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Mayor

JUL 23 2012



BJ Leithead Todd
Director

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July 2, 2012

Gary Hooser, Director
Office of Environmental Quality Control
235 South Beretania Street, Suite 702
Honolulu, HI 96813

Dear Mr. Hooser:

Determination of Applicability Pursuant to §11-200-27, HAR Relating to the Application for Renewal of the Solid Waste Management Permit for the West Hawai'i Sanitary Landfill
TMK: 7-1-003: 017; Pu'uanahulu, North Kona, Hawai'i

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OFFICE OF ENVIRONMENTAL
QUALITY CONTROL

This letter will inform you of our determination, as an accepting authority under your administrative rules, that a supplemental EIS will not be required for the purpose of an application to the State Department of Health for renewal of a solid waste management permit for the West Hawai'i Sanitary Landfill (WHSL). We ask that this determination be published in your next available bulletin.

For the reasons as detailed in the attached June 14, 2012, memorandum from the Department of Environmental Management, we find that the application for renewal of the solid waste management permit for the continuing operation of the WHSL would not warrant a supplemental EIS since the continuing operations of the WHSL have not increased in scope or size, nor increased the intensity of environmental impacts with all mitigating measures originally planned still being implemented. There are no new circumstances or evidence that have brought to light different or likely increased environmental impacts not previously dealt with.

Please do not hesitate to contact Daryn Arai of this office at 961-8142 should there be any questions or if additional information is necessary.

Sincerely,

BJ LEITHEAD TODD
Planning Director

DSA:syhf
p:/wpwin60/dsa/2012/WHSL-SupplementalEISDetermination.doc

Enclosure

cc/enc: DEM

Planning Department - Kona

William P. Kenoi
Mayor

William T. Takaba
Managing Director



PLANNING DEPARTMENT
COUNTY OF HAWAII

Dora Beck, P. E.
Acting Director

2012 JUN 15 PM 3:03
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Deputy Director

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DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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MEMORANDUM

DATE : June 14, 2012

TO : Bobby Jean Leithead Todd, Planning Director

FROM : Dora Beck, P.E., Acting Director *DB*

SUBJECT: **State Department of Health Request for County Determination of Whether SEIS Required**

The Department of Environmental Management ("DEM"), through its Solid Waste Division ("SWD"), has applied to the State of Hawai'i, Department of Health ("DOH") Solid and Hazardous Waste Branch ("SHWB") for an extension of solid waste management permit No. LF-0001-08 for the West Hawai'i Sanitary Landfill ("WHSL").

By letter dated March 15, 2012, DOH noted that the Final EIS ("FEIS") for WHSL, dated October 1991, stated the landfill was expected to be in operation for about 25 years, until 2015, with: (1) a 4:1 refuse to cover ratio; (2) 25 percent buffer area; (3) landfill depth of 30 feet; and (4) final slopes not exceeding 4:1. DOH stated: "Since some of these assumptions have changed since the final EIS, the SHWB requests that the county determine whether an updated EIS is warranted for the site.

Pursuant to HAR § 11-200-27: "The accepting authority or approving agency in coordination with the original accepting authority shall be responsible for determining whether a supplemental statement is required." The Planning Department was designated the original accepting authority for the WHSL FEIS. We don't know of designation of any other accepting authority. Therefore, we respectfully ask for your review of the following analysis, and determination of whether an SEIS is now required for the WHSL FEIS.

1. 4:1 Refuse Cover Ratio: The WHSL currently utilizes alternative daily cover in efforts to reduce cover usage. Cover usage for this site remains at 4:1 or slightly higher.
2. 25 Percent Buffer Area: The 25 percent Buffer Area remains unchanged.



3. Landfill Depth of 30 Feet: The 30-foot "landfill depth" was an assumption used solely for calculation of landfill life on p. 2-7 of the SEIS. Aside from that, that depth assumption was never used for impact assessment. The actual discussion of impacts reflects excavation of up to 25', plus height limited to 25 to 30' above existing grades (FEIS p. 3-24). This is consistent with the actual landfill construction to date. Besides lifetime estimate, none of the FEIS impact assessment was dependent on landfill depth or lifetime. That is appropriate, as the impacts of a properly constructed and mitigated landfill do not significantly increase based on depth. As stated below, the actual volume/intensity to date has been well below estimates, and there have not been any changed circumstances requiring an SEIS.
4. Final Slopes Not Exceeding 4:1: Final slopes will not change from the original 4:1 slope.

None of the above indicates any different or likely increased environmental impacts not previously dealt with, which might require an SEIS. The WHSL site and operation has not changed in size, scope, location intensity or use as envisioned in the FEIS.

In addition, please consider the following analysis of possible timing-related circumstantial factors since October 1991:

1. Population Growth Below Projections

FEIS section 4.1.1 projected West Hawai'i population (North and South Kona, and South Kohala) to grow to 122,000 by year 2015, roughly triple the 1991 population. However, according to the State Department of Business and Economic development Data Book, said West Hawai'i population as of April 1, 2010 was only 71,821, or less than double the 1991 population. See, Table 1.12, Resident Population of Counties and Districts: 1990, 2000, and 2010. <http://hawaii.gov/dbedt/info/economic/databook/2010-individual/01/011210.pdf>. Hence, it's unlikely that traffic, waste volume and other population density-related impacts are approaching levels considered by the FEIS.

2. Solid Waste Volume Below Projections

FEIS section 2.2 projected West Hawai'i solid waste generation to be 144,800 tons/year by 2011, and 160,000 tons/year by 2015. However, according to County SWD records, the 2011 WHSL tonnage deposited was 91,530 tons, well below the 2011 estimate. SWD continues its public recycling programs, further moving toward zero waste. Again, the burden on WHSL is well below projections in the FEIS and it is unlikely that there are any new or increased impacts due to waste volume.

3. Traffic Volume Below Projections

FEIS section 4.4 discussed traffic impacts, based on a June 6, 1991 Traffic Impact Analysis Report for WHSL. The WHSL intersection with Queen Ka'ahumanu Highway is fully channelized for truck ingress and egress. The FEIS assumed that peak hour afternoon truck traffic at WHSL would triple from 20 to 75 by 2015, along with the tripling of population. Even based upon that, the EIS concluded that this "would have little impact on traffic conditions at the study intersection. The controlling factors

would be the growth in traffic on Queen Ka'ahumanu Highway and the physical conditions of Queen Ka'ahumanu Highway, such as number of lanes, by the year 2016." FEIS p. 4-11. A 2003 Traffic Impact Assessment of potential trucking of waste from East Hawai'i to WHSL similarly indicated no significant traffic impacts. The current daily (not just peak hour) traffic at WHSL is less than 60 trips per day, well below the traffic volumes assumed by the FEIS with a West Hawai'i population that roughly doubled since 1991. DEM consulted with state Department of Transportation ("DOT") in 2010 regarding these facts and possible additional traffic from potential WHSL rock sales. DOT concurred that based upon such evidence, there was no need for an EA for the potential rock sales. Hence, there does not appear to be any new or increased traffic impacts requiring an SEIS.

4. Recurring Solid Waste Permit Issuance Provides Safeguards

Solid Waste permits are renewable for up to five (5) years. HAR §11-58.1-04(E)(1). Hence, even if the life of WHSL continues significantly beyond 2015, DOH will continue to monitor WHSL operations and impacts at least every five years. Hence, there is no need to prematurely require an SEIS. Moreover, 2015 is still three years away, the lifetime assumed in the FEIS has not yet elapsed, and an SEIS would be premature.

Finally, please consider the lack of any SEIS triggers as detailed in HAR § 11-200-27 which states: "A supplemental statement shall be warranted when the scope of an action has been substantially increased, when the intensity of environmental impacts will be increased, when the mitigating measures originally planned are not to be implemented, or where new circumstances or evidence have brought to light different or likely increased environmental impacts not previously dealt with."

1. Scope of Action Not Substantially Increased: The scope of the Landfill operations has not increased from that treated in the FEIS. The FEIS, p. 2-7, contemplated that landfill "life is dependent on the population projection and may vary if the projections are not as anticipated." Continued landfill operations will have the same ongoing impacts, and will have continued mitigation measures, including continuing regulatory requirements.
2. Intensity of Environmental Impacts Not Increased: The impacts will continue as before, and if anything, regulatory standards and requirements are likely to increase. For instance, the 1996 federal New Source Pollutant Standards, Subpart WWW, now requires gas collection and monitoring at WHSL. And continued WHSL operations provide vital solid waste disposal services to mitigate the entire West Hawai'i community's solid waste impacts.
3. Mitigating Measures Are Increasing: As noted above, the impact mitigation is increasing, not decreasing.
4. No New Circumstances or Evidence of Different or Likely Increased Impacts:

DEM is not apprised of any significant changes in circumstances which would present new or increased environmental impacts not considered in the FEIS. As stated in the foregoing discussions, circumstances such as population size, solid waste tonnage, and traffic have actually fallen below expected levels, indicating probable reduced impacts.

Based upon all of the foregoing, DEM respectfully asks for the Accepting Authority's concurrence that no WHSL SEIS is currently necessary.

cc: Greg Goodale, SWD Chief
Mike Kaha, WMI Operations Manager