



STATE OF HAWAII
DEPARTMENT OF HEALTH
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**Testimony in SUPPORT of HB2147 HD1
RELATING TO MUNICIPAL SOLID WASTE LANDFILL PERMITS.**

REPRESENTATIVE DAVID A. TARNAS, CHAIR
HOUSE COMMITTEE ON WATER & LAND

Hearing Date: 2/17/2022

Room Number: 430/Videoconference

1 **Fiscal Implications:** None

2 **Department Testimony:** The Department of Health (Department) supports this measure and
3 requested the introduction of this bill. This bill proposes to reinstate the Department's authority
4 to permit federal municipal solid waste (MSW) landfills.

5 Section 342H-52 was amended in 2020 through Act 73, a portion of which, documented in the
6 last committee report of the session, removed the Department's ability to permit federal
7 municipal solid waste landfills. Currently, there is one federal MSW landfill at Kaneohe Marine
8 Corps Base Hawaii. In addition, according to the U.S. Environmental Protection Agency, the
9 removal of the Department's authority to issue permits to federal MSW landfills appears to place
10 the State in non-compliance with Resource Conservation and Recovery Act § 4005(c) and 40
11 Code of Federal Regulations § 239.6(e), which require that states adopt and implement permit
12 programs that assure each solid waste management facility within their state obtain a permit and
13 comply with the applicable criteria. As a result, the Department and the State of Hawaii may lose
14 state program approval to allow for alternative liner and cover design and groundwater
15 monitoring programs that may be more suited for local site conditions, from the federal
16 standards.

17 **Offered Amendments:** None

18 Thank you for the opportunity to testify on this measure.

Mitchell D. Roth
Mayor

Lee Lord
Managing Director



Ramzi I. Mansour
Director

Brenda Iokepa-Moses
Deputy Director

County of Hawai'i

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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February 15, 2022

Rep. David A. Tarnas, Chair, and
Members of the Committee on Water and Land

Dear Chair Tarnas and Honorable Committee Members:

The County of Hawai'i Department of Environmental Management supports HB 2147, HD1, which will reinstate the State of Hawai'i Department of Health's authority to permit federal MSW landfills. The DOH's authority to permit federal MSW landfills was removed through Act 73 (2020).

According to the U.S. Environmental Protection Agency, the removal of the DOH's authority to issue permits to federal MSW landfills appears to place the State of Hawai'i in noncompliance with the Resource Conservation and Recovery Act §4005(c), codified as Title 40 CFR §239.6(e), which requires that states adopt and implement permit programs that assure each solid waste management facility within the state obtains a permit and complies with the applicable criteria.

The State of Hawai'i has such program already in place, which is the basis for the Solid Waste Management Permit issued for the County of Hawai'i's West Hawai'i Sanitary Landfill. Without the EPA's approval, the State of Hawai'i may lose state program approval to allow for alternative liner, cover design, and groundwater monitoring programs that may be more suited for local site conditions which is the case for the West Hawai'i Sanitary Landfill.

The County of Hawai'i DEM supports this bill reinstating DOH's authority to permit federal MSW landfills.

Thank you for the opportunity to provide testimony.

Ramzi Mansour, Director
Department of Environmental Management