

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



LORETTA J. FUDDY, A.C.S.W., M.P.H.
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 FINANCE

H.B. 2249, H.D. 1, RELATING TO LANDFILLS

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

**February 27, 2012
4:00 p.m.**

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

2 **Fiscal Implications:** Undetermined. The counties will be required to accept recycling residual waste
3 for disposal. Existing facilities may not be able to manage all of these wastes.

4 **Purpose and Justification:** The bill (1) specifies the types of alternative daily cover that may be used
5 at municipal solid waste landfills, (2) requires permitted landfills to track and report the types of
6 alternative daily covers used, (3) places a preference on the disposal of residual recycling waste in
7 landfills and incinerators, and (4) requires state and county agencies to accept such disposals.

8 The department opposes this measure because it is unnecessary. Current solid waste regulations
9 already allow the use of alternative materials, such as treated auto shredder residue, as daily cover at
10 municipal solid waste landfills, if approved by the director of health. In fact, the department has already
11 approved the use of tarps, contaminated soil, and green waste mixtures with conditions, as requested by
12 the landfill owners and operators. These types of approvals are contingent on the demonstration that the
13 alternative material and thickness can control disease vectors, fires, odors, blowing litter, and
14 scavenging without presenting a threat to human health and the environment.

1 This bill is less stringent than current regulations because it does not require (1) director approval
2 in the use of alternative materials for daily cover, (2) the establishment of conditions for use, or (3) the
3 consideration to human health and the environment. For example, the presence of contaminants or the
4 contaminant levels in the listed materials are not considered or restricted.

5 In addition, we are concerned about the requirement for state and county agencies to accept
6 residual recycling waste in landfills and incinerators. This requirement is too restrictive. Landfill and
7 incinerator owners and operators should have the ability to restrict or deny the acceptance of certain
8 waste streams. Some waste streams could cause damage or create operational inefficiencies. Other
9 waste streams could jeopardize compliance with federal and state regulations given current design and
10 operations, such as the acceptance of regulated hazardous waste.

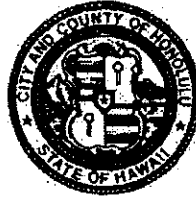
11 Thank you for the opportunity to testify on this measure.

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DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

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IN REPLY REFER TO:
WAS 12-42

February 27, 2012

The Honorable Markus R. Oshiro, Chair
and Members of the Committee on Finance
State House
State Capitol
Honolulu, Hawaii 96813

Dear Chair Oshiro and Members:


Subject: House Bill 2249, HD1, Relating to Landfills

The City and County of Honolulu's Department of Environmental Services (ENV) opposes House Bill (HB) 2249, HD1, Relating to Landfills as written.

HB 2249, HD1, attempts to encourage the use of residual recycling materials as alternative daily cover and would require the state and county agencies to accept such disposals. We believe it is inappropriate to include this requirement in legislation since what can go in landfills is subject to significant state and federal regulation. A specific list of materials and a mandate to accept such materials may not only be in conflict with regulations regarding landfills, but may also conflict with what the agencies regulating landfill operations consider safe for human health and the environment. ENV supports the use of appropriate recycling residuals for daily cover, provided it is consistent with permits and regulations.

We urge the committee not to pass HB 2249, HD1, and to leave the determination of appropriate materials for daily cover to the regulatory process.

Sincerely,


Timothy E. Steinberger, P.E.
Director
For

HB 2249
RELATING TO LANDFILLS
Hearing Date: Monday, February 27, 2012 at 4:00 p.m.
Hawaii State Capitol, Conference Room 308

Dear Chair Coffman, Vice Chair Kawakami, and Members of the Committee on Energy and Environmental Protection:

I oppose and resent the use of residual recycling waste for alternative daily cover (ADC) for three reasons: 1) Waimanalo Gulch Landfill (WGL) has lost the public's confidence that they can properly manage its wastes and PVT Land Company is a construction and demolition debris (C&D) landfill and should not be accepting OTHER types of wastes that has no link to C&D processing, 2) there is NO pollution prevention safeguards, and 3) NO human health and environmental protection to the residents of Ko Olinā and homes fronting the PVT landfill.

This type of recycling appears to romance the committee members because it is "recycling" or "going GREEN". However, not all recycling is beneficial. Not to say that we shouldn't recycle, but we should be aware of the safety and health implications of this NEW undertaking especially since the Department of Health (DOH) has testified that there is not enough rigorous scientific analysis to say that the 11 listed alternative covers are safe. This new idea on an island and/or around residential areas should not be entertained without proper studies. A majority of the 11 listed wastes are **INDUSTRY-GENERATED wastes**. The experts from the DOH and City & County of Honolulu's Environmental Services opposed HB 2249 for a reason. These governmental bodies are the public's frontline for the protection of human health and the environment. They are engaged with this type of operation on a daily basis. They are the regulatory agencies for this type of operation. Don't you think they might know MORE than you and the public? If not, then why have a DOH or City & County Environmental Division? The DOH indicated in their testimony that without rigorous scientific analysis of the potential environmental effects of the 11 listed ADCs, it would be premature to pass HB 2249 because all environmental conditions have not yet been evaluated. Even the University of Hawaii has chimed in on opposing HB 2249.

With the exception of green waste, what is your scientific expertise on the other 10 types of industry-generated wastes being proposed for ADC at a landfill? **Auto shredder waste** is the most dangerous type of ADC to be used for cover due to its heavy metal contents (i.e., lead, cadmium, chromium, mercury, etc.) that are attached to the waste from shredding automobiles. While the metals may not be at levels that exceed concentrations that were set by the U.S. Environmental Protection Agency (EPA) about 30 years ago, public records at DOH and research of other similar environmental reports on the internet clearly indicate that heavy metals exist in all auto shredder wastes. If loads of these types of wastes were used for daily cover, it would be disastrous for nearby residents at PVT on windy days like, TODAY. On rainy days, the run-off would impact our oceans. Currently, auto-

shredder wastes must be buried at the WGL, and should remain so. Auto shredder wastes should not be running into our oceans when there are heavy rains. Oahu should have learned that from the 2011 environmental disaster at the WGL.

Furthermore, what type of **sludge** will be used for ADC? Petroleum contaminated sludge, sewage sludge, solvent sludge? The listed sludge in HB 2249 is too broad. What type of **sediment** will be used and what is it **contaminated** with? Sediment contaminated with petroleum? Sediment contaminated with pesticides from agricultural lands and military bases? What kinds of construction and demolition **(C&D)** wastes will be used for ADC? Lead-based painted lumber from demolished homes that will be shredded and then used as ADC? Pesticide treated lumber from demolished homes that will be shredded and then used as ADC? Why are there no **specifics** with regard to naming the contaminants in these wastes? Why is the list of ADC in this bill so broad and what types of contaminants are the people of Nanakuli being subjected to via this bill? **Shredded tires** is another type of waste that should not be used as ADC. On rainy days, we will see run-offs not only in our oceans but on our roads making it dangerous for drivers. The deterioration of shredded tire particulates on our roads will cause sliding. Currently, shredded tires cannot be used for cover. It is made from petroleum products and should not be used for ADC in shredded form. Again DOH has indicated, it is premature for legislation. In this case, I would much rather listen to DOH than legislators who have no scientific background on the effects of human health and the environment. It is foolish to pass a bill now and discover later that this type of "recycling" was not beneficial after all.

In reading the testimonies for HB 2249, Mr. Ian Sandison, a proponent of HB 2249, is the attorney for Schnitzer Steel. From a business standpoint, I understand his position and that there is a business profit to be gained. But, what is his scientific and medical expertise with regard to the environmental health risks to nearby residents of PVT? How does his testimony measure up to the experts, such as chemists, engineers, and inspectors with science degrees, from the DOH, City & County of Honolulu Environmental Services, and the University of Hawaii?

While landfills in other states may be using ash, auto shredder, C&D, contaminated sediment, sludge, shredded tires and foam products as ADC, I guarantee you that these landfills are not located in people's backyards, near an ocean, or less than a mile from the community's main thoroughfare, or grocery stores and eateries.

Currently, there is a developing circumstance being pushed by the U.S. Environmental Protection Agency (EPA) with regard to the environmental justice plan. In short, EPA is promoting the idea of having local oil refineries in Texas to pay for the relocation of families who live within certain proximity of them due to the pollution and health risks involved. I would be the first in line to ask EPA that WGL and PVT landfill do the same if there are negative health implications from the passage of this bill. Again, 2 governmental departments and 1 higher education organization have opposed HB 2249 for reasons outlined in their testimonies.

In conclusion, I recommend that the committee call for a study first. This is not the way "recycling" efforts should be promoted. To recycle residual wastes in this manner without scientific analysis is negligent at best and criminal at worst.

The residents of Nanakuli-Maili-Waianae-Makaha deserve a fair and equitable chance of living in a pollution-free environment like other communities. **Stop the environmental injustice and NO to HB 2249.**

Respectfully submitted,
Kaiawe Makaanani
Nanakuli-Waianae Resident/Neighborhood Board

A handwritten signature in cursive script, appearing to read 'Kaiawe Makaanani', is positioned below the typed name and title.

GOODSILL ANDERSON QUINN & STIFEL

A LIMITED LIABILITY LAW PARTNERSHIP LLP

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TO: Representative Marcus R. Oshiro
Chair, Committee on Finance
Via Capitol Web Page

FROM: Gary M. Slovin, Esq.

DATE: February 26, 2012

RE: **H.B. 2249, HD1 – Relating to Landfills**
Hearing Date: Monday, February 27, 2012 at 4:00 p.m.
Conference Room 308

Dear Chair Oshiro and Members of the Committee on Finance:

I am Gary Slovin, submitting testimony on behalf of PVT Land Company (“PVT”), the owner and operator of the PVT Construction and Demolition Landfill (“Landfill”) in Nanakuli. The PVT Landfill is the only landfill on Oahu licensed and authorized to accept construction and demolition debris.

Currently, landfills use soil as daily cover at the end of the day. H.B. 2249, HD1 allows the use of other materials as daily cover. H.B. 2249, HD1 recognizes that other materials, including reused and recycled materials, can be just as effective as soil in preventing fires and in controlling litter, pests and odors.

H.B. 2249, HD1 supports reuse and recycling by allowing the beneficial use of other materials for daily cover. H.B. 2249, HD1 is based on California recycling initiatives. California’s Department of Resources Recycling and Recovery has 11 approved alternate daily cover types, including those listed in H.B. 2249, HD1.

PVT requests one amendment to this bill. We ask that the Bill apply to all permitted solid waste landfills, not only municipal solid waste landfills. Section 2 defines “alternate daily cover” as material placed on the active face of a municipal solid waste landfill. The beneficial purposes of this bill can be achieved if it applies to all permitted landfills, including construction and demolition landfills. We ask that the word “municipal” be deleted from the definition of alternate daily cover and replaced with “permitted” solid waste landfills.

We have discussed this amendment with the Chair of the Committee on Energy and Environmental Protection and he has stated that he concurs with this change.

Thank you for this opportunity to testify.

**TESTIMONY OF IAN L. SANDISON
ON BEHALF OF SCHNITZER STEEL HAWAII CORP.
ON HB 2249, HD1
(RELATING TO LANDFILLS)
BEFORE THE
COMMITTEE ON FINANCE
HOUSE
HAWAII STATE LEGISLATURE**

February 27, 2012

Dear Chair Oshiro, Vice Chair Lee, and Members of the Committee:

My name is Ian Sandison and on behalf of Schnitzer Steel Hawaii Corp.

("Schnitzer"), I am pleased to have this opportunity to testify in strong support of HB 2249. This bill allows and encourages the use of recycled materials as alternative daily cover at landfills in Hawaii. It is patterned after very similar legislation in California. The public benefits of this legislation are (1) minimization of waste, (2) prolonging of the useful life of Hawaii's existing landfills and (3) encouragement of recycling.

Schnitzer is Hawaii's largest recycler. Schnitzer's operations in Hawaii employ approximately 50 people, and include equipment and processes to recycle ferrous and non-ferrous scrap metal. Its state-of-the-art metal shredder can reduce a full-size automobile into fist-sized pieces of shredded steel scrap in approximately 30 seconds. For each ton of scrap metal received by Schnitzer, its recycling operation reduces the volume by 80%. Much of this material would otherwise take up significant space in the Waimanalo Gulch Sanitary Landfill, or be simply abandoned on Hawaii's streets and vacant lots.

Recycling operations produce some residual waste. Schnitzer shreds approximately 120,000 tons of scrap metal every year. In so doing, it generates approximately 20,000 tons of recycling residue. That residue consists primarily of plastics, glass, carpet and other nonmetallic automobile and appliance components. Currently, this residual waste goes to Waimanalo Gulch where it takes up valuable landfill space.

If HB 2249 is becomes law, Schnitzer could process this waste into alternative daily cover for use at landfills in Hawaii. While Schnitzer is currently working with the Department of Health on permitting processed shredder residue as alternative daily cover, the

permitting process has proved to be quite lengthy and repeats efforts that have already been undertaken elsewhere in the United States. On the mainland, waste from nearly all of Schnitzer's scrap metal recycling operations is further processed into alternative daily cover for use in landfills. This saves landfill space and changes what would otherwise be waste and turns it into a useful product. Alternative daily cover efficiently and economically helps to prevent landfill fires and to control litter, pests and odors.

Schnitzer strongly supports PVT's proposed amendment to allow for the use of recycled materials as alternative daily cover at construction and demolition landfills. This will further encourage recycling and greatly help to reduce Oahu's dependence on Waimanalo Gulch Sanitary Landfill.

Thank you very much for the opportunity to submit this testimony to your Committee.

FINTestimony

From: mailinglist@capitol.hawaii.gov
ent: Sunday, February 26, 2012 12:00 PM
To: FINTestimony
Cc: kimokelii@aol.com
Subject: Testimony for HB2249 on 2/27/2012 4:00:00 PM

Testimony for FIN 2/27/2012 4:00:00 PM HB2249

Conference room: 308
Testifier position: Oppose
Testifier will be present: No
Submitted by: Kimo Kelii
Organization: Nanakuli Neighborhood Board
E-mail: kimokelii@aol.com
Submitted on: 2/26/2012

Comments:

Aloha Mai Kakou, my name is Kimo Kelii and I am a 4th Generation Homesteader in the Nanakuli Hawaiian Homestead Community. I am also a board member of the Nanakuli-Mailii Neighborhood Board #36 and a board member of the Nanakuli Hawaiian Homestead Community Association.

I urgently request that House Bill 2249 HD1 be strongly denied and opposed from passage or moving forward as the public's safety and welfare will definitely be compromised and jeopardized if this bill is supported by you all legislators.

The intent of this bill is not pono (right)! The fact that the State Department of Health, City's Environmental Division and the University of Hawaii all three opposes this bill speak volumes to me!

I live in the Nanakuli community where both the PVT and Waiamanalo Gulch Landfills are located; hence, approving this bill will place many of the residents who live just 50 yards away from these Landfills in great health and safety danger and harm.

Please deny and oppose the passage of this bill as my community will show up for the next hearing on this matter if this bill is approved!

Bottom line, not enough data and research has been done in terms of determining the health risks and harm allowing recycled material to be used as daily cover in the Landfills will impact and affect the environment and the people who live extremely too close to these unhealthy dump sites.

Mahalo Nui Loa