

LATE

NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



LORETTA J. FUDDY, A.C.S.W., M.P.H.  
ACTING DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
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In reply, please refer to:  
File:

SENATE COMMITTEE ON ENERGY AND ENVIRONMENT  
SENATE COMMITTEE ON WATER, LAND, AND HOUSING

S.B. 202, RELATING TO LANDFILLS

Testimony of Loretta J. Fuddy, A.C.S.W., M.P.H.  
Acting Director of Health

February 10, 2011  
4:30 p.m.

1 **Department's Position:** The Department of Health respectfully opposes this measure.

2 **Fiscal Implications:** None.

3 **Purpose and Justification:** This measure requires public approval from residents within a 1-mile  
4 radius for the permitting of a new landfill or the expansion of an existing landfill.

5 The Department opposes this measure because it restricts who may file protests and does not  
6 define what types of protests are to be counted in denying a landfill application.

7 The Department agrees that greater public notification of a public hearing can be achieved;  
8 however, we do not agree on limiting public comment. Public comment, good or bad, should not be  
9 limited to people who own property, lease, or reside within a one-mile radius. In all of our public  
10 notices or hearings, we have reviewed all comments received, no matter the origin.

11 The Department also does not agree in the process of merely counting the number of protests as  
12 an adequate measure of evaluating public concern and eventual determination of permit acceptance or  
13 denial. The actual comments should be evaluated, not just counted. If the comment is based on  
14 inaccurate information, or unrelated to the subject at hand, those comments should not be considered a

1 "protest." In addition, if the comment contains recommendations or concerns, the Department may  
2 revise permit conditions to address the recommendations or concerns, which in turn, may resolve a  
3 concern a "protestor" may have.

4 Lastly, the measure requires the Department to calculate the percentage ("majority") of protests  
5 from not only from the list of people the applicant mails the notices to, but also from the residents within  
6 the one-mile radius. Because the residents in the area are not limited to City-recorded property owners  
7 and lessees, there is no easy way for the Department to determine how many and all of the names of  
8 residents within the one-mile radius. Thus, the Department would not be able to effectively calculate the  
9 percentage of protests. If the Committees still want the Department to deny applications based on the  
10 "show of hands," then we suggest limiting the percent calculation to those from the notification list.

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

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