

DEPARTMENT OF ENVIRONMENTAL SERVICES  
**CITY AND COUNTY OF HONOLULU**

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KIRK CALDWELL  
MAYOR



LORI M.K. KAHIKINA, P.E.  
DIRECTOR

TIMOTHY A. HOUGHTON  
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.  
DEPUTY DIRECTOR

IN REPLY REFER TO:  
WAS 19-32

January 28, 2019

The Honorable Nicole E. Lowen, Chair  
and Members of the Committee on Energy & Environmental Protection  
House of Representatives  
State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Lowen and Members of the Committee:

SUBJECT: HB562  
Relating to Construction Waste

The City and County of Honolulu and its Department of Environmental Services (ENV), supports the intent of this measure and the re-use/recycling principal behind H.B. No. 562 but has the following concerns about current language contained in this bill as written.

First, the term "non-hazardous" waste is not clearly defined which may cause confusion as to what the Hawaii State Building Code is requiring to be diverted from disposal and made available for recycling, reuse, donation, or resale. For example, if ENV demolishes a clarifier and is required to recycle 65% of the clarifier mechanism, would ENV need to clean all sludge and rust, then disinfect the mechanism before ENV sells it? This will require extra time and place storage/cleaning area/permitting, and other costs on the Department and therefore on the rate payers. It may be helpful to look at economic impacts as well as perhaps carbon footprint to do such cleaning or pre-sale mitigation work.

Second, there is no defined and quantifiable measurement criteria within the bill to meet the 65% requirement.

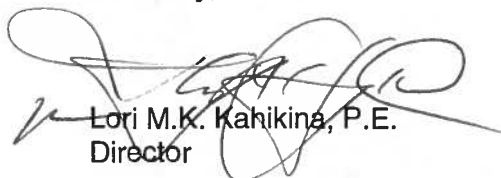
Third, the bill would require ENV to collect, separate, store by type of hazardous material(s), and provide all receipts of sale or any recycled materials we are required to designate for reuse. This requires land/storage area, possible permitting, and increase time and costs to our construction projects for our extremely large capital improvement program which again will be borne by rate payers.

Testimony for HB562  
January 28, 2019  
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Finally, ENV is concerned that this bill is focused on construction demolition and sale of a percentage of what is termed construction "waste". It is unclear that there is even a market for this construction "waste" and what happens if there is no market.

Thank you for the opportunity to testify and for your consideration of our comments.

Sincerely,



Lori M.K. Kahikina, P.E.  
Director

**HB-562**

Submitted on: 1/28/2019 6:38:12 AM

Testimony for EEP on 1/29/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Watanabe	JW, Inc.	Oppose	No

Comments:

I am a member of the BIA Hawaii and I agree with testimony submitted by BIA Hawaii on HB 562.

**HB-562**

Submitted on: 1/28/2019 3:09:07 PM

Testimony for EEP on 1/29/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Melodie Aduja	Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i	Support	No

Comments:



**Testimony to the House Committee on Energy & Environmental Protection  
Tuesday, January 29, 2019 at 8:30 A.M.  
Conference Room 325, State Capitol**

**RE: HOUSE BILL 562 RELATING TO CONSTRUCTION WASTE**

Chair Lowen, Vice Chair Wildberger, and Members of the Committee:

The Chamber of Commerce Hawaii ("The Chamber") **opposes** HB 562, which proposes to require the Hawaii state building codes to incorporate the international green construction code. Sets specific targets for the recycling, reuse, donation, and resale of non-hazardous construction waste.

The Chamber is Hawaii's leading statewide business advocacy organization, representing about 2,000+ businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

The bill amends the Hawaii state building code to require that the following be diverted from disposal and made available for recycling, reuse, donation, or resale:

- (1) Not less than **sixty-five per cent (65%)** of non-hazardous construction waste from the construction, deconstruction, or demolition of **public buildings**; and
- (2) Not less than **fifty per cent (50%)** of non-hazardous construction waste from the construction, deconstruction, or demolition of **private buildings**.

The Hawaii state building codes shall specify the method for verification of compliance with this subsection.

The bill will also require that all recycling, reuse, donation, and resale provisions required by this amendment shall comply with the following requirements:

- (1) The location for collection, separation, and storage of recyclable construction materials and construction waste shall be identified;
- (2) The type of construction materials and construction waste to be diverted from disposal by efficient usage, recycling, reuse, donation, or resale shall be specified by type;
- (3) The percentage of construction materials and construction waste to be diverted shall be specified and calculated by volume; and
- (4) Receipts or other documentation related to diversion shall be maintained through the course of construction, deconstruction, or demolition and made available for inspection by an appropriate designee of the State or county.

Recycling of demolition materials is currently being done by the processes used by the various landfills in the types of demolition materials they will accept for disposal.



# Chamber *of* Commerce HAWAII

*The Voice of Business*

Reuse and resale of construction waste is done on a case by case basis due to the additional cost and time required to deconstruct improvements. In addition, the “paper trail” imposed in this bill to document the types of materials and percentages will add more additional cost and time to a project.

Mandating this type of requirement to recycle/reuse construction waste will make certain project uneconomical. It may prevent a homeowner from renovating their home to provide shelter for their family (i.e. Multi-generational housing) which in Hawaii’s high cost housing market, is quite common.

Thank you for the opportunity to testify.

**HB-562**

Submitted on: 1/28/2019 11:45:54 AM

Testimony for EEP on 1/29/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joseph Kohn MD	We Are One, Inc. - www.WeAreOne.cc - WAO	Support	No

Comments:

There is no rational reason to pollute our own environment or destroy ecosystems.

[www.WeAreOne.cc](http://www.WeAreOne.cc)



**LATE**

January 28, 2019

Representative Nicole Lowen, Chair, House Committee on Energy and Environment Protection and Committee Members

**RE: ICC Supports Passage of HB 562**

Dear Chair, Vice Chair and Committee Members:

The International Code Council is a 60,000 member, non-profit public benefit corporation dedicated to helping the building safety community and construction industry provide safe, sustainable, energy-efficient and affordable construction through the development of codes and standards used in the design, build and compliance process by state and local governments including the State of Hawaii and its Counties.

HB 562 proposes the beginning of a construction waste diversion process for public and private buildings and the deconstructed materials to be diverted away from depositing them in a landfill or incinerating them in order to dispose of them. HB 562 is recognized as a beginning point to help divert and recycle or repurpose construction waste materials away from landfills. This will benefit the island state's environment.

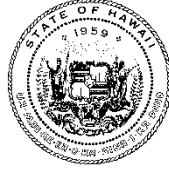
ICC strongly supports the principles of HB562 as it seeks to divert construction waste materials away from landfill sites and incineration facilities. If the thresholds of percent of construction waste to be diverted from construction sites, as specified in the bill, is not in keeping with the desires of the legislature, we humbly request that the legislature designate a set percentage of waste to be diverted from the construction waste materials, as deemed appropriate determined by the legislature.

Sincerely,

Kraig Stevenson, CBO  
ICC Government Relations  
[kstevenson@iccsafe.org](mailto:kstevenson@iccsafe.org)  
562-201-9209



DAVID Y. IGE  
GOVERNOR



CURT T. OTAGURO  
Comptroller

AUDREY HIDANO  
Deputy Comptroller

STATE OF HAWAII  
DEPARTMENT OF ACCOUNTING  
AND GENERAL SERVICES  
P.O. BOX 119  
HONOLULU, HAWAII 96810-0119

**LATE**

WRITTEN TESTIMONY  
OF  
CURT T. OTAGURO, COMPTROLLER  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
TO THE  
HOUSE COMMITTEE  
ON  
ENERGY & ENVIRONMENTAL PROTECTION  
ON  
JANUARY 29, 2019

H.B. 562

RELATING TO CONSTRUCTION WASTE

Chair Lowen and members of the Committee, thank you for the opportunity to submit written testimony on H.B. 562.

The Department of Accounting and General Services (DAGS) supports the intent to incorporate the international green construction code and to recycle, reuse, donate re-sell of non-hazardous construction waste. However, we have concerns on the proposed language of the bill for the following reasons:

1. It is too broad in scope and applicable in that it applies to every type and size of construction project.
2. It will increase costs and administrative oversight in all public and private construction projects.
3. There may not be adequate mechanisms available for recycling, reuse, donation and resale of non-hazardous waste.
4. It cannot be implementable on July 1, 2019.

We suggest that this matter be referred to the State Building Code Council who may be more appropriate to evaluate the latest International Green Construction Code for consideration for adoption as part of the Hawaii State Building Projects.



**LATE**

**TESTIMONY TO THE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION  
State Capitol, Conference Room 325  
415 South Beretania Street  
8:30 AM**

January 29, 2019

RE: HB 562, RELATING TO CONSTRUCTION WASTE

Chair Lowen, Vice Chair Wildberger, and members of the committee:

My name is Gladys Quinto-Marrone, CEO of the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, the Building Industry Association of Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii.

BIA Hawaii is in **STRONG OPPOSITION** to H.B. 562 which proposes to require the Hawaii state building codes to incorporate the international green construction code. Sets specific targets for the recycling, reuse, donation, and resale of non-hazardous construction waste.

The bill amends the Hawaii state building code to require that the following be diverted from disposal and made available for recycling, reuse, donation, or resale:

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Mandating this type of requirement to recycle/reuse construction waste will make certain projects uneconomical. It may prevent a homeowner from renovating their home to provide shelter for their family (i.e. multi-generational housing) which in Hawaii's high cost housing market, is quite common.

Rather than mandating compliance with "green" construction practices, perhaps the Legislature should look for creative ways to instead incentivize the market to move in that direction. It may provide better results and not impact local families.

We are in **STRONG OPPOSITION** to H.B.

**LATE**

**HB-562**

Submitted on: 1/29/2019 1:34:29 AM

Testimony for EEP on 1/29/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Randy Gonce	Individual	Support	No

Comments:

Strong Support

**HB-562**

Submitted on: 1/29/2019 7:28:20 AM

Testimony for EEP on 1/29/2019 8:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rene Umberger	Individual	Support	No

Comments:

**LATE**