

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 ENERGY & ENVIRONMENTAL PROTECTION

H.B. 2249, RELATING TO LANDFILLS

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

February 14, 2012
9:00 a.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 conflicts with existing federal and state
9 regulations and may affect the state's program approval status. Current solid waste regulations already
10 allow the use of alternative materials as daily cover at municipal solid waste landfills if approved by the
11 director of health. This approval is contingent on the demonstration that the alternative material and
12 thickness can control disease vectors, fires, odors, blowing litter, and scavenging without presenting a
13 threat to human health and the environment. The department has approved a number of alternative daily
14 covers, with conditions, to various municipal solid waste landfills throughout the state. This bill does
15 not require director approval, the establishment of conditions for use, or the consideration to human

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1 health and the environment. For example, the presence of contaminants or the contaminant levels in
2 these materials are not considered or restricted.

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

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

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