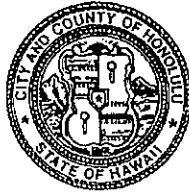


DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

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DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
WAS 11-58

March 31, 2011

The Honorable Ryan I. Yamane, Chair
and Members of the Committee on Health
House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chair Yamane and Members:

Subject: House Concurrent Resolution (HCR) 281/House Resolution (HR) 248, Requesting the State and the City and County of Honolulu to Support a Waste Management System That Equitably Distributes Its Benefits and Burdens Across the Community

The City and County of Honolulu's Department of Environmental Services (ENV) opposes HCR 281 and HR 248, Requesting the State and the City and County of Honolulu to Support a Waste Management System That Equitably Distributes Its Benefits and Burdens Across the Community.

The Resolutions inappropriately characterize the positions of the City and County regarding acknowledgement that the leeward coast is burdened by the landfill; that other communities on Oahu must share in the burdens of an effective and fair waste management system; or, that the health of residents is placed at risk by living in close proximity to the landfills.

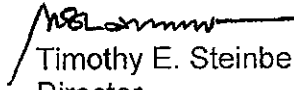

Suggesting a fee, which is incomplete in those in which might be charged, to generate funds to go to a single special interest is inappropriate. In addition, this effort to somehow tie a desire to establish a financing mechanism for the Waianae Coast Comprehensive Health Center to landfills assumes that the potential impact of a landfill is different if you live 15 miles away from the landfill in Makua than if you live 15 miles away from the same landfill in Mililani, Aiea, or Ewa Beach. It is also difficult to understand why "leeward coast" residents would not have to pay even though they are contributing to materials that find their way to various landfills.

The Honorable Ryan I. Yamane, Chair
March 31, 2011
Page 2

Further, these proposals, and any determination of whether a community benefit package and of what kind, is properly within the authority of the City and County and not appropriate for the Legislature to infringe on, even through recommendations.

We urge the committee to not pass HCR 281 and HR 248 and to appropriately leave such determinations to the City and County of Honolulu.

Sincerely,


Timothy E. Steinberger, P.E.
Director


GOODSILL ANDERSON QUINN & STIFEL

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TO: Representative Ryan I. Yamane
Chair, Committee on Health
Via Email: HLTtestimony@Capitol.hawaii.gov

FROM: Gary M. Slovin

DATE: March 29, 2011

RE: **HCR281 / HR248 - Requesting The State And The City And County Of Honolulu To Support A Waste Management System That Equitably Distributes Its Benefits And Burdens Across The Community.**
Hearing: Friday, April 1, 2011 at 9:00 a.m., Room 329

Dear Chair Yamane and Members of the Committee on Health:

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 owns and operates Oahu's only landfill for the disposal of construction and demolition debris.

PVT **opposes** HCR 281/HR 248. An important aspect of PVT's opposition to this resolution concerns the effort by certain parties to keep language in HCR 281/HR 248 which make assertions about PVT's operations that are completely false. PVT's primary concern is with the thinly veiled effort, seen in this and other legislation, to close down its operations for purposes that have nothing to do with the good of the community.

The assertions in HCR 281/HR 248 are not based upon fact, and misrepresent the state of the landfill facilities in West Oahu. PVT notes that its operations, as the lone construction and demolition landfill on Oahu, is state of the art. PVT is probably the best managed landfill in Hawaii. Assertions made that it is poorly run will be seen to be false by anyone who takes the trouble to visit the PVT landfill.

The effort to add additional costs to landfilling at PVT will make economic recovery more difficult, as it will add very significant costs to the construction industry. The result of adding such costs would be to hamper the opportunity of laid-off workers to go back to work on construction projects -- these additional costs will make construction more

March 30, 2011

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costly and will stop much construction. This does not benefit workers in West Oahu or anywhere else in the State. Therefore, PVT specifically objects to language in HCR 281/HR 248 that speaks about adding user fees or additional tipping fees for use of landfills. The businesses that employ workers can not afford these additional costs.

PVT understands that communities do not want landfills. However, landfills are a necessity and make employment possible. The assumption that landfills, specifically PVT, harms neighborhoods has not been proven to be the case and that certainly has not been proven to be the case for PVT. All material is carefully buried in well-developed cells, and those cells are located substantial distances from any homes. It is easy to make false assertions. But the facts speak louder. The facts are that PVT's operations are safe and well run.

PVT invites members of the committee to visit the PVT landfill to see what a well run landfill looks like. Such a visit will clearly demonstrate that the claims made that PVT is not well run are completely false and groundless.

Thank you for the opportunity to testify on HCR 281/HR 248. We believe this resolution should be held in committee.

Thank you very much for the opportunity to testify on this measure.



THE RESORT GROUP

TO THE HOUSE COMMITTEE ON HEALTH

**TWENTY SIXTH LEGISLATURE
Regular Session of 2011**

**Testimony of Abbey S. Mayer, Vice President, Government Relations
THE RESORT GROUP**

Offering COMMENTS on HCR 281/HR 248 -- Requesting the State and the City and County of Honolulu to Support A Waste Management System that Equitably Distributes its Benefits and Burdens Across the Community.

Friday, April 1, 2011, 9:00 AM -- Room 329

Aloha Chair Yamane, Vice-Chair Morikawa, and Members of the Committee,

The Honolulu-based The Resort Group (TRG) acquires, master develops, repositions and markets domestic and international mixed use and master-planned resort communities. Led by Jeffrey R. Stone, TRG's resort development projects are carefully designed to balance resident, visitor and employee needs with community interests, local cultural values and adjacent land use requirements. Current projects include Ko Olina Resort & Marina and Makaha Valley Country Club on O'ahu, Princeville at Hanalei (Kaua'i), Lands of Kapu'a (Big Island), the Newport Beach Hotel in California and Cape Eleuthera, Bahamas.

HCR 281/HR248:

TRG thoroughly acknowledges and supports the idea of instituting a real and significant community benefits package for Leeward Coast communities that have long suffered under the burden of housing Oahu's landfills. At the same time, no amount of money or community aide can fully remedy the ill and onerous impacts to the health of the community and environment caused by landfills.

In particular, it is abundantly clear that no measure of 'best management practices' can protect the community and the environment from the impacts of the Waimanalo Gulch Sanitary Landfill (WGSL). WGSL is technically referred to as a "canyon fill", which by its very nature is dependent upon a risky series of earthen berms and drainage systems which intend to hold back landfilled

materials against the constant pull of gravity. Additionally, a long history of mismanagement by operator Waste Management of Hawaii -- which has been established and proven by a long series of violations cited by the U.S. Environmental Protection Agency (EPA) and State Department of Health (DOH)¹ -- increases exponentially the landfill's shocking and insufferable impacts to the community and the environment.

No amount of community benefits will change the fact that the WGS� should be closed. If this Resolution is to move along, a note should be added to reflect that this Resolution is not intended to be taken as an indication of support for the continued operation of WGS�.

For example, the following language could be added to Page 2, Line 9:

"BE IT FURTHER RESOLVED that in the event that the Waimanalo Gulch Sanitary Landfill remains in operation past its designated closure date of July 31, 2012, the State and the City and County of Honolulu are requested to support the establishment of a special fund....."

If the operations of the WGS� should continue past July 31, 2012, it is clear that the community benefits package should be great and significant. **Environmental justice is long overdue for the people of the Leeward Coast.**

Lastly, of a technical concern: Page 2, Line 12 recommends a tipping fee of \$10/ton of municipal solid waste (MSW) deposited into the PVT landfill. As only construction waste and non-municipal solid waste are currently allowed at PVT (as stated on Page 1, Line 7-8), this recommendation seems to be inapplicable. Perhaps it was the introducer's intent to recommend a \$10/ton tipping fee for non-MSW at PVT? This inconsistency should be addressed.

TRG thanks the Committee for the opportunity to provide comments.

¹ Twenty violations have been cited on operator Waste Management of Hawaii since 2005, resulting in over \$2 million in fines. No violations have yet been issued for the releases into the ocean of leachate, municipal solid waste, sewage sludge and mixed medical waste during rain storms in December 2010-January 2011.