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WRITTEN
TESTIMONY ONLY

**Testimony in SUPPORT of SB3084 SD2
RELATING TO SOLID WASTE MANAGEMENT**

REPRESENTATIVE NICOLE E. LOWEN, CHAIR
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Hearing Date: 6/22/2020

Room Number: 325

- 1 **Fiscal Implications:** None
- 2 **Department Testimony:** The Department of Health is committed to protecting the environment
- 3 and public health of its people and supports SB3084 SD2 to amend Hawaii Revised Statutes,
- 4 Section 342G-3 to codify the State's Aloha+ Challenge goal of reducing the solid waste stream
- 5 prior to disposal by seventy percent (70%) by 2030.
- 6 **Offered Amendments:** None.
- 7 Thank you for the opportunity to testify on this measure.

**Testimony of
Stephen Joseph
PVT Land Company, Ltd.**

SB 3084, SD 2, Relating to Solid Waste Management

SUBMITTED VIA CAPITOL WEBSITE

Chair Nicole E. Lowen
Vice Chair Tina Wildberger
Members of the House Committee on Energy and Environmental Protection

Re: SB 3084, SD 2, Relating to Solid Waste Management

Dear Chair Lowen, Vice Chair Wildberger and Members of your Committee,

Thank you for the opportunity to submit testimony concerning SB 3084 SD 2, Relating to Solid Waste Management. On behalf of PVT Land Company, I appreciate the opportunity to comment on this bill. PVT is the only publicly available construction and demolition landfill on Oahu. PVT has been recognized by the Solid Waste Association of North America for its achievements and commitment to recycling.

PVT supports the Bill's goal of reducing the state's solid waste stream prior to disposal to 70% by 2030. The vast majority of construction and demolition debris that enters the PVT facility is separated, crushed, or shredded for reuse or recycling. PVT is able to recycle up to 80 percent of the debris that enters the facility: metals are recycled offsite; concrete, rock and dirt are recycled for use at the facility or offsite; wood and other combustible material are processed into feedstock that can be used in a gasifier to produce clean synthetic natural gas.

In fact, **PVT is the largest individual recycler of solid waste by weight on Oahu**, and together with PVT, the construction industry is the largest recycler of solid waste on Oahu. The City's 2019 Integrated Solid Waste Management Plan Update (November 2019) reports that the construction industry, including PVT, is the largest recycler with 763,279 tons of rock, concrete and asphalt recycled. See Table 4-1. Total Tons Recycled, Calendar Year 2017 at https://www.opala.org/solid_waste/pdfs/ISWMP_2019_Final.pdf

The way to achieve the 70% Aloha+ Challenge goal is not to shut down PVT, the largest recycler by weight on Oahu. Yet if passed, another bill would do just that. The Legislature is poised to pass SB 2386, Related to Waste Management, which will prevent PVT from relocating its landfill to an adjacent site and will require the closure of PVT in the next five years.

Why is PVT forced to close? SB 2386 imposes a buffer zone of no less than one-half mile around a waste or disposal facility. The bill applies to transfer stations and recycling facilities, not just landfills. The one-half mile buffer zone would make PVT's relocation project unfeasible both from a financial and an engineering perspective.

No landfill in the State of Hawaii meets this requirement. Rather than close every landfill in the state, SB 2386 further provides that “[t]his subsection shall not apply to the continued operation of an existing waste or disposal facility that is properly permitted; provided that continued operation does not require physical expansion, vertical or horizontal, of the facility requiring additional permitting review and a permit modification.”

This addition is not a solution. The intended impact of this measure is to stop PVT from relocating its facility to a site across the street on Lualualei Naval Road. But if adopted, all counties in the state would face the same impossible task in the future. As none of the counties’ waste or disposal facilities currently meets the one-half mile buffer requirement, none of them can be modified or expanded. When the counties need to build a new facility, it will be next to impossible to find a new site for a transfer station, recycling facility or landfill that is large enough to have one-half mile buffer on all sides. Even if such sites exist, it would be prohibitively expensive for the counties to condemn not only the site but the one-half mile buffer on all sides.

Closing PVT would have devastating results. There is no permitted alternative for the disposal of construction and demolition debris on Oahu. The City and County of Honolulu’s Director of Environmental Services recently testified that it will take the City at least 7 to 10 years to site and build a new landfill before it can accept waste, and longer if the property is not already owned by the City. This means that there would be years of delay before a substitute for PVT can be found to accept construction debris on Oahu. If PVT is forced to close in the next five years, the following would occur:

- **The state would not be able to meet the goals of SB 3084.** In addition, with the closure of PVT, the recycling of wood and other combustible materials into a feedstock that can be used as a renewable fuel would not be possible. This bill would impede the state’s efforts to reduce Hawaii’s dependence on fossil fuels.
- Developers, contractors and truckers, and other parts of the construction industry would have no legal place on Oahu to take their construction and demolition debris. Construction projects – as small as a kitchen remodel or as large as a shopping center - would come to a halt.
- Federal, state and local government would have no legal place on Oahu to take their construction and demolition debris. Again vital renovations and new construction – as small as replacing broken pipes and as large as the Aloha Stadium redevelopment – would be halted. Examples of the state agencies that take their demolition debris to PVT include the Hawaii Air National Guard, the Department of Education, the Department of Land and Natural Resources, the Department of Transportation and the University of Hawaii.
- If there is no legal disposal option on Oahu, illegal dumping would be rampant, both on private and government land.
- The bill would be a serious blow to disaster preparedness. In the event of a natural disaster, the first response is debris removal, particularly from priority roadways. The

City and County of Honolulu has developed plans for a category 4 hurricane. Under this scenario, PVT would receive an anticipated 4 million cubic yards of debris, which is comparable in volume to filling Yankee Stadium five times. With this bill, there would be no place for the disaster debris to go for recycling and disposal.

Changing the buffer zone requirement is not necessary. Both state and local government currently regulate the buffer zones for landfills. For example, on Oahu, both the Waimanalo Gulch Sanitary Landfill and PVT must comply with the Revised Ordinances of Honolulu (“ROH”) “Specific Development Standard for Waste Disposal and Processing Facilities.” ROH Section 21-5.680 provides that “[n]o waste disposal and processing facility shall be located within 1,500 feet of any zoning lot in a country, residential, apartment, apartment mixed use or resort district. When it can be determined that potential impacts will be adequately mitigated due to prevailing winds, terrain, technology or similar considerations, this distance may be reduced, provided that at no time shall the distance be less than 500 feet.” (Emphasis added.) Using site specific criteria, the Waimanalo Gulch buffer zone is approximately 500 feet. PVT’s buffer zone is 750 feet (which we believe to be the largest landfill buffer zone in the state).

PVT has been transparent about its recycling, landfill and renewable energy project. PVT prepared a three-volume Final Environmental Impact Statement (“EIS”) for its project. PVT took its obligations seriously and retained independent experts to study the impacts of the project. All of these studies are site-specific, so the actual conditions onsite, including topography, prevailing winds, groundwater gradients, operating practices and other local conditions were considered. The site-specific information in the Final EIS will be considered by the permitting agencies when they make their determination of the appropriate buffer zone.

Thank you again for the opportunity to submit comments.



TESTIMONY OF THE KAHANA FOUNDATION
IN REGARD TO **SB3084 SD2** RELATING TO SOLID WASTE MANAGEMENT
TO BE HEARD BY THE COMMITTEE
ON ENERGY AND ENVIRONMENTAL PROTECTION
MONDAY JUNE 22 9:30AM ROOM 325

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

My name is Alexandra Kahn, and I am the Founder & Director of Media at the Kahana Foundation. We are a Hawai'i-based environmental awareness organization working to improve our community's understanding and support for sustainable change. One of our organizations's primary areas of concentration is waste reduction and we are currently working with County officials, nonprofits, and businesses across the state to assess the full scope of the situation. Our state has a solid waste problem, exacerbated by a difference in collection and containment methods across islands, limited space, and a lack of compost and recycling infrastructure.

Kahana Foundation **supports SB3084 SD2** and provides comments. This measure establishes a solid waste management goal of reducing the State's solid waste stream prior to disposal by 70% by 2030.

We must consider the EPA's Food Recovery Hierarchy while evaluating current and possible waste management plans on each island.

In 2018, Hawai'i produced nearly 3 million tons of solid waste.¹ In Honolulu county, 36% of residential waste is food waste or green waste, and 20% is specifically food waste. While green waste should be composted, much of the collected food waste could be rescued and donated through programs like Aloha Harvest. Since its inception in 1999, Aloha Harvest has rescued over 23 million pounds of food to feed those in need² in a state where 1 in 5 residents rely on a food bank or pantry for support.³ While the Honolulu Food Waste Ordinance created a government recycling program in 1997 which greatly reduces food waste from businesses above a certain size and simultaneously feeds piggeries, there are no suitable options for smaller sized businesses and these businesses will need to be supplied with County compost bins.⁴

¹ <https://dashboard.hawaii.gov/stat/goals/5xhf-begg/7rpz-qst3/fbb5-6tss>

² <https://alohaharvest.org/wp-content/uploads/02-History-Impact-Goals.pdf>

³ <https://journals.sagepub.com/doi/abs/10.1177/0734242X15607427>

⁴ <https://www.uhero.hawaii.edu/assets/UHEROwp1807.pdf>

Additionally, at this time there is no county or statewide option for food waste composting for residents, except in the county of Kaua'i, which currently provides each resident with a compost bin for their fruit and vegetable scraps.⁵ On Kaua'i, it is suggested that cooked and processed animal products not be composted in these backyard operations but there are currently no community facilities that accept these compostable goods. If each of the other counties were to supply a compost bin to each household as well as implement a compost plan for apartment-dwelling residents and cooked/processed food scraps, there would be a significant decrease in the overall waste stream.

Hawai'i's landfill potential is limited and many of the landfills on each island are nearing their capacity.⁶ The Hilo landfill reached capacity and closed at the end of 2019,⁷ allowing for only 30 years of operation⁸ and now only one landfill remains on the Big Island. However, since the Big Island was the first to stop accepting plastics for recycling, due to a lack of demand from China and high levels of contamination, these plastics will now be added into the landfill and decrease the number of total operational years. At the same time, the Big Island is the first and only island opening a commercial compost facility, which if implemented correctly, should lead to a significant decrease in waste sent to landfill. It is important to note that this island does not offer any curbside collection. Regardless of curbside pick up, it makes sense to have multiple end-locations for green waste and food waste to cut down on the overall transportation required in pick up's and drop off's of waste and fertilizer.

Kaua'i, with a smaller population than most of the islands, thought ahead when it came to not only compost, but waste in general. Kaua'i county operates with a "pay as you throw" system, charging property owners a monthly fee ranging from \$10 to \$18 a month depending on the size of their bin.⁹

In Maui County, half of the four landfills are approaching capacity, and the biggest one has just two years of life left.¹⁰ However, as our landfills all start to fill up, it is important to note that finding and creating a new landfill is not a quick or easy process. Lori Kahikina, Director of the Department of Environmental Services for the City and County of Honolulu, told Hawaii Public Radio, "To develop a new landfill, the city must pick a location, acquire the property if it doesn't already own it, conduct an environmental impact statement, design the facility and then construct

⁵ https://www.opala.org/solid_waste/pdfs/2017%20Waste%20Composition%20Study.pdf

⁶ <https://www.hawaiipublicradio.org/post/hawai-i-island-grapples-garbage#stream/0>

⁷ <https://www.hawaiipublicradio.org/post/hawai-island-has-decades-landfill-space-still-faces-challenges-dealing-its-waste#stream/0>

⁸ <https://bigislandnow.com/2019/05/12/hilo-landfill-has-reached-capacity/>

⁹ <https://www.hawaiipublicradio.org/post/size-advantage-and-disadvantage-small-town-kaua-i-dealing-its-trash#stream/0>

¹⁰ <https://www.hawaiipublicradio.org/post/trashing-islands-tossing-forgetting-no-longer-viable#stream/0>

it. Cost projections to develop each site varies by location and ranges from \$33.6 million to \$76.8 million.”¹¹ While additional landfills are inevitable, it is best to look at other methods of source reduction first in order to decrease the environmental impact affiliated with landfills and excess waste generation.

Honolulu County is the only county with an incinerator and contains most of the population of the entire state. Although there is much debate about the environmental qualities of H-Power, the City and County of Honolulu Office of Climate Change, Sustainability and Resiliency believe its ability to produce some energy and alleviate a small amount of dependence on foreign oil is worth recognition. Currently, H-Power is where the majority of Oahu’s waste goes to be burned, the ash that remains is what goes to landfill, along with other items that cannot be burned. While no one will claim that H-Power is the solution, even solid waste expert and professor of Environmental and Sustainability Studies, Jordan Howell, believes it works for the moment.¹²

Our State does not have any recycling facilities and it is time we reevaluate just how ‘environmentally friendly’ recycling is for Hawai’i.

Until 2017, the majority of our recyclables were sent to China; however, in 2018 the government issued a ban on nearly all plastic imports and increased the contamination requirements.¹³ Until that point, China had accepted 70% of the world’s recycling, and states and countries around the world suddenly scrambled for a solution. Hawai’i found other Asian countries to accept our recycling and we continue to export 100% of it. However, according to Lori Kahikina, Hawai’i has no way of tracking the end point for the recyclables to see if they are recycled or if they are sent to incinerators and landfills. There is currently a piece of federal legislature called the Break Free From Plastic Act, which would formally ban the U.S from exporting plastic waste to developing countries.¹⁴ With the cost of opening a recycling center so high, the City and County of Honolulu is already considering incinerating plastics in their recent Waste Management Plan, because Kahikina thinks this is a more environmentally-friendly alternative to exporting to unknown circumstances.¹⁵ Currently, our State is losing money through our recycling program, so this economic loss coupled with the potential for an exporting ban, leaves our islands in a desperate need for a backup plan, and it might be necessary for the islands to unite and plan something together considering the gravity of the situation. Unable to deal with the current recycling situation and facing a 25% contamination rate, the Big Island has already ceased

¹¹ <https://www.hawaiipublicradio.org/post/oahu-grapples-where-place-its-next-landfill-it-confronts-its-waste-dilemma#stream/0>

¹² <https://www.hawaiipublicradio.org/post/trashing-islands-rethinking-consumer-choices-and-trash-energy#stream/0>

¹³ <https://www.bloomberg.com/quicktake/recycling-crisis>

¹⁴ <https://www.tomudall.senate.gov/imo/media/doc/Press%20Packet.pdf>

¹⁵ https://www.opala.org/solid_waste/pdfs/ISWMP_2019_Public_Comment_Draft.pdf

collection of plastic recyclables in 2019, but continues to recycle glass, cardboard and brown paper.¹⁶

A significant way to decrease our overall waste and move towards a more circular economy would be to start replacing plastic bottles with aluminum ones, as well as to educate and enforce reusable service ware programs over disposable ones. 75 % of the aluminum produced is still in use today.¹⁷ This statistic shows aluminum to be the most environmental choice, and because it costs more to create new than to recycle, recycling and reusing aluminum is also the best choice economically. We also need to consider the circular system of reduce, reuse, recycle in a world that so quickly skipped over reducing and reusing.

It is important to look at current regulations that might be prohibiting Hawai'i from being able to actually tackle the waste management problems.

There are a few major areas of legislation that present barriers in Hawai'i's attempt to curb its waste problems including:

Currently, food waste is classified as hazardous waste by the Department of Health, meaning that no public compost programs can effectively operate for the community, and even backyard and farm operations are limited to only composting what they produce. In order to even offer compost as a curbside option to residents, the classification must be altered and bill *HB2407* aims to do just that.

Unfortunately the H-power contract was predetermined and even if Oahu reduces the amount of trash produced, it is still required to pay the same fixed fee to H-Power. This poses a lack of incentive overall; whereas, if Honolulu county was charged by trash volume sent to H-Power, there would be an incentive to decrease. This fixed amount of money, if used otherwise, could support programs like community garden compost and reusing of plastics in construction operations. With the somewhat recent expansion of H-Power and the contract that runs until 2032, the most environmentally and economically solution is unknown.

Another legislated program to consider is the HI-5 refund program, which refunds five cents on each accepted item. This program started in 2005 and created a surge in recycling, which was necessary at the time, but with a lack of recycling opportunities, this comes at a significant expense to the State and leads residents to believe they are still recycling. This misconception can easily prevent individuals from seeking to reduce their plastic-use because they do not see the physical change in the recycling system. This program, and recycling plastics in general,

¹⁶ <https://www.hawaiipublicradio.org/post/facing-recycling-limits-hawaii-island-residents-seek-local-option-plastics#stream/0>

¹⁷ <https://www.aluminum.org/industries/production/recycling>

allows individuals to pat themselves on the back for a good deed that sadly does not exist anymore. On the other hand, some cities are arguing that they will continue recycling programs because they worked so hard to change community behavior and they are hopeful for a recycling solution in the immediate future.

Lastly, to again reference the EPA Food Recovery Hierarchy, legislation, education, and additional incentives must be put in place to promote the reduction and rescue of food as the primary goal. There are a number of ways to approach this including looking at food labeling laws, education and clarifying legislation about the liability protection of the Good Samaritan Law, and requiring solid waste audits, among others.

For our state to change its waste-producing culture, an educational push is necessary, among other things, and this requires funding.

The first step towards making a cultural or legislative change is education because the community needs to understand why the change is necessary or about to take place. This education can come from a multitude of sources including schools, nonprofits, environmentally conscious businesses and individuals, and creative media, marketing, and communication teams. There are already nonprofits across the islands such as Kokua Foundation and Maui Huliau Foundation which educate teachers, students and parents about waste diversion. In order to execute the plans requested in SB3084 SD2, there will need to be support allocated to those who can provide this education through programs, events, media, and more. This educational campaign can encompass topics such as the Food Recovery Hierarchy and why it matters, how to separate waste, how to personally decrease waste production, how to compost, what can and can not be recycled, recycling facts, how to decrease plastic use, and more. This education is needed for students, adults, and businesses simultaneously.

Coupled with education often comes mandates that push people into sustainable behaviors; however, the consistent education piece is key so that community members and businesses understand why these mandates have been set and do not oppose them as readily. Single-use plastic and polystyrene service ware bans are instrumental in decreasing plastic and polystyrene waste, but it is important to not simply switch businesses and customers from one type of waste to another with the infusion of compostable options. The more environmentally friendly alternative is reusables, but this requires education, food safety legislation, and programs that offer delivery and cleaning services for reusable service ware.


Additionally, with a tourism-based economy of nearly ten million people who travel here to spend time in nature, Hawai'i is presented with an opportunity to provide this same education to its visitors. A large concentration of restaurants and to-go food and drink options reside in the tourist destinations, so installing clearly marked waste/compost/recycling bins as well as an educational plan for tourists is another way to decrease our waste stream.

A viable solution for achieving an 70% waste reduction goal is a focus on streamlining a circular economy.

As a state, we need to look for more ways to reuse the materials that we purchase originally as single-use items, because the future of recycling all materials aside from aluminum is unclear. We need to create more businesses that rescue reusable materials and incentivize the use of these materials in business operations. Additionally, switching to aluminum is another way to appease a “single-use” culture while creating a closed-loop economy. Making these cultural shifts needs to come from legislation, individuals, and businesses who share a desire to decrease our overall waste stream.

We **support SB3084 SD2** and we urge this committee to **pass** this measure. Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alex Kahn".

Alex Kahn
Kahana Foundation



LATE

Josh Frost - President • Patrick Shea - Treasurer •
Nelson Ho • Summer Starr

Monday, June 22, 2020

Relating to Solid Waste Management
Testifying in Support with Amendments

Aloha Chair and members of the committee,

The Pono Hawai'i Initiative (PHI) **supports with amendments SB3084 SD2 Relating to Solid Waste Management**, which requires residential and commercial solid waste be separated by source to be processed at appropriate facilities, sets a 2030 goal and appropriates funds to help the counties with their solid waste management programs.

This measure will require and encourage businesses around the state to reduce waste and recycle more. By giving everyone, residential and commercial, the receptacles they need to separate their waste will increase the amount of materials recycled and lower the amount of waste being sent to our landfills. Currently **SB3084 SD2** contains a defective effective date, PHI kindly requests that the **measure be given a clean effective date**.

For all these reasons, we urge you to move this bill forward.

Mahalo for the opportunity,
Gary Hooser
Executive Director
Pono Hawai'i Initiative