

Honolulu, Hawaii

March 20, 2008

RE: S.B. No. 2192  
S.D. 2  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

Sir:

Your Committee on Energy & Environmental Protection, to which was referred S.B. No. 2192, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO SOLID WASTE,"

begs leave to report as follows:

The purpose of this bill is to require the Department of Health (DOH) to conduct an independent study, without impairing the City and County of Honolulu's operations or permitting procedures, and make an independent determination of the effect on the health, safety, and welfare of the adjacent community, of increasing the maximum grade of the ash monofill at the Waimanalo Gulch Sanitary Landfill from 220 feet to approximately 275 feet above mean sea level.

A concerned individual testified in support of this bill. DOH opposed this measure. The Windward Ahupuaa Alliance provided comments.

DOH testified that this bill is unnecessary. In its evaluation of all solid waste permit application, DOH reviews the design, operation, and monitoring of the proposed solid waste activity for compliance with state solid waste laws and rules. Although DOH relies on completeness and accuracy of reports from the operator or owner of landfills, as opposed to its own independent data gathering, it is DOH's representation that this "honor" system is widely accepted nationwide due to limited agency

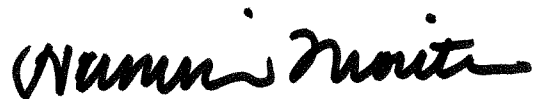


resources. Additionally, the availability of an independent expert on the structural stability of the ash monofill in this case is problematic, since the operator of the landfill is a nationwide company that has retained the service of many of the experts in the field. In this situation, the difficulty in finding an untainted expert will be both daunting and costly. Although DOH reviewed the stability and seismic analysis of Waimanalo Gulch Sanitary Landfill and proposed grade modifications, it is your Committee's finding that the health and welfare of the public requires that this bill continue through the legislative process for further consideration and discussion.

Accordingly, your Committee has amended this bill by changing the effective date to July 1, 2050. Other technical, nonsubstantive amendments were made for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Energy & Environmental Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2192, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2192, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Respectfully submitted on  
behalf of the members of the  
Committee on Energy &  
Environmental Protection,



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HERMINA MORITA, Chair



