

## **SUMMARY OF PROPOSED COMMITTEE DRAFT:**

### **RESOLUTION 21-103 REQUESTING THE CITY ADMINISTRATION TO EVALUATE FOR COMPLIANCE WITH ACT 73, SESSION LAWS OF HAWAII 2020, THE ELEVEN SITES PREVIOUSLY IDENTIFIED BY CITY STUDIES AS POTENTIAL REPLACEMENTS FOR THE WAIMANALO GULCH SANITARY LANDFILL AND ADDITIONAL POTENTIAL WAIMANALO GULCH SANITARY LANDFILL REPLACEMENT SITES, INCLUDING LANDS HELD BY THE STATE DEPARTMENT OF HAWAIIAN HOME LANDS IN KALAELOA.**

The **PROPOSED CD1** makes the following amendments:

- A. Amends the title of the resolution by replacing "INCLUDING LANDS HELD BY THE STATE DEPARTMENT OF HAWAIIAN HOME LANDS IN KALAELOA" with "INCLUDING ANY STATE LANDS OR OTHER FORMER FEDERAL LANDS."
- B. Deletes the final WHEREAS paragraph.
- C. Amends the 1<sup>st</sup> RESOLVED paragraph by replacing "including the lands held by the State Department of Hawaiian Home Lands in Kalaeloa" with "including any State lands and other former federal lands that were not previously evaluated, as appropriate."
- D. Adds a new 2<sup>nd</sup> RESOLVED paragraph to read:

BE IT FURTHER RESOLVED that the City Administration is requested to consider disqualifying factors such as environmental justice and social equity concerns, community impacts, and relevant State and federal laws that may restrict the placement of a landfill site when evaluating alternative sites for a landfill; and

- E. Amends the 2<sup>nd</sup> (now 3<sup>rd</sup>) RESOLVED paragraph of the resolution as introduced by replacing "120 days" with "150 days."
- F. Deletes the 3<sup>rd</sup> RESOLVED paragraph of the resolution as introduced.
- G. Makes miscellaneous technical and nonsubstantive amendments.



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CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII

No. **21-103, CD1**

PROPOSED

## RESOLUTION

REQUESTING THE CITY ADMINISTRATION TO EVALUATE FOR COMPLIANCE WITH ACT 73, SESSION LAWS OF HAWAII 2020, THE ELEVEN SITES PREVIOUSLY IDENTIFIED BY CITY STUDIES AS POTENTIAL REPLACEMENTS FOR THE WAIMANALO GULCH SANITARY LANDFILL AND ADDITIONAL POTENTIAL WAIMANALO GULCH SANITARY LANDFILL REPLACEMENT SITES, INCLUDING ANY STATE LANDS OR OTHER FORMER FEDERAL LANDS.

WHEREAS, the provision of municipal solid waste capacity is vital to the management of solid waste in the City and County of Honolulu ("City"); and

WHEREAS, the Waimanalo Gulch Sanitary Landfill ("WGSL") is currently the City's only municipal solid waste landfill; and

WHEREAS, in 1987, the State Land Use Commission ("LUC") by Docket No. SP87-362 approved a special use permit to establish the WGSL on 60.5 acres of land in Honouliuli, Ewa, Oahu; and

WHEREAS, in 1989, the LUC approved an amendment to the special use permit by the inclusion of an additional 26 acres of land for a total special permit area of 86.5 acres; and

WHEREAS, on March 27, 2003, the LUC voted to approve an additional amendment to the special use permit to expand the WGSL by an additional 21 acres, subject to certain conditions, including a condition that the WGSL be restricted from accepting any further municipal waste material and be closed on May 1, 2008; and

WHEREAS, on March 14, 2008, the LUC extended the special use permit closure deadline from May 1, 2008, to November 1, 2009; and

WHEREAS, on October 22, 2009, the LUC by Docket No. SP09-403 approved a new special use permit that allowed a WGSL site expansion and time extension, provided that only ash and residue from Honolulu's waste-to-energy facility, H-POWER, be permitted at the WGSL after July 31, 2012; and

WHEREAS, Condition 4 of the LUC order states in part that on or before November 1, 2010, the City must begin to identify and develop one or more landfill sites that shall either replace or supplement the WGSL; and

WHEREAS, in response to Condition 4 of the LUC order, the City published two studies, *Report of the Mayor's Advisory Committee on Landfill Site Selection*



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(September 2012) and *Assessment of Municipal Solid Waste Handling Requirements for the Island of Oahu* (November 2017), that identified and evaluated eleven potential WGS� replacement sites, which are, in alphabetical order:

- Ameron Quarry,
- Kaneohe by H-3,
- Kapaa Quarry Road,
- Keaau,
- Upland Hawaii Kai,
- Upland Kahuku 1,
- Upland Kahuku 2,
- Upland Laie,
- Upland Nanakuli 1,
- Upland Pupukea 1, and
- Upland Pupukea 2; and

WHEREAS, by diverting municipal solid waste to H-POWER, the City has successfully reduced the amount of municipal solid waste received at WGS� from 306,691 tons in 2007 to 48,034 tons in 2019, a decrease of 84 percent in 12 years; and

WHEREAS, on October 10, 2019, the LUC approved an amendment to the special use permit ("2019 LUC Order"), subject to certain conditions, including a condition that the City must identify, by December 31, 2022, an alternative landfill site to be used upon closure of the WGS�; and

WHEREAS, on September 15, 2020, the Governor signed into law Act 73, Session Laws of Hawaii ("SLH") 2020, which prohibits any waste or disposal facility from being located in a State conservation district except in emergency circumstances and requires a one-half mile buffer zone for the construction, modification, or expansion of a waste or disposal facility; and

WHEREAS, the required buffer zone is the distance between the edge of waste or disposal activity and the nearest residential, school, or hospital property line; and

WHEREAS, Act 73, SLH 2020, may disqualify a number of the eleven potential WGS� replacement sites identified in the City's studies, thus impeding the City's efforts to comply with LUC orders; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that the City Administration is requested to evaluate for compliance with Act 73, Session Laws of Hawaii 2020, the eleven sites previously identified by City studies as potential



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replacements for the Waimanalo Gulch Sanitary Landfill and additional potential Waimanalo Gulch Sanitary Landfill replacement sites, including any State lands and other former federal lands that were not previously evaluated, as appropriate; and

BE IT FURTHER RESOLVED that the City Administration is requested to consider disqualifying factors such as environmental justice and social equity concerns, community impacts, and relevant State and federal laws that may restrict the placement of a landfill site when evaluating alternative sites for a landfill; and

BE IT FURTHER RESOLVED that the City Administration is requested to report its findings to the Council no later than 150 days following the adoption of this resolution; and

BE IT FURTHER RESOLVED that the City Administration transmit to the Council, in advance of or concurrently with their submission, a copy of all semi-annual reports that were required to be provided to the City Planning Commission and the State Land Use Commission, in accordance with Condition 6 of the 2019 LUC Order, regarding the status of efforts to identify and develop a new landfill site on Oahu and related matters, commencing with the report for the period from November 2020 to April 2021; and



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BE IT FINALLY RESOLVED that copies of this Resolution be transmitted to the Mayor, the Managing Director, and the Director of Environmental Services.

INTRODUCED BY:

Tommy Waters

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DATE OF INTRODUCTION:

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April 21, 2021  
Honolulu, Hawaii

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Councilmembers