

LINDA LINGLE  
GOVERNOR OF HAWAII



CHIYOME LEINAALA FUKINO, M.D.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. Box 3378  
HONOLULU, HAWAII 96801-3378

In reply, please refer to:  
File:

HOUSE COMMITTEE ON JUDICIARY

S.B. 701, S.D. 2, H.D. 1, RELATING TO LANDFILLS

Testimony of Chiyome Leinaala Fukino, M.D.  
Director of Health

February 4, 2010  
2:20 P.M.

1 **Department's Position:** The Department respectfully opposes this bill.

2 **Fiscal Implications:** None

3 **Purpose and Justification:** This bill proposes to prohibit the construction of new landfills or the  
4 expansion of existing private landfills in the Ewa, Waianae, Waialua, Koolauloa, and Koolaupoko  
5 Districts on Oahu after August 1, 2009. This prohibition would limit new landfills to only the Wahiawa  
6 and Honolulu Districts, which we estimate covers less than 25% of Oahu. This bill does not affect the  
7 proposed expansion of the Waimanalo Gulch Sanitary Landfill.

8 The Department opposes this measure because we believe that this is a case of home rule. In  
9 general, the counties are responsible for the collection, management, treatment and/or disposal of solid  
10 waste. As such, the City and County of Honolulu, in evaluating available solid waste management  
11 options, should be given the opportunity to evaluate all possibilities, so that they can select the most  
12 appropriate action for their county. We note that the Wahiawa District is over the Central Oahu aquifer,  
13 one of Oahu's primary drinking water sources.

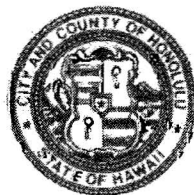
14 Thank you for the opportunity to testify on this measure.

15

DEPARTMENT OF ENVIRONMENTAL SERVICES  
**CITY AND COUNTY OF HONOLULU**

1000 ULUOHIA STREET, SUITE 308, KAPOLEI, HAWAII 96707  
TELEPHONE: (808) 768-3486 • FAX: (808) 768-3487 • WEBSITE: <http://envhonolulu.org>

MUFI HANNEMANN  
MAYOR



TIMOTHY E. STEINBERGER, P.E.  
DIRECTOR

MANUEL S. LANUEVO, P.E., LEED AP  
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.  
DEPUTY DIRECTOR

IN REPLY REFER TO:  
WAS 10-33

February 3, 2010

The Honorable Jon Riki Karamatsu, Chair  
and Members of the Committee on Judiciary  
House of Representatives  
State Capitol  
Honolulu, Hawaii 96813

Dear Chair Karamatsu and Members:

Subject: Senate Bill 701, SD 2, HD 1, Relating to Landfills

The City and County of Honolulu's Department of Environmental Services (ENV) reiterates its opposition to Senate Bill 701, SD 2, HD 1, which proposes to modify Chapter 342H, HRS, to place a moratorium on the construction of new solid waste landfills, including a municipal solid waste (MSW) landfill, greenwaste landfill, or otherwise, or expand any existing private solid waste landfill in the districts of Ewa, Waianae, Waialua, Koolauloa, and Koolaupoku after August 1, 2009, with the exception of the Waimanalo Gulch Sanitary Landfill. The bill would leave only the districts of Wahiawa, which is situated over the drinking water aquifer, and Honolulu, the urban district, as possible locations for landfills.

This measure is an unreasonable interference with home rule. The City and County of Honolulu, as well as the other counties, are responsible for the collection, management, treatment and/or disposal of MSW within their respective jurisdictions. It is inappropriate for the State of Hawaii to place limits on possible landfill locations on Oahu just as it would be for the State to place similar limitations on locations of landfills in Kauai, Maui, or Hawaii counties. This alone is reason for this bill *not to move forward*.

Moreover, a moratorium on the construction of new MSW landfills on the Leeward coast of Oahu is unnecessary, as Mayor Mufi Hannemann has already committed to not site any new MSW landfills on the Leeward coast. This commitment reflects his understanding of many of the issues identified in Section 1 of the bill.

For the record, the Waimanalo Gulch landfill was established 20 years ago and is not located within the five areas specifically identified in the bill.

The HD1 expansion of the moratorium, to much of the rest of the island of Oahu through the use of "district" names, is unclear as to actual intended boundaries. Further, the expanded

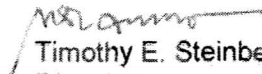
The Honorable Jon Riki Karamatsu, Chair  
and Members of the Committee on Judiciary  
February 3, 2010  
Page 2

moratorium does not appear to consider the ramifications of a major natural disaster such as the need for landfill space to handle the large amounts of disaster debris that would be created.

For such reasons, this bill should not be passed. However, were it to move forward, the bill should be amended to address the concerns about clarity in boundary definitions mentioned above.

We firmly believe that this bill is an inappropriate intrusion on the responsibility of the City and County of Honolulu and that SB 701, SD 2, HD 1, should not be passed.

Sincerely,

  
Timothy E. Steinberger, P.E.  
Director

GOODSILL ANDERSON QUINN & STIFEL

A LIMITED LIABILITY LAW PARTNERSHIP LLP

GOVERNMENT RELATIONS TEAM:

GARY M. SLOVIN  
ANNE T. HORIUCHI  
MIHOKO E. ITO  
CHRISTINA Z. NOH

ALII PLACE, SUITE 1800 • 1099 ALAKEA STREET  
HONOLULU, HAWAII 96813

MAIL ADDRESS: P.O. BOX 3196  
HONOLULU, HAWAII 96801

TELEPHONE (808) 547-5600 • FAX (808) 547-5880  
info@goodsill.com • www.goodsill.com

INTERNET:  
gslovin@goodsill.com  
ahoriuchi@goodsill.com  
meito@goodsill.com  
cnoh@goodsill.com

**MEMORANDUM**

**TO:** Representative Jon Riki Karamatsu  
Chair, Committee on Judiciary  
**Via Email: JUDtestimony@Capitol.hawaii.gov**

**FROM:** Gary M. Slovin

**DATE:** February 3, 2010

**RE:** S.B. No. 701, SD2, HD1 – Relating to Landfills  
Hearing: Thursday, February 4, 2010 at 2:20 p.m., Room 325

---

Dear Chair Karamatsu and Members of the Committee:

I am Gary Slovin, testifying on behalf of PVT Land Company, the owner and operator of the PVT Construction and Demolition Landfill (“PVT”) in Nanakuli.

PVT is strongly opposed to SB 701, SD2, HD1.

As the bill is currently written, because of the nature of the way a landfill like the PVT Landfill has to be operated, it is likely that the landfill would be closed within one year if the bill should pass as it is. The closing of the only construction and demolition landfill on Oahu would have disastrous effects. Nearly every construction firm on Oahu would be affected as they would not have a place to take their construction and demolition debris. For example, the City and County’s rail project would be dramatically affected if it did not have access to the PVT Landfill. Likewise truckers and hauling companies would be affected as well as they would have no location to send construction and demolition materials. It would be very likely that numerous illegal landfills which spring up all over the island with a huge impact to the environment as people would have to find some alternative to dump their waste.

Further, the PVT Landfill is a key component in the County’s disaster planning. If a category 4 hurricane should strike Oahu, it is predicted that over 500,000 cubic yards of trash would be generated almost instantly. The County’s disaster plan calls for this

Representative Jon Riki Karamatsu  
February 3, 2010  
Page 2

material to come to the construction and demolition landfill for sorting of recyclable and reusable material, the sorting out of hazardous waste for proper disposal, and finally disposal of appropriate waste material in the landfill itself. If the PVT Landfill is forced to close it would leave the County with no place to haul this material to remove it from the County's roads, to open the airport, hospitals, fire stations and to get materials moved to a proper facility for handling. Interestingly, the roads leading to the PVT Landfill are among the first roads that need to be opened in the case of a disaster that the landfill is available for disposal of material due to a disaster.

Obviously, the employees who work at the PVT Landfill would also be put out of work.

We realize that landfills are a sensitive issue in any community but they are also a necessary part of the infrastructure of a community. The impact of SB 701, SD2, HD1 would have disastrous affects on Oahu. For these reasons we strongly oppose SB 701, SD2, HD1 and ask that the committee hold this bill.

Thank you for the opportunity to testify.