

# SCR112/SR78

Measure Title: REQUESTING ALL STATE AND COUNTY AGENCIES TO ADOPT PROCEDURES REQUIRING CONTRACTS THAT INCLUDE THE DISPOSAL OF LIQUID OR SOLID WASTE OR INERT FILL MATERIAL TO INCLUDE A RECEIPT FROM A RECEIVING FACILITY SHOWING THAT THE WASTE WAS PROPERLY RECEIVED AND LAWFULLY DISPOSED OF PRIOR TO MAKING PAYMENT TO THE CONTRACTOR.

Report Title: Solid waste receipt from licensed waste facility

Description:

Companion:

Package: None

Current Referral: GVO/PSM/CPH, WAM

Introducer(s): SHIMABUKURO, Gabbard, Harimoto, Inouye, Keith-Agaran, Nishihara, Wakai

DAVID Y. IGE  
GOVERNOR OF HAWAII



VIRGINIA PRESSLER, M.D.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
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WRITTEN  
TESTIMONY  
ONLY

**Testimony in SUPPORT of S.C.R. 112/S.R. 78  
REQUESTING ALL STATE AND COUNTY AGENCIES TO ADOPT PROCEDURES  
REQUIRING CONTRACTS THAT INCLUDE THE DISPOSAL OF LIQUID OR SOLID  
WASTE OR INERT FILL MATERIAL TO INCLUDE A RECEIPT FROM A  
RECEIVING FACILITY SHOWING THAT THE WASTE WAS PROPERLY  
RECEIVED AND LAWFULLY DISPOSED OF PRIOR TO MAKING PAYMENT TO  
THE CONTRACTOR.**

SENATOR DONNA MERCADO KIM, CHAIR  
SENATE COMMITTEE ON GOVERNMENT OPERATIONS

SENATOR CLARENCE K. NISHIHARA, CHAIR  
SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND  
MILITARY AFFAIRS

SENATOR ROSALYN H. BAKER, CHAIR  
SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

Hearing Date: March 22, 2016  
Time: 2:45 p.m.

Room Number: 414

- 1 **Fiscal Implications:** None.
- 2 **Department Testimony:** The Department supports the intent of this resolution. This resolution
- 3 requests all state and county agency contracts that include disposal of liquid or solid waste to
- 4 provide a receipt that the waste was received and disposed of at a licensed facility, and requests
- 5 contracts that include movement of inert fill to be taken to locations where it may be utilized.
- 6 Hawaii Revised Statutes 342H-30 states, "No person, including any public body, shall discard,
- 7 dispose of, deposit, discharge, or dump solid waste, or by contract or otherwise arrange directly
- 8 or indirectly for the disposal of solid waste...anywhere other than a permitted solid waste
- 9 management system without the prior written approval of the director." We believe this
- 10 resolution will help encourage state and county waste generators comply with this law and
- 11 discourage their contractors from illegal dumping.

1 Regarding to the definition of inert fill material as provided in HRS 342H-1, we request that  
2 clarification be made that the earthen material, including soil, should meet the Department's  
3 Environmental Action Levels for unrestricted use.

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

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**SR78**

Submitted on: 3/21/2016

Testimony for GVO/PSM/CPH on Mar 22, 2016 14:45PM in Conference Room 414

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Charles Prentiss	Kailua Neighborhood Board	Support	No

Comments:

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**Conservation Council  
for Hawai'i**

*Hawai'i's voice for wildlife*

*Kō Hawai'i leo no nā holoholona lōhiu*



Testimony Submitted to the Senate Committee on Government Operations,  
Committee on Public Safety, Intergovernmental, and Military Affairs,  
and Committee on Commerce, Consumer Protection, and Health

Hearing: Tuesday, March 22, 2016 2:45 pm  
Conference Room 414

In Support of SCR 112 and SR 78

Requesting All State And County Agencies To Adopt Procedures Requiring Contracts That Include The Disposal of Liquid Or Solid Waste Or Inert Fill Material To Include A Receipt From A Receiving Facility Showing That The Waste Was Properly Received And Lawfully Disposed of Prior To Making Payment To The Contractor

Chair Kim, Chair Nishihara, Chair Baker, Vice Chair Ihara, Vice Chair Espero, Vice Chair Kidani, and Members of the Committee.

Aloha. Conservation Council for Hawai'i supports SCR 112 and SR 78.

Unfortunately, such a requirement appears necessary because of the unlawful actions of certain contractors.

The procedures called for in the resolutions will help protect human health and the environment, and also place more responsibility on all parties involved.

Enforcement may be challenging, and we encourage you to provide additional funds to the appropriate agencies to monitor compliance.

Mahalo nui loa for the opportunity to testify.

*Marjorie Ziegler*

Marjorie Ziegler

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Executive Director: Marjorie Ziegler | Administrator: Jonnetta Peters



*Sierra Club Hawai'i Chapter, Testimony in support of SCR 112 & SR 78*  
March 21, 2016

Aloha e Senators,

I am a member of the Executive Committee of the O'ahu Group of the Sierra Club of Hawai'i. The Club has more than 12,000 registered members and supporters in the State on whose behalf I am testifying in strong support of SCR 112 and SR78.

Illegal dumping of waste raises environmental justice, public safety, and ecological risk issues. The State and its subdivisions should do all that they can to prevent contributing to illegal dumping. SCR 112 and SR 78 take a step in the right direction by requesting all State and county agencies to impose the common-sense step of requiring government contractors provide receipts verifying that waste was lawfully disposed of before the contractors are able to receive payment for their work. The resolutions thus propose a simple mechanism for enforcing against illegal dumping and accord with the State's obligations to protect and preserve Hawai'i's public trust resources.

Thank you for considering this testimony.

Bianca Isaki  
Executive Committee of the Sierra Club O'ahu Group.

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**SCR112**

Submitted on: 3/21/2016

Testimony for GVO/PSM/CPH on Mar 22, 2016 14:45PM in Conference Room 414

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Vince Kana`i Dodge	`Ai Pohaku	Support	No

Comments: Aloha legislators, We live in the Wai`anae moku and have experienced the devastating effects of illegal dumping in our community. SCR112 will ensure a paper trail documenting legal disposal before payment on State contracts. Plz support SCR112. Illegal dumping is bad for everyone aloha nui! Vince Kanai Dodge 4 `Ai Pohaku- The Stone Eaters

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**LARRY JEFTS FARMS, LLC  
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SCR112/SR78, REQUESTING ALL STATE AND COUNTY AGENCIES TO ADOPT PROCEDURES REQUIRING CONTRACTS THAT INCLUDE THE DISPOSAL OF LIQUID OR SOLID WASTE OR INERT FILL MATERIAL TO INCLUDE A RECEIPT FROM A RECEIVING FACILITY SHOWING THAT THE WASTE WAS PROPERLY RECEIVED AND LAWFULLY DISPOSED OF PRIOR TO MAKING PAYMENT TO THE CONTRACTOR.

Sen GVO/PSM/CPH Hearing – Tues. March 22, 2016 – 2:45 pm

Written Testimony by: Larry Jeffs

Position: Support, With Comments

Chairs Mercado Kim, Nishihara, Baker and Members of the Senate GVO/PSM/CPH Committees:

I am Larry Jeffs, owner and operator of Larry Jeffs Farms, LLC, which is part of our family-run business of farms on Oahu and Molokai, under the administrative umbrella of Sugarland Growers, Inc. We have more than 35 years of Hawaii farm experience on Molokai and Oahu.

SCR112/SR78 requests that all state and county agencies adopt procedures to require contractors to have a receipt for the disposal of liquid or solid wastes at a licensed facility before full or partial payment is made to the contractor. This should curtail the problem of illegal dumping of liquid or solid wastes. The illegal disposal of liquid or solid waste is a problem for protection of Hawaii's soil and water resources.

Appreciation is expressed for specific language page 2, line 35-40 and page 3, line 1-6—specifically item (3) in bold text:

“BE IT FURTHER RESOLVED that a receipt from a contract that includes the disposal of inert fill is requested to show that inert fill was disposed of at one or more of the following locations:

- (1) Recycling facility;
- (2) Facility used to repurpose material for other construction projects; or
- (3) Farm lot with an approved soil and water conservation plan or construction site with a permit to grade and fill the site or stockpile fill on site; and**

This provides flexibility to the use of cold plane material for farm-use based on a pre-approved recycling plan that is part of the farmer's approved soil and water conservation plan. Construction and maintenance companies generate cold plane material through the controlled removal of existing pavement surfaces to restore the pavement surface to the specified grade and cross-slope. It is good fill-material on farms, and such use reduces landfill.

**A suggestion is offered for page 3, line 8-22, specifically item (4) in bold text:**

BE IT FURTHER RESOLVED that receipts from licensed Facilities are requested to be by weight and receipts from other facilities, such as farms or construction sites, note the following:

- (1) Number of truck loads accepted by the site;
- (2) Type of material received;
- (3) Address of the site and name of the agent authorized to accept the fill; and
- (4) Reference ~~number~~ the holder of the farm soil and water conservation plan or construction permit number, as applicable; and**

Soil and Water Conservation plans are not numbered. They are referred to by the holder of the farm's soil and water conservation plan.

Thank you for the opportunity to present testimony.



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**SCR112**

Submitted on: 3/18/2016

Testimony for GVO/PSM/CPH on Mar 22, 2016 14:45PM in Conference Room 414

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
W. Ken Koike	Individual	Support	No

Comments: As the Parks, Community & Customer Service Chair of the Wai'anae Coast Neighborhood Board #24, I'm in strong support of SCR112! The sludge that was dumped from the Hawaii Kai Boat Harbor has still not been removed or resolved to the satisfaction of our community! By God's grace, there has been no large deluge of water that has washed the sludge downstream, yet. But it still sits on the bank of a dry riverbed ready to become a toxic disaster downstream at any time! Why hasn't the Board of Health Wastewater, Clean Drinking Water or Safe Drinking Water Branches done anything about this is most demoralizing! Please at least pass SCR112 so this type of terroristic behavior can no longer continue so easily any longer!

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**SR78**

Submitted on: 3/21/2016

Testimony for GVO/PSM/CPH on Mar 22, 2016 14:45PM in Conference Room 414

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Stuart Coleman	Individual	Support	No

Comments: Dear Chairs and Committee members, I ask you to support this bill because it will help eliminate waste and fraud and ensure that only those who follow proper recycling practices will be reimbursed. Mahalo. Aloha, Stuart Coleman 2927 Hibiscus Pl. Hon., HI 96815

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