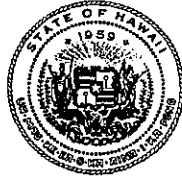


SB 2643

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 ON ENERGY AND ENVIRONMENT**

**S.B. 2643, RELATING TO NOISE POLLUTION**

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

**February 23, 2012  
2:45 p.m.**

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

2 **Fiscal Implications:** Undetermined. If enacted, this measure will result in the closure of an unknown  
3 number of certified redemption centers.

4 **Purpose and Justification:** This measure would require certified redemption centers to be located at  
5 least one hundred feet from any residence.

6 Certified redemption centers operating under the Deposit Beverage Container Program are  
7 required to be permitted as solid waste management facility. A requirement for the issuance of a solid  
8 waste management permit is that the facility be located in an appropriately zoned location. The  
9 department requires documentation that is completed and signed by the appropriate county land use or  
10 planning agency as proof of appropriate zoning.

11 The department feels that noise issues related to business activity is more appropriately  
12 addressed by county level land use ordinance.

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

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

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

**Date: Thursday, February 23, 2012, 2:45 in Conference Room 225**

**Re: Testimony in opposition to SB2643, Relating to Noise Pollution**

Reynolds Recycling is Hawaii's oldest and largest Redemption Center Operator, and we are passionate about protecting the environment. This bill however will do great damage to the customer convenience achieved with the State's current Redemption Center Network.

All state certified redemption centers must undergo a rigorous certification process. They must already receive zoning approval from the Department of Permitting and Planning. This zoning approval process determines whether the redemption center is in an appropriate, and correctly zoned location. This is a more accurate and appropriate than an arbitrary 100 ft designation.

Reynolds Recycling locations are open from 9 am to 5 pm, which are standard business hours. We do not inconvenience the neighborhood with either mechanical processes or early or late work, although the hours are based on daylight hours.

Both OSHA and HI-OSH have visited Reynolds Recycling locations, and our trailer sites meet or exceed OSHA standards for noise in a work environment. This means that without hearing protection people are able to work inside the trailer. Since this already meets the strict Federal OSHA work standards, than the 100 ft designation is both arbitrary and unnecessary.

This bill would cause redemption center operators to be forced to close locations which have made this state's redemption law highly effective, and convenient to the public. It would also saddle the redemption center industry with lease contracts that they might not be able to legally utilize, nor cancel, causing financial hardship.

As a leader in Hawaii's recycling industry, Reynolds Recycling remains committed to protecting Hawaii's future by recycling today, and in the future. This bill however will do untold harm to this very effective redemption center system.

Thank you.

TO THE CHAIRMAN AND BOARD MEMBERS  
OF THE SENATE COMMITTEE OF ENERGY AND  
ENVIRONMENT:

WE THE TENANTS OF 94-819 FARRINGTON HW.  
AGREE TO ALLOW FRANK ATIENZA TO BE OUR  
SPOKE PERSON ON THE NOISE POLLUTION THAT IS GOING  
ON TO THREE YEARS INFRONT OF OUR APTS.

(APT. BLDG. A.)

1 Roxanne C. Victoria

2 Benjamin Victoria

3 Mandamento De Licio

4 ~~Maria~~

5 Swadey Paio

6

7

8

(APT. BLDG. B)

1 RONALD IGNACIO

2 Alberta Gonzales

3 Vester Keene

4 Anthony Nebria

5 Malia Stallworth

6

7

8

(1)

MR. CHAIRMAN AND BOARD MEMBERS OF THE SENATE  
COMMITTEE ON ENERGY AND ENVIRONMENT:

THANK YOU FOR ALLOWING ME TO SPEAK IN FAVOR  
OF THIS BILL TO BECOME LAW. SB 2643

BUT BEFORE I GET INTO THE HEART OF THIS BILL,  
LET ME TELL ALL OF YOU, WHAT I HAD TO GO THROUGH TO  
TRY & FIND SOMEBODY THAT CAN HELP US TENANTS TO  
RELOCATE THE NOISE POLLUTION THAT GOING ON IN FRONT  
OF OUR HOMES ELSE ~~WHERE~~ WHERE.

JUNE 16, 2011 I ATTENDED THE WAIPAHU NEIGHBORHOOD BOARD  
MEETING AND TESTIFIED ABOUT THE NOISE POLLUTION THAT HAVE  
GONE ON (AT THAT TIME) FOR OVER A YEAR AND SIX MONTHS  
AND WAS STILL GOING ON 7 DAYS A WEEK FROM 8 AM TO 4 PM.

I WAS ADVISED BY THE OTHER PERSON (AT THAT TIME)  
MR. OHIRO, TO CALL THE BOARD OF HEALTH POLLUTION DEPT.

JUNE 17, 2011 I CALLED THE DEPT. OF HEALTH POLLUTION. SPOKE  
TO PHILIP WONG, THEY DON'T HANDLE RECY. NOISE

JUNE 19, 2011 SEN. GABBARD OFFICE CALLED ME. ROCKY  
TRIED TO HELP ME BY BOTH OF US TALKING TO ESL,  
RECY. GOT NO HELP FROM ESL. RECY.

JUNE 30 TO JULY 8 I CALLED THE LT. GOV. OFFICE. TALK TO  
EVON THE INFORMATION SECRETARY. NO HELP. LT. GOV. IS  
ALWAYS ON BIZ. TRIPS.

JULY 27, 2011 CALLED NESTOR GARCIA OFFICE (WAIPAHU CITY & COUNTY  
MEMBER) ABOUT NOISE POLLUTION. WILL CALL BACK. BUT DIDN'T

(2)

DATE

JULY 27, 2011 CALLED LEGAL AID - LIZ REFER ME TO CALL LEGAL VOLUNTEER SERVICE.

I CALLED LEGAL VOLUNTEER SERVICE - THEY WERE MORE CONCERNED ABOUT MY PERSONAL LIFE AND INCOME THAN THE NOISE POLLUTION PROBLEM.

JULY 28, 2011 I CALLED THE PERMIT DEPT. TALK TO SHIRLEY - SHE REFER ME TO THE ZONING DEPT.

CALLED THE ZONING DEPT. THEY REFER ME TO DAVID T. TRUNOE OFFICE

TALK TO THE SECRETARY OF ZONING - WILL LOOK INTO THE PROBLEM, NEVER GOT A CALL BACK

JULY 28, 2011 PHONED THE EPA OFFICE. THEY REFER ME TO THE DEPT. OF RUBBISH P/LA WHICH HAVE NOTHING TO DO WITH NOISE POLLUTION.

JULY 29, 2011 PHONE THE LAND USE COMMISSION - TALK TO NANCY. NO HELP.

AUG. 08, 2011 PLACE 2<sup>ND</sup> CALL TO COUNCIL MAN NESTOR GARCIA OFFICE. TALK TO MARK - HE SAID THAT THE STATE HEALTH DEPT. MAYOR'S REPRESENTATIVE WILL CALL ME AS TO WHAT HAVE BEEN DONE TO THE NOISE POLLUTION - SO FAR NO WORD.

AUG. 08, 2011 PHONE ENVIRONMENTAL HEALTH ADMINISTRATION DEPT. REFER ME TO REGUL. DEPT. TALK TO STEVEN CHANG - NO HELP.

(3)

DATE

Aug. 10, 2011 ISL RECYCL. WORKERS ENTER THE YARD AT 6:30 AM AT 7<sup>30</sup> AM THEY STARTED TO MOVE SOME BTL'S, CANS AND STEEL INTO THE DUMPSTER I HAD TO YELL AT THEM TO STOP THEIR NOISE. THEIR WORK CALL IS 8 AM TO 4 PM.

AUG 11, 2011... WORKERS OF ISL RECYCL ENTERED THE YARD AT 6:30 AM. FROM 8 AM TO 4 PM THEY TRIED TO START THE FORKLIFT. IT WOULDN'T START, NOISE ALL DAY

Aug 12, 2011 AT 7 AM RECYCL WORKERS TRIED TO START THE FORKLIFT THAT WOULDN'T START. I HAD TO YELL AT THEM - THAT IT IS 7 AM AND TO STOP THE NOISE,

Aug 15, 2011 I CALLED MAYOR'S OFFICE ABOUT THE NOISE POLLUTION - GOT REFERED TO CALL THE STATE COMPLAINT OFFICE AND TALK TO DWYANE AT 586-4100 - HE REFERED ME TO CALL KEVIN AT 586-4226 - WHO THEN TOLD ME TO TALK TO JENNIFER KOSAKI SHE TOLD ME THAT THEY WOULD TRY TO HAVE ISL RECYCL TO HELP ME. NO WORD OF HELP.

Aug 19, 2011 AT 7:25 AM ISL RECY. TRUCK ENTERED THE YARD TO TAKE OUT STEEL DUMPSTER. LOTS OF NOISE.

Aug 24 PHONE LEGAL AIDE HOT LINE TO TALK TO AN ATTORNEY LINES TOO BUSY TO ANSWER MY CALL

EVERYONE WHOM I'VE TRIED TO SEEM TO BE PASSING THE BURDEN TO SOMEONE ELSE TO HANDLE THIS NOISE.

(4)

## POLLUTION PROBLEM

DATE

IF REALLY COME DOWN TO THIS,  
THE PROPERTY THAT IS 10' FROM OUR APT. BLDG. IS  
PRIVATELY OWN AND IS COMMERCIALY ZONED, IT IS ISL,  
RELL, RIGHTS TO LEASE THE PROPERTY TO MAKE MONEY FOR  
THEIR BIZ, THAT MAKES LOT OF NOISE.

MY QUESTION IS: WHAT ABOUT US TENANTS THAT PAY RENT  
FOR OUR APT., DON'T WE HAVE RIGHTS OF NOT  
HAVING NOISE POLLUTION IN FRONT OF OUR DOORS  
THAT IS HAZARDOUS TO OUR HEALTH 7 DAYS A WEEK  
FROM 8 AM TO 4 PM. ? GOING ON TO 3 YRS. ?

THE NOISE DEPRIVE US FROM STAYING AT HOME, ON  
WEEK ENDS TRYING TO WATCH SPORTS ON T.V., THE NOISE IS  
BOthersome.

I WOULD LIKE TO SEE THIS BILL BECOME LAW THAT  
ANY BUSINESS THAT ARE RECYCLING BOTTLES, CANS AND ANY  
KIND OF SOLID METAL STEEL NOT BE ALLOWED TO OPERATE  
THEIR BUSINESS OF NOISE: ABOUT A 100 YARDS:

1. IN FRONT OF ANY RESIDENTIAL APT. & HOMES FROM 7:30 AM  
TO 5 PM DAILY FROM MON. TO SUN.
2. THAT CAUSES HEALTH PROBLEMS TO THE TENANTS WITH  
MIGRAINE HEADACHES, HEARING PROBLEMS, AFFECTING THE  
NERVES, BREATHING PROBLEMS FROM DUST OF SOLID METALS,  
EXHAUST FUMES AND DUST FROM THE FORKLIFT AND TRUCKS  
DRIVING IN & OUT OF THE YARD AND CAUSING ROACHES TO  
INFILTRATE INTO OUR APTS, FROM ALL THE JUNK THAT IS



(5)

3. LET NO STATE OR CITY OFFICIALS ALLOW ANY PERMITS BE GIVEN TO ANY RECYCLING BUSINESS OF BOTTLES, CANS & SOLID METALS, UNTIL AN AGENT IS SENT TO THE LOCATION TO INSPECT IF IT WOULD HINDER PEOPLE WITH NOISE. SEND OUT FLIERS. ARRANGE MEETINGS TO INFORM PEOPLE OF THEIR CONCERNS.

A. ALL RECYCLING BUSINESS ARE TO OPERATE 5 DAYS A WEEK AT 40 HRS TOTAL AND ALSO A 100 YARDS AWAY FROM ANY APT. RENTALS AND PRIVATE HOMES.

5. NO COLLECTION OF ANY KIND OF HARD METALS BE ALLOWED AT STATIONS THAT ARE COLLECTING BOTTLES AND CANS ONLY.

\* I DID FILE A REPORT TO THE POLICE DEPT. IN WAIPAHU ON JAN. 27, 2012

\* I HAVE THE NAMES OF THE TENANTS THAT LIVE IN BLD A & B THAT ALLOWED ME TO TESTIFY ON THEIR BEHALF.

MR. CHAIRMAN AND MEMBERS OF THE BOARD, PLEASE HELP US. DON'T BE LIKE THE MEMBERS OF THE WAIPAHU NEIGHBORHOOD BOARD THAT SEAT AND DO NOTHING.

WE DESPERATELY NEED HELP! 3 YRS. IN THE MAKING OF NOISE. IT IS WORSE THAN PEOPLE THAT ARE USING LEAF BLOWERS.

MATTACO!