

**DAVID Y. IGE**  
Governor

**SHAN S. TSUTSUI**  
Lt. Governor



State of Hawaii  
**DEPARTMENT OF AGRICULTURE**  
1428 South King Street  
Honolulu, Hawaii 96814-2512  
Phone: (808) 973-9600 FAX: (808) 973-9613

**SCOTT E. ENRIGHT**  
Chairperson, Board of Agriculture

**PHYLLIS SHIMABUKURO-GEISER**  
Deputy to the Chairperson

**TESTIMONY OF SCOTT E. ENRIGHT**  
**CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE HOUSE COMMITTEE ON AGRICULTURE**

March 19, 2015  
8:30 A.M.  
CONFERENCE ROOM 312

**SENATE BILL NO. 320. SENATE DRAFT 1**  
**RELATING TO AGRICULTURAL DISTRICTS**

Chairperson Tsuji and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill 320, SD 1. This measure amends Chapter 205, HRS to allow composting within the Agricultural District if a special permit is obtained, and limits composting on lands with Land Study Bureau Overall Productivity Ratings of "A" and "B" to 10 percent of the acreage of the parcel on which composting is proposed, or one acre, whichever is less. A variety of organic solid wastes may be composted but does not appear to include sewage sludge (biosolids) from wastewater treatment facilities. The Department of Agriculture supports composting as a soil amendment where more organic content is desired, however we defer to the counties with respect to their statutes, ordinances, rules, and permits governing composting activities

Thank you for the opportunity to present testimony.



From: mailinglist@capitol.hawaii.gov  
Sent: Wednesday, March 18, 2015 11:24 AM  
To: AGRtestimony  
Cc: mwille@co.hawaii.hi.us  
Subject: Submitted testimony for SB320 on Mar 19, 2015 08:30AM

**SB320**

Submitted on: 3/18/2015

Testimony for AGR on Mar 19, 2015 08:30AM in Conference Room 312

Submitted By	Organization	Testifier Position	Present at Hearing
Margaret Wille	Hawaii County Council Dist 9	Oppose	Yes

Comments: I support the overall intent of this legislation to make clear that commercial composting operations are a permitted use in ag zoned land; however in light of the Department of Health requirements and restrictions there is no reason to add a special permit requirement. Composting is the key to good ag practices and is agriculture and should not be treated as some accessory activity requiring lengthy and costly duplicative permitting. The Director of County of Hawaii Department of Environmental Management agrees the legislature should delete the additional requirement of a special permit.

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# EKOCOMPOST

URNS DIRT INTO SOIL

March 17, 2015

Aloha Committee Members:

Maui EKO Systems is submitting testimony in **SUPPORT** of **SB320, with amendments**.

Agricultural lands are the most appropriate areas to cite composting facilities. Potential odors, noise, and vector concerns and the respective nuisance mitigation efforts are similar to those of other agricultural operations. Additionally, much of the organic material and the resulting compost product can be used in these agricultural operations.

That said, EKO recommends striking section 16(A), which requires a special use permit is granted. Per the Senate's AGE-ENE Committee Report for SB320 SD1, this amendment was included to ensure composting facilities comply with the Department of Agriculture's pest management plan and any other land use concerns. This requirement is redundant, as the Solid Waste Permit Application for composting facilities already requires these issues to be addressed (Attachment P-2(2.) and Attachment P-3(k.)). Should the legislature prefer the permit application language regarding invasive pest management to be clearer, EKO recommends the legislature encourages the Department of Agriculture to advise the Department of Health on possible permit application language that addresses these concerns.

EKO recommends SB320 be amended to read as follows:

“(16) Composting operations; provided that: ~~composting operations on land with soil classified as overall productivity rating class A or B shall be limited to on-site uses and not occupy more than ten per cent of the acreage of the parcel, or one acre of land, whichever is lesser.~~

~~(A) — A special use permit is granted pursuant to section 205-6; and~~

~~(B) — Composting operations on land with soil classified as overall productivity rating class A or B shall be limited to on-site uses and not occupy more than ten per cent of the acreage of the parcel, or one acre of land, whichever is lesser.~~

For the purposes of this paragraph, “composting” means a process in which organic solid wastes, including green or yard waste materials, food scraps,

# EKOCOMPOST

## URNS DIRT INTO SOIL

animal manures excluding biosolids (sewage sludge), and non-treated wood chips and shavings, are biologically decomposed and stabilized under controlled conditions to produce a stable humus-like mulch or soil amendment. This term includes the processing of organic and non-treated wood waste materials for the generation of wood chips or other materials that can be used as a soil amendment, planting mixes, mulches for horticulture and agricultural applications, and land reclamation.”

EKO asks for your support of SB320, with amendments.

Mahalo,

*Brittany Smart*

Marketing & Public Affairs

onishi3 - Timothy

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From: mailinglist@capitol.hawaii.gov  
Sent: Tuesday, March 17, 2015 12:51 PM  
To: AGRtestimony  
Cc: ktk@biodiesel.com  
Subject: Submitted testimony for SB320 on Mar 19, 2015 08:30AM

**SB320**

Submitted on: 3/17/2015

Testimony for AGR on Mar 19, 2015 08:30AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kelly King	Pacific Biodiesel Technologies	Support	No

Comments: This measure is critical to the future of sustainable agriculture in Hawaii. Please support SB320 with amendments so composting operations can find suitable sites for this important operation. Also, we believe the requirement of a special use permit is redundant and should be removed. Mahalo, Kelly King, VP Pacific Biodiesel Technologies

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From: mailinglist@capitol.hawaii.gov  
Sent: Wednesday, March 18, 2015 6:08 AM  
To: AGRtestimony  
Cc: legechair@gmail.com  
Subject: Submitted testimony for SB320 on Mar 19, 2015 08:30AM

**SB320**

Submitted on: 3/18/2015

Testimony for AGR on Mar 19, 2015 08:30AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Simon Russell	Hawaii Farmers Union United	Support	No

Comments: Aloha Chairman Tsuji, Vice Chair Onishi and Honorable Agriculture Committee, HFUU Strongly supports this bill. With Aloha, Simon Russell Hawaii Farmers Union United Legislative Committee Chairman

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From: mailinglist@capitol.hawaii.gov  
Sent: Tuesday, March 17, 2015 7:53 PM  
To: AGRtestimony  
Cc: amybrinker@mac.com  
Subject: \*Submitted testimony for SB320 on Mar 19, 2015 08:30AM\*

**SB320**

Submitted on: 3/17/2015

Testimony for AGR on Mar 19, 2015 08:30AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Amy Brinker	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov  
Sent: Tuesday, March 17, 2015 4:32 PM  
To: AGRtestimony  
Cc: mendezj@hawaii.edu  
Subject: \*Submitted testimony for SB320 on Mar 19, 2015 08:30AM\*

**SB320**

Submitted on: 3/17/2015

Testimony for AGR on Mar 19, 2015 08:30AM in Conference Room 312

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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**Mission : To advocate, educate, and promote the benefits of zero waste to our community and leaders to achieve an Island-wide zero waste management system which conserves and diverts waste from the landfill.**

**LATE**

Aloha Committee Members:

Zero Waste Kauai is submitting testimony in **SUPPORT** of **SB320, with amendments.**

Agricultural lands are the most appropriate areas to cite composting facilities. Potential odors, noise, and vector concerns and the respective nuisance mitigation efforts are similar to those of other agricultural operations. Additionally, much of the organic material and the resulting compost product can be used in these agricultural operations.

ZWK recommends striking section 16(A), which requires a special use permit from the State or County. Per the Senate's AGE-ENE Committee Report for SB320 SD1, this amendment was included to ensure composting facilities comply with the Department of Agriculture's pest management plan and any other land use concerns. This requirement is redundant, as the Solid Waste Permit Application for composting facilities already requires these issues to be addressed (Attachment P-2(2.) and Attachment P-3(k.)). Should the legislature prefer the permit application language regarding invasive pest management to be clearer, ZWK recommends the legislature instruct the Department of Agriculture to advise the Department of Health on possible permit application language that addresses these concerns. This would eliminate "double" review for the same permit approval and eliminate an unnecessary bureaucratic requirement.

ZWK recommends SB320 be amended to read as follows:

"(16) Composting operations; provided that: ~~composting operations on land with soil classified as overall productivity rating class A or B shall be limited to on-site uses and not occupy more than ten per cent of the acreage of the parcel, or one acre of land, whichever is lesser.~~

~~(A) A special use permit is granted pursuant to section 205-6; and~~

~~(B) Composting operations on land with soil classified as overall productivity rating class A or B shall be limited to on-site uses and not occupy more than ten per cent of the acreage of the parcel, or one acre of land, whichever is lesser~~

For the purposes of this paragraph, "composting" means a process in which organic solid wastes, including green or yard waste materials, food scraps, animal manures excluding biosolids (sewage sludge), and non-treated wood chips and shavings, are biologically decomposed and stabilized under controlled conditions to produce a stable humus-like mulch or soil amendment. This term includes the processing of organic and non-treated

**Kauai's  
Zero Waste Authority**



**ZeroWasteKauai.org**

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wood waste materials for the generation of wood chips or other materials that can be used as a soil amendment, planting mixes, mulches for horticulture and agricultural applications, and land reclamation.”

Zero Waste Kauai asks for your support of SB320, with amendments.