

Status Report on Reducing and/or Continuing the Use of Waimanalo Gulch Sanitary Landfill

Public Hearing

October 21, 2019

5:00 p.m.

Kapolei Hale, 1000 Uluohia Street, Suite 201

Presentation

1. Opening and Welcome

Notice of this public hearing was published in the Honolulu Star Advertiser October 7, 2019 and on the City's Refuse Division website, www.opala.org.

This public hearing is being held to comply with Conditions 15 and 16 of the State of Hawaii Land Use Commission (LUC) FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DECISION AND ORDER WITH MODIFICATIONS, certified on October 22, 2009, in Docket No. SP09-403 (the LUC Order), which states:

"15. The Honolulu City Council through the City Administration 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 Waimanalo Gulch Sanitary Landfill (WGSL), including any funding arrangements that are being considered by the City Council and the City Administration."

"16. The City Council and the City Administration shall have a public hearing every three months to report on the status of their efforts to either reduce or continue the use of the WGSL."

The complete LUC Order is available at the State LUC website:
http://luc.state.hi.us/co_sphonolulu.htm

The following report covers developments during the last calendar quarter regarding the matters set forth in Conditions 15 and 16 of the LUC Order.

2. Progress Toward Another Landfill Site

A. Condition 4 of the LUC Order states in relevant part:

“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 WGSL.”

The first meeting of the Landfill Advisory Committee (LAC) was held on January 20, 2011, and subsequent meetings were held on February 10, March 10, March 31, May 12, July 19, November 8, 2011 and February 1, March 16, and April 20, 2012. The LAC final report was completed on September 25, 2012. All committee meetings were open to the public and to public comment. Handouts provided to the LAC, the Group Memory of each meeting, and the final report are posted online at www.opala.org.

In the final report, 11 potential sites were identified and ranked based on community criteria. The City retained a consultant to further review and analyze the sites based on the following technical and engineering considerations: capacity, cost, feasibility, land ownership (including cost and ability to acquire, capacity and infrastructure requirements, logistics and transportation, development costs, and capacity projections for current landfills, WGSL and PVT), and a timetable for WGSL, new landfill development and construction. Based on the remaining capacities of the existing landfills and the projected fill rates, the City determined it was prudent to analyze whether any of the 11 identified sites could become more or less favorable based on this timetable.

The consultant’s original contract called for an Environmental Impact Statement (EIS) to be undertaken as a part of their scope of work. Because the Landfill Advisory Committee identified 11 potential sites, it was not feasible to do an EIS at this stage. Therefore, the consultant’s contract was amended to include the further analysis of the 11 sites as indicated above. The consultant evaluated the relevant criteria as described above. The report, “Assessment of Municipal Solid Waste Handling Requirements for the Island of Oahu”, was completed in November 2017 and is available on-line at Opala.org.

B. The following table summarizes the amount of Municipal Solid Waste (MSW), and H-POWER ash and residue delivered to WGSL during the last three months:

MONTH	MSW*	ASH	RESIDUE
July 2019	4,937.19	13,598.57	3,948.87
August 2019	3,312.30	12,853.59	3,746.52
September 2019	3,432.14	14,693.46	3,227.10

*Note: MSW includes the following waste streams: MSW, auto shredder waste, special waste, sludge. Does not include homeowner loads.

3. Progress Report on Landfill Diversion, Recycling and Planning

A. H-POWER

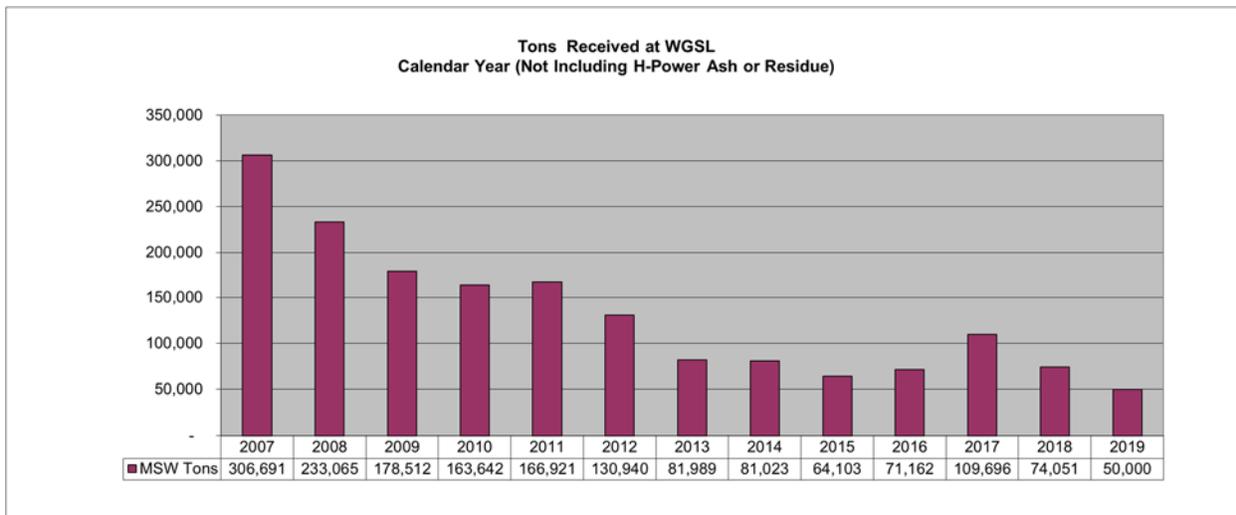
The H-POWER Facility is operating at full capacity, including processing of treated dewatered wastewater sludge, bulky waste, ENV-Refuse collected used auto tires and treated non-sharps medical waste.

Emerging technologies are being explored for further reducing ash and process residue disposal at the landfill. An ash, residue and automobile shredder residue (ASR) recovery and recycling Request for Proposals (RFP) was issued in February 2018. One company responded to the RFP but after an evaluation, its proposal was deemed non-responsive. The RFP was re-issued on May 24, 2019 and proposals were received on August 23, 2019. Negotiations with the single offeror is currently in progress. If negotiations are successful, the contractor will construct a processing facility on a parcel neighboring H-POWER and commence operations by the end of 2020 (tentative).

The City and Covanta are planning in-feed waste processing improvements to the Refuse Derived Fuel (RDF) Waste Processing Facility that will include a mobile baling system. The project will allow processing of bulky waste into RDF. The mobile baler will provide flexibility to store waste during extended maintenance outages. The baled waste would be stored and processed later, further reducing diversion of waste to the landfill. This project is envisioned to be completed by mid-2021.

On April 30, 2019, the City sent Island Commodities Corporation (ICC) a letter directing them to work with Covanta to develop procedures for diverting their sludge stream from the landfill to H-POWER by November 1, 2019. ICC is currently working with Covanta to devise various options for processing the material at H-POWER. Test loads to be delivered to H-POWER in October 2019.

The following graph illustrates the reduction of MSW delivered to the landfill generally as a result of diverting more waste to H-POWER. Note that the increase in MSW landfilled in 2017 was due to major refurbishment of the processing lines at H-POWER, a once in 30-year project.



B. Materials Recycling

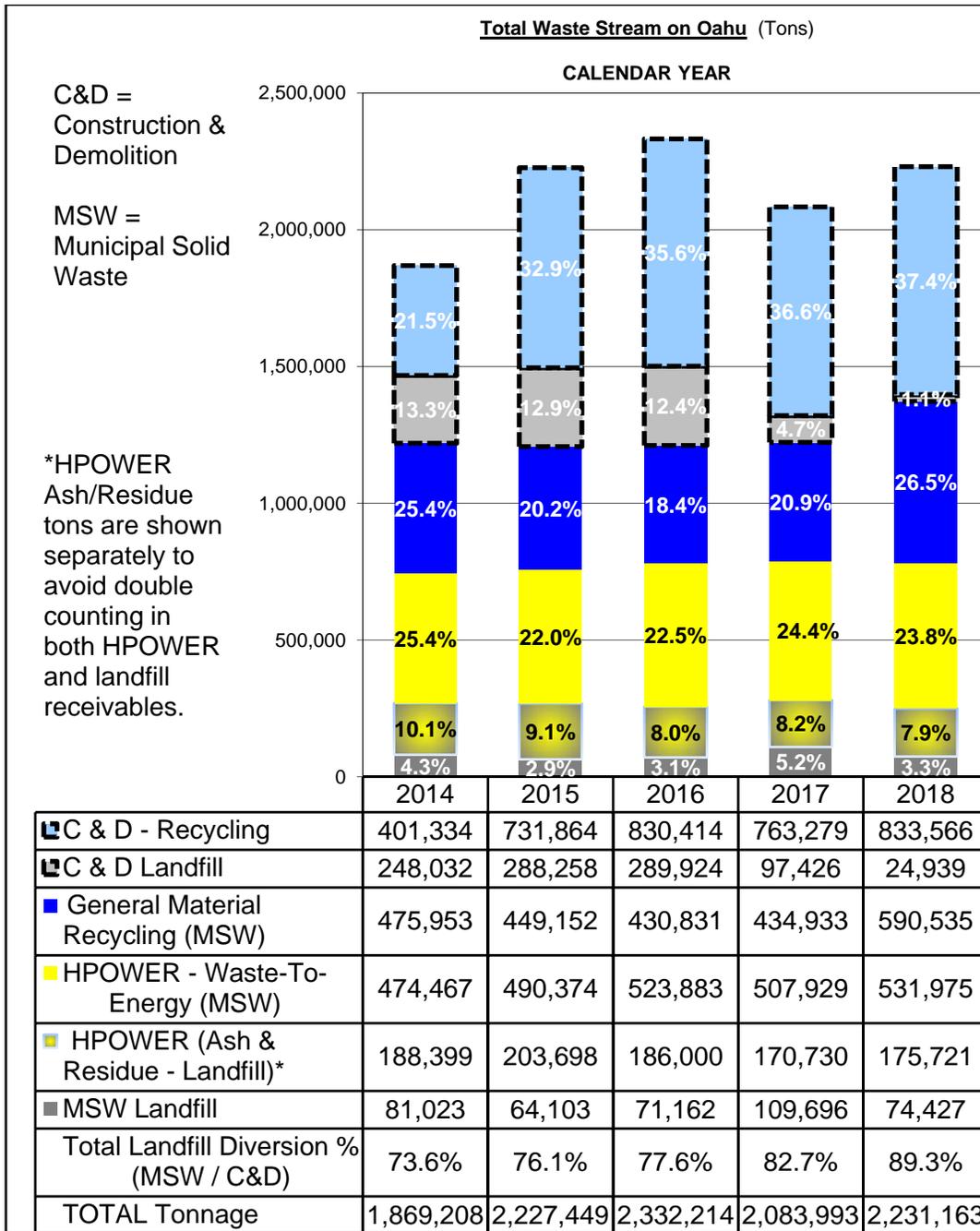
To present a complete waste flow picture for Oahu, the most current data available is for calendar year 2018. Although waste to the landfill and HPOWER is tracked every month by ENV, recycling data is provided by commercial recycling companies that are surveyed annually. Recycling data for 2018 was gathered and compiled during the first half of 2019; updated charts and analysis are posted below. Recycling data for 2019 will be compiled and will be posted on Opala.org by mid-year of 2020.

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

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

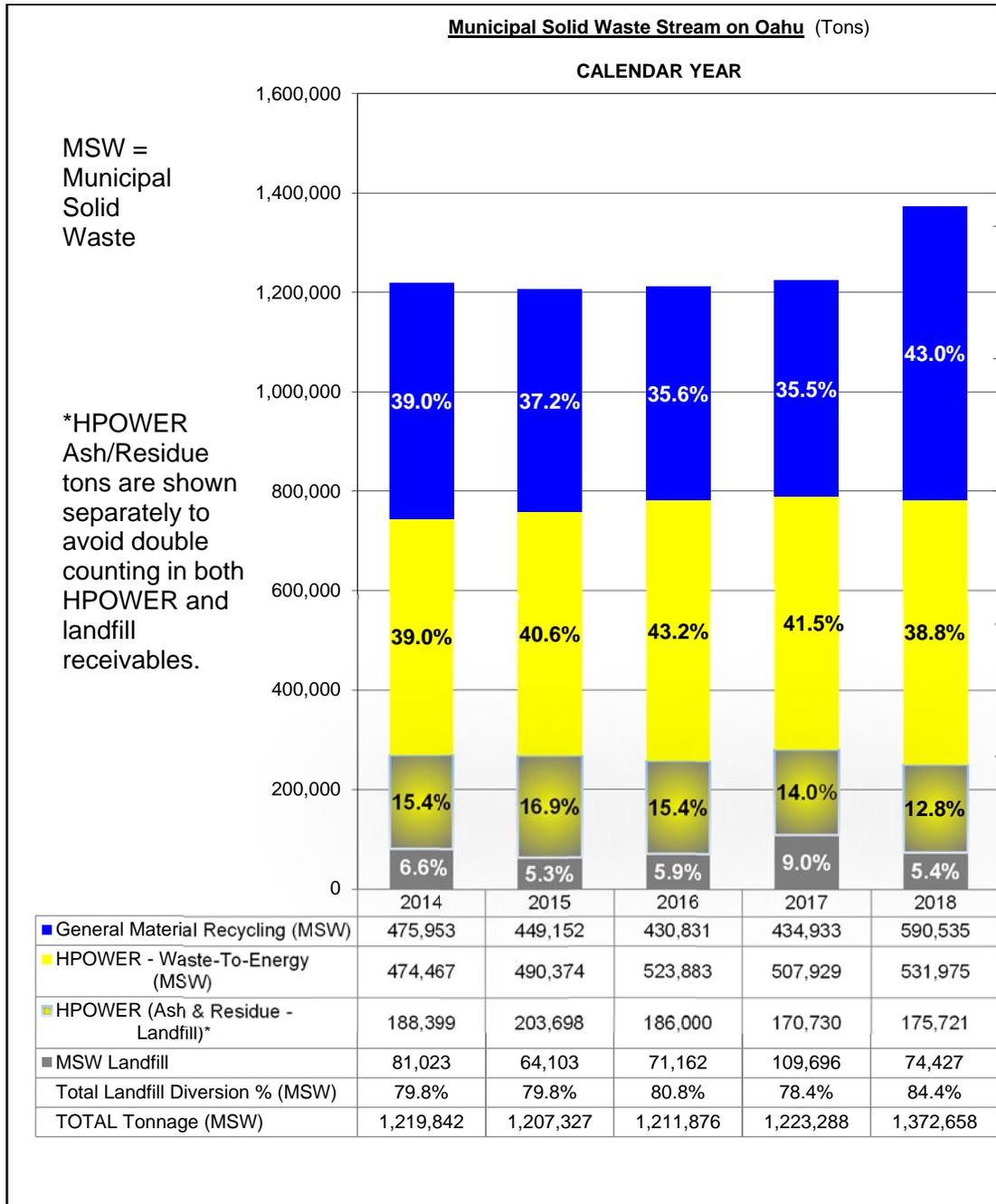
Both charts present data for the most recent five (5) calendar years (2014-2018). Moreover, this data shows how Oahu's waste has been diverted from the landfill through recycling and waste-to-energy. **TOTAL WASTE** data is presented in the chart below. For 2018, rates for C&D material recycling and disposal increased from the 2017, while recycling and waste-to-energy combined to divert nearly 89% of waste from the landfill.

There are two landfills on Oahu: the City's Waimanalo Gulch Sanitary Landfill (WGSL), which is designated for MSW, and the privately-owned PVT Landfill, which is permitted for Construction and Demolition (C&D) waste only.



MSW ONLY data is presented in the chart below. Robust recycling and waste-to-energy rates continue to contribute to the steady decline of MSW tonnage going to the Waimanalo Gulch Sanitary Landfill. Considering MSW only and landfill diversion specific to the WGSL, the landfill diversion rate achieved through recycling and waste-to-energy is nearing 89%, and the general material recycling rate is almost 43%. Landfill diversion rates for the most recent five (5) years at WGSL are charted below, allowing for a better visual assessment of the data. Important to note that of the 13% of material landfilled at WGSL in 2017, little

over 5% was MSW, with the rest consisting of ash and noncombustible residue from HPOWER.



Recycling data: The tables below provide detail of tons recycled by material type. The City has gathered annual recycling data since 1988 (except for 1989 and 1990). Note the upward trend of general material recycling from approximately 75,000 tons in 1988 to nearly 430,000 tons today. Recycling of construction and demolition (C&D) materials, such as concrete, rock and asphalt, contributed an additional 870,000 tons to the recycling rates, for a total of almost 1.3M tons recycled for 2018. C&D recycling

rates tend to fluctuate based on the volume and type of construction projects undertaken from year to year but have risen significantly since 2015 due ongoing major projects across the island.

Yearly Recycling Rates (tons)

Year	General Material Recycling	C&D Recycling	Total Recycled
2018	431,911	868,617	1,300,528
2017	434,933	763,279	1,198,212
2016	430,831	830,414	1,261,245
2015	449,153	731,865	1,181,018
2014	475,953	401,335	877,286
2013	477,011	257,287	734,298
2012	487,159	179,906	667,065
2011	490,061	181,087	671,148
2010	448,639	101,556	550,195
2009	426,947	116,670	543,617
2008	456,876	216,745	673,621
2007	453,282	148,952	602,234
2006	421,072	121,675	542,747
2005	417,669	193,829	611,498
2004	386,338	173,916	560,254
2003	366,639	106,773	473,412
2002	352,699	139,055	491,754
2001	367,300	114,070	481,370
2000	327,710	165,000	492,710
1999	314,075	225,200	539,275
1998	318,690	148,800	467,490
1997	313,394	204,400	517,794
1996	299,574	95,300	394,874
1995	294,340	44,400	338,740
1994	290,412	35,700	326,112
1993	241,600	30,000	271,600
1991	167,152	0	167,152
1988	73,992	0	73,992

Oahu Recycling 2018	
Material Type	Amount in tons
PAPER	
Corrugated Cardboard	43,562
Newspaper	12,758
Office Paper	7,581
Other Paper	849
METALS	
Ferrous (includes autos)	134,988
Non-Ferrous (includes aluminum)	16,196
GLASS	14,571
PLASTIC	5,127
TIRES	7,211
AUTO BATTERIES	6,605
ELECTRONIC SCRAP	1,170
GREEN WASTE (yard trimmings)	111,907
WOOD WASTE/PALLETS	13,942
CONSTRUCTION & DEMOLITION (rock, concrete, asphalt)	868,617
FOOD WASTE	38,667
OTHER REUSE (Goodwill, Salvation Army)	16,778
TOTAL	1,300,528

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 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.

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 3-cart curbside recycling program in May 2010. There are currently 160,000 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 and efficiencies.

Multi-Material Recycling Centers – Recycling through HI-5 redemption and other recycling drop-off is available to those without curbside collection service. HI-5 redemption centers now accept a wide array of recyclable materials, providing the community with a one-stop recycling center for all their materials. Currently, there are about 30 locations around Oahu that offer "HI-5 plus" recycling, accepting paper, plastic and glass containers, and metals, along

with providing HI-5 container redemption services. Among these sites are two City recycling drop-off locations in Haleiwa, one fronting its Waialua Base Yard (Emerson Rd) and the other at its Kawaihoa 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.

Condominium Recycling -- The City continues to promote condominium recycling through a program that reimburses 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.

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. DOH is looking for ways to strengthen the collection programs, and has proposed bills in the most recent four State legislative sessions (2012, 2013, 2014, and 2015). 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. ENV will continue to work in collaboration with DOH and local e-waste recycling companies to support local programs and legislative proposals.

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 1990's, which requires office buildings to recycle office paper, bars/restaurants to recycle glass and a variety of food operations to recycle food waste. Disposal site bans/restrictions divert materials from landfill and H-POWER, including green waste, cardboard, metals, tires, auto batteries, and e-waste. 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.

Plastic Bag Ban – As of 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 ORD 12-8, amended by ORD 14-29, ENV is responsible for implementing and enforcing the ban. Prior to the ban's effective date, ENV mailed compliance surveys and tip sheets to approximately 10,000 potentially-affected businesses and asked them to return the compliance forms and indicate how they planned to comply with the ban. Public notices were

placed in the Star Advertiser and MidWeek in May. All information pertaining to the ban is also posted online on Opala.org. On July 1, 2015, City staff began enforcing the ban. The City mailed out a Plastic Bag Ban Compliance Form dated March 7, 2016 with a return date of April 29, 2016. Retail industry feedback based on the returned forms indicates that about 35% of businesses will not provide bags. 28% of businesses indicated they were exempt from the ban. Of the remaining 37% offering bags, 13% are offering paper bags, 7% are offering reusable bags, 3% are offering compostable bags, and 15% are offering some combination of the three types of allowable bags. Businesses are required to submit annual compliance information to verify their compliance with the ban. The ban was amended by ORD 17-37, in 2017 to require businesses to charge a minimum of 15 cents per bag for reusable, recyclable paper or compostable bags to customers at the point of sale, effective July 1, 2018. Beginning January 1, 2020, compostable bags will be banned and plastic film bags will no longer be considered to be reusable bags.

Public education – Public education regarding recycling is ongoing and includes the distribution of brochures and print materials, dissemination of information via the Opala.org website, WasteLine e-newsletter and annual events such as Tour de Trash. Source reduction will be another component to add to our Public education program.

Composting workshops – Composting workshops presented by City staff have been 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 type green waste such as large diameter branches and to compost, aerobically, 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 home. Every year, the program reaches approximately 20,000 students and teachers. The eighth 2017-18 season included a Tenney Theatre presentation of "Extraordinary Stories from an Ordinary Ohana" that took place in November and December 2017. "Sort It Out", a recycling performance workshop type show at local schools concluded in late February. "SHOCKA", a musical on how Hawaii will reach 100% renewable energy by 2045 using such methods as Waste-to-Energy, H-POWER concluded in May 2018.

C. Integrated Solid Waste Management Plan

Hawaii Revised Statutes (HRS) Section 342G-24 now require each county to submit revised integrated solid waste management plans every 10 years with an interim status report submitted five years after every submission of a revised plan. The City's revised management plan was submitted December 2008. The interim status report was submitted to DOH in December 2013. and can be viewed online at www.opala.org in the Resource Library/Technical Studies. The City is completing the next plan. Solid Waste Advisory Committee meetings have been held and DOH's comments have been incorporated. The draft has been posted for public review online at www.opala.org. The public hearing was conducted on July 31, 2019 with approximately 50 in attendance. Public comments are currently being compiled for responses and incorporation.

4. Special Use Permit (SUP) Amendment

The current SUP provided that WGS� stop accepting MSW for disposal as of July 31, 2012. Condition No. 14 of the SUP stated, "Municipal solid waste shall be allowed at the Waimanalo Gulch Sanitary Landfill up to July 31, 2012, provided that only ash and residue from H-POWER shall be allowed at the WGS� after July 31, 2012." At the time Condition No. 14 was imposed, certain wastes such as sewage sludge, animal carcasses, and treated medical sharps could not be disposed of at H-POWER. Moreover, because H-POWER's operating permit requires a permitted landfill as a back-up disposal option, it was conceivable that H-POWER would have to shut down if WGS� was required to stop accepting MSW.

On June 28, 2011, ENV filed a SUP Amendment Application with the City Department of Planning and Permitting, to delete Condition No. 14 of the SUP. This amendment will allow WGS� to continue accepting MSW until the landfill reaches its capacity as permitted by DOH.

The City and County of Honolulu Planning Commission (Planning Commission) convened a public hearing on October 5, 2011, to consider ENV's application to delete Condition No. 14 of the SUP. The Planning Commission heard public testimonies and granted petitions to intervene in the SUP proceeding to KOCA and Maile Shimabukuro (collectively referred to as "KOCA"), and Schnitzer Steel Hawaii Corp. With the granting of the petitions to intervene, the matter proceeded as a contested case. A pre-hearing conference to discuss procedural and others matters in the contested case was held on October 12, 2011. A contested case hearing began on December 7, 2011, with opening statements given by ENV and intervenors. The contested case hearing continued on January 11, 25, February 8, March 7, 14, April 4, 11, 23 and May 25, 2012. On May 25, 2012, the Planning Commission stayed the matter for six

(6) months in light of the Hawaii Supreme Court's (Supreme Court's) decision to strike Condition No. 14 of the SUP described below.

The City filed an appeal to the Supreme Court on February 22, 2012 to delete Condition No. 14. On May 4, 2012, the Supreme Court ruled in favor of the City and struck down Condition No. 14. The Supreme Court further ordered that the matter be remanded to the Circuit Court and the LUC for action on the SUP consistent with the Supreme Court decision. The LUC convened on July 5, 2012, to discuss procedural options only, in light of the Supreme Court remand and stayed Planning Commission proceeding.

Upon request by ENV, the LUC directed the parties to file written briefs regarding the proper procedural steps. ENV argued that the case decided by the Supreme Court remain with the LUC for decision-making. The intervenors argued to remand the Supreme Court case back to the Planning Commission with a request to consolidate the amendment application and the Supreme Court cases. On September 14, 2012, the LUC remanded the Supreme Court case to the Planning Commission with a recommendation to consolidate the two cases.

On December 19, 2012, the Planning Commission continued its consideration of the LUC request to consolidate the two cases to allow the incoming City administration to weigh in on the matter and the possibility of a joint recommendation from the parties. On February 20, 2013, the Planning Commission again continued its consideration of the LUC request to consolidate based upon the parties' representation that they intended to file a joint recommendation to the Planning Commission regarding both the consolidation and the subject matter of the remand. On May 16, 2014, the LUC requested a status report on the remanded matter. The City represented that the parties are continuing to negotiate a joint recommendation. The LUC directed the City to provide an update to the LUC and the parties of these negotiations every two months, beginning in July 2014.

At a public hearing before the LUC on October 22, 2015, ENV reported on the status of the proceedings before the Planning Commission. ENV stated that it made progress in negotiating with KOCA and that the parties needed additional time to establish objectives for further landfill waste diversion. Accordingly, ENV and KOCA represented that they would 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 LUC requested that the parties include Colleen Hanabusa, who was an intervenor in the matter remanded by the Hawaii Supreme Court, in the negotiations.

All parties except Colleen Hanabusa agreed to continue the proceedings before the Planning Commission to April 22, 2017. Because there was no agreement among all parties, ENV moved to stay the proceedings. The Planning Commission denied the stay, ordered the consolidation of the matter

remanded by the Hawaii Supreme Court and the SUP amendment application, and continued the contested case hearing to March 1, 2017.

On March 1, 2017, the Planning Commission adopted the City's proposed findings of fact, except facts that pre-dated the 2011 permit modification application, and conclusions of law. The Planning Commission also adopted the LUC's order adopting the Planning Commission's Findings of Fact, Conclusions of Law, and Decision and Order with Modifications dated October 22, 2009, deleted Condition No. 14, and added three conditions.

In accordance with HRS Section 205-6(e), the application was transmitted to the LUC. KOCA moved to deny and remand ENV's applications and in the alternative, moved to deny ENV's applications unless additional conditions are imposed. The City did not object to remanding the applications but objected to KOCA's contentions regarding the Planning Commission chair and KOCA's alleged erroneous findings of fact. The City also objected to KOCA's alternative motion.

On May 24, 2017, the LUC considered KOCA's motions and the Planning Commission's findings of fact, conclusions of law, and decision and order relating to proceedings on remand relating to ENV's applications. The LUC granted in part and denied in part KOCA's motion to deny and remand. The record on the applications were remanded to the Planning Commission for further proceedings to (1) clarify whether the Planning Commission followed Section 2-75 of the Rules of the Planning Commission in issuing its Findings of Fact, Conclusions of Law, and Decision and Order; (2) clarify the basis of the Planning Commission's proposed additional Condition No. 3, which specifies a December 31, 2022, date within which the Applicant is to identify an alternative site that will be used upon the WGSL reaching its capacity and the implications it has on the closure date of the WGSL to use and subsequent commencement of operations at the alternative landfill site; (3) clarify whether the record needs to include updated information on the operation of the WGSL, the landfill site selection process, and the waste diversion efforts of the City and County of Honolulu; (4) assuming the Planning Commission eventually recommends approval of the matter, clarify the effective date of the Planning Commission's Findings of Fact, Conclusions of Law, and Decision and Order; and (5) clarify whether the Planning Commission is ruling on both the 2008 Application and the 2011 Application in its Findings of Fact, Conclusions of Law, and Decision and Order.

On June 20, 2017, KOCA moved to recuse or disqualify Honolulu Planning Commission Chair Dean Hazama. Subsequently, Hanabusa filed a renewal of objections to Mr. Hazama's participation and votes in the instant case and joinder to KOCA's motion. ENV filed its response to KOCA's motion on June 26, 2017, and took no position on the relief requested by KOCA.

At a hearing on August 16, 2017, Mr. Hazama declined to recuse himself and no other member of the Planning Commission moved to have him recused. Further, the Planning Commission stated its intent to issue a proposed decision in compliance with Planning Commission Rule 2-75.

The Planning Commission scheduled a meeting for October 25, 2017 to adopt proposed findings of fact, conclusions of law, and decision and order. Two days before the meeting, the Planning Commission cancelled the agenda item because it lacked quorum.

On November 22, 2017, KOCA moved to reopen the contested case hearing for the purpose of admitting additional evidence. ENV opposed the motion because the evidentiary record is complete, the evidence KOCA sought to admit is not relevant to the contested case hearing, and the unwarranted reopening of the contested case hearing would unduly delay the proceedings, which is contrary to the LUC's direction and would prejudice Applicant.

On November 29, 2017, ENV received the agenda for the Planning Commission's December 6, 2017 meeting, which included the adoption of proposed findings of fact, conclusions of law, and decision and order. KOCA objected to the agenda. ENV responded by contending that the agenda provided sufficient notice that the Planning Commission will act to adopt proposed findings of fact, conclusions of law, and decision and order, and that the adoption of a proposed decision complies with the LUC's June 6, 2017 order.

At the December 6, 2017 hearing, the Planning Commission acknowledged receipt of KOCA's objections to the agenda and ENV's response, and stated that it follows the legal requirements for notification for a continued contested case hearing. The Planning Commission adopted its proposed findings of fact, conclusions of law, and decision and order, and set dates for the parties to file written exceptions and for oral argument. Then, the Planning Commission received comments on KOCA's objections and adjourned the meeting.

The parties submitted written exceptions to the proposed decision on February 5, 2018. On March 7, 2018, the Planning Commission granted KOCA's Motion to Strike Schnitzer's February 2018 Proposed Findings and heard oral arguments on KOCA's motion to reopen the contested case hearing, which was filed on November 22, 2017, and on the parties' exceptions to the proposed decision.

The Planning Commission set a hearing for April 4, 2018, for decision making on KOCA's Motion to Reopen the Contested Case Hearing and on the adoption of its findings of fact, conclusions of law, and decision and order. Two days before the hearing, the Planning Commission cancelled the agenda item because it lacked quorum due the recusal of a fifth member of its commission.

By letter dated April 26, 2018, ENV, through its counsel, requested that the Planning Commission take appropriate action to urge the mayor to make a temporary appointment to the Planning Commission, as authorized by Section 3-1.5 of the Revised Ordinances of Honolulu 1990, as amended. A temporary appointment allows the Planning Commission to attain quorum so that it may address the five clarifications requested by the Land Use Commission in its June 6, 2017 order without added delay. Subsequently, a temporary member was appointed to the Planning Commission.

The Planning Commission issued a proposed decision on January 15, 2019, and the parties had an opportunity to file written exceptions. At a hearing on February 28, 2019, the parties presented oral argument to the commission members who are to render the decision in this case. The Planning Commission discussed the adoption of its proposed findings of fact, conclusions of law, and decision and order, and scheduled another hearing date.

On April 11, 2019, the Planning Commission adopted its proposed findings of fact, conclusions of law, and decision and order, with exceptions submitted by ENV and Intervenor Schnitzer. The Planning Commission’s written decision was issued on June 10, 2019.

On October 9 and 10, 2019, the Land Use Commission met to consider the findings of fact, conclusions of law, and decision and order of the Planning Commission, which approved ENV’s SUP Amendment Application. The Land Use Commission took public testimony and the parties had an opportunity to make presentations to the Commission and answer questions from the members of the Commission. Following discussion, the Land Use Commission approved the Planning Commission’s recommendation to approve ENV’s application with modifications, which requires the WGSL to close on March 2, 2028. The Land Use Commission requested that each party submit proposed findings of facts and conclusions of law consistent with its oral decision by October 18, 2019. ENV anticipates that the LUC will issue its written decision in the next few weeks.

The landfill will continue operations under the current SUP.

5. Relevant City Council Resolutions and Bills

RESOLUTION NO.	DESCRIPTION	STATUS
13-083	To assess methods to reduce the improper disposal of bulky wastes on public streets and sidewalks.	Resolution adopted 6/5/13.
14-127	To enter into an intergovernmental agreement with the State for the allotment of funds for operating and maintaining a glass recycling program.	Resolution adopted 7/9/14.

14-175	To request a study on the use and impacts of single-use food service containers. Report to Council due June 30, 2015.	Resolution adopted 8/27/14.
15-167	To establish a city policy to expedite the closure of the WGSL and the implementation of sustainable waste management practices.	Resolution adopted 7/8/15.
16-147	Authorizes the City to enter into an agreement with the State for the allotment of funds for a glass recycling program.	Resolution adopted 7/6/16.
17-340	Urging the City to develop composting facilities.	Resolution adopted 2/28/18.
18-35	Requesting the Office of the City Auditor to evaluate the use and impacts of single-use food service containers and plastic bags.	Resolution adopted 2/14/18.
19-101	Requesting ENV to prepare a report evaluating operations of Leeward Coast refuse drop-off facilities and recommending improvements thereto.	Resolution adopted 8/7/19.
19-124	Urging the City Administration to divert recyclables to H-POWER and reinvest the cost savings in developing on-island recycling facilities.	Resolution amended to CD1 and postponed in committee on 7/24/19.
19-176	Urging the City Administration to Establish a City program to recycle material from scrap tires.	Resolution introduced 7/31/19.
BILL NO.	DESCRIPTION	STATUS
10 (2012),CD 1	Regulate use of nonbiodegradable plastic bags and other bags provided to customers. Takes affect 2015.	Bill passed into law 5/10/12.
38 (2014)	Amends ban on plastic bags to disallow biodegradable plastic bags. Effective date remains July 2015.	Bill passed into law 9/25/14.
61 (2012), FD1	Terminates recycling disposal discount for residue from recycling operations effective July 1, 2013.	Bill passed into law 11/29/12.
62 (2012), CD1	Amends City Ordinance to conform State HRS related to required submittal dates for the integrated solid waste management plans.	Bill passed into law effective 12/21/12
50 (2015)	Enacts recycling disposal discount for residue from recycling operations.	Bill passed into law effective 1/1/17.
80 (2015)	Provides a discounted tip fee to the Navy for disposal of green waste infected by Coconut Rhinoceros Beetle.	Bill passed into law effective 6/20/16.
24 (2016)	Enforcement of illegal dumping. Increases fine to \$2,500.	Bill passed into law effective 5/18/16.

59 (2016)	Deletes the definition of “compostable plastic bag” and amends the definitions of “plastic checkout bag” and “reusable bag”	Bill passed into law effective January 1, 2020.
108 (2017)	Addresses public refuse containers, marine litter control, litter prevention, environmental education and stewardship, and determination of violations.	Bill deferred in committee 3/21/18.
5 (2018)	Relating to litter reduction, recycling, and composting incentives.	Bill passed first reading and referred to public works committee 1/31/18.
19 (2018)	Relating to collection and disposal of refuse.	Bill deferred in committee 4/12/18.
28 (2018)	Increases tipping fees for the transfer stations and landfill to \$120/ton.	Bill passed first reading and referred to budget committee 3/28/18.
29 (2018)	Requires green waste to be disposed at composting facilities.	Bill passed first reading and referred to public works committee 3/28/18.
59 (2018)	Businesses may provide reusable bags or compostable plastic bags, provided that they charge the customer a minimum of 15 cents per bag. Businesses may provide recyclable paper bags to customers without charge.	Bill passed first reading and referred to public works committee 8/15/18.
92 (2018)	Restricts the use of polystyrene foam food containers by food vendors and food packagers.	Bill passed first reading and referred to public works committee 12/5/18.
97 (2018)	Restricts the use of single-use plastic straws.	Bill passed first reading and referred to public works committee 1/30/19.
13 (2019)	Authorizes the City to charge for refuse collection and disposal services.	Bill postponed in committee 5/14/19.
40 (2019)	Addresses single-use plastic goods and plastic bags.	Bill passed first reading and referred to committee on public safety and welfare on 8/7/19.

All resolutions and bills, and video of Council meetings, can be found at the City website, www.honolulu.gov

City Attendees:

Department of Environmental Services

Manuel Lanuevo, Refuse Division Chief

Henry Gabriel, Acting Assistant Chief

Wayne Hamada, Energy Recovery Administrator

Ahmad Sadri, Disposal Operations Engineer

Other:

Tina Alder, District Manager, Waste Management

Public:

None.