of rendering waste is disposed of at the landfill each year, and a single company is responsible for producing this waste stream. ENV intends to work with this company to further evaluate the rendering waste to determine whether it can be diverted from the landfill to H-POWER. In the interim, ENV will require this company to implement enhanced odor control measures for disposal at the landfill.
9. Animal Waste: ENV cannot divert large animal carcasses from the landfill because H-POWER does not have the ability to incinerate these large masses. However, ENV will work with the Department of Health to further characterize this waste, in particular the smaller animal carcasses, with the intent to burn this waste at H-POWER.
10. Petroleum Contaminated Soils and Asbestos-Containing Materials: These waste streams are already going to the PVT landfill instead of WGSL.

ENV shall file three reports with the Commission to update the status of the above-referenced objectives. These reports shall be submitted on June 22, 2016, September 22, 2016, and March 22, 2017.

DATED: Honolulu, Hawaii, _____.



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COLLEEN HANABUSA

APPROVED AND SO ORDERED:

Authorized Representative of the
Honolulu Planning Commission

FILE NO. 2008/SUP-2, In the Matter of the Application of DEPARTMENT OF
ENVIRONMENTAL SERVICES, CITY AND COUNTY OF HONOLULU - Stipulation and
Order to Continue Proceedings to April 22, 2017

09-01760/483350