

TESTIMONY BY KALBERT K. YOUNG
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION
ON
HOUSE BILL NO. 1307

January 31, 2013

RELATING TO LANDFILLS

House Bill No. 1307 creates a host municipality benefit fee for any health or safety violation of solid waste pollution laws. Proceeds from fees collected are to be deposited into a special account of the general fund and to be distributed to high schools within a five-mile radius of the landfill that incurred the penalty, or to the Environmental Response Revolving Fund, if there is no high school within a five-mile radius.

As a matter of general policy, the Department of Budget and Finance does not support the creation of any special account within the general fund of the State for specific purposes. This is an inconsistent application and use of the general fund. The department strongly believes that general fund program requirements should be reviewed on a statewide basis and allocated to programs based on statewide priorities with available resources.

**Testimony of
Gary M. Slovin
on behalf of
PVT Land Company**

DATE: January 29, 2013

TO: Representative Chris Lee
Chair, House Committee on Energy & Environmental Protection
Submitted Via Capitol Website

RE: **H.B. 1307, Relating to Solid Waste**
Hearing Date: Thursday, January 31, 2013 at 8:30 am
Conference Room 325

Dear Chair Lee and Members of the Committee:

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.

PVT strongly **opposes** H.B. 1307 as it is designed to apply only to the PVT landfill. As currently drafted, the bill does not apply to any other landfill in the state because it only applies to a “privately owned or operated resource recovery landfill.” First, the bill only applies to private facilities, like PVT, not public facilities, like Waimanalo Gulch Sanitary Landfill. Second, it only applies to a private landfill with “resource recovery,” in other words, recycling. As PVT is the only landfill that recycles, only PVT would be charged a benefit fee. This measure discourages recycling, because if you do not recycle, there is no benefit fee. As drafted, the bill may be unconstitutional as it is written to apply to only one facility.

The “host municipality benefit fee” could only be imposed on PVT if PVT was penalized under the solid waste chapter. Unlike other landfills in the State, PVT has never been fined under the solid waste chapter, and it is unfair to suggest that PVT alone is likely to be assessed a penalty or that an additional penalty should apply to PVT alone. PVT notes that its operations, as the lone construction and demolition landfill on Oahu, are state of the art. PVT is probably the best managed landfill in Hawaii. PVT invites members of

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the Committee to visit the PVT landfill.

There is no need to raise the penalty. HRS 342H-10 already provides for substantial penalties for violations of the solid waste laws. The penalty policy is already very strong and does not allow any violator to profit from the violation.

Each year for many years PVT has awarded thousands of dollars in scholarships to help students from Nanakuli and Waimanalo High Schools attend colleges here and on the mainland. PVT also supports athletic teams, robotics teams and fine arts programs at neighborhood schools. Therefore, PVT is already providing community benefits.

We ask that the bill be held in committee.

TESTIMONY REGARDING

HB1307 – RELATING TO LANDFILLS

Submitted by: Cynthia K.L. Rezendes

Hearing Date/Time: January 31, 2013, 8:30 a.m.

Position: **Support and Comments**

Thank you for the opportunity to provide supporting testimony and comments with recommendations with the intent of improving this measure.

While I support the intent of this measure to establish a host municipality benefit fee which can be utilized by a nearby high school, I would encourage this fee be distributed amongst any properly recognized school within a five-mile radius of the landfill, including elementary schools, intermediate schools or charter schools.

In addition, I would encourage the fees be utilized specifically to enhance any part of the curriculum which would increase the students' knowledge of environmental basics and its' impacts upon the community, i.e. people health, land or water health, etc.

This specific identification of fee benefits would then be directly connected to the penalty incident which triggers this fee and can be used as a basic correlation between the incident and its' potential impacts on the community thereby enhancing the educational aspects of this fee utilization.

Thank you for the opportunity to provide support for and recommendations for enhancing this measure.