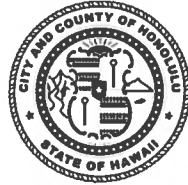


DEPARTMENT OF ENVIRONMENTAL SERVICES
KA 'OIHANA LAWELawe KAIĀPUNI
CITY AND COUNTY OF HONOLULU

1000 ULU'ŌHI'A STREET, SUITE 308 • KAPOLEI, HAWAII 96707
PHONE: (808) 768-3486 • FAX: (808) 768-3487 • WEBSITE: honolulu.gov



RICK BLANGIARDI
MAYOR
MEIA



ROGER BABCOCK, JR., Ph.D., P.E.
DIRECTOR
PO'O

MICHAEL O'KEEFE
DEPUTY DIRECTOR
HOPE PO'O

IN REPLY REFER TO:
RH 25-024

December 24, 2024

Also sent via email to dbedt.luc.web@hawaii.gov

RETURN RECEIPT REQUESTED
7018 0680 0001 2352 1824

Mr. Dan Giovanni, Chair
Land Use Commission
Department of Business, Economic Development & Tourism
State of Hawai'i
235 South Beretania Street, Room 406
Honolulu, Hawai'i 96813

RETURN RECEIPT REQUESTED
7018 0680 0001 2352 1831

Mr. Pane Meatoga III, Chair
Planning Commission
c/o Department of Planning and Permitting
City and County of Honolulu
650 South King Street, 7th Floor
Honolulu, Hawai'i 96813

Dear Messrs. Giovanni and Meatoga III:

SUBJECT: Docket No. SP09-403
New Special Use Permit
Waimanalo Gulch Sanitary Landfill

In accordance with the November 1, 2019 State Land Use Commission Order Approving with Modifications the City and County of Honolulu Planning Commission's Recommendation to Approve Special Use Permit, the attached Tenth Semi-Annual Report is submitted for your information. This report covers the period from May 1, 2024 through October 31, 2024, unless otherwise stated in the report.

Mr. Dan Giovanni, Chair
Mr. Pane Meatoga III, Chair
December 24, 2024
Page 2

The report is being concurrently submitted to the Planning Commission and Land Use Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Roger Babcock Jr.", written in a cursive style.

Roger Babcock Jr., Ph.D., P.E.
Director

Attachment

cc: Jeffrey Hu - COR



TENTH SEMI-ANNUAL REPORT

**STATUS OF ACTIONS TAKEN TO COMPLY WITH THE STATE LAND USE
COMMISSION'S ORDER DATED NOVEMBER 1, 2019
AND
STATUS OF OPERATIONS
WAIMĀNALO GULCH SANITARY LANDFILL**

Prepared For:

**Land Use Commission
State of Hawai'i**

**Planning Commission
City and County of Honolulu**

Prepared By:

**Department of Environmental Services
City and County of Honolulu**

December 18, 2024

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PREFACE

This report was prepared in accordance with the State of Hawai'i Land Use Commission's ("LUC") Order Approving With Modifications the City and County of Honolulu Planning Commission's Recommendations to Approve a Special Use Permit, dated November 1, 2019 ("2019 LUC Order"). A copy of the 2019 LUC Order is available on the [LUC's website](#).

Under Condition No. 7 of the 2019 LUC Order, the Applicant (Department of Environmental Services, City and County of Honolulu, hereinafter "ENV") shall provide semi-annual reports to the Planning Commission of the City and County of Honolulu ("Planning Commission") and the LUC regarding the following:

- a) The status of the efforts to identify and develop a new landfill site on O'ahu,
- b) The Waimānalo Gulch Sanitary Landfill's ("WGSL") operations, including gas monitoring,
- c) ENV's compliance with the conditions imposed herein,
- d) The WGSL's compliance with its Solid Waste Management Permit issued by the Department of Health and all applicable federal and state statutes, rules and regulations, including any notice of violation and enforcement actions regarding the WGSL,
- e) The City's efforts to use alternative technologies,
- f) The extent to which waste is being diverted from the WGSL and
- g) Any funding arrangements that are being considered by the Honolulu City Council or the City Administration for activities that would further divert waste from the WGSL.

This is the tenth semi-annual report submitted in accordance with Condition No. 7 and covers the period from May 1, 2024 to October 31 2024, or as otherwise stated.

STATUS OF IDENTIFYING AND DEVELOPING NEW LANDFILL SITES ON O'AHU

1. General

Condition No. 5 of the 2019 LUC Order, as amended by the LUC's Findings of Fact, Conclusions of Law, and Decision and Order Approving Motion to Modify Received July 15, 2024, certified on August 23, 2024 ("2024 LUC Order"), requires that, by no later than December 31, 2024, ENV shall identify an alternative landfill site that may be used upon closure of WGS�.¹ Upon identification of the alternative landfill site, ENV shall provide written notice to the Planning Commission and the LUC.

2. Current Status

The City has been engaged in an ongoing effort to identify a landfill site. Condition 4 of the prior LUC Order in Docket No. SP09-403, certified October 22, 2009 ("2009 LUC Order"), stated:

"On or before November 1, 2010, the Applicant shall begin to identify and develop one or more new landfill sites that shall either replace or supplement the WGS�."

In accordance with Condition 4 of the 2009 LUC Order, Mayor's Advisory Committee on Landfill Site Selection ("MACLSS") met in 2011 and 2012, and completed its final report September 25, 2012. All committee meetings were open to the public and to public comment. In the final report, 11 potential sites were identified and ranked based on community criteria. Handouts provided to the MACLSS, the Group Memory of each meeting, and the final report are posted online at [ENV website](#).

The City retained a consultant to further review and analyze the sites based on technical and engineering considerations. The report, "Assessment of Municipal Solid Waste Handling Requirements for the Island of O'ahu", was completed in November 2017 and is available online [ENV website](#).

The passage of Act 73 (2020) prohibits the construction, modification, or expansion of waste disposal facilities without first establishing a buffer zone of no less than one-half mile around the waste or disposal facility. Although not required, the active area of WGS� is in compliance with this requirement.

¹ As discussed in this report, the 2024 LUC Order extended the deadline from December 31, 2022 to December 31, 2024.

An initial review of the available sites in fall 2020 reduced the number of potential future landfill sites to four (4) (Kea'au, Upland Kahuku 1 and Upland Pūpūkea 1 and 2) based on sites short-listed in the 2017 landfill siting report. However, additional review in January 2021 determined that a more thorough review and evaluation of new locations island-wide with respect to Act 73 is warranted.

On April 27, 2021, ENV presented an update on integrated solid waste management and progress towards a future landfill site at a joint City Council committee meeting. ENV shared a preliminary map showing areas compliant with Act 73 where a landfill could potentially be located. The consultant further refined the areas with respect to Act 73 and other constraints.

PROGRESS TOWARD FUTURE LANDFILL SITE

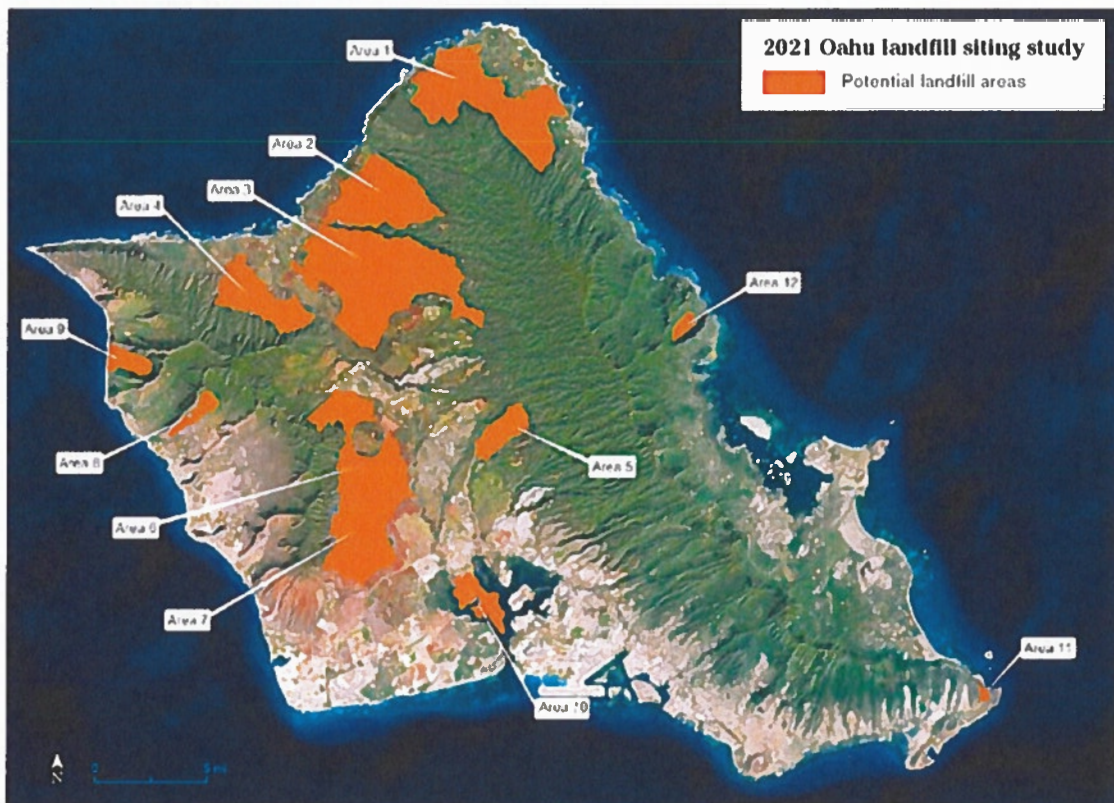
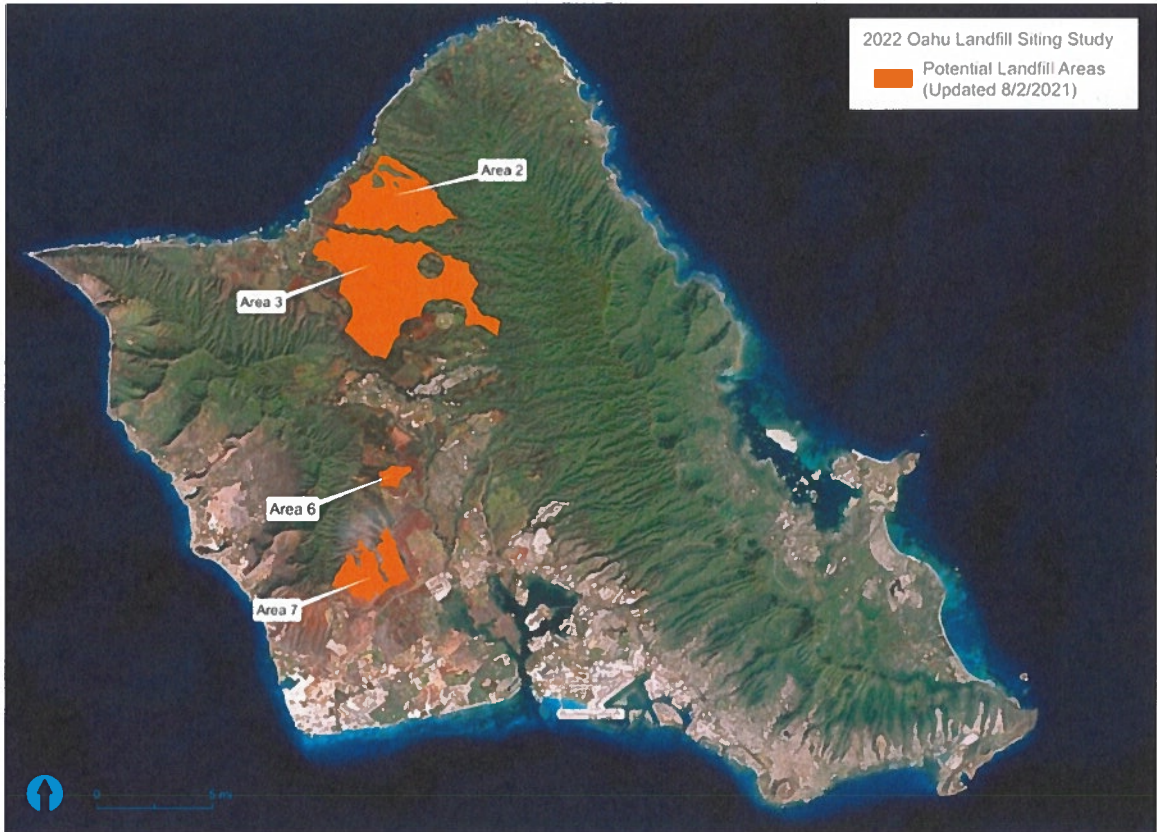
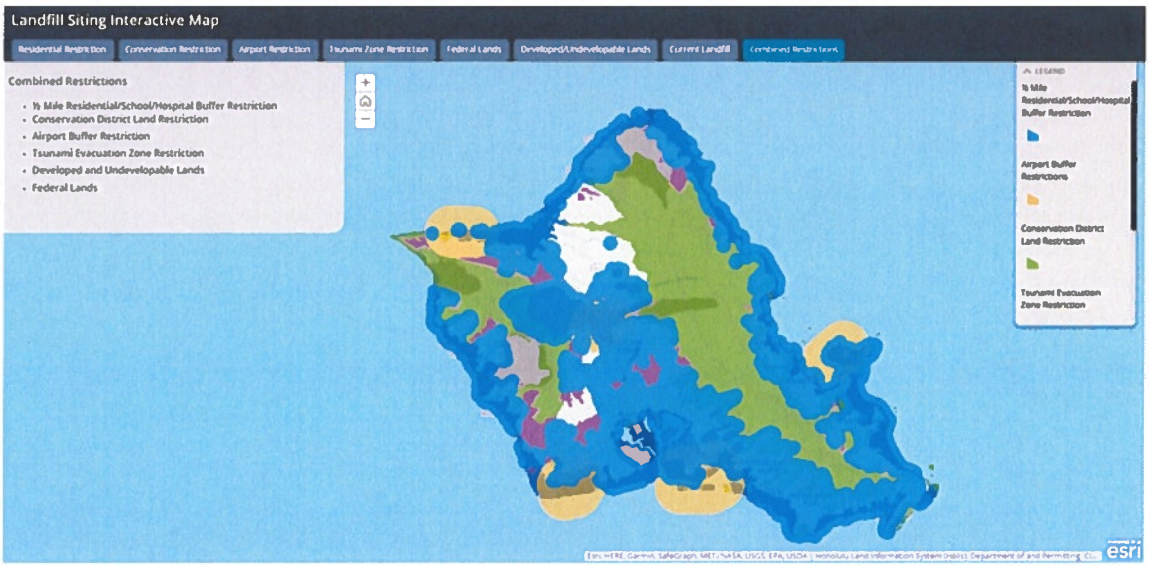


Figure 1 Map of O'ahu with 12 areas in orange where a possible landfill could be built.

On August 26, 2021, ENV presented a landfill siting update to joint City Council committee. ENV shared a further refined map of areas where a landfill could potentially be located.



On August 27, 2021, ENV launched a new landfill siting website containing an interactive map tool, resident survey and questions and answers.



On September 24, 2021, Mayor Rick Blangiardi appointed nine (9) members to the Landfill Advisory Committee (“LAC”), which was established in accordance with Section 4-103 of the Revised Charter of the City and County of Honolulu 1973 (2017 edition), as revised.

The LAC's inaugural meeting was held October 4, 2021. A total of eight (8) meetings were conducted with the last meeting held June 6, 2022. The LAC evaluated and scored six (6) proposed landfill sites shown below. The scores were used to produce the site ranking, but the committee recommended that none of the sites are suitable due to their proximity to the drinking water aquifer (i.e., in the Board of Water Supply's "No Pass Zone"). The LAC report has been finalized. To learn more about the LAC or view the report, the public should visit [ENV's landfill page](#).



On October 24, 2022, ENV briefed the board members of the Honolulu Board of Water Supply ("BWS") about the status of the landfill site selection, the urgency of the City's need to identify an alternative landfill site by December 31, 2022, and the LAC's reservations relating to the six (6) proposed sites because of their location in the BWS No Pass Zone. ENV sought clarity on BWS's legal authority over landfill siting in the No Pass Zone; asked whether that authority was exercised; and if not exercised, when the City should seek such a determination from the BWS. The BWS Board did not provide a response to ENV's inquiry at the informational briefing.

On November 3, 2022, ENV sent a follow-up letter to the BWS to ask for its official response or position. On November 16, 2022, the BWS responded to ENV via letter, stating that it does not approve any of the six (6) proposed landfill sites because they are all located in the BWS No Pass Zone.

On December 23, 2022, ENV filed with the Department of Planning and Permitting, City and County of Honolulu (“DPP”), an application to modify state Special Use Permit File No. 2008/SUP-2 (SP09-403), specifically to modify the conditions that set a December 31, 2022, deadline to identify an alternative landfill site (“Application”). ENV’s Application can be found at the state [LUC website](#).

That same day, the Mayor and ENV held a press conference announcing ENV’s application and plan to pursue the LAC’s recommendations to explore the use of federal lands outside the BWS No Pass Zone and work with the state legislature on a new law or amendments to existing law that would open up potential sites outside the No Pass Zone.

On March 31, 2023, DPP accepted ENV’s Application for processing. DPP accepted public comments through April 28, 2023. The City and County of Honolulu’s Planning Commission held public hearings regarding ENV’s Application June 28, 2023 and August 9, 2023, followed by contested case hearings August 9, 2023, October 18, 2023, November 1, 2023, February 7, 2024, April 3, 2024, and May 15, 2024. The Planning Commission issued its [written decision and order on May 15, 2024](#), which provided the following provisions and conditions:

1. Condition No. 1 in the 2019 Planning Commission Order is modified to read as follows and it is recommended that Condition No. 5 in the 2019 LUC Order be modified to read as follows: By no later than December 31, 2024, the Applicant shall identify an alternative landfill site that may be used upon closure of WGSL. Upon identification of the alternative landfill site, the Applicant shall provide written notice to the Planning Commission and the LUC.
2. The Applicant shall report quarterly to the Planning Commission, in-person, to report the efforts it has taken and plans to take to identify an alternative landfill site by December 31, 2024; and to answer questions from the Commission and the community. Reports shall include but are not limited to the following information:
 - a) Reports should include but are not limited to timelines, milestones, schedules of tasks for the specific plan to have a site selected by December 31, 2024.
 - b) list of potentials sites under consideration

- c) list of obstacles their ability to choose a site
- d) reporting on the investigation of alternative technologies for landfill (2019 LUC Decision)

3. All other conditions to Special Use Permit No. 2008/SUP-2 as stated in the 2019 orders remain in full force and effect.

More information can be found at the Planning Commission's [website](#).

On July 15, 2024, the Planning Commission transmitted its written decision and records to the State of Hawai'i Land Use Commission ("LUC") for its review and approval, which is required under state law. The LUC held public hearings August 8 and August 22, 2024, before issuing its [written decision and order August 23, 2024](#) granting ENV's Application ("2024 LUC Order") "to extend the deadline to identify a new landfill site from December 31, 2022 to December 31, 2024, with the quarterly in-person meeting condition imposed by the City and County of Honolulu Planning Commission, and further subject to quarterly reporting to the Land Use Commission in writing."

More information can be found at the LUC's [website](#). ENV's deadline to identify an alternative landfill site is now extended to December 31, 2024.

The City has been in discussions with U.S. military officials regarding the City's potential interest in using federal military-owned land for a City landfill. ENV had also worked with the Federal Aviation Administration on aeronautical studies regarding navigable airspace related to potential federal military-owned land. After an extensive months-long effort by the U.S. Navy to evaluate the feasibility of a proposed landfill site on Waipi'o Peninsula, Navy officials in Hawai'i notified Mayor Rick Blangiardi via letter dated April 12, 2024, that the military is "unable to support the development of a landfill on this property," eliminating it from the City's consideration. The decision was based on concerns regarding the site's proximity to near-shore waters and "the Navy's mission critical operations and training activities in the vicinity of the Waipi'o Peninsula." Other federal military-owned lands previously under consideration have also been rejected, and ENV is no longer considering federal military-owned lands.

On September 18, 2024, ENV presented its first in-person quarterly reporting before the Planning Commission regarding the efforts it has taken and plans to take to identify an alternative landfill site by December 31, 2024. ENV's presentation included discussions regarding the timeline/milestones/schedule of tasks, list of potential sites, list of obstacles, and investigation of alternative technologies. ENV also answered questions posed by the Planning Commission. More details can be found at the Planning Commission's [website](#).

On October 7, 2024, ENV provided the LUC with the transcripts and written materials from the September 18, 2024 Planning Commission in-person quarterly reporting.

ENV is researching non-military areas outside of the BWS's No Pass Zone that are wholly or partially restricted under state law (Act 73) in anticipation of potentially pursuing changes to state law that would permit the use of certain areas for landfill purposes. These efforts are published in the [O'ahu Landfill Siting Study Supplemental Technical Memorandum](#). If state law is changed and a potential landfill site becomes available, ENV may need to pursue eminent domain or a related action to acquire a candidate site.

ENV is also reviewing and taking a closer look at potential sites previously evaluated by the LAC. These sites are not restricted by state law (Act 73) but are in the BWS's No Pass Zone.

ENV is continuing to periodically update the Planning Commission, City Council and Neighborhood Boards.

3. District Boundary Amendment

In 2020, ENV began preparing an application for a District Boundary Amendment (DBA) to change the zoning of the WGSL site from Agricultural to Urban. ENV also began the environmental review process for the DBA. The EIS and DBA application are not being pursued at this time pending further development of landfill siting activities.

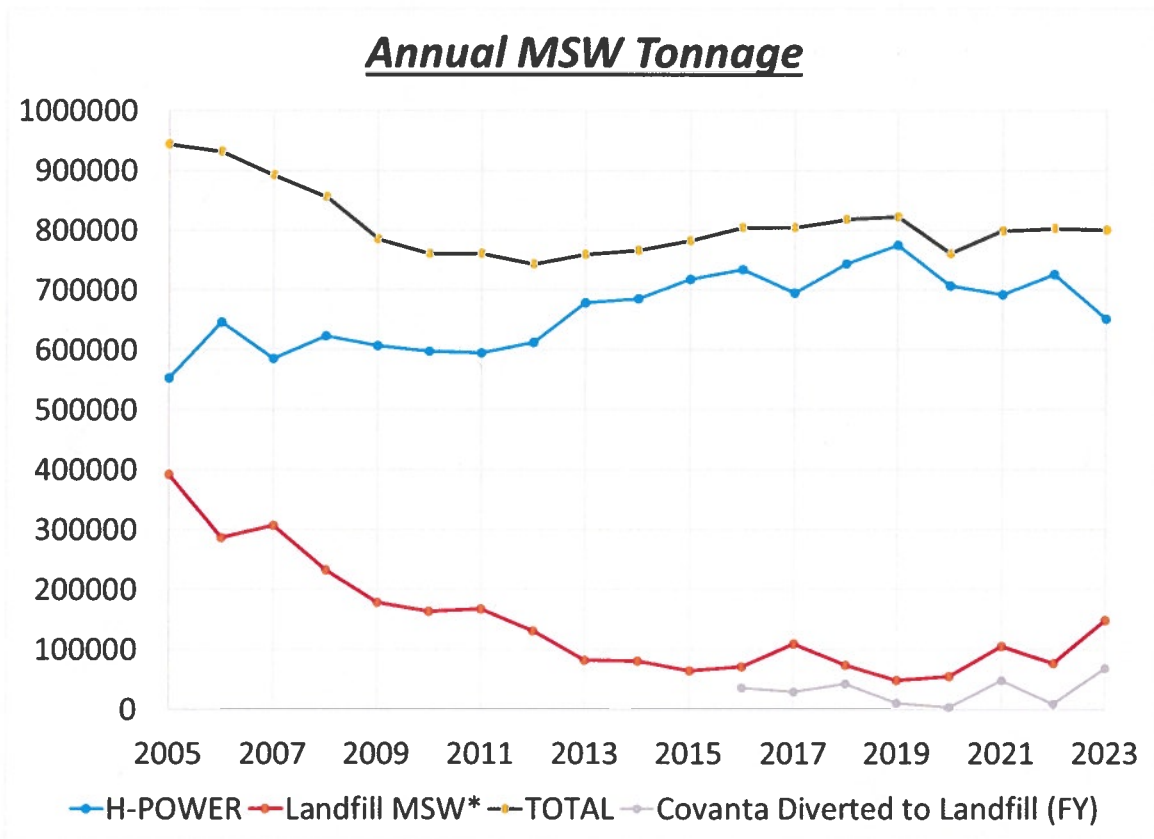
STATUS OF LANDFILL OPERATIONS

1. Tonnage

Over the period beginning May 1, 2024 to October 30, 2024, the WGSL received the following amounts of material:

H-POWER Ash.....	70,359 tons
H-POWER Residue.....	65 tons
Municipal Solid Waste (MSW).....	81,898 tons

The following graph illustrates the reduction of MSW delivered to WGSL (red line) generally as a result of source reduction and diverting more waste from the landfill to H-POWER (blue line). Slightly higher landfill tonnages in 2017 and 2021 were due to facility refurbishment projects and major turbine-generator maintenance. From December 2022 to August 2024, H-POWER had reduced capacity to process MSW, resulting in about 200,000 tons diverted to the landfill.



Future planned improvement projects including infeed improvements and a second dump condenser are intended to further reduce the amount of MSW diverted to WGSL during H-POWER maintenance outages.

2. Remaining Capacity

As of April 30, 2024 (the date of the last aerial survey), WGSL has 3,591,045 cubic yards of airspace remaining. Using the average fill rates and airspace utilization between April 13, 2023 and April 30, 2024 (time between surveys), WGSL has approximately 7 years of combined MSW and ash life remaining or could reach capacity in late 2031. This estimate does not consider the impact from PVT Landfill's potential closure within the next eight (8) years. In addition, this estimate does not consider advances in technology and additional landfill diversion, discussed further in this report, which could reduce the City's use of WGSL, thereby slowing the rate of landfilling and delaying the date upon which it will reach capacity. The April 2024 survey data was reported to DOH in the annual operating report dated July 26, 2024. The 2025 aerial survey will be conducted in Spring 2025. The data will be compiled and the results will be reported to DOH in the next annual operating report due July 31, 2025.

3. Current Status of WGSL

Activities conducted during the reporting period include MSW landfilling in Cells E-5, E-6, E-7 and E-8 and ash landfilling in Cells E-8 and E-9.

4. Impact of Potential PVT Landfill Closure

PVT Landfill informed haulers that due to the passage of Act 73, PVT would no longer be an option for disposal of asbestos containing material ("ACM") after January 1, 2021. To provide an on-island option for ACM, WGSL began accepting ACM on January 6, 2021.

With PVT unable to proceed with their planned expansion, they are expecting to close within the next six (6) to seven (7) years according to statements made during the January 25, 2024 State ISWM meeting. The City is gathering information to draft legislation for C&D waste recycling. The City is also working with Reworld to apply for permit modifications for H-POWER to be able to accept the wood or combustible fraction. In addition, Chapter 42 of the Revised Ordinances of Honolulu should be amended to include fees that reflect the actual cost of disposal and special handling required for asbestos and other special wastes.

5. Gas Monitoring

The gas collection and recovery system at WGSL continues to expand to accommodate landfilling operations while maintaining compliance. New air compliance regulations went into effect September 2021, which require additional monitoring around gas wells and surface emissions monitoring. The landfill is maintaining compliance with the new regulations.

COMPLIANCE WITH CONDITIONS OF ORDER

The LUC approved with modifications the Planning Commission's recommendations to approve a special use permit for WGS� and approved with modifications ENV's applications, subject to 17 conditions. The general description and status of each condition is as follows:

Condition No.	Description
1	<p>The WGS� shall close by no later than March 2, 2028. The WGS� shall not accept any form of waste after March 2, 2028.</p> <p>Status: So noted.</p>
2	<p>The Applicant shall obtain all necessary approvals from the State Department of Health, Department of Transportation, Commission on Water Resources Management, and Board of Water Supply for all onsite and offsite improvements involving access, storm drainage, leachate control, water, well construction, and wastewater disposal.</p> <p>Status: All applicable permits/approvals have been obtained.</p>
3	<p>In accordance with Chapter 11-60.1 "Air Pollution Control," Hawai'i Administrative Rules, the Applicant shall be responsible for ensuring that effective dust control measures during all phases of development, construction, and operation of the landfill expansion are provided to minimize or prevent any visible dust emission from impacting surrounding areas. The Applicant shall develop a dust control management plan that identifies and addresses all activities that have a potential to generate fugitive dust.</p> <p>Status: Dust control measures and management plan have been provided for as part of the Solid Waste Management Permit issued by the DOH.</p>
4	<p>The City and County of Honolulu shall indemnify and hold harmless the State of Hawai'i and all of its agencies and/or employees for any lawsuit or legal action relating to any groundwater contamination and noise and odor pollution relative to the operation of the landfill.</p> <p>Status: So noted.</p>
5	<p>By no later than December 31, 2022, the Applicant shall identify an alternative landfill site that may be used upon closure of WGS�. Upon identification of the alternative</p>

Condition No.	Description
	<p>landfill site, the Applicant shall provide written notice to the Planning Commission and the LUC.</p> <p><u>Status:</u> See section on Status of Identifying and Developing New Landfill Sites on O'ahu in this report.</p>
6	<p>The Applicant shall continue its efforts to use alternative technologies to provide a comprehensive waste stream management program that includes H-POWER, plasma arc, plasma gasification and recycling technologies, as appropriate. The Applicant shall also continue its efforts to seek beneficial reuse of stabilized, dewatered sewage sludge.</p> <p><u>Status:</u> See section on Alternative Technologies in this report.</p>
7	<p>The Applicant shall provide semi-annual reports to the Planning Commission and the LUC regarding the following: a) The status of the efforts to identify and develop a new landfill site on O'ahu, b) The WGS�'s operations, including gas monitoring, c) The Applicant's compliance with the conditions imposed herein, d) The Landfill's compliance with its Solid Waste Management Permit issued by the Department of Health and all applicable federal and state statutes, rules and regulations, including any notice of violation and enforcement actions regarding the landfill, e) The City's efforts to use alternative technologies, f) The extent to which waste is being diverted from the landfill and g) Any funding arrangements that are being considered by the Honolulu City Council or the City Administration for activities that would further divert waste from the landfill.</p> <p><u>Status:</u> Each year reports will be submitted to cover the six (6)-month periods of November through April, and May through October.</p>
8	<p>Closure Sequence "A" for the existing landfill cells at WGS� as shown on Exhibit "A12" must be completed, and final cover applied, by December 31, 2012.</p> <p><u>Status:</u> Closure Sequence "A" was commenced in June 2012 and the final cover was applied and substantially completed in December 2012.</p>
9	<p>WGS� shall be operational only between the hours of 7:00 a.m. and 4:30 p.m. daily, except that ash and residue may be accepted at the Property 24 hours a day.</p>

Condition No.	Description
	<p><u>Status:</u> The Solid Waste Management Permit issued by DOH requires that landfill operations be confined to between the hours of 7:00 a.m. and 4:30 p.m. with the exception of H- POWER ash, which can be received 24 hours a day. Permission to extend hours to accommodate refuse loads during H-POWER outages shall be obtained from DOH on an as-needed basis.</p>
10	<p>The Applicant shall coordinate construction of the landfill cells in the expansion area and operation of WGS� with kean Electric Company (HECO), with respect to required separation of landfill grade at all times and any accessory uses from overhead electrical power lines.</p> <p><u>Status:</u> Coordination with HECO will be done to ensure that landfill construction and operations are adequately separated from overhead electrical power lines.</p>
11	<p>The operations of the WGS� under 2008/SUP-2 (SP09-403) shall be in compliance with the requirements of Section 21-5.680 of the Revised Ordinances of the City and County of Honolulu 1990, to the extent applicable, and any and all applicable rules and regulation of the State Department of Health.</p> <p><u>Status:</u> Revised Ordinances of Honolulu § 21-5.680 is inapplicable to the WGS� as that Property is a public use and said ordinance therefore does not impact operations at WGS�. The operations of the WGS� are in compliance with any and all applicable rules and regulations of the DOH.</p>
12	<p>The Planning Commission may at any time impose additional conditions when it becomes apparent that a modification is necessary and appropriate.</p> <p><u>Status:</u> So noted.</p>
13	<p>Enforcement of the conditions to the Planning Commission’s approval of 2008/SUP-2 (SP09-403) shall be pursuant to the Rules of the Planning Commission, including the issuance of an order to show cause why 2008/SUP-2 (SP09-403) should not be revoked if the Planning Commission has reason to believe that there has been a failure to perform the conditions imposed herein by this Decision and Order.</p> <p><u>Status:</u> So noted.</p>

Condition No.	Description
14	<p>The Applicant shall notify the Planning Commission and Land Use Commission of termination of the use of the Property as a landfill for appropriate action or disposition of 2008/SUP-2 (SP09-403).</p> <p><u>Status:</u> Respective notifications will be made prior to termination of the use of the property as a landfill.</p>
15	<p>The Applicant shall report to the public every three months on the efforts of the City Council and the City Administration in regard to the continued use of the WGS�, including any funding arrangements being considered by the City Council and the City Administration.</p> <p><u>Status:</u> See Condition No. 16 Status.</p>
16	<p>The Applicant shall have a public hearing every three months in either Waiʻanae, Māʻili, or Nānākuli to report on the status of their efforts to either reduce or continue the use of the WGS�.</p> <p><u>Status:</u> In accordance with the LUC Order dated November 1, 2019, ENV identified a site in Nānākuliwaipi for the public hearings it holds every three (3) months to report on the status of efforts to either reduce or continue the use of the WGS� and the efforts of the City Council and City Administration in regard to the continued use of the WGS�, including any funding arrangements being considered by the City Council and the City Administration.</p> <p>ENV publishes public notice of the public hearings in the newspaper and posts notice on www.honolulu.gov/opala. Summaries of the hearings are also posted.</p> <p>During the reporting period, two public hearings were held at the Kalanianaʻole Beach Park in Nānākuli on August 8, 2024 and October 22, 2024. A total of five (5) members of the public attended the meetings.</p>
17	<p>If the landfill releases waste or leachate, the Applicant must immediately a) notify the surrounding community, including the Makakilo/Kapolei/Honokai Hale, Waiʻanae Coast and Nānākuli-Māʻili Neighborhood Boards, Intervenors Schnitzer Steel Hawaiʻi Corp., Ko Olina Community Association, Maile Shimabukuro and Colleen Hanabusa and b) take remedial actions to clean up the waste and to keep the waste from spreading. Such</p>

Condition No.	Description
	<p>remedial actions shall include, but shall not be limited to, placing debris barriers and booms at the landfill's shoreline outfall to prevent waste from spreading into the ocean.</p> <p>Status: So noted.</p>

REGULATORY COMPLIANCE

1. Solid Waste Permit

The solid waste permit for the lateral expansion was approved by the DOH on June 4, 2010. A permit renewal application was submitted on a timely basis to DOH in May 2014. In accordance with Hawai'i Revised Statutes § 343H-4(e) and Hawai'i Administrative Rules §11-58.1-04(3), WGSL legally continued operations under the conditions of the previous permit and the operations plans submitted to DOH. The renewal permit was issued on March 3, 2023 and expires on March 2, 2028. New cell construction and drainage improvements are complete.

2. Consent Decree

In 2019, the City and Waste Management of Hawai'i ("WMH"), the WGSL operator, reached a settlement with the U.S. Environmental Protection Agency ("EPA") and DOH over alleged violations of the Clean Water Act and State law. The alleged violations arose primarily from storm events that occurred in the winter of 2010-2011, during construction of the WGSL's western diversion drainage system. The EPA and DOH alleged that following the large rain storms the City and WMH violated the Clean Water Act by discharging pollutants without National Pollutant Discharge Elimination System Permit authorization and by discharging pollutants in storm water in violation of the terms of the Notice of General Permit Coverage for Industrial Stormwater issued to the City.

On July 3, 2019, the U.S. District Court for the District of Hawai'i entered the consent decree in United States of America and State of Hawai'i Department of Health v. Waste Management of Hawai'i, Inc. and City and County of Honolulu, Case No. 1:19-cv-00224.

In accordance with the consent decree, the City paid a civil penalty of \$62,500 to the United States and \$62,500 in lieu of a civil penalty to the state Department of Land and Natural Resources Division of Aquatic Resources. Similarly, WMH paid \$150,000 to each entity.

Also, in accordance with the consent decree, the City and WMH implemented enhancements to WGSL's western diversion drainage system, revised the facility's stormwater pollution control plan, and applied for an individual stormwater permit for WGSL. The permit was issued on April 1, 2023, and expires on March 31, 2028.

With the requirements of the consent decree having been completed, the parties submitted to the Court a joint stipulation and order terminating the consent decree, which was approved on August 31, 2023. The EPA issued a press release: <https://www.epa.gov/newsreleases/upgrades-waimanalo-gulch-landfill-called-under-epa-hawaii-doh-consent-decree-are>

SOURCE REDUCTION, ALTERNATIVE TECHNOLOGIES AND LANDFILL DIVERSION

1. Source Reduction

Source reduction is the highest priority among the solid waste management practices and processing methods for the state. The City's source reduction efforts currently focus on providing public education to increase awareness of existing source reduction resources and encourage residents and businesses to prevent waste at the source.

- a. **Plastic Bag Ordinances** – Since July 1, 2015, businesses are prohibited from providing plastic checkout bags and non-recyclable paper bags to their customers at the point of sale. Per Ordinance 12-8, amended by Ordinance 14-29, ENV is responsible for implementing and enforcing the ban. All information pertaining to the ban is posted on the [ENV website](#). Businesses are required to submit annual compliance information to verify their compliance with the ban. The ban was amended by Ordinance 17-37 to require businesses to charge a minimum of 15 cents for each reusable, recyclable paper or compostable bag provided to customers at the point of sale, effective July 1, 2018. Beginning January 1, 2020, compostable bags were banned, and plastic film bags were no longer considered to be reusable bags. The ban was further amended by Ordinance 19-30 by changing the definition of “plastic” and amending the definitions for “plastic checkout bag” and “plastic film bag” as well as revising the exemptions list, effective April 1, 2020.
- b. **Disposable Food Ware Ordinance** – The intent of Ordinance 19-30, commonly referred to as the Disposable Food Ware Ordinance (“DFWO”), is to protect human safety and welfare, and to improve environmental quality on the island, in the neighboring marine environment, and globally. The DFWO affects all food vendors and businesses operating within the City by amending the O’ahu Plastic Bag Ban and restricting the use and sale of polystyrene foam food ware, disposable plastic food ware and disposable plastic service ware. The DFWO also prescribes when disposable service ware may be provided. Inspections for compliance with Ordinance 19-30 began in June 2021. On June 25, 2021, the City suspended the restrictions on disposable plastic service ware and polystyrene foam food ware contained in Section 41-27.2(b) and (d), Revised Ordinances of Honolulu, in an effort to promote and protect the public health, safety, and welfare of the residents of the City, and to provide relief from the economic impact directly and indirectly caused by COVID-19. Subsequently, December 10, 2021, Sections 41-27.2(a) and (c) and Section 41-27.4 were suspended to alleviate the economic hardship and inequity caused by the COVID-19 emergency and emergency actions that were taken to implement public health best practices, and the supply chain challenges caused by global shipping delays. The suspension of Sections

41-27.2 and 41-27.4 continued through March 5, 2022. On March 3, 2022, ENV granted an exemption request by Chamber of Commerce Hawai'i, Hawai'i Restaurant Association, Retail Merchants of Hawai'i, and Hawai'i Food Industry Association, for the use of disposable plastic food ware. The exemption ended September 5, 2022. More information can be found at the [ENV Website](#).

- c. Source Reduction Working Group (SRWG) - In accordance with the 2019 Integrated Solid Waste Management Plan, ENV established a Source Reduction Working Group to determine the topics of interest related to source reduction and the initiatives that can be pursued by the City and other groups to encourage source reduction. ENV engaged a consultant to facilitate the group meetings and assist coordination and planning of the SRWG process. The SRWG held five (5) meetings throughout the 2023 - 2024 calendar years. The final meeting was held May 10, 2024, from 1:00 p.m. to 4:00 p.m. at Kapolei Hale, Conference Room "A" and remotely by video conference link. More information can be found on ENV's [SRWG webpage](#).

2. H-POWER

The H-POWER waste-to-energy facility, operated by Reworld, continues to process over 700,000 tons of municipal solid waste each year. The facility has been in operation for nearly 35 years and has disposed of about 20,000,000 tons of municipal solid waste, generating in excess of \$20,000,000 annual net revenues from the sale of electricity, recovered metals and tipping fees, and avoided the importation of about 20,000,000 barrels of oil. The original refuse-derived fuel ("RDF") facility was upgraded with state of the art air pollution control equipment (fabric filter bag houses) in 2009 and refurbishment of major equipment has been ongoing since 2010.

The facility's capacity to process municipal solid waste was increased by 50 percent in 2012 with the addition of a third boiler, which utilizes mass-burn technology. The third boiler opened to commercial operations on April 2, 2013. It enables the facility to process and burn bulky waste that previously had to be disposed at WGS�. With the addition of the third boiler, and other efforts to divert waste from WGS�, H-POWER now plays an even larger role in reducing waste disposal at WGS�.

- a. Sludge- the sludge receiving station at H-POWER commenced commercial operations in May 2015. The sludge processing system has the capacity to process 90 tons of sludge per day and is accepting dewatered sludge from the wastewater treatment plants. The 20,000 tons per year of sludge currently produced by these plants is now being diverted from WGS� to H- POWER. In addition, a corresponding amount of bulky waste, which was required to bulk the sludge at WGS�, is now being disposed of at H-POWER.

- b. Medical Waste- the disposal of treated medical waste at H-POWER commenced on December 30, 2015. Due to safety concerns, however, medical sharps is not accepted at H-POWER and will continue to be disposed of at WGSL.
- c. Tires - H-POWER's solid waste management permit issued by DOH allows acceptance of used auto tires collected by the City, including refuse collection, convenience centers and illegal dumping up to 400 tires per day or 65,000 tires per year.
- d. Bulk Loads of Food Waste- Since March 1, 2017, bulk loads of commercially-generated spoiled food have been diverted from WGSL. ENV is evaluating technologies for the digestion of food waste.
- e. A contract for the processing and beneficial reuse of ash has been executed with Reworld Projects LLC. On June 1, 2022, ENV issued the Notice to Proceed for Phase I of the project. Phase I includes planning, permitting and design. This project, when permitted and built, has the potential to divert at least 60% of the H-POWER ash that is currently disposed at WGSL. Ash will be processed to recover metal and aggregate for reuse. Two solid waste permit applications were submitted to DOH in Q2 2024: 1) modification to existing H-POWER permit to allow for bottom ash to be transported to the project for further processing and 2) new permit application for the project to process H-POWER ash to recover metal and aggregate for recycling/reuse. DOH provided comments on the applications on October 17, 2024 and Reworld is preparing responses.
- f. In-Feed Waste Processing Improvements- On March 17, 2023, ENV issued NTP to Reworld for the 18-month design phase of the RDF waste processing facility (WPF) in-feed improvements. Long lead items such as conveyors, shredders and electrical equipment are being bid and ordered. Construction is expected to start by Q3 2025. The project will provide the RDF facility the ability to process bulky items and detect unacceptable items such as compressed gas cylinders.
- g. Approximately 30,000 tons per year of ASR is disposed at WGSL. Although ASR was envisioned to be diverted to H-POWER, evaluation of ASR test data has concluded that the high Fluorine and Chlorine content of the material can be extremely harmful to the boiler. The matter is pending further evaluation and possible testing. The ash project may consider ASR processing as a potential future option.

3. Emerging Waste Conversion Technologies (EWCTs)

EWCTs such as plasma arc, gasification, thermal depolymerization, multiphase microwave, microwave plasma, pyrolysis, and other undisclosed proprietary processes have been developed or are in development by several entrepreneurial ventures. ENV is open to learning about these emerging technologies and their potential to be used both for our MSW waste stream and/or special wastes such as C&D wood, auto shredder fluff, medical waste, and residual ash. ENV meets with all vendors that wish to describe their technology and welcomes proposals. To date there are no full-scale EWCT facilities in North America of a size comparable to the City's waste stream. However, some large facilities appear to be planned. ENV continues to closely monitor the evolution of the EWCTs and will endeavor to visit full-scale systems once they are in operation in the USA.

ENV is providing consultation support, advice and coordination for Aloha Carbon's proposed 50-ton per day biomass gasification facility in Campbell Industrial Park. For more information, see [Aloha Carbon's website](#). Their Draft Environmental Assessment was published on September 23, 2024.

4. Sludge Re-use

Further processing and reuse of sludge avoids the need to landfill this waste stream. Lā'ie Wastewater Treatment Plant ("WWTP") converts all sewage sludge into Class A biosolids compost on-site. All of the compost is reused via area residents and farmers and none is landfilled. At the Sand Island WWTP, a contract operator (Synagro) processes sewage sludge into Class A biosolids (dry pellets) using a dryer and distributes to farmers and other users. fertilizer pellets using the Synagro process. Since 2014, the average Synagro pellet reuse has been 93 percent (seven (7) percent landfilled). The City is currently in construction of a Class A biosolids dryer at the Honouliuli WWTP which will take the waste sludge from Honouliuli WWTP, Wahiawa WWTP, and Pa'ala'a Kai WWTP and produce dry pellets for reuse beginning in 2025.

5. Materials Recycling

To present a complete waste flow picture for O'ahu, the most current data available is for calendar year 2023. Although waste to WGSL and H-POWER is tracked monthly by ENV, recycling data is provided by commercial recycling companies that are surveyed annually. Recycling data for 2023 was gathered and compiled during the second half of 2024; updated charts and analysis are posted below. Recycling data for 2023 is posted on the [ENV](#) website.

The island's waste data is presented in two (2) charts:

1. TOTAL WASTE which includes Municipal Solid Waste ("MSW") and C&D material, processed through recycling, waste-to-energy or landfilling; and
2. MSW only, processed through recycling, waste-to-energy or landfilling.

Both charts present data for the most recent five (5) calendar years (2019-2023). Moreover, this data shows how O'ahu's waste was diverted from WGSL through recycling and waste-to-energy.

TOTAL WASTE data is presented on the [ENV](#) website. For 2023, overall C&D tonnage decreased slightly from 2022 data. The percent of material diverted from the C&D landfill through recycling decreased in 2023 because the C&D landfill ceased their recycling operations and the total tonnage delivered to the C&D landfill increased drastically. C&D recycling, general material recycling and waste-to-energy combined to divert more than 66.7% of Oahu's waste from landfills in 2023, an increase of more than 9.6% from the previous year. There are two landfills on O'ahu: The city's Waimanalo Gulch Sanitary Landfill (WGSL), which is designated for MSW, and the privately-owned PVT Landfill, which is permitted for C&D waste only.

MSW ONLY data is presented on the [ENV](#) website. MSW landfill diversion rates decreased to 77% in 2023 from 83% the previous year. Continued refurbishment projects along with unscheduled outages in 2023 created closures which caused some waste that would normally go to H-POWER to be diverted to the Waimanalo Gulch Sanitary Landfill. The city will continue to see an increased in landfill diversion through increased participation in recycling and H-POWER to continue their climb in 2024 and 2025.

Recycling data: The [recycling data tables](#) provide detail of tons recycled by material type for 2023. General material recycling on O'ahu has increased by more than 500% since 1988 to over 412,654 tons today. Recycling of construction and demolition (C&D) materials, such as concrete, rock and asphalt accounts for an additional 210,108 tons to the recycling rates, for a total of over 615, 937 tons recycled material for 2023.

The City's efforts to increase residential recycling rates have continued with its ongoing efforts to educate residents about the value and benefits of its three-cart curbside program, and the continued promotion and rejuvenation of its condominium recycling assistance program. Additionally, the City requires commercial sector recycling through mandatory laws established by City ordinance, and provides assistance to businesses to setup and expand their recycling programs.

- a. Curbside Recycling – Curbside recycling participation remains strong and material recovery rates are increasing every year. ENV completed the final phase expansion of the fully-automated three (3)-cart curbside recycling program May

2010. There are currently 170,000 homes participating in the program, capturing material at a rate of 23,000 tons of mixed recyclables and 75,000 tons of green waste per year. Increased public experience with identifying and sorting recyclables is producing higher results for the City's curbside recycling program. The program continues to be evaluated to identify strategies for improving participation, efficiencies and to decrease contamination.

Ordinance 22-10 adds food waste and manufactured compostable material to the City's island-wide curbside collection. ENV is planning to begin curbside collection of food waste and manufactured compostable material (MCM) in the green cart followed by co-composting of all these materials by February 1, 2027.

- b. Multi-Material Recycling Centers – Recycling is available to those without curbside collection service. There are two (2) City recycling drop-off locations in Haleiwa, one (1) fronting its Waialua Base Yard (Emerson Rd.) and the other at its Kawailoa Transfer Station. Both locations feature several 96-gallon blue carts, complete with instructional signage and stickers for the community to use. All blue cart recyclables are acceptable, including plastics (1 & 2), glass bottles and jars, metal cans, newspaper, paper bags, corrugated cardboard and white and colored office paper.
- c. Condominium Recycling – The City continues to promote condominium recycling through a program reimbursing condominium properties for costs associated with the start-up of a recycling program, and additionally provides technical assistance, educational materials, wheeled carts and guidance in establishing collection services. The City is also looking at adding a composting element to this program for condominiums that may be interested in recycling their green waste.
- d. Electronic Waste (e-waste) – A state law requiring manufacturers to provide take-back programs for electronic waste went into effect January 1, 2010, and is administered by DOH. In general, the covered electronics include computers and televisions. Collection and recycling of e-waste has increased, but the law is weak in its requirements for the manufacturers to achieve recovery goals or to provide consumer convenience in take back programs. In 2015, the law was amended to require electronic device manufacturers to establish drop-off locations for e-waste and prohibited mail-back only recycling options for some devices. In 2022, the law was amended once again for manufacturers to establish a recycling plan that includes convenient collection at a minimum of once per month and zip code area with a population greater than 25,000. ENV has worked in collaboration with DOH and local e-waste recycling companies to support local programs and legislative proposals. ENV has successfully executed a contract to provide electronic waste drop off disposal services to the public at designated convenience centers and transfer stations by January 19, 2025 and is in the process of finalizing the details of this program.

- e. Business Recycling Programs – The City continues to provide assistance to commercial sector recycling efforts and to ensure compliance with mandatory recycling policy established in the mid-1990s, which requires office buildings to recycle office paper, bars/restaurants to recycle glass and a variety of food operations to recycle food waste. It is no longer mandatory for Advance Disposal Fee (“ADF”) glass to be sorted by the liquor establishments but the recyclers still receive ADF glass through their commercial accounts. The City suspended the ADF portion of the glass relating to the glass ordinance but the City still receives the State Subsidy for ADF glass the recyclers are collecting. State legislation is needed to increase the fee to lift the suspension on the ADF glass. Disposal site bans/restrictions divert materials from WGSL and H-POWER, including green waste, cardboard, metals, tires, auto batteries, and e-waste. The City is encouraging businesses to generate less food waste and to support food security programs. The City provides technical assistance to businesses for designing and implementing recycling programs through how-to guides, workshops and on-site support, and works collaboratively with the state’s Green Business Program.
- f. Public education – Public education regarding recycling is ongoing and includes the distribution of brochures and print materials, dissemination of information via City’s [refuse website](#), and in person or power point presentations. There has been an increase in social media participation to assist with the public education program. Source reduction will be another component to add to our public education program. Opala.org continues to redirect to honolulu.gov/env/opala. The transition period to phase out the old website will occur in 2027.

Composting workshops – Composting workshops presented by City staff were reinstated as part of the City’s public education program. The workshop teaches residents to manage green waste at home by utilizing the green cart for large items such as branches and to aerobically compost the grass trimmings, leaves and small diameter branches. The City is also gathering information to provide food waste composting through the use of worms called vermiculture and beneficial microbes with the Bokashi method.

Recycling education in the schools – Recycling education shows presented by the Honolulu Theatre for Youth (“HTY”) combined with classroom activity books educate our youth to become expert recyclers and encourage them to support their family to properly sort their waste at home. Every year, the program reaches approximately 20,000 students and teachers. The 14th season includes live performances at 30 schools featuring environmental issues including solid waste management and concludes in November 2024.

FUNDING ARRANGEMENTS

Funding arrangements for the landfill and alternate technologies have been requested and approved for the Fiscal Year 2022 (Ordinance 21-21), 2023 (Ordinance 22-14), 2024 (Ordinance 23-16) and 2025 (Ordinance 24-10) Capital Improvements (CIP) Budgets. Copies of the CIP budget bills and ordinances are available on the [Honolulu City Council website](#), follow the link to Find Legislation (HNL DOCS).

CONCLUSION

The foregoing report is submitted in accordance with reporting requirements set forth in the 2019 LUC Order (dated November 1, 2019). This report focuses on the status of ENV's efforts to identify and develop one or more landfill sites that shall either replace or supplement the WGS� and the 17 Conditions contained in the 2019 LUC Order. Also discussed are the further progress of WGS� operations and the City's active efforts to reduce waste volume that is directed to WGS�.

The City intends to continue its efforts to ensure proper solid waste management for the people of O'ahu, in close coordination with applicable regulatory agencies and decision-makers.