

SB 701



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

In reply, please refer to:
File:

SENATE COMMITTEE ON ENERGY AND ENVIRONMENT
SENATE COMMITTEE ON TRANSPORTATION, INTERNATIONAL, AND
INTERGOVERNMENTAL AFFAIRS

S.B. 701, RELATING TO LANDFILLS

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

February 12, 2009
2:50 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 municipal solid
4 waste (MSW) landfill units in the areas of Nanakuli, Waianae, Maili, Makaha and Makua, Oahu after
5 August 1, 2009.

6 The department opposes this measure because we believe that this is a case of home rule. In
7 general, the counties are responsible for the collection, management, treatment and/or disposal of solid
8 waste. As such, the City and County of Honolulu, in evaluating available solid waste management
9 options, should be given the opportunity to evaluate all possibilities, so that they can select the most
10 appropriate action for their county. However, we are not taking a position now on the City's proposed
11 expansion of Waimanalo Gulch Landfill, which we understand to be before the Land Use Commission.

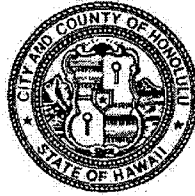
12 Thank you for the opportunity to testify.

13

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>

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DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
WAS 09-46

February 11, 2009

The Honorable J. Kalani English, Chair
and Members of the Committee on Transportation, International
and Intergovernmental Affairs
State Senate
State Capital
Honolulu, Hawaii 96813

Dear Chair English and Members:

Subject: Senate Bill No. 701, Relating to Landfills

The City and County of Honolulu's Department of Environmental Services (ENV) opposes Senate Bill No. 701, which proposes modify Chapter 342H, HRS, to place a moratorium on new landfills on the leeward coast after August 1, 2009.

First, the City and County of Honolulu, and the other counties, are appropriately responsible for the siting of municipal solid waste landfills within their jurisdiction. It is inappropriate for the State of Hawaii to place limits on possible landfill locations on Oahu just as it would be inappropriate 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.

Second, the premise of the findings in the bill is incorrect.

All citations received by the City and County of Honolulu and Waste Management Hawaii were self reported to the Department of Health and have been resolved.

The blue ribbon panel's recommendation for a new landfill was based on evaluation of all sites on Oahu with potential to become landfill sites. Over forty sites island-wide were evaluated for suitability with respect to RCRA Subtitle D criteria; present land use; Board of Water Supply review and evaluation; landfill capacity requirements; community, environmental and land use; and, economic, technical, and other considerations. In addition, members of the blue ribbon panel included six residents of the leeward coast.

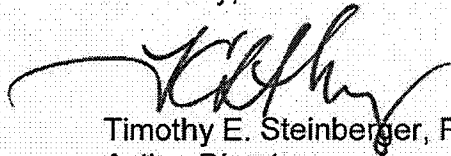
The Honorable J. Kalani English, Chair
and Members of the Committee on Transportation, International
and Intergovernmental Affairs
February 11, 2009
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Third, the bill is inconsistent in its definitions of "leeward coast". In Section 1, the existing Waimanalo Gulch is identified as being on the leeward coast; also it identifies that "the blue ribbon panel's recommendations for a new location were still largely biased toward siting a new landfill on the leeward coast"; and the proposed language for Chapter 342H is entitled "Leeward coast landfills; moratorium" while it specifically proposes the moratorium only for Nanakuli, Waianae, Maili, Makaha, and Makua.

Were this bill to move forward, the bill and language should be rewritten to remove references to the "leeward coast" and should address only the five specific areas. As written, the bill could unintentionally affect the pending expansion of the Waiamanalo Gulch landfill which is an essential part of the continuing near term handling of the County's solid waste. Any impact to the Waimanalo Gulch expansion would cause severe risk to the overall County's public health. It is also important to understand that it is physically impossible to site and construct a new landfill in less than five to seven years.

We firmly believe that this intrusion on the responsibility of the City and County of Honolulu is inappropriate and respectfully request that this bill not be passed.

Sincerely,



Timothy E. Steinberger, P.E.
Acting Director

IRONWORKERS STABILIZATION FUND

Honorable Senator Gabbard, Chair
Honorable Senator Kalani English, Chair
Members of the Senate Committee on Energy and Environment
Members of the Senate Committee on Transportation and Intergovernmental
Affairs
Hawaii State Capital
415 South Beretania Street
Honolulu, HI 96813

RE: IN SUPPORT OF SB701, RELATING TO LANDFILLS
Hearing: Thursday, February 12, 2009

Dear Chair Gabbard and Chair English, and the Senate Committee on Energy & Environment & Committee on Transportation & Intergovernmental Affairs:

The Ironworkers Stabilization Fund and the Ironworkers Union Local 625 STRONGLY SUPPORTS the passage of SB701, which does not allow any new landfills on the leeward coast.

We would like to amend this bill to add the following language:

"§342H- Leeward coast landfills; moratorium. (a) Any law to the contrary notwithstanding, no person, including any government agency or entity, shall construct or operate a new municipal solid waste landfill unit, or private landfill or expansion of any existing private landfill or any component of the preceding portion of this section on or after August 1, 2009

Thank you for the opportunity to submit this testimony in support of SB 701. We hope you can amend the language in this bill to include our portion.

Senator Mike Gabbard, Chair, Committee on Energy and Environment
Senator J. Kalani English, Chair, Committee on Transportation, International, and
Intergovernmental Affairs

Thursday, February 12, 2009
2:50 p.m., Conference Room 225

Testimony in **Support** of SB 701

Aloha Chairs Gabbard and English and members of the committees:

My name is Cynthia K.L. Rezentes and I am a concerned resident of the Wai`anae Coast. I **support the intent** of SB 701 to place a moratorium on any future, new municipal solid waste landfill on the Leeward Coast including the areas of: Nanakuli, Waianae, Maili, Makaha, and Makua.

I would encourage two modifications to the bill be adopted:

- 1) extend the intent of restricting future landfills on the Leeward Coast to include **all** landfills, including construction and demolition debris landfills, composting landfills, etc., and
- 2) include the area of Ohikilolo as being restricted from any future landfills.

These modifications to the bill do not alter the intent of the bill but strengthens the intent of the bill which is to eliminate the Leeward Coast, including these specific areas, from being subjected to future threats of landfills and the numerous health and safety concerns which come with landfills, especially within populated areas.

Please support this bill with the modifications enumerated.