

SB-2337

Submitted on: 2/19/2018 9:02:34 PM

Testimony for WAM on 2/21/2018 10:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Scott Foster	Testifying for Hawaii Advocates For Consumer Rights	Support	No

Comments:

Submitted by Scott Foster, Communications Director, Hawaii Advocates For Consumer Rights

1065 Ahua Street
Honolulu, HI 96819
Phone: 808-833-1681 FAX: 839-4167
Email: info@gcahawaii.org
Website: www.gcahawaii.org



GCA of Hawaii

GENERAL CONTRACTORS ASSOCIATION OF HAWAII

Quality People. Quality Projects.

Uploaded to Capitol Website

February 21, 2018

TO: HONORABLE DONOVAN DELA CRUZ, CHAIR, HONORABLE GIL KEITH AGARAN, VICE CHAIR AND MEMBERS OF THE SENATE COMMITTEE ON WAYS AND MEANS

SUBJECT: **COMMENTS REGARDING S.B. 2337, 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: Wednesday, February 21, 2018
TIME: 10:10 am
PLACE: Conference Room 211

Dear Chair Dela Cruz, Vice Chair Keith Agaran and Members of the Committee,

The General Contractors Association of Hawaii (GCA) is writing with comments regarding S.B. 2337, 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 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.

SB-2337

Submitted on: 2/19/2018 12:43:11 PM

Testimony for WAM on 2/21/2018 10:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Testifying for OCC Legislative Priorities	Support	No

Comments:

**PRESENTATION OF THE
OAHU COUNTY COMMITTEE ON LEGISLATIVE PRIORITIES**

DEMOCRATIC PARTY OF HAWAII

TO THE COMMITTEE ON WAYS AND MEANS

THE SENATE

TWENTY-NINTH LEGISLATURE

REGULAR SESSION OF 2018

Wednesday, February 21, 2018

10:10 a.m.

Hawaii State Capitol, Conference Room 211

RE: Testimony in Support of SB 2337 RELATING TO WASTE MANAGEMENT

To the Honorable Donovan M. Dela Cruz, Chair; the Honorable Gilbert S.C. Keith-Agaran, Vice-Chair, and Members of the Committee on Ways and Means:

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 Senate Bill No. 2337 relating to disposal of liquid or solid waste.

The OCC Legislative Priorities Committee is in favor of Senate Bill No. 2337 and supports its passage.

Senate Bill No.2337 is in accord with the Platform of the Democratic Party of Hawai'i ("DPH"), 2016, as it requires 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 Senate Bill No. 2337 requires 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, Tel.: (808) 258-8889

SB-2337

Submitted on: 2/19/2018 12:21:00 PM

Testimony for WAM on 2/21/2018 10:10:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lani Hernandez	Individual	Oppose	No

Comments: