

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

1000 ULUOHIA STREET, SUITE 308, KAPOLEI, HAWAII 96707
TELEPHONE: (808) 768-3486 • FAX: (808) 768-3487 • WEBSITE: <http://envhonolulu.org>



RICK BLANGIARDI
MAYOR

ROGER BABCOCK, JR., Ph.D., P.E.
DIRECTOR

MICHAEL O'KEEFE
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.
DEPUTY DIRECTOR

IN REPLY REFER TO:
DIR 22-32

March 11, 2022

The Honorable Mike Gabbard, Chair
The Honorable Clarence K. Nishihara, Vice Chair
and Members of the Committee on Agriculture and Environment
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Gabbard and Vice Chair Nishihara:

SUBJECT: House Bill 1712 HD1, Relating to Agricultural Lands

The City and County of Honolulu's Department of Environmental Services ("ENV") opposes HB 1712 HD1 because it will further reduce potential locations to site a new landfill on Oahu.

In case you are not aware, in November 2019 the Hawaii State Land Use Commission issued a Decision and Order that, among other things, requires the City and County of Honolulu ("City") to identify an alternative landfill site that is not the Waimanalo Gulch Sanitary Landfill ("WGSL") by no later than December 31, 2022, and to close the WGSL by no later than March 2, 2028.

Then, in 2020, Governor Ige signed Act 73 (SB2386, SD2, HD2) into law. Act 73 added the following requirement to Hawaii Revised Statutes Section 342-52.

(b) No person, including the State or any county, shall construct, modify, or expand a waste or disposal facility including a municipal solid waste landfill unit, any component of a municipal solid waste landfill unit, a construction and demolition landfill unit, or any component of a construction and demolition landfill unit **without first establishing a buffer zone of no less than one-half mile around the waste or disposal facility.** This 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.

Act 73 defines a "buffer zone" as, "the distance between the edge of waste or waste activity and the nearest residential, school, or hospital property line." Additionally, Act 73 prohibits siting a landfill in a conservation district.

The Honorable Mike Gabbard, Chair
The Honorable Clarence K. Nishihara, Vice Chair
and Members of the Committee on Consumer Protection & Commerce
March 11, 2022
Page 2

The City is required to have an active solid waste landfill that is capable of receiving ash and residue from its waste-to-energy facility, H-POWER. An active landfill is also needed to accept non-combustible and other material that is unable to be processed at H-POWER, as well as wastes diverted from H-POWER during required annual maintenance shut-downs. Additionally, the City needs a landfill in order to receive and/or store debris that could be generated in a natural disaster. The land area required for the new landfill site is estimated to be approximately 80 acres. This does not include the required landfill buffer zone, which could add approximately 400 hundred acres to the landfill site, depending on the location.

The City is under a deadline to identify a site for its new landfill before the end of 2022. Act 73 already prohibits the use of several sites that would otherwise be well-suited to accommodate a landfill. HB 1712 HD1 would further reduce remaining available sites, possibly requiring the City to site its next landfill in a less desirable location.

Thank you for your consideration. Please feel free to contact me with any questions at 768-3486.

Sincerely,

Roger Babcock, Jr., Ph.D., P.E.
Director

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER
Chairperson, Board of Agriculture

MORRIS M. ATTA
Deputy to the Chairperson

State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

**TESTIMONY OF PHYLLIS SHIMABUKURO-GEISER
CHAIRPERSON, BOARD OF AGRICULTURE**

BEFORE THE SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

**MONDAY, MARCH 14, 2022
1:00 P.M.
VIA VIDEOCONFERENCE**

**HOUSE BILL NO. 1712, HOUSE DRAFT 1
RELATING TO AGRICULTURAL LANDS**

Chairperson Gabbard and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 1712, HD 1 that prohibits “waste disposal facilities” on “A” and “B” rated land in the Agricultural District and prohibits the creation of “waste disposal sites” on Important Agricultural Land. The Department of Agriculture supports the intent of this measure that seeks to protect agricultural lands with the highest productivity potential from land uses that are inconsistent with agricultural production.

Thank you for the opportunity to provide our testimony on this measure.





P.O. Box 253, Kunia, Hawai'i 96759
Phone: (808) 848-2074; Fax: (808) 848-1921
e-mail info@hfbf.org; www.hfbf.org

March 14, 2022

HEARING BEFORE THE
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

TESTIMONY ON HB 1712, HD1
RELATING TO AGRICULTURAL LANDS

Conference Room 224 & Videoconference
1:00 PM

Aloha Chair Gabbard, Vice-Chair Nishihara, and Members of the Committee:

I am Brian Miyamoto, Executive Director of the Hawai'i Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawai'i's voice of agriculture to protect, advocate and advance the social, economic, and educational interests of our diverse agricultural community.

The Hawai'i Farm Bureau supports HB 1712, HD1, which prohibits siting of waste disposal facilities on important agricultural lands and lands with class A and B productivity ratings.

Land is one of the greatest resources in Hawai'i. HFB believes that policies must be developed and implemented which would ensure long-term viable agricultural use of this resource is used for the general welfare of the people of Hawai'i and reserved for the benefit of future generations. Act 183 (SLH 2005) and Act 233 (SLH) provide policies and mechanisms to identify and protect Important Agricultural Lands as required by the State Constitution, Article XI, Section 3.

As our population increases the farming community continues to see an increase in competing uses for agriculturally zoned lands, such as housing, solar, and now waste disposal sites.

We recognize that in the land category system used today, agriculture was originally the catchall land classification and that some lands included within the agricultural district were not necessarily considered optimal for agriculture.

However, agriculture has significantly evolved. Soil classification is no longer the only determinant of land good for agriculture. Greenhouses, hydroponics, aquaculture, and aquaponics are just a few of the many types of agriculture that can occur on *all* classes

of land (A, B, C, D, E). Some of the best floriculture and hydroponic operations in Hawai'i are on C, D, and E lands. The total environment, including rainfall amount and timing, day and night-time temperatures, wind, and humidity each contribute to whether a particular region is suitable for a specific crop. In many cases, the soil type and even the existing terrain are not determinative of whether farming can exist and thrive.

HFB recognizes the need for future landfill locations, however, we have serious concerns about future waste or disposal facilities being sited on agriculturally zoned land, especially land with soil classified by the land study bureau's detailed land classification as overall (master) productivity rating class A and B and lands designated as Important Ag Lands (IAL).

HFB believes that the primary use of agriculturally zoned lands is production agriculture. We should direct nonagricultural uses and activities from agricultural lands to other areas and ensure that uses on agricultural lands are actual agricultural uses. The coronavirus pandemic has underlined the importance of agriculture in our isolated and vulnerable state. We must protect agricultural lands and avoid simplistic solutions to Hawai'i's waste disposal problems.

Thank you for this opportunity to testify on this important subject.



COMMITTEE ON AGRICULTURE AND ENVIRONMENT
Senator Mike Gabbard, Chair
Senator Clarence K. Nishihara, Vice Chair

HB1712 HD1
Relating to the Agricultural Lands

Monday, March 14, 2022, 1:00 PM
VIA VIDEOCONFERENCE

Chair Gabbard, Vice Chair Nishihara, and Members of the Committee,

The Hawaii Cattlemen's Council (HCC) is the Statewide umbrella organization comprised of the five county level Cattlemen's Associations. Our member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of over 750 thousand acres of land in Hawaii, or 20% of the State's total land mass. We represent the interests of Hawaii's cattle producers.

The Hawaii Cattlemen's Council **supports HB1712 HD1** to prohibit siting of waste disposal facilities on important agricultural lands and agricultural lands with class A and B productivity ratings.

There are many competing uses for the limited resource of land. However, the Hawaii Cattlemen's Council supports prioritizing agriculture so that the community can grow towards a more food secure future. We realize that landfills are necessary, but have concerns that agricultural lands that are considered for these sites. We support this bill that will keep agricultural lands for the use of agricultural production.

We appreciate the opportunity to testify on this measure.

Nicole Galase
Hawaii Cattlemen's Council
Managing Director



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

HB1712hd1, Relating to Agricultural Lands
Sen AEN Hearing – 1:00pm
Monday, March 14, 2022
CR224

Testimony By: Larry Jeffs
Position: Support

Chair Gabbard, Vice Chair Nishihara, and Members of the Senate AEN Committee:

I am Larry Jeffs, owner and operator of Larry Jeffs Farms, LLC. We have more than 42 years of Hawaii farm experience on Molokai and Oahu. Our family farms grow about 1 million pounds weekly of import replacement produce. I am a volunteer director, serving as Chair of the West Oahu Soil and Water Conservation District (SWCD). I have been an officer of the Hawaii Farm Bureau for many years.

We strongly believe land that can be farmed must be protected for agricultural production. Such land must not be taken away for non-agricultural use.

We understand that future landfill locations and other competing needs for land use are many. It makes sense to site non-agricultural purposes on non-agricultural designated lands.

Once the farmland is lost, it is gone forever. That impacts the lifestyle of everyone on the island, both residents and visitors.

Thank you for the opportunity to present testimony.

SOLID WASTE MANAGEMENT DIVISION

DEPARTMENT OF PUBLIC WORKS

TROY TANIGAWA, ACTING COUNTY ENGINEER

BOYD GAYAGAS, DEPUTY COUNTY ENGINEER



DEREK S.K. KAWAKAMI, MAYOR
MICHAEL A. DAHLIG, MANAGING DIRECTOR

Testimony of Allison Fraley

Solid Waste Programs Coordinator

County of Kaua'i

Department of Public Works

Before the

Committee on Agriculture and Environment

Monday March 14, 2022

Via Videoconference

In consideration of

House Bill 1712 HD1

Relating to Agricultural Land

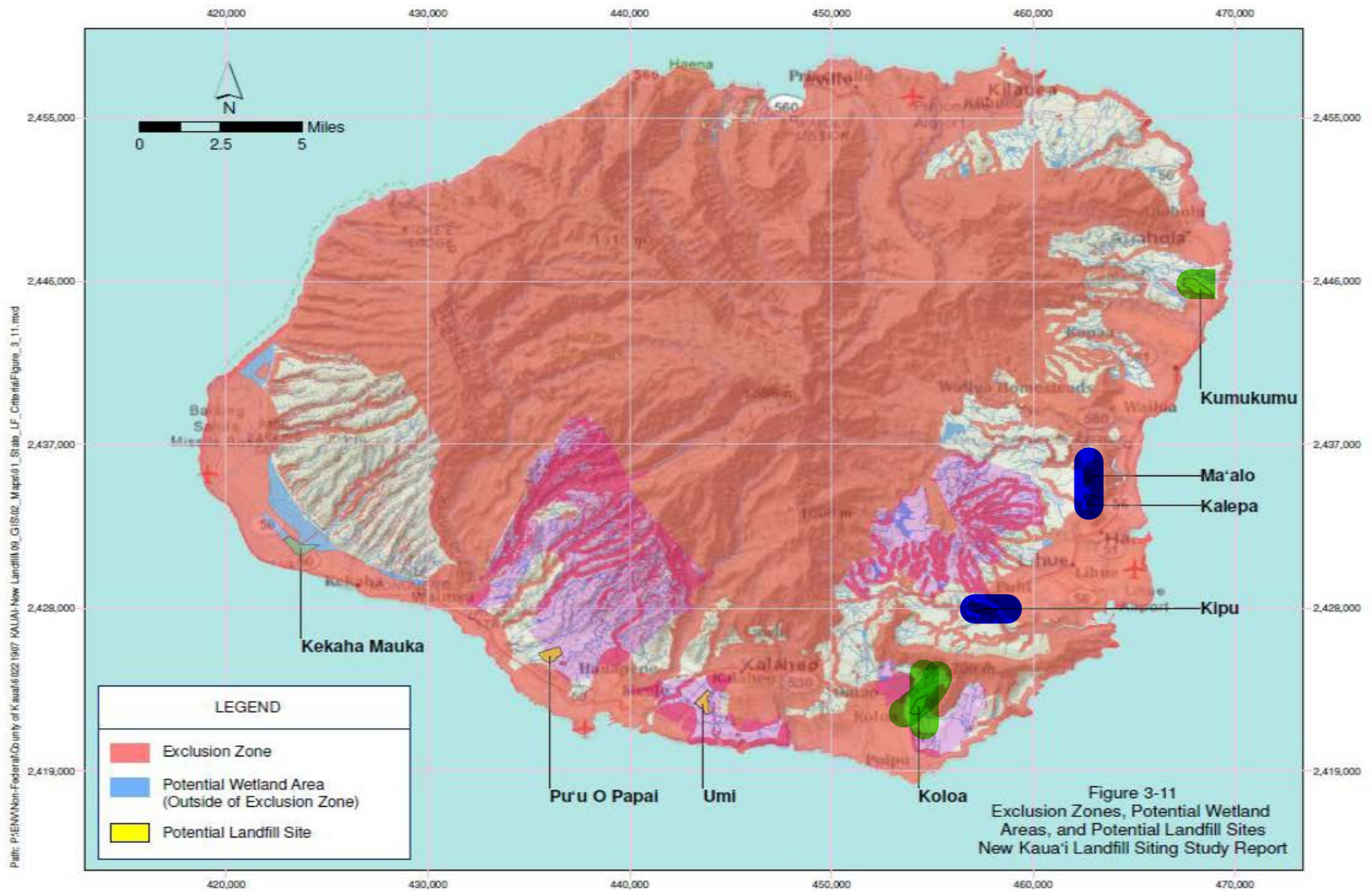
Honorable Chair Gabbard, Vice Chair Nishihara, and Members of the Committee:

The County of Kaua'i Department of Public Works has concerns and submits testimony **opposing** House Bill 1712 HD1 which prohibits the siting of waste disposal facilities on important agricultural lands and agricultural lands with class A and B productivity ratings.

As with the majority of the other neighbor islands, the County of Kaua'i is facing a waste disposal crisis. Kaua'i's only landfill has less than five years of permitted capacity and our ability to site a landfill is already extremely limited due to restrictions on constructing a facility in a conservation or tsunami zone, near homes, hospitals, schools, and airports. When factoring in areas that cannot be built on due to terrain or 100 year flood plain, floodway, and wetland designation, excluding important ag lands in essence bans the construction of a landfill on Kaua'i.

Attached is an overlay of our 2012 landfill siting study which includes the currently restricted zones, sites that were restricted due to proximity to airports, sites that were impacted by Act 73, as well as lands designated Important Agricultural Lands. This map illustrates the limit on sites identified in the 2012 study and the additional restrictions that this bill would impose. To reiterate, Kaua'i's landfill has limited remaining airspace, and given the County's efforts to site a new landfill over the past 20 years has been unsuccessful, identifying a new landfill has proven to be an enormous challenge. HB 1712 HD1 would further reduce County's the ability to construct a new landfill.

We respectfully ask that you consider these concerns and impacts that House Bill 1712 HD1 will have on Kaua'i and in our entire State with regards to Solid Waste Management.



● 2012 Landfill sites excluded due to due to proximity to Līhu'e airport

● 2012 Landfill sites excluded due to Act 73.

● Land with Important Ag land Designation

HB-1712-HD-1

Submitted on: 3/12/2022 12:16:45 AM

Testimony for AEN on 3/14/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Jennifer Azuma Chrupalyk	Testifying for Administrator of Mahiku A'o Mai Food Security Services	Support	Written Testimony Only

Comments:

Subsequently, it would be wise to implement a hemp community give-back program to collect the wasted stems from hemp growers and dispensaries and to utilize those stems in shredded form to lands that have been stagnated via prior pollutions, such as the old landfill at Ho'okipa on Maui's north shore. This suggestion comes as a means to clean the toxins from the soil without producing a large variable overhead for the state to manage.



Restore the Commons

Monday, March 14, 2022, 1:00 pm

Senate Committee on Agriculture and Environment

HOUSE BILL 1712 – RELATING TO AGRICULTURAL LANDS

Position: Support with possible amendments

Me ke Aloha, Chair Gabbard, Vice-Chair Nishihara, and Members of the Committee on Agriculture and Environment

HB1712 prohibits siting waste disposal facilities on agriculture lands. This is important, as most of our agriculture land also overlies important drinking water aquifers. Moreover, they tend to grow beyond original expectations, barring productive use for their original intended purpose.

Growing self-reliance on our food supply will become increasingly important as global supply chains are prone to disruption and climate change brings weather catastrophes to growing regions around the world and water supplies are diminished.

If necessary, the language in the bill should clarify that composting facilities, essential to regenerating the soil for fertility and abundant growth, are not only allowed but encouraged. They should not be interpreted as “waste disposal”. Composting is critical not only our farming future but to the drawdown of atmospheric greenhouse gases.

Mahalo for the opportunity to address this issue,

/s/ Charley Ice, Hoa'aina; and member of the Food Security and Agriculture Committee of the Environmental Caucus; Co-chair of the Energy & Climate Action Committee of the Environmental Caucus

HB-1712-HD-1

Submitted on: 3/13/2022 4:37:29 PM

Testimony for AEN on 3/14/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Gerard Silva	Individual	Oppose	Written Testimony Only

Comments:

This should be ALL AG LANDS !!



HAWAII CROP IMPROVEMENT ASSOCIATION

In Support of HB1712 HD1
Relating to Agricultural Lands

Senate Committee on Agriculture and Environment

Date: Monday, March 14, 2022

Time: 1:00pm

Place: Videoconference

Chair Gabbard, Vice Chair Nishihara, and members of the committee:

Thank you for allowing the Hawaii Crop Improvement Association the opportunity to provide testimony in **support** of HB1712 HD1, which prohibits siting of waste disposal facilities on important agricultural lands and agricultural lands with class A and B productivity ratings.

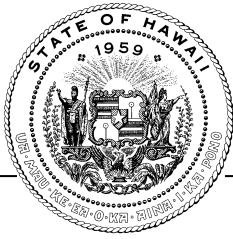
Siting landfills on agricultural lands presents safety and compliance problems for farm owners and the public. Farmers must comply with food and safety regulations to ensure they produce and sell quality crops. It is a complex regulatory compliance program that has created added expenses for local farmers. Having a landfill on or near farmland jeopardizes crop safety because it may contaminate with dust, soil runoff, or poor water quality. Farm owners are then forced to pull back and reduce productive farm acres, move operations elsewhere, or, worst of all, close down all operations. Agriculture is an important part of Hawaii's economy and sustainability strategy. For these reasons, we support this measure to prohibit waste disposal on important agricultural lands and lands with class A and B productivity ratings.

Mahalo for this opportunity to testify in support of HB1712 HD1. If you have any questions, please contact me at your convenience.

Sincerely,

Pono Chong
Hawaii Crop Improvement Association

The Hawaii Crop Improvement Association is a Hawaii-based non-profit organization that promotes modern agriculture to help farmers and communities succeed. Through education, collaboration, and advocacy, we work to ensure a safe and sustainable food supply, support responsible farming practices, and build a healthy economy.



**STATE OF HAWAII
OFFICE OF PLANNING
& SUSTAINABLE DEVELOPMENT**

DAVID Y. IGE
GOVERNOR

MARY ALICE EVANS
DIRECTOR

235 South Beretania Street, 6th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804

Telephone: (808) 587-2846
Fax: (808) 587-2824
Web: <https://planning.hawaii.gov/>

Statement of
MARY ALICE EVANS
Director, Office of Planning and Sustainable Development
before the
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT
Monday, March 14, 2022
1:00 PM
State Capitol, Conference Room 224 & Videoconference
in consideration of
HB 1712 HD 1
RELATING TO AGRICULTURAL LANDS.

Chair Gabbard, Vice Chair Nishihara, and Members of Senate Committee on Agriculture and Environment.

The Office of Planning and Sustainable Development (OPSD) has **comments** on HB 1712 HD1, which would amend Section 205-4.5, Hawaii Revised Statutes, and Section 205-43 Important Agricultural Lands to prohibit the creation of waste disposal sites on important agricultural lands.

OPSD is concerned that the prohibition may apply to all Agricultural District lands and would preclude the use of special permits to allow waste disposal sites on lower quality agricultural lands. As such, there should be specific reference to LSB A and B as is done in SB 2944 SD1.

OPSD is also concerned with the prohibition of uses in IAL. IAL is essentially an overlay district to identify and plan for the maintenance of a strategic agricultural land resource base. IAL designation does not allow or prohibit specific uses, as provided in HRS Sections 205-2 and 205-4.5, thus uses cannot be prohibited in the IAL law. OPSD recommends that the bill be amended to delete Section 2 amending HRS 205-43 IAL provisions. If waste disposal facilities are prohibited in the Agricultural District, as proposed on page 3, lines 1-2 of the measure, they will automatically be prohibited on any Agricultural District lands designated as IAL.

Thank you for the opportunity to testify on this measure.