

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

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DEPUTY DIRECTOR

IN REPLY REFER TO:
DIR 22-25

February 8, 2022

The Honorable Aaron Ling Johanson, Chair
The Honorable Lisa Kitagawa, Vice Chair
and Members of the Committee on Consumer Protection & Commerce
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Johanson and Vice Chair Kitagawa:

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 the 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 also defined 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 Aaron Ling Johanson, Chair
The Honorable Lisa Kitagawa, Vice Chair
and Members of the Committee on Consumer Protection & Commerce
February 8, 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 large amounts of 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, and 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 Designate



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

February 1, 2022

HEARING BEFORE THE
HOUSE COMMITTEE CONSUMER PROTECTION & COMMERCE

TESTIMONY ON HB 1712, HD1
RELATING TO AGRICULTURAL LANDS

Conference Room 329 & Videoconference
2:00 PM

Aloha Chair Johanson, Vice-Chair Kitagawa, and Members of the Committee:

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

The Hawaii 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 Hawaii. 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 Hawaii 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 Hawaii 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 Hawaii's waste disposal problems.

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

HB-1712-HD-1

Submitted on: 2/8/2022 2:45:27 PM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Gerard Silva	Individual	Oppose	No

Comments:

This is and Unfair Practic all lands are Equal.

HB-1712-HD-1

Submitted on: 2/8/2022 6:58:33 PM

Testimony for CPC on 2/10/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kimeona Kane	Individual	Support	No

Comments:

Aloha nui,

Please keep agriculture lands as agriculture lands. It is important to protect these lands for use purely for agriculture.

Mahalo,

Kimeona Kane

LATE *Testimony submitted late may not be considered by the Committee for decision making purposes.

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

LATE

TESTIMONY OF PHYLLIS SHIMABUKURO-GEISER
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON CONSUMER PROTECTION AND
COMMERCE

THURSDAY, FEBRUARY 10, 2022
2:00 P.M.
VIA VIDEOCONFERENCE

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

Chairperson Johanson 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.





HAWAII CROP IMPROVEMENT ASSOCIATION

In Support of HB1712 HD1
Relating to Agricultural Lands

LATE

House Committee on Consumer Protection & Commerce

Date: Thursday, February 10, 2022

Time: 2:00 p.m.

Place: Videoconference

Chair Johanson, Vice Chair Kitagawa, 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 the use of important agricultural lands and lands with class A productivity ratings for waste disposal.

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 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.



Testimony from Scott Dahlman, Senior Director Government Affairs, CropLife America

In support of HB 1712 – Relating to Agricultural Lands

Thursday, Feb. 10, 2 pm, Via Zoom

Senate Committee on Consumer Protection and Commerce

Aloha Chair Johanson and members of the committee,

BIO is the world's largest trade association representing biotechnology companies, academic institutions, state biotechnology centers and related organizations across the United States and in more than 30 other nations. Our key areas of focus are health biotechnology, industrial and environmental biotechnology, and food and agriculture biotechnology. We are in strong support of HB 1712.

This bill would further ensure that Hawaii achieves its food security and sustainability goals by protecting important agricultural lands. We spend more than \$3 billion a year importing 80 percent of our food. So siting landfills on agricultural lands with A and B soil rating is counter-productive to our collective efforts to support farmers and those farmlands. Agricultural lands have already been rezoned for housing. We need to protect what is left.

Mahalo for your consideration.



**Biotechnology
Innovation
Organization**

LATE

Testimony from Gene Harrington, Senior Director Government Affairs, BIO

In support of HB 1712 – Relating to Agricultural Lands

Thursday, Feb. 10, 2 pm, Via Zoom

Senate Committee on Consumer Protection and Commerce

Aloha Chair Johanson and members of the committee,

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Mahalo for your consideration.



LATE

February 10, 2022

Representative Aaron Ling Johanson, Chair
Representative Lisa Kitagawa, Vice Chair
House Committee on Consumer Protection & Commerce

Testimony in Support of HB 1712, HD1 RELATING TO AGRICULTURAL LANDS. Prohibits siting of waste disposal facilities on important agricultural lands [IAL] and agricultural lands with class A and B productivity ratings. Effective 7/1/2050. [HD1])

Thursday, February 10, 2022, 2:00 p.m.; Conf. Rm 329 & Videoconference

The Land Use Research Foundation of Hawaii (LURF) is a private, non-profit research and trade association whose members include major Hawaii landowners, developers, and utility companies. LURF's mission is to advocate for reasonable, rational, and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources, and public health and safety.

LURF appreciates the opportunity to express its **strong support of HB 1712, HD1.**

HB 1712, HD1. This bill prohibits the siting of waste disposal facilities on IAL and agricultural lands with class A and B productivity ratings.

LURF's Position. LURF members include property owners, farmers and ranchers who own, maintain, and engage in agricultural enterprises, and who consider efforts to protect and support agriculture significant to the continued conduct of their operations and to help sustain and preserve farming and ranching businesses into the future. LURF and the Hawaii Farm Bureau were the principal proponents of the IAL law, which was intended to support the viability of agricultural uses on good agricultural lands as a long-term way to ensure that lands remain in agricultural use.

LURF supports this measure because it will assure that the primary use of IAL and the most productive agricultural lands will be reserved for agricultural purposes.

For the reasons stated above, LURF **supports HB 1712, HD1**, and respectfully urges your favorable consideration of this measure.

Thank you for the opportunity to present testimony regarding this matter.