

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
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In reply, please refer to:  
File:

**Testimony COMMENTING on HB1406  
RELATING TO ENVIRONMENTAL PROTECTION.**

REPRESENTATIVE KYLE T. YAMASHITA, CHAIR  
HOUSE COMMITTEE ON FINANCE

Hearing Date: 2/24/2023

Room Number: 308

1 **Fiscal Implications:** Unknown

2 **Department Testimony:** The Department of Health (Department) provides comments on this  
3 measure.

4 This measure proposes that the Department require projects greater than a specified size,  
5 which include asphalt removal as an activity, recycle a certain percentage of the planed asphalt  
6 generated by the project, except where asphalt recycling is not feasible that it be taken to a  
7 landfill and used as landfill cover. It also proposes that the Department of Transportation (DOT)  
8 in consultation with the Department adopt rules that establish paving project best practices,  
9 prohibit asphalt distribution into the environment, and establish asphalt disposal standards.  
10 Finally, it proposes that the Department designate either a site on each island or one central site  
11 for processing and storage of excess planed asphalt.

12 The Department encourages the use of clean, cured asphalt for reuse in reclaimed asphalt  
13 pavement (RAP) paving projects or as clean fill material. Section 342H-1, Hawaii Revised  
14 Statutes includes cured asphalt in its definition of inert fill. The Department has traditionally  
15 allowed cured asphalt, free of any contaminants, to be used as clean fill material except at  
16 chemical removal or remediation project sites overseen by the Department.

17 Additionally, the Department has permitted facilities on Oahu, Maui, and Kauai to accept  
18 cured asphalt for recycling purposes. Although Hawaii island does not have a permitted facility  
19 to accept cured asphalt, the only landfill on the island reports that they do not receive significant

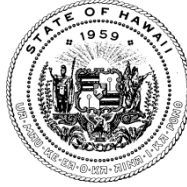
1 amounts of asphalt for disposal. Similarly, on Oahu it has been reported that approximately  
2 45,000 tons of cured asphalt is taken to these permitted facilities versus approximately 2,500 tons  
3 going for landfill disposal.

4       Following discussion with DOT, it is the Department's understanding that the majority of  
5 cured asphalt from its paving projects are either reused in the same project to make new  
6 pavement or retained by the paving contractor for later reuse or recycling.

7       The Department concludes that much of clean, cured asphalt is being reused or recycled  
8 and is not being landfilled under existing practices and that the proposed goals of the bill will not  
9 significantly increase quantities of recycled asphalt.

10       Thank you for the opportunity to testify.

11       **Offered Amendments:** None



**STATE OF HAWAII**  
**DEPARTMENT OF TRANSPORTATION**  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

February 24, 2023  
1:30 P.M.  
State Capitol, RM 308

**H.B. 1406, HD1**  
**RELATING TO ENVIRONMENTAL PROTECTION**

House Committee on Finance

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The Department of Transportation (DOT) offers **comments** on H.B. 1406, HD1 which requires that asphalt removed from roads and driveways be recycled, requires that the DOT adopt rules regarding best practices for paving projects, asphalt processing, and asphalt disposal. It also requires that the Department of Health (DOH) designates asphalt storage sites or develops a centralized asphalt state processing and storage facility.

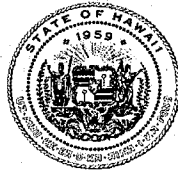
The DOT has already published a Construction Best Management Practices (BMPs) Field Manual, last updated in 2021. The manual includes guidance on BMPs for stockpile management to prevent release of old asphalt into the environment. BMPs include:

- Locating stockpiles a minimum of 50 feet, or as far as practicable, from concentrated runoff, waterbodies, and inlets. If impacted, additional precautions should be taken to protect storm drain inlets, open drainage facilities, and waterbodies.
- Providing physical diversions to protect stockpiles from concentrated runoff.
- Covering stockpiles with 10 mil plastic sheeting or comparable impermeable materials.
- Protecting stockpiles with a temporary perimeter sediment barrier.
- Requiring stockpiles of paving materials to be placed on 10 mil plastic sheeting, or similar impermeable material, or to be disposed of properly off-site at the end of the day. Stockpiles are not allowed to be placed directly on bare ground.
- Ensuring stockpile heights can be managed and that they are not taller than surrounding structures.

The manual also provides information about stockpile inspection and maintenance of BMPs.

There are already controls on facilities that manage/ process Reclaimed Asphalt Pavement (RAP). In our discussion with DOH, there are already permitted facilities on Oahu, Maui and Kauai that accept RAP for recycling. They are both state owned and privately owned (by contractors). The contractor's facilities are also required to obtain a National Pollutant Discharge Elimination System permit which regulates their stormwater discharge quality.

Thank you for the opportunity to provide testimony.



**LATE**

**TESTIMONY BY:**  
EDWIN H. SNIFFEN  
DIRECTOR  
  
Deputy Directors  
DREANALEE K. KALILI  
TAMMY L. LEE  
ROBIN K. SHISHIDO  
JAMES KUNANE TOKIOKA

STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

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The DOT has already published a Construction Best Management Practices (BMPs) Field Manual, last updated in 2021. The manual includes guidance on BMPs for stockpile management to prevent release of old asphalt into the environment. BMPs include:

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- Requiring stockpiles of paving materials to be placed on 10 mil plastic sheeting, or similar impermeable material, or to be disposed of properly off-site at the end of the day. Stockpiles are not allowed to be placed directly on bare ground.
- Ensuring stockpile heights can be managed and that they are not taller than surrounding structures.

The manual also provides information about stockpile inspection and maintenance of BMPs.

There are already controls on facilities that manage/ process Reclaimed Asphalt Pavement (RAP). In our discussion with DOH, there are already permitted facilities on Oahu, Maui and Kauai that accept RAP for recycling. They are both state owned and privately owned (by contractors). The contractor's facilities are also required to obtain a National Pollutant Discharge Elimination System permit which regulates their stormwater discharge quality.

Thank you for the opportunity to provide testimony.

**HAPI****HAWAII ASPHALT PAVING INDUSTRY**

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February 24, 2023

1:30 p.m.

State Capitol, Conference Room 308

**H.B. 1406  
RELATING TO ENVIRONMENT PROTECTION**House Committee on Finance

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The Hawaii Asphalt Paving Industry (HAPI) offers comments on H.B. 1406 which requires that asphalt removed from roads and driveways be recycled, requires that the DOT adopt rules regarding best practices for paving projects, asphalt processing, and asphalt disposal. It also requires that the Department of Health (DOH) designates asphalt storage sites or develops a centralized asphalt state processing and storage facility.

HAPI believes **H.B. 1406 is not necessary** for the following reasons:

- We concur with the Department of Transportation's (DOT) testimony dated February 4, 2023. As stated in their testimony "the DOT has already published a Construction Best Management Practices (BMPs) Field Manual, last updated in 2021. The manual includes guidance on BMPs for stockpile management to prevent release of old asphalt into the environment."

Their testimony goes on to say that "there are already controls on facilities that manage/ process Reclaimed Asphalt Pavement (RAP). In our discussion with DOH, there are already permitted facilities on Oahu, Maui and Kauai that accept RAP for recycling. They are both state owned and privately owned (by contractors). The contractor's facilities are also required to obtain a National Pollutant Discharge Elimination System permit which regulates their stormwater discharge quality."

- We also confirm that the Department of Health's (DOH) understanding "that the majority of cured asphalt from its paving projects are either reused in the same project to make new pavement or retained by the paving contractor for later reuse or recycling."

Further we concur with the DOH's conclusion "that much of clean, cured asphalt is being reused or recycled and is not being landfilled under existing practices and that the proposed goals of the bill will not significantly increase quantities of recycled asphalt."

Producers of asphalt pavement mixes strive to use the maximum amount of RAP allowed by the various government agencies. We support the DOT's current ongoing effort to increase the amount of RAP to 50% in their asphalt mixes and have worked together to

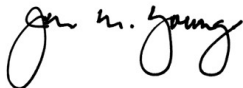
find methods that can be used to meet this requirement. Our member Grace Pacific LLC is schedule to pave a section of Fort Weaver Road in March 2023 as part of the DOT's pilot project to utilize more RAP in our mixes. Said pavement will be monitored by the DOT to evaluate the performance of that pavement. Let's applaud and support this forward-thinking initiative without adding legislation that will slow down the substantial progress.

Producers/contractors efficiently utilize RAP from the paving projects. It would make the most sense to continue the current practice of having contractors haul the RAP generated at their projects to their asphalt plants for future use. The current practice saves time and energy and is the least cost and most competitive option to repurpose the #1 recycled product in Hawaii and in America as stated in bill H. B. 1406 itself. Let's not overregulate success.

I will be available online on Friday to answer questions the committee may have.

Thank you for the opportunity to provide testimony.

Best Regards,



Jon M. Young  
Executive Director

### **About the Hawaii Asphalt Paving Industry (HAPI)**

**HAPI** represents asphalt pavement producers and laydown contractors in the State of Hawai'i as well as design consultants and industries related to pavement preservation. Formed in 1989, HAPI's purpose is to provide engineering promotion and education to advance the continuing use of asphalt pavement and pavement treatments throughout the State of Hawai'i. HAPI collects and disseminates technical data and guidelines, sponsors educational and technical seminars, and is available to assist architects, engineers, and contractors responsible for the design and construction of asphalt pavements and pavement treatments. HAPI and its member firms constantly strive to improve the quality of asphalt paved roads.

<http://www.hawaiiasphalt.org/>

Follows is a list of HAPI producer members in Hawaii and the number of plants they operate:

- Jas. W. Glover, Ltd. (4 Plants)
- Grace Pacific LLC (4 Plants)
- Maui Paving LLC (1 Plant)
- Road and Highway Builders, LLC (1 Plant)
- Road Builders Corporation (1 Plant)
- Yamada and Sons, Inc. (1 Plant)



**HB-1406-HD-1**

Submitted on: 2/22/2023 8:16:41 PM

Testimony for FIN on 2/24/2023 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Will Caron	Individual	Support	Written Testimony Only

Comments:

Please support HB1406 HD1.

**HB-1406-HD-1**

Submitted on: 2/23/2023 7:35:32 AM

Testimony for FIN on 2/24/2023 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Caroline Azelski	Individual	Support	Written Testimony Only

Comments:

In support of HD1. Thank you.