



STATE OF HAWAII
DEPARTMENT OF HEALTH
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Honolulu, HI 96801-3378
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WRITTEN
TESTIMONY ONLY

**Testimony in SUPPORT of S.B. 2337 SD1
RELATING TO WASTE MANAGEMENT**

LATE

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

REPRESENTATIVE AARON LING JOHANSON, CHAIR
HOUSE COMMITTEE ON LABOR & PUBLIC EMPLOYMENT

Hearing Date: March 15, 2018
Time: 11:35 AM

Room Number: 309

1 **Fiscal Implications:** None

2 **Department Testimony:** The Department supports the intent of this measure. This measure proposes to
3 require all state and county agency contractors, that include disposal of liquid or solid waste, to provide a
4 receipt as proof that the waste was received and disposed of at a licensed facility.

5 The proposed requirements would help state and county contracting agencies comply with Hawaii
6 Revised Statutes Ch. 340H-30, which requires that, “No person, including any public body, shall discard,
7 dispose of, deposit, discharge, or dump solid waste, or by contract or otherwise arrange directly or
8 indirectly for the disposal of solid waste...anywhere other than a permitted solid waste management
9 system without the prior written approval of the director.” This measure will also help prevent their
10 contractors from illegally dumping waste.

11 However, the department also recognizes that there are concerns with the implementation of the
12 proposed program and we therefore we also defer to other agencies.

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

14

15

SB-2337-SD-1

Submitted on: 3/14/2018 11:29:10 AM

Testimony for EEP on 3/15/2018 11:35:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	OCC Legislative Priorities Committee, Democratic Party of Hawai'i	Support	No

Comments:

Good morning. My name is Melodie Aduja. I serve as Chair of the Oahu County Committee ("OCC") Legislative Priorities Committee of the Democratic Party of Hawaii. Thank you for the opportunity to provide written testimony on **SB2337 SD1** relating to Disposal of Liquid or Solid Waste; Contracts; and Payments.

The OCC Legislative Priorities Committee is in favor of **SB2337 SD1** and supports its passage.

SB2337 SD1 is in accord with the Platform of the Democratic Party of Hawai'i ("DPH"), 2016, as it requires that all state and county agency contractors that dispose of liquid or solid waste to provide a receipt that the waste was received and disposed of at a licensed facility before full payment is made for those contractual services; allows for partial payment to be made without a receipt and prior to any dumping of waste; and prohibits alteration or falsification of receipts.

The DPH Platform states that "[t]he Democratic Party of Hawai'i believes that the preservation and restoration of our natural environment are essential. We support a sustainable society that utilizes the earth in such a way that future generations will benefit from the practices of our generation. We support the restoration, preservation, and protection of our native ecosystems on each island. We believe in integrated approaches, practices, and support public policies that create and maintain a sustainable way of life in Hawai'i.

We believe in supporting best management practices in sustaining our environment and in increased citizen involvement. We support programs that encourage sustainable clean, efficient, creative and environmentally friendly modes of transportation, recycling, and waste reduction.

We support the protection of our 'aina against destruction by corporate, government, or military usage and expect full restoration and reparation of environmental damage. To handle current and future demands for water, we must assess the current condition of our aquifers and take appropriate actions to secure our freshwater resources.

We believe in the vigorous enforcement of our environmental laws and increased public-private stewardships and citizen involvement in protecting our resources. (Platform of the DPH, P.8, Lines 407-415, 422-423, 432-433 (2016)).

Given that **SB2337 SD1** requires that all state and county agency contractors

that dispose of liquid or solid waste to provide a receipt that the waste was received and disposed of at a licensed facility before full payment is made for those contractual services; allows for partial payment to be made without a receipt and prior to any dumping of waste; and prohibits alteration or falsification of receipts, it is the position of the OCC Legislative Priorities Committee to support this measure.

Thank you very much for your kind consideration.

Sincerely yours,

/s/ Melodie Aduja

Melodie Aduja, Chair, OCC Legislative Priorities Committee

Email: legislativepriorities@gmail.com, Text/Tel.: (808) 258-8889



HAWAII KAI NEIGHBORHOOD BOARD

March 12, 2018

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Hawaii Kai Neighborhood Board #1

c/o Neighborhood
Commission Office
925 Dillingham Blvd., #160
Honolulu, Hawaii 96817
Phone: (808) 768-3710
Fax: (808) 768-3711
www.honolulu.gov/nc

The Board meets the last
Tuesday of every month
except Dec., 7 p.m., Hahaione
Elementary School cafeteria.
The public is welcome to
attend.

Hawaii State Legislature:

RE: Testimony in SUPPORT of SB 2337, SD 1 which would require all state and county agency contractors that dispose of liquid or solid waste to provide a receipt that the waste was received and disposed of at a licensed facility before full payment is made for those contractual services.

Dear Legislators:

At its regularly scheduled February 27, 2018 meeting, the Hawaii Kai Neighborhood Board voted unanimously to support Senate Bill 2337 SD1 which would require state and county agency contractors that dispose of liquid or solid waste to provide a receipt that the waste was received and disposed of at a licensed facility before full payment is made for those contractual services.

The Hawaii Kai Neighborhood Board has been made aware of instances where solid waste products such as old roadway asphalt has been dumped on properties in the Hawaii Kai community. These waste products subsequently affect the course of rain water runoff and adds chemical pollutants that eventually feed into the ocean.

We strongly support the intent of SB 2337 to hold contractors responsible for appropriately disposing of the byproducts of their construction projects in a manner that is not detrimental to the environment or the community populace. Full payment for contracted work should not be paid until contractors can document that these waste byproducts were appropriately disposed of at licensed facilities.

We strongly urge the passage of SB 2337 SD 1. Thank you for your time and consideration of our comments.

Aloha,

Roberta Mayor, Chairperson
Hawai'i Kai Neighborhood Board

cc (via email): Senator Laura Thielen
Senator Stanley Chang
Representative Gene Ward
Representative Mark Hashem
Councilmember Trevor Ozawa
Members of the Hawai'i Kai Neighborhood Board

1065 Ahua Street
Honolulu, HI 96819
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Website: www.gcawhawaii.org



GCA of Hawaii

GENERAL CONTRACTORS ASSOCIATION OF HAWAII

Quality People. Quality Projects.

Uploaded to Capitol Website

March 15, 2018

TO: HONORABLE CHRIS LEE, CHAIR, HONORABLE NICOLE LOWEN,
VICE CHAIR AND MEMBERS OF THE HOUSE COMMITTEE
ON ENERGY AND ENVIRONMENTAL PROTECTION

HONORABLE AARON JOHANSON, CHAIR, HONORABLE DANIEL HOLT
AND MEMBERS OF THE HOUSE COMMITTEE ON LABOR & PUBLIC
EMPLOYMENT

SUBJECT: **COMMENTS & CONCERNS REGARDING S.B. 2337, SD1, RELATING TO WASTE MANAGEMENT.** Requires that all state and county agency contractors that dispose of liquid or solid waste to provide a receipt that the waste was received and disposed of at a licensed facility before full payment is made for those contractual services. Allows for partial payment to be made without a receipt and prior to any dumping of waste. Prohibits alteration or falsification of receipts.

HEARING

DATE: Thursday, March 15, 2018
TIME: 11:35 am
PLACE: Conference Room 309

Dear Chair Lee, Chair Johanson, Vice Chair Lowen and Vice Chair Holt and Members of the Committees,

The General Contractors Association of Hawaii (GCA) is writing with comments regarding S.B. 2337, SD1, Relating to Waste Management, which is very similar to S.B. 2358, Relating to Waste Management introduced in 2016, which GCA opposed.

The GCA is an organization comprised of over approximately 500 general contractors, subcontractors, and construction related firms. The GCA was established in 1932 and is the largest construction association in the State of Hawaii. The GCA's mission is to represent its members in all matters related to the construction industry, while improving the quality of construction and protecting the public interest.

S.B. 2337, SD1 proposes to require that state and county agencies require proof of a dump receipt for liquid or solid waste from a permitted waste facility is made for those contractual services in public works construction, but allows partial payment without a receipt. Additionally, S.B. 2337 makes it a criminal misdemeanor under Section 708-872, Hawaii Revised Statutes for falsifying business records for any receipts that may be altered or falsified.

While GCA understands the intent of this measure, GCA questions whether enforcement of this proposal could further deter illegal dumping. Contractors on state or county projects are required

to follow all contractual language that routinely includes a provision to lawfully dispose of any construction waste. Additionally, many public works projects are required to recycle construction waste. Penalties for non-compliance can result in losing one's contractor's license or being banned from doing public works construction in the future. This bill may still have some issues and the potential to: (1) infringe on contracts; (2) not resolve the issue of illegal dumping; and (3) interrupt receipt of lawful contractual payments for public works. The more appropriate and proper way to address such activity may be to impose some type of penalty to hold those illegally dumping waste accountable. Several years ago the Honolulu City Council worked on a bill that would increase fines for illegal stockpiling and grading of material not properly permitted. The penalty approach is the type of deterrent that may address the problem directly, rather than this approach.

Mandating contractors to submit a disposal of construction waste receipt may not deter such illegal dumping, particularly because (1) receipts from a permitted waste facility may be altered and used to satisfy an agency's receipt requirement; (2) there is no way to enforce such receipt mechanism by the agency as it would have no way to confirm the materials were from the claimed project, especially if a contractor has multiple projects ongoing at the same time; and (3) the interruption of waste disposal process, may disrupt contractual payment schedules.

Thank you for the opportunity to share our comments on this measure.

**LARRY JEFTS FARMS, LLC
PO BOX 27
KUNIA, HAWAII 96759
(808) 688-2892**

SB2337sd1, Relating to Waste Management
House EEP/LAB Hearing
Thursday, March 15, 2018 – 11:35am
Room 309

Written Testimony by: Larry Jeffs
Position: Support, With Comments

Chairs Lee and Johanson and Members of the EEP/LAB 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. I am also a volunteer director for the West Oahu Soil and Water Conservation District (SWCD).

SB2337sd1 requires contractors with all state and county agencies to show a receipt from a licensed waste management facility that verifies that the waste was properly received and lawfully disposed in an appropriate, licensed waste facility. This is applicable to liquid or solid waste, including but not limited to construction waste. Full payment or partial payment to the contractor shall not be made until a receipt from the licensed waste facility is submitted.

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.

Comments:

However, we suggest that the receipt from a contractor that includes the disposal of inert fill 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;**

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.

We also ask 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 the holder of the farm soil and water conservation plan or construction permit number, as applicable.**

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.



ALEXANDER & BALDWIN
PARTNERS FOR HAWAII

**SB 2337 SD1
RELATING TO WASTE MANAGEMENT**

**PAUL T. OSHIRO
DIRECTOR – GOVERNMENT AFFAIRS
ALEXANDER & BALDWIN, INC.**

MARCH 15, 2018

Chair Lee, Chair Johanson and Members of the House Committees on Energy & Environmental Protection and Labor & Public Employment:

I am Paul Oshiro, testifying on behalf of Alexander & Baldwin and its subsidiary Grace Pacific LLC on SB 2337 SD1, “A BILL FOR AN ACT RELATING TO WASTE MANAGEMENT.”

Grace Pacific is the largest asphalt paving contractor in Hawaii. Grace generates reclaimed asphalt pavement (RAP) on a daily basis through the process of milling the existing roads prior to resurfacing. A great deal of this material is brought back to our manufacturing facilities to be processed and recycled, either as unbound aggregates such as base course, select borrow, general fill, etc., or as a component of new hot-mix asphalt for ongoing paving projects.

Despite our best efforts, the amount of recycled material represents only a modest portion of the RAP that we generate on an annual basis. As a result, Grace has been partnering with Oahu farmers, in a win-win solution, providing the comingled RAP material (RAP mixed with aggregate) to their farms for roadway and other uses. Many farmers covet this material since it reduces dust during dry conditions, and reduces erosion and

stabilizes their haul roads during rainy conditions. For some farmers, the RAP enables them to harvest during rainy conditions when they wouldn't otherwise be able to access their fields due to mud.

Grace has implemented a policy to ensure that the farmers have the proper permits/authorities in place to utilize the RAP material. Either they must have a grading permit or have their land managed in accordance with the applicable Soil and Water Conservation District. This means that the farmer must be signed on as a Cooperator with their regional Soil and Water Conservation District and have an approved Conservation Plan, complete with best management practices.

This bill requires State and County contractors with contracts that include the disposal of liquid or solid waste (which includes construction waste) to provide a receipt from a licensed waste management facility showing that the waste was properly received and lawfully disposed of in order for full payment to be made on the contract. As presently drafted, it is our understanding that this bill may preclude the delivery of comingled RAP to farmers for their use in their farming operations. Without comingled RAP, farmers will lose a valuable and cost effective resource for use in stabilizing their internal roadways to enhance their farming operations. This would not only have a negative impact on the farmer, but would also reduce Grace Pacific's options for responsibly recycling the comingled RAP, which is a natural by-product of the road resurfacing process, for other beneficial uses.

In lieu of passing this bill, we respectfully request your consideration to enable a collaborative discussion and thorough assessment of this matter by appropriate regulatory

entities and affected stakeholders. Grace Pacific would greatly appreciate inclusion in these discussions.

Thank you for the opportunity to testify.

SB-2337-SD-1

Submitted on: 3/12/2018 5:01:39 PM

Testimony for EEP on 3/15/2018 11:35:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

SB-2337-SD-1

Submitted on: 3/12/2018 9:25:58 PM

Testimony for EEP on 3/15/2018 11:35:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Erica Scott	Individual	Support	No

Comments:

SB-2337-SD-1

Submitted on: 3/13/2018 8:13:37 PM

Testimony for EEP on 3/15/2018 11:35:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Teresa Parsons	Individual	Support	No

Comments:

Senators,

For TOO long, companies and contractors were allowed to just "make their waste disappear". It is time to hold them accountable for proper disposal. I urge you to support this measure for the protection of our environment.

Mahalo for the opportunity to testify on this important measure.

SB-2337-SD-1

Submitted on: 3/14/2018 4:09:11 AM

Testimony for EEP on 3/15/2018 11:35:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Robin Kaye	Individual	Support	No

Comments:

SB-2337-SD-1

Submitted on: 3/14/2018 9:59:44 AM

Testimony for EEP on 3/15/2018 11:35:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dan Gardner	Individual	Support	No

Comments:

Please support this very reasonable legislation that will help to eliminate illegal dumping by contractors working for the State. Hawaii's environment is one of its most valuable assets and we must do all we possibly can to ensure it remains so. Thank you

SB-2337-SD-1

Submitted on: 3/14/2018 10:35:11 AM

Testimony for EEP on 3/15/2018 11:35:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Milholen	Individual	Support	No

Comments:

Given the dramatic environmental and aesthetic impacts of illegal dumping, this feels like a common sense step toward ensuring that businesses adhere to responsible disposal rules.