

DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU** AND USE COMMISSION  
STATE OF HAWAII  
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March 31, 2023

2023/SUP-2(FK)  
2008/SUP-2  
2325273

**MEMORANDUM**

TO: City, State, and Federal Agencies

FROM: <sup>FPK</sup> Franz P. Kraintz, Chief  
Community Planning Branch

SUBJECT: Request to Modify Condition No. 1 of Special Use Permit (SUP)  
2008/SUP-2 and Condition No. 5, State Land Use Commission (LUC)  
Docket No. SP09-403 for the Waimanalo Gulch Sanitary Landfill (WGSL),  
Tax Map Keys 9-2-050: 005 and 006 Ewa District, Oahu, Hawaii  
(Application)

This is to notify you that an Application from the Department of Environmental Services (ENV) has been received by the Department of Planning and Permitting (DPP). The Application seeks to extend the December 31, 2022 deadline to identify an alternative landfill site found in both the Planning Commission's Findings of Fact, Conclusions of Law, and Decision and Order, dated June 10, 2019 (Planning Commission's 2019 Decision) and the LUC's Findings of Fact, Conclusions of Law, and Decision and Order Approving with Modifications the City and County of Honolulu Planning Commission's Recommendation to Approve SUP, certified on November 1, 2019 (LUC's 2019 Decision). The ENV (Applicant) requests the deadline to identify an alternative landfill site be extended to December 31, 2024.

The basis for this Application is twofold: (1) Act 73 (Session Laws of Hawaii 2020) (Act 73), which was signed into law after the Planning Commission's and LUC's 2019 Decisions, placed new legal restrictions on potential landfill sites and left Applicant with a small selection of sites that are all located above Oahu's drinking water aquifer system; and, (2) the Honolulu Board of Water Supply (BWS) recently advised Applicant that it "does not approve any of the six proposed landfill sites that are located above (or mauka) the BWS' No Pass Zone and over Oahu's drinking water aquifer system.

Applicant requests a two-year extension of time to reevaluate its options including, but not limited to, additional time to explore the use of federal lands outside the BWS No Pass Zone and work with the state legislature on new law or amendments to existing law, including Act 73, that would open up potential landfill sites outside the No Pass Zone.

Applicant believes this request for an extension of time is in the best interest of all Oahu communities as this City administration, under the circumstances, refuses to default to pursuing an extension of the WGSL. Further, in light of the contamination of drinking water associated with leaking petroleum from the U.S. Navy's Red Hill Bulk Fuel Storage Facility,<sup>1</sup> Applicant believes it is obligated to proceed with extreme caution, taking into consideration any and all potential impacts such as that identified by the BWS, before identifying the next landfill site.

If the Planning Commission approves Applicant's request, then the entire record of this request will be transmitted to the LUC for its consideration and action.

Please evaluate whether the impact the modification of the SUP condition to extend the deadline to identify a landfill site to December 31, 2024 will have on the facilities and services you provide or plan to provide in your area.

The complete SUP Application is available on the DPP website at <https://www.honolulu.gov/dpp/public-input.html>. Due to time constraints imposed by the Rules of the Planning Commission, your reply to the DPP by **April 28, 2023** would be appreciated. Please reference the project number **2023/SUP-2(FK)** in your response.

Should you have any questions, please contact Brandon Soo at (808) 768-8051 or via email at [brandon.soo@honolulu.gov](mailto:brandon.soo@honolulu.gov).

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<sup>1</sup> See, e.g., State of Hawaii, Department of Health, Red Hill Water Information, <https://health.hawaii.gov/about/red-hill-water-information/> (last visited December 14, 2022).