

Landfill

CONTINUED FROM A1

Services. "Other sites will require a large capital outlay to acquire land and develop and construct the site. A landfill management contract is already in place (and it is the only site where costs and revenues for a landfill are known factors, and the current landfill operator is committed to implementing (and has implemented) necessary improvements."

The Land Use Commission last year granted an 18-month extension to Nov. 1 to stop accepting waste at Waimānalo Gulch. According to the city, it was made clear throughout hearings on that extension that the time was needed to complete an environmental impact statement for expansion.

The city has completed the EIS, and is seeking the necessary approvals.

State Sen. Mike Gabbard, D-19th (Kapolei, Makakilo, Waikēle) has introduced a bill that places a moratorium on any new solid waste landfills and the expansion of any existing private solid waste landfill on the Leeward Coast on or after Aug. 1. The measure is now before the Senate Ways and Means Committee.

Gabbard's bill would not block the city's expansion plan, but the former City Council member supports efforts to shutter the

landfill when the special use permit expires Nov. 1.

"After 18 years, the people of the Wai'ānae Coast literally feel dumped on," Gabbard said. "The people in East O'ahu and on the North Shore aren't going to say, 'Hey, it's our turn.' I don't think we need a landfill."

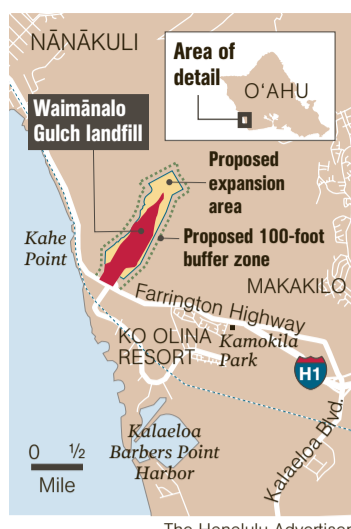
The city handles 1.76 million tons of garbage per year with approximately 600,000 tons going to the H-Power waste-to-energy site, 600,000 tons recycled, and the remainder landfilled.

The existing 107.5-acre Waimānalo Gulch was scheduled to close last May, but last March the Land Use Commission voted to allow the city to keep it open until November 2009.

The commission's decision was made despite legal challenges and protests from Wai'ānae Coast residents, elected officials and environmental activists who feel the city should be doing more to expand recycling and waste-to-energy conversion while attempting to close the landfill.

Critics claimed the continued arguments for the landfill expansion are recycled anecdotes dating to 2002, when the city proposed expanding the landfill by 60.5 acres, before changing course and expanding it by 21 acres.

Gabbard said he testified in favor of extending the landfill's life for five years, until May 8, 2008, before the Land Use Commission in 2003 and "caught a lot of



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heat for it."

"When I was on the City Council, that's when I really got an in-depth education about the whole trash situation," he said. "This (bill) is for the people of the Wai'ānae Coast who are fed up with having landfills in their backyards for the last 18 years."

City Council Chairman Todd K. Apo said he wants to facili-

tate the expansion of the city's waste-to-energy conversion facility by 2012 and ship more than 100,000 tons of trash to the Mainland each year so the need for a landfill is eliminated.

He said state land-use commissioners made it clear during the March 2008 proceedings that the city had to stop sending trash to the landfill when the 18-month permit expires in November 2009.

"There is a big disconnect with what is going on and what is right. When you look at the history of this landfill and what was promised, under oath by the city in 2003, and you add on the fact that there are real solutions that the city is implementing, there is no reason to even attempt dumping waste into the land for another 15 years," Apo said. "It doesn't match up. Starting the shipping (of trash), budgeting over \$100 million for the expansion of H-Power, and yet it appears the administration is not putting those two pieces into a plan to get out of landfilling. They are intent on continuing to dump waste into the ground."

Senate President Colleen Hanabusa, D-21st (Nānākuli, Mākaha) filed a lawsuit on behalf of herself and the Ko Olina Community Association last year asking a judge to overturn the approval of a special use permit on the basis that procedural protocols were broken. An O'ahu Circuit Court judge in October denied Hanabusa's arguments and upheld the Planning Commissions' rulings.

Hanabusa did not appeal the ruling but has said she will prepare a legal challenge to the city's efforts to expand the landfill by 92 acres. She did not return several messages seeking comment.

A bill identical to Gabbard's was introduced by State Rep. Sharon Har, D-40th (Royal Kunia, Makakilo, Kapolei) and Rep. Henry Aquino, D-35th (Pearl City, Waipahu), but is stalled in committee.

"If the Land Use Commission approves the expansion, it will be yet another example of Leeward Coast residents getting the short end of the stick," Har said. "Over the years the people out

here have had to deal, disproportionately, with the unfortunate realities of municipal government. It's not fair."

The city maintains that there will be a need for a landfill for the foreseeable future because there always will be waste material that cannot be reused, recycled, further combusted or shipped.

"If the Waimānalo Gulch Landfill is not expanded, but instead forced to cease accepting waste on Nov. 1, there will be no permitted facility to handle the municipal solid waste that is now being disposed at Waimānalo Gulch," said Steinberger, the city Environmental Services director. "Consequently, there will be an adverse, islandwide impact on all communities of O'ahu, and major public health and safety problems for the city, its residents, visitors and businesses, as there would be no sanitary and secure means of landfilling municipal refuse."


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DEPARTMENT OF DEFENSE
 Department of the Navy
Revised Record of Decision for Hawaii Range Complex

AGENCY
 Department of the Navy, Department of Defense
ACTION
 Notice of Revised Record of Decision

SUMMARY: The Department of the Navy (Navy) announces its decision to revise the Record of Decision (ROD) issued on June 26, 2008, and published on July 7, 2008 (73 Fed. Reg. 38424) on the Final Environmental Impact Statement (EIS)/Overseas Environmental Impact Statement (OEIS) for the Hawaii Range Complex (HRC). These revisions address the authorizations recently issued by the National Marine Fisheries Service (NMFS) in December 2008 and January 2009 under the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA) for the incidental harassment of marine mammals resulting from Navy training and Department of Defense (DoD) research, development, testing, and evaluation (RDT&E) activities conducted within the HRC for the proposed action presented in Alternative 3. The Revised ROD is effective February 26, 2009. Except as discussed in the Revised ROD, all other provisions of the June 26, 2008 ROD remain in full force and effect. Implementation of the preferred alternative, initiated in June 2008 will continue. Because the Navy is required by section 5062 of Title 10 of the United States Code to organize, train, equip, and maintain combat-ready forces, ongoing training and RDT&E activities within the HRC will continue at current levels in the event that the proposed action is not implemented.

SUPPLEMENTARY INFORMATION: The Revised ROD has been distributed to all those individuals who requested a copy of the Final EIS/OEIS and agencies and organizations that received a copy of the Final EIS/OEIS. The full text of the Revised ROD is available for public viewing at <http://www.govsupport.us/navynepahawaii/downloads.aspx>. Single copies of the Revised ROD will be made available upon request by contacting the Public Affairs Officer, Pacific Missile Range Facility, Attn: HRC EIS/OEIS REVISED ROD, P.O. Box 128, Kekaha, Hawaii 96752-0128; e-mail: feis_hrc@govsupport.us; or calling the Public Affairs Officer at telephone: 866-767-3347.

Dated: 26 February 2009

A. M. VALLANDINGHAM
 Lieutenant Commander,
 Office of the Judge Advocate General,
 U.S. Navy, Administrative Law Division,
 Federal Register Liaison Officer

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