

SB 185



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. Box 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
File:

SENATE COMMITTEE ON ENERGY AND ENVIRONMENT
SENATE COMMITTEE ON WATER, LAND, AND HOUSING
SENATE COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS,
AND MILITARY AFFAIRS

S.B. 185, RELATING TO LANDFILLS

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

February 10, 2011
4:15 p.m.

- 1 **Department's Position:** The Department of Health respectfully opposes this measure.
- 2 **Fiscal Implications:** None
- 3 **Purpose and Justification:** This measure places a prohibition on any new solid waste landfill and the
- 4 expansion of any existing private landfill on the leeward coast from Kaena Point to Waimanalo Gulch
- 5 on or after August 1, 2011.

6 The Department opposes this measure because we believe that this is a case of home rule. In

7 general, the counties are responsible for the collection, management, treatment and/or disposal of solid

8 waste. As such, the City and County of Honolulu, in evaluating available solid waste management

9 options, should be given the opportunity to evaluate all possibilities, so that they can select the most

10 appropriate action for their county.

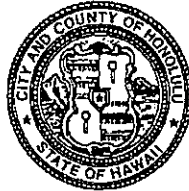
11 Thank you for the opportunity to testify on this measure.

12

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

1000 ULUOHIA STREET, SUITE 308, KAPOLEI, HAWAII 96707
TELEPHONE: (808) 768-3486 • FAX: (808) 768-3487 • WEBSITE: <http://envhonolulu.org>

PETER B. CARLISLE
MAYOR



TIMOTHY E. STEINBERGER, P.E.
DIRECTOR

MANUEL S. LANUEVO, P.E., LEED AP
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
WAS 11-19

February 8, 2011

The Honorable Mike Gabbard, Chair
and Members of the Committee on Energy
and Environment
The Honorable Donovan M. Dela Cruz, Chair
and Members of the Committee on Water,
Land, and Housing
The Honorable Will Espero, Chair
and Members of the Committee on Public Safety,
Government Operations, and Military Affairs
State Senate
State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chairs Gabbard, Dela Cruz, and Espero and Members:

Subject: Senate Bill 185, Relating to Landfills

The City and County of Honolulu's Department of Environmental Services (ENV) opposes Senate Bill 185, which proposes to amend Chapter 342H, HRS, to set a moratorium on the construction or operation of any new landfills, whether green waste landfills or otherwise, or the expansion of any existing private solid waste landfill on the Leeward Coast from Kaena Point to Waimanalo Gulch on or after August 1, 2011.

This measure is an unreasonable interference with home rule. The City and County of Honolulu, as well as the other counties, is responsible for the collection, management, treatment, and/or disposal of municipal solid waste within its respective jurisdiction. It is inappropriate for the State of Hawaii to place limits on possible landfill locations on Oahu just as it would be for the State to place similar limitations on landfill locations in the Kauai, Maui, or Hawaii counties. This alone is reason for this bill not to move forward.

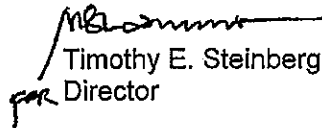
While we appreciate that this bill would not apply to any municipal solid waste landfill existing prior to August 1, 2011, in the designated areas which would appear to exempt the Waimanalo Gulch Sanitary Landfill, this bill places unreasonable limitations on the siting of

The Honorable Mike Gabbard
The Honorable Donovan M. Dela Cruz
The Honorable Will Espero
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future landfills on Oahu by removing a large area of the island from consideration without addressing technical merit.

We firmly believe that this bill is an inappropriate intrusion on the authority of the City and County of Honolulu and that Senate Bill 185 should not be passed.

Sincerely,


Timothy E. Steinberger, P. E.
for Director

IRON WORKERS STABILIZATION FUND

February 9, 2011

Hon. Donovan M. Dela Cruz, Chair
Water, Land and Housing (WLH)

Hon. Will Espero, Chair
Public Safety, Government Operations and Military Affairs (PGM)

Hon. Mike Gabbard, Chair
Energy and Environment (ENE)

Ironworkers Stabilization Fund – T. George Paris, Managing Director

Hearing Date – February 10, 2011, 4:15 P.M., Room 225

Support of SB185, Relating to Landfills

The purpose of this bill is to place a moratorium on any new solid waste landfills and the expansion of any existing private solid waste landfills on the leeward coast from Kaena Point to Waimanalo Gulch on or after August 1, 2011.

As set forth in SB 185, the Leeward Coast is impacted severely by the landfills that presently are in operations. Waimanalo Gulch Landfill above Ko Olina takes in all of Oahu's municipal solid waste (MSW). Similarly, the PVT Landfill that is adjacent to Nanakuli Town, takes in all of Oahu's construction, demolition and asbestos waste. Additionally, Leeward Coast residents are impacted by the H-Power plant, abandoned military ordnance, a disproportionate large number of homeless, and horrendous daily traffic conditions.

The recent heavy rains and flooding in December and January show the deep environmental concerns raised. A river of flooding waters flowing into Nanakuli Town has caused great concern to the people of the Leeward Coast, including the members of the construction trade unions.

We urge your committees to pass SB 185 and transmit it to the entire senate. Thank you for this opportunity to testify.

Fax – 586-6659 – Senate Sergeant-At-Arms



GOODSILL ANDERSON QUINN & STIFEL

A LIMITED LIABILITY LAW PARTNERSHIP LLP

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TO: Senator Mike Gabbard
Chair, Committee on Energy & Environment
Senator Donovan M. Dela Cruz
Chair, Committee on Water Land, and Housing
Senator Will Espero
Chair, Committee on Public Safety, Government Operations, and Military
Affairs
Via Email: ENETestimony@Capitol.hawaii.gov

FROM: Gary M. Slovin

DATE: February 9, 2011

RE: **S.B. 185 – Relating to Landfills**
Hearing: Thursday, February 10, 2011 at 4:15 p.m., Room 225

Dear Chairs Gabbard, Dela Cruz and Espero and Members of the Committees:

I am Gary Slovin, testifying on behalf of PVT Land Company (“PVT”), the construction and demolition landfill located in Nanakuli on Oahu.

PVT opposes S.B. 185, which places a moratorium on any new solid waste landfills and the expansion of any existing private solid waste landfills on the leeward coast from Kaena point to Waimanalo gulch on or after August 1, 2011.

PVT opposes this bill because it would lead to the closure of currently permitted landfills. Under this bill, modifications to each cell of a landfill could be considered an “expansion.”

This measure would make the siting of landfills impossible, and it is inconsistent with both the City’s Landfill Siting process and with DOH rules to permit landfills (which already include the opportunity for public hearing and comment).

Closure of PVT’s C&D landfill would stop nearly all construction projects, including rail and transit-oriented development and shipyard maintenance. It would also prevent

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recycling for renewable energy.

In addition, this bill would have implications beyond closing landfills – it would have the potential of shutting down and leaving the operations of HPOWER and AES with nowhere to dispose of the ash residue from these critical facilities, metals recycling with nowhere to dispose of auto fluff, and wastewater treatment plants with nowhere to dispose of sludge.

For the reasons stated above, we respectfully ask that you hold S.B. 185.



February 9, 2011

COMMITTEE ON ENERGY AND ENVIRONMENT

Attn: Senator Mike Gabbard, Chair
Senator J. Kalani English, Vice Chair

COMMITTEE ON WATER, LAND, AND HOUSING

Attn: Senator Donovan M. Dela Cruz, Chair
Senator Malama Solomon, Vice Chair

**COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND
MILITARY AFFAIRS**

Attn: Senator Will Espero, Chair
Senator Michelle Kidani, Vice Chair

RE: SUPPORT of SB 185; Relating to Landfills

Aloha,

My name is Ken Williams and I am the Executive Vice President for the Ko Olina Community Association and the Ko Olina Operators Association. I represent all owners at the Ko Olina Resort.

I am writing in support of SB 185.

The Ko Olina Resort has long asserted that the Waimanalo Gulch Landfill is a health hazard to the community. The contaminated runoff from the landfill that closed many leeward beaches, including the Ko Olina Lagoons, is proof that our greatest fears have been confirmed. At the State Land Use Commission hearing of February 2, 2011, Waste Management Hawaii stated on the record that the catastrophic environmental disaster that started on January 13th was "unavoidable". If so, it is clear that no level of best management practices can assure the community that the landfill is safe and that no harm will be inflicted on the community and the environment. Thus, the Waimanalo Gulch landfill needs to be closed immediately.

SB 185 assures the leeward community that these health hazards will no longer threaten the health and welfare of a community already burdened by the ills of land use. The leeward coast has a long history for being the home of landfills. Presently there are three

February 9, 2011

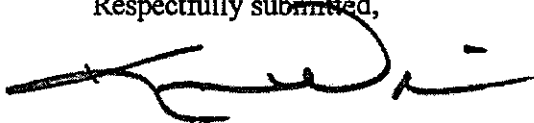
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in operation. There are also oil refineries, an H-Power plant, quarries, electrical power plants, off shore oil tankers and a heavy industrial area.

This measure restricting landfills on the leeward coast is the right thing to do – pono.

Please pass SB 185.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Ken Williams', with a stylized flourish at the end.

Ken Williams
Executive Vice President

TESTIMONY OF CYNTHIA REZENTES
PROVIDING COMMENTS FOR SB 185
February 10, 2011

To: Chairs Mike Gabbard, Will Espero, Donovan Dela Cruz, and members of the Committee on Energy and Environment, Committee on Public Safety, Government Operations, and Military Affairs and Committee on Water, Land, and Housing

My name is Cynthia Rezentes and I am a resident of the Wai`anae Coast.

While, philosophically, I am in agreement with this bill, I have a concern that it continues to allow Waimanalo Gulch Sanitary Landfill to continue operations on the Leeward Coast.

I, respectfully request, that this bill be **amended to include language which also requires the closure of Waimanalo Gulch Sanitary Landfill as of July 1, 2012.**

Thank you for the opportunity to provide testimony for SB 185.

Cynthia K.L. Rezentes
Wai`anae resident