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**Testimony in OPPOSITION to H.B. 816
RELATING TO AIR QUALITY MEASUREMENT**

REPRESENTATIVE CHRIS LEE, CHAIR
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Hearing Date: February 12, 2015

Room Number: 325

1 **Fiscal Implications:** There will be economic impacts to the Department of Health, Clean Air
2 Branch.

3 **Department Testimony:** The Department of Health (Department) respectfully opposes this bill.
4 This bill seeks to require the Clean Air Branch to measure air quality as part of emissions
5 investigations.

6 The Department supports the performance of thorough investigations; however, requiring
7 the Clean Air Branch to measure air quality at a source of emissions and at the location of the
8 nearest affected person as part of an investigation is unnecessary. In the air permit process, the
9 Department already quantifies worst case emissions and performs air quality assessments to
10 determine downwind pollution concentrations. The Department also has the authority to require
11 permitted sources to conduct source emission testing if deemed necessary to ensure compliance
12 with the air standards.

13 Finally, conducting stack testing and installing air quality monitoring stations are
14 extremely costly. Funding to measure air quality as part of an emission investigation does not
15 exist.

16 Thank you for the opportunity to testify on this bill.

17

House Bill 816

I strongly support House Bill 816.

I have been a resident that lived a few hundred feet from an incinerator (crematorium) and have always been affected by their emissions. In the early years of my youth, exposure from their emissions had been very limited. However, since the late 1980's, volume has considerably increased where this incineration activity occurs daily throughout the year.

Numerous complaints to Department of Health Clean Air Branch (CAB) had been submitted. However, CAB air quality monitors are not effective for measuring localized area pollution. Since 1998, at least 65 air quality complaints had been submitted with regards to this incinerator, and there may be more to follow.

Current air quality monitors are located at considerable distances from localized pollution sources, and they are designed to only objectively measure the overall "statewide" regional conditions. We currently do not have any laws that will assist and provide CAB jurisdiction to effectively measure and enforce localized air pollution to protect area residents and the public. It is important that people exposed to emissions are protected from unhealthy particles, toxins, and gases.

Realize that incineration is a method of decomposing a product by way of combustion. This method of decomposition is not a complete process, and therefore excess products of combustion are released into the sky via an exhaust stack and scattered over the terrain of the community. The byproducts of combustion that we have received from the crematorium include fine particulate ash and large particulates of ash. There are also strong gaseous fumes resembling chemical smells, burning plastics, chlorine, and wood. In addition to the degradation to the natural quality of the air, these emissions have bio-accumulative products such as mercury and heavy metals. In our case, this incinerator is located within a mixed residential district of residents, churches, pre-schools, elementary schools, care homes, and retirement homes. Closet home to the exhaust stack is about 50 feet, and a preschool is located at an approximate distance of 150 yards. Consider also that invalid residents in care homes and preschool children are not in the capacity to represent themselves and would certainly need measures that will protect them.

Air Pollution as defined by HRS 342B states that: "Air pollution" means the presence in the outdoor air of substances in quantities and for durations which may endanger human health or welfare, plant or animal life, or property or which may unreasonable interfere with the comfortable enjoyment of life and property throughout the State and is such areas of the State as are affected thereby, but excludes all aspects of employer-employee relations as to health and safety hazards.

It is definitely important that we know what we are locally exposed to, and thus have a law that will assist CAB to effectively measure and enforce air quality standards.

Ability to enforce is a necessity for any law to be effective, and this applies to HRS 342B. Know also that enforcement is stated in HRS 342B-51. (**HRS 342B-51 Enforcement by state and county authorities:** All state and county health authorities and police officers shall enforce this chapter and the rules, orders, and permits of the department.)

Inability to enforce has resulted in the following youtube videos of actual incidents that have occurred in our local area. (If unable to open links, please do a search for Oahu Cemetery, and Nuuanu Cemetery)

- <https://www.youtube.com/watch?v=oQqKmN-CCAU>
- <https://www.youtube.com/watch?v=HW4n9BeoDxA>

The first video was an incident of Oahu Cemetery's incinerator and recorded in year 2010 and placed into youtube in May 2011. This video was used for testimony to support enactment of House Bill 2656 during the 2012 State Legislative session.

The second video was an incident that occurred from Nuuanu Cemetery's incinerator during year 2010 and also placed into youtube in May 2011.

For both of the above incidences, the current "regional" air quality monitors will not detect and measure the air pollution. These are localized incidents that need localized air monitoring for detection and measurement.

House Bill 816 is necessary, and supports HRS 342B-51. It provides CAB, or any other agency, more ability to protect the public from localized area pollution.

Submitted by,

Edmund Lee

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 11, 2015 4:04 PM
To: EEPtestimony
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Subject: Submitted testimony for HB816 on Feb 12, 2015 08:30AM



HB816

Submitted on: 2/11/2015

Testimony for EEP on Feb 12, 2015 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Jeffrey Okazaki	Individual	Support	No

Comments: I fully support the initiative to establish requirements for air quality samples that are taken in emissions investigations within urban districts. I further recommend that the samples meet EPA standards of air quality and that fines are imposed for not meeting the standards after the individual or organization does not meet the standard after given two warnings.

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