From: Kabei.Arlene@epamail.epa.gov
Sent: Friday, January 28, 2011 10:56 AM
To: Whelan, Joseph <jwhelan1@wm.com>
Cc: gary.gill@doh.hawaii.gov; stuart.yamada@doh.hawaii.com; Takata.Keith@epamail.epa.gov; Diamond.Jane@epamail.epa.gov; Scott.Jeff@epamail.epa.gov; Baylor.Katherine@epamail.epa.gov; Moxley.Bret@epamail.epa.gov; Helmlinger.Andrew@epamail.epa.gov; Wampler.David@epamail.epa.gov; Barroll.Hugh@epamail.epa.gov; armann.steve@epa.gov; Vaille.Rich@epamail.epa.gov; Wall.Steve@epamail.epa.gov; Sheehan.Eileen@epamail.epa.gov; Huetteman.Tom@epamail.epa.gov; Higuchi.Dean@epamail.epa.gov; Ryerson.Teddy@epamail.epa.gov; Johnson.Kathleen@epamail.epa.gov; Glenn.William@epamail.epa.gov; Arlene_Kabei/Janice.Okubo@doh.hawaii.gov; tsteinberger@honolulu.gov
Subject: Notice of EPA Approval to Operate Cell E6 at Waimanalo Gulch Landfill, Oahu HI

Dear Mr. Whelan:

We have reviewed and accept the Construction Quality Assurance Report submitted for the liner installation at Cell #E6. We have also reviewed your "Stormwater Management Update and Contingency Plan," Version 4, dated 1/27/2011, which supports your belief that the measures described in the document "will prevent waste material and stormwater that may come into contact with waste from exiting the facility in the event of a major storm."

While WM has not yet completed the tasks yet due in the Administrative Order on Consent, dated January 25, 2011, USEPA recognizes that WM has made progress in improving the situation at the landfill and that the continued closure of the landfill may create a risk to public health from accumulating wastes, in particular sewer sludge, throughout Oahu. We encourage WM to continue to forge ahead quickly on completing the upper valley stormwater diversion system ("Western Drainage System") and continue enhancements to the temporary stormwater systems. It is our expectation that the Western Drainage System will be functional in 15 days. Until the system is functional, please continue to enhance the capabilities of the temporary stormwater control systems to manage the quantity of water experienced on January 13, 2011.

Therefore, pursuant to Section VIII (g) of the Administrative Order on Consent, USEPA hereby approves, with conditions noted below, the operation of Cell #E6 to accept wastes at the Waimanalo Gulch Sanitary Landfill (WGSL). We understand that the Hawaii Department of Health has also notified you that they do not object to reopening of landfill Cell #E6.

The reopening of WGSL is the best alternative to minimize the risks to human health and the

environment associated with the handling of solid wastes on Oahu. This approval is not a determination WM's operation of WGSL has been or is currently in compliance with applicable laws governing the management of solid waste including, but not limited to, the Clean Water Act and the Resource Conservation and Recovery Act. Nor is it a determination that reopening the landfill is consistent with these laws.

We approve reopening with the following conditions:

With regard to Cell E6:

1) Waste is disposed only within the footprint designated on your hand-annotated drawing submitted with your Petition for Re-Opening;

2) As recommended by AECOM, waste placement operations should be kept a minimum of 50 feet away from the damaged western edge of E6; and

3) The western edge of Cell E6 should be repaired as expeditiously as practicable, with plan and schedule for repair provided to EPA within one week.

With regard to the facility:

4) Waste Management must submit a revised stormwater contingency plan by February 1, 2011 that describes how WM will manage stormwater on the site in response to storm events to prevent the discharge to waters of the United State of solid wastes, leachate, and/or stormwater contaminated by pollutants generated at WGSL pending completion of the stormwater diversion system ("Western Drainage System") currently under construction. The contingency plan must list and/or describe, at minimum, the following:

- type and quantity of on-site mobile heavy equipment WM employees can use to maintain stormwater systems in response to storm events, including, pumps, tractors, back-hoes;
- names of the Waste Management point of contact, or points of contact, available at any time, and the number of WM employees who can be deployed if storm water management systems or equipment fail or are not properly operating;
- how WM will monitor storm events and the process WM will follow to deploy employees on-site in response to storm events;
- name and location of storm water management equipment or systems (e.g., retention basins, pipes, drains, etc.) that will be monitored and/or maintained by on-site employees in response to storm events;
- types of corrective actions or maintenance activities that on-site employees should take in response to storm events to ensure storm water conveyance systems remain operational;
- beach monitoring activities (including posting signs, and performing clean-up) that will occur if un-permitted storm water discharge from the landfill occurs.

5) No later than fifteen (15 days) after the completion of a functional storm water division structure (Western Drainage System) as required in 19.b. of EPA's Order, WM must revise and submit to EPA its SWPCP to incorporate the functional Western Drainage System and all ancillary storm water connections into its revised SWPCP consistent with the requirements of its storm water general permit.

EPA sincerely appreciates your responsiveness to the information we requested for making this Approval determination. We recognize that much work and improvements at the site have been accomplished in short order since January 13th, 2011.

Arlene Kabei
Associate Director
Waste Management Division
USEPA, Region 9