

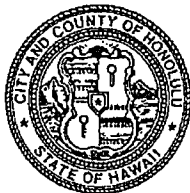
SCR 124

SD1

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

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IN REPLY REFER TO:
WAS 11-73

April 11, 2011

The Honorable David Y. Ige, Chair
and Members of the Committee on
Ways and Means
State Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chair Ige and Members:

Subject: Senate Concurrent Resolution (SCR) 124, SD1, Urging the
Convening of Task Forces to Develop Community Benefits
Packages for the Neighborhoods Located Nearest to Landfills

The City and County of Honolulu's Department of Environmental Services (ENV) opposes SCR 124, SD1, Urging the Convening of Task Forces to Develop Community Benefits Packages for the Neighborhoods Located Nearest to Landfills.

While the SD1 more appropriately states in the first and third WHERAS clauses that landfills "may" affect the residents of neighborhoods located closest to them and "may" have health affects on residents of neighborhoods located closest to landfills, it continues to state in the second WHEREAS clause that neighborhoods located closest to landfills deserve special consideration in the name of environmental justice. The second WHEREAS clause should be modified to say ". . . *may* deserve special consideration . . ." for consistency with the other clauses and for accuracy.

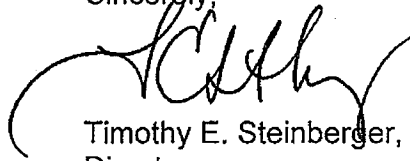
It is important to note that the Resolution only focuses on a single activity, landfills, that it suggests may adversely and disproportionately affect the residents of nearby neighborhoods and that such residents deserve special consideration in the form of community benefits packages. The resolution further suggests that it is appropriate for the State Department of Health to convene task forces with the counties to develop community benefits packages for such neighborhoods.

The Honorable David Y. Ige, Chair
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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. Convening task forces regarding community benefits packages is fully outside the scope of responsibility of the State Department of Health.

We urge the committee to not pass SCR 124, SD1, and to appropriately leave such determinations to the City and County of Honolulu and the other counties.

Sincerely,

A handwritten signature in black ink, appearing to read 'T. Steinberger', with a large, sweeping flourish extending to the left.

Timothy E. Steinberger, P.E.
Director



THE RESORT GROUP

TO THE SENATE COMMITTEE ON WAYS AND MEANS

**TWENTY SIXTH LEGISLATURE
Regular Session of 2011**

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

**Offering COMMENTS on SCR 124, SD1 – Urging the Convening of Task Forces to Develop
Community Benefits Packages for the Neighborhoods Located Nearest to Landfills**

Wednesday, April 13, 2011, 9:30 AM -- Room 211

Aloha Chair Ige, Vice-Chair Kidani, 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.

SCR 124, SD1:

TRG thoroughly acknowledges and supports the idea of instituting a real and significant community benefits package for communities that have long suffered under the burden of housing 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� or any other landfill.

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.

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TO: Senator David Y. Ige
Chair, Committee on Ways and means
Via Email: WAMTestimony@Capitol.hawaii.gov

FROM: Gary M. Slovin

DATE: April 12, 2011

RE: **SCR 124 SD1- Urging The Convening Of Task Forces To Develop
Community Benefits Packages For The Neighborhoods Located Nearest
To Landfills
Decision Making: Wednesday, April 13, 2011 at 9:30 a.m., Room 211**

Dear Chair Ige and Members of the Committee on Ways and Means:

I am Gary Slovin, submitting comments 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 the following sentence in SCR 124, SD1:

WHEREAS, concerns have been raised by private citizens that non-municipal solid waste deposited at landfills within the State is piled aboveground and includes construction waste, demolition waste, asbestos, petroleum, contaminated soil, liquid waste, sludge, concrete construction debris with lead-based painted surfaces, lead acid batteries, and waste containing less than fifty parts per million of polychlorinated biphenyl;

PVT opposes this statement because there is only one landfill on Oahu that accepts the type of waste described, and that landfill is PVT. PVT Landfill is not opposed to setting up a task force to study the landfills on the Leeward side. However, this whereas clause is an implied attempt to identify PVT Landfill as operating illegally. If, in fact, the items noted in this whereas clause were indeed stored above ground, PVT would be in violation of federal law and would have been shut down by the Environmental Protection Agency.

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To include slanderous information in a legislative document where that information has never been verified by anyone is inappropriate. This sentence was inserted by persons who have consistently attempted to make assertions about PVT's operations that are completely false. PVT is concerned 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 assertion in the whereas clause is not based upon fact, and misrepresents 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. 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.

PVT suggests that an amendment be made to the whereas clause to make it neutral, so it does not reference specific types of waste as follows:

WHEREAS, concerns have been raised by private citizens that solid waste deposited at landfills within the State is piled aboveground.

PVT further submits that there should be no reference to adding costs to landfilling. Increasing costs 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 costly and will stop much construction. This does not benefit workers in West Oahu or anywhere else in the State.

To endanger PVT, particularly without any basis in fact, puts construction on Oahu at risk at a time when the community is desperate for the good jobs that construction provides.

As noted, PVT has no objection to a Task Force being formed to study these issues. In fact, PVT favors such an effort because it is clear that none of the allegations about PVT are true. However, the resolution should be a neutral request for the unbiased study and, in its present form, it is not.

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Thank you for the opportunity to testify on SCR124, SD1. We believe this resolution should be held in committee, or amended as suggested above.