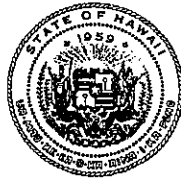


**SB 2286**

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:

**SENATE COMMITTEE FOR ENERGY AND ENVIRONMENT  
SENATE COMMITTEE FOR PUBLIC SAFETY, GOVERNMENT  
OPERATIONS, AND MILITARY AFFAIRS**

**S.B. 2286, RELATING TO SOLID WASTE**

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

**February 2, 2012  
3:30 pm**

1 **Department's Position:** We respectfully oppose this measure.

2 **Fiscal Implications:** Undetermined

3 **Purpose and Justification:** This measure proposes to prohibit the use of any dumpster or container  
4 used to store solid waste that is not sheltered or protected from rainwater by roof, cover or lid. In other  
5 words, all dumpsters or trash receptacles will be required to be covered or placed under a roof.

6 The department opposes this measure for two reasons. First, the proposed bill is too restrictive,  
7 as it applies to all types of waste and all entities and does not account for the fiscal impact on  
8 government, private businesses and the general public. While we believe that commercial  
9 establishments already utilize covered dumpsters, we also understand there are many bins that are  
10 uncovered. Examples include construction/demolition waste which is collected at job sites in open-top  
11 bins (roll-off bins); open top trash receptacles in most parks and public areas, and some County transfer  
12 stations and convenience centers which collect various waste (including green waste and bulky waste) in

1 open-top trailers. Additionally, residences that do not receive automated curbside collection and  
2 transport, such as in the County of Hawaii, may not always utilize covered containers.

3 We understand the concern over leachate generation and discharge. Those facilities that have  
4 industrial storm water permits, such as solid waste transfer stations and convenience centers, or those  
5 businesses that discharge to city and/or state roadways are already required to maintain best  
6 management practices regarding storm water discharges.

7 Second, the proposed bill will be difficult to enforce. Many collection bins are in continuous use  
8 throughout the day, in which case they will be uncovered for a good portion of the day. The bill does  
9 not specify the point at which the bins would need to be covered. It is also unclear whether this  
10 requirement will only apply during rainy weather, as the requirement applies to the maintenance of  
11 receptacles from rainwater. In addition, the department has only three solid waste inspector positions  
12 for the entire state, and is currently responsible for overseeing about 300 permitted solid waste facilities  
13 and responding to about 200 complaints per year. This added requirement in law will be considered a  
14 low priority and is unlikely to be enforced.

15 If the concern is relating to the efficiency of H-power, as mentioned in the bill, we recommend  
16 that this prohibition be addressed at the county level.

17 Thank you for the opportunity to testify.

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Campbell Industrial Park  
91-056 Hanua Street  
Kapolei, Hawaii 96707  
Telephone (808) 682-5810  
Facsimile (808) 682-0604

TO: The Honorable Mike Gabbard, Chair  
Members of the Committee on Energy and the Environment, and  
The Honorable Will Espero, Chair  
Members of the Committee on Public Safety, Government Operations and  
Military Affairs

FROM: Schnitzer Steel Hawaii

SUBJECT: Testimony Opposing SB 2286 – Relating to Solid Waste

DATE: February 2, 2012

My name is Larry Snodgrass. I am the general manager of Schnitzer Steel Hawaii Corp. (“Schnitzer”). I have served in that capacity since December 2010. Schnitzer is the largest scrap metal recycler in the state of Hawaii. We have operations in Kapolei and on Maui. As such, we own 121 scrap metal containers that we call “roll-off boxes” which would require covering under SB 2286, as written.

Schnitzer opposes SB 2286 because it is overbroad and we ask the committee to amend the bill to exclude scrap metal containers. We applaud the purpose of the bill, to prevent spillage of trash and water polluted by grease, bacteria, chemicals and other contaminants. However, scrap metal which is delivered to our yards via the roll-off boxes is relatively clean material, such as white goods, refrigerators, air conditioners, metal desks, chairs, metal roofing, and other household items. These goods are not the source of the concern that the bill is designed to address.

Schnitzer is concerned that the costs for us to comply with SB 2286, as written, far outweigh the benefits that would be gained. We estimate the cost to special order roll-off-box covers, have them shipped to Hawaii, and then install the covers would be between \$4,000 and \$5,000 per box. For us, the total cost would be about \$500,000. Furthermore, it takes about one day to install one lid, so it could take close to one year to comply. If our boxes are not in circulation, then less metal is recycled and that is bad for the environment. We hope the Legislature will not require us to spend half a million dollars to cover clean material. Schnitzer does business in many states, and to our knowledge no other state requires scrap metal containers to be covered.

Let me close by saying that Schnitzer believes in sustainability and protecting the environment. Schnitzer recycles about 100,000 tons of metal in Hawaii every year, and that is metal that would otherwise end up in the landfill or on the side of the road. We operate under a solid waste permit and pay close attention to comply with all environmental regulations. We have a clean record and run a clean operation, and would welcome any of you at either of our locations for a tour at your convenience. In this instance, we applaud the intent of the bill, to curb pollution; we simply ask that scrap metal containers be carved out of the bill, as our metal is not leading to the pollution that you seek to end.

Thank you for the opportunity to testify.



**To: Senator Mike Gabbard, Chair  
Senator J. Kalani English, Vice Chair  
Committee on Energy and Environment**

**To: Senator Will Espero, Chair  
Senator Michelle N. Kidani, Vice Chair  
Committee on Public Safety, Government Operations, and Military  
Affairs**

**Fr: Terry G. Telfer, President  
Reynolds Recycling**

**Date: Thursday, February 2, 2012, 3:30 in Conference Room 224**

**Re: Testimony in opposition to SB2286, Relating to the Dumpster Bin Lids**

Reynolds Recycling is passionate about protecting the environment and while we appreciate the intent of this bill, we do not feel it is able to reasonably achieve the goal of protecting the environment by mandating lids for all bins.

Firstly, not all bins are the same. There are bins for multiple purposes and sizes, some of which are already covered, and some of various sizes which are not. On the larger size bins (20, 30 or 40 cubic yard bins) trucks cover them while in transport, but they usually do not have lids. Retrofitting of lids to existing bins is expensive. Smaller bins are regularly covered with lids, but lids are easily and regularly damaged, and would place the owner in jeopardy of violation of such a law.

In my discussion with H-power they said they do not accept "wet" food waste material of any kind for that facility.

The benefit of using a roll off bin or dumpster for construction material is that it is quick and easy to use for dumping material. The addition of a lid on a large bin or dumpster will make it difficult to utilize, and cause increased personnel costs as they deal with the continual opening and closing of these bin lids. In this difficult economy, all businesses, especially the construction trade will be hard pressed to absorb any additional costs.

As a leader in Hawaii's recycling industry, Reynolds Recycling remains committed to protecting Hawaii's future by recycling today, and in the future. We respectfully oppose SB2286.

Thank you.



TO: Senator Mike Gabbard

FROM: Greg Apa  
Senior VP, Honolulu Disposal Service, Inc.

DATE: February 1, 2012

RE: SB No. 2286

As a representative of Honolulu Disposal Service, Inc., I am writing to you to provide private industry input on proposed Senate Bill No. 2286. Although the Bill is design to protect the ocean environment that surrounds Oahu from the potential of contamination from solid waste placed in rubbish cans, the Bill would have unintended consequences on the both the solid waste hauling and construction industries. With the all encompassing language provided in this Bill, the Bill would also require the covering of large construction roll-off containers that haul materials and debris from construction project and the transfer of trans-loaded solid waste to the appropriate disposal facility.

There are already environmental pollution control laws, regulations and the enforcement of same under the Federally- mandated National Pollution Discharge Elimination System (NPDES), which is administrated by both EPA and the State of Hawaii Department of Health. This NPDES permits already require construction sites to control any and all discharge of potential pollutants from any type of construction site and the individual trans-loading facilities. Therefore, this Bill is needless duplication of both Federal and State laws already in place.

A second unintended consequence of this Bill would require Honolulu Disposal to retrofit the hundreds of roll-off containers, which have 10, 20, 30, 35 or 40 cubic yard capacities and are 8 ft. wide by up to 22 ft. long, with solid covers. Honolulu Disposal is already trying to maintain competitive pricing, so that, the construction industry on Oahu can remain competitive in their pricing on the few ongoing and upcoming construction projects.

A conservative estimate of the cost of retrofitting a solid cover on each roll-off container is in the range of \$1,000 to \$2,500 depending on the container size. This would cost Honolulu Disposal in excess of \$1,000,000 to comply with this proposed Bill. Because Honolulu Disposal is the largest hauler on Oahu, Honolulu Disposal would be one of the first, if not the first, companies that an enforcement agency would inspect. This would leave most certainly put the company at a competitive pricing disadvantage as compared to the many small companies that have but a few of these size containers and would not be compliant with this proposed Bill until forced to do so.

Please be aware, that Honolulu Disposal already provides solid covers on general solid waste cans (8 cubic yard capacity or less and these containers are the majority of containers used) that we provide solid waste collection service both our commercial and residential customers. The majority of these cans are in covered enclosures. However, to require commercial or private customers to provide covered shelters or enclosures would be cost prohibitive and difficult to enforce.

Therefore, we respectfully requests that any further action on the passing of this Bill be tabled for this legislative session.

*Sincerely*  
*Gregory Cym*  
792-0124