



# OFFICE OF PLANNING STATE OF HAWAII

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Ref. No. P-15613

May 22, 2017

## MEMORANDUM

To: Daniel Orodener, Executive Officer  
Land Use Commission

From: Leo R. Asuncion, Director 

Subject: Special Permit Application No. SP09-403  
Department of Environmental Services, City and County of Honolulu  
TMK: (1) 9-2-03:72 and 73  
Waimanalo Gulch, Ewa, Oahu

2017 MAY 24 PM 1:12  
DEPT OF ENVIRONMENTAL SERVICES  
CITY & COUNTY OF HONOLULU

The Office of Planning (OP) recommends approval of the Special Permit Application, SP09-403, Department of Environmental Services, City and County of Honolulu (File No. 2008/SUP-2), with additional and amended conditions as described herein to ensure that a replacement landfill site is operational before the Waimanalo Gulch Sanitary Landfill reaches capacity.

### **A. Factual and Procedural Background**

In 2009, the Land Use Commission (“LUC”) issued its Findings of Fact, Conclusions of Law, and Decision and Order (the “2009 Decision and Order”) granting a Special Permit for the Waimanalo Gulch Sanitary Landfill, with a termination date of July 31, 2012. The applicant was Department of Environmental Services, City and County of Honolulu (“ENV”). Senator Hanabusa and Representative Shimabukuro were Intervenors. The 2009 Decision and Order was appealed to the Circuit Court, and then to the Hawaii Supreme Court. On May 4, 2012, the Hawaii Supreme Court reversed the 2009 Decision and Order, finding that the LUC did not have sufficient facts in the record to justify a termination date of July 31, 2012. The Hawaii Supreme Court remanded the case back to the LUC for appropriate proceedings which could include an enlargement of the record. In fact, the Hawaii Supreme Court encouraged the LUC to consider new testimony before the Planning Commission in the proceeding described below.

On June 28, 2011, during the pendency of the judicial appeals, ENV filed a motion with the Planning Commission to delete the termination date of July 31, 2012 from the Special Permit. After the Hawaii Supreme Court remanded the Special Permit to the LUC, ENV then asked the Planning Commission to withdraw its motion to delete the termination date. The Planning Commission decided to stay those proceedings rather than dismiss it.

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Need for an Alternative Landfill Site. In FoF 92, the DOH cites that Oahu needs a landfill, that WGS� is the only landfill for MSW and ash, and that shutting down the landfill before other options are available will endanger public health. FoF 38 to 51 document the City's efforts to identify an alternative landfill site, including commissioning a site selection study and formation of a site selection committee. To-date, however, an alternative landfill site to the WGS� has not been identified. FoF 52 and 53 note that even after the City selects a new landfill site, it will take ENV more than seven years to complete the tasks necessary to start operations at a new site, including the preparation of an EIS, acquisition of the landfill site, obtaining funding, and undertaking engineering and construction and land use approvals.

The City has made significant and commendable efforts to divert and reduce MSW disposal at the landfill, including material and green waste recycling programs, the addition of a third boiler to the HPOWER facility which allows burning bulky items, sewage sludge, and improved metals recovery. However, the City acknowledges that there are no new technologies with proven reliability that would completely eliminate the need for a landfill (See FoF 57).

### **C. Recommendation**

As the only available landfill for the disposal of MSW and ash, the importance and need for the WGS� is unquestionable. The City PC record is unclear, however, as to the estimated date when the landfill will reach its capacity. Given the seven plus year timeframe required to identify, procure and prepare a suitable replacement landfill site, it is important to monitor the timing of when the landfill's capacity will be reached, to assure that the replacement landfill site will be ready and available. The WGS� has been in operation since 1989, has subsequently required expansion inland, such that maximum capacity of the site could be attained at some point in the near future.

OP supports the City PC Decision and Order relative to the deletion of Condition 14 and the additional conditions imposed on the Applicant, including the firm date established for selection of an alternative landfill site. We believe, however, that further modifications are required to ensure that a replacement landfill site will be operationally ready before the WGS� reaches capacity. OP acknowledges the difficulty in determining a closure date given the ongoing efforts to further divert MSW and ash from the landfill. We recommend, therefore, that while the City secures the replacement landfill site, it is mindful of the projected date at which the WGS� will reach capacity.

Upon selection of the replacement landfill site, the Applicant should commence with acquiring the site or otherwise obtaining site control as necessary, preparing the EIS through to final acceptance, and procuring the required land use approvals. Although the extent of commencement is not described, what is most important is that the City initiates the work for a

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3. The Applicant shall identify an alternative site by December 31, 2022, that will be used upon Waimanalo Gulch Sanitary Landfill reaching its capacity. Immediately upon selection of the alternative site, the Applicant shall pursue site acquisition, the preparation of an Environmental Impact Statement, and land use permitting as may be required to assure use of the site as a replacement landfill when the WGS� reaches its capacity.

4. When the estimated WGS� capacity for either MSW or ash reaches 7 years, the Applicant shall initiate site work on the replacement landfill in preparation for the transfer of landfill operations when WGS� reaches capacity.”

Thank you for the opportunity to provide these comments. If you should have any questions, please contact Rodney Funakoshi of our Land Use Division at (808) 587-2885.

c: ✓ City & County of Honolulu Department of Environmental Services  
✓ City & County of Honolulu Department of Planning and Permitting  
Department of Health, Solid and Hazardous Waste Branch