

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
KA 'OIHANA OLAKINO  
P. O. BOX 3378  
HONOLULU, HI 96801-3378  
[doh.testimony@doh.hawaii.gov](mailto:doh.testimony@doh.hawaii.gov)

In reply, please refer to:  
File:

**Testimony COMMENTING on SB0388 HD1  
RELATING TO WASTE DISPOSAL FACILITIES**

REPRESENTATIVE DAVID A. TARNAS, CHAIR  
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Hearing Date: 3/29/2023

Room Number: 325

1 **Fiscal Implications:** Unknown.

2 **Department Testimony:** The purpose of this measure is to prohibit the construction,  
3 modification, or expansion of any waste disposal facility that is near or above a significant  
4 aquifer as determined by the Department of Health (Department) in consultation with the  
5 Department of Land and Natural Resources, Commission on Water Resource Management. The  
6 Department offers the following comments:

7 Clarification Needed to Define “Near or Above” a Significant Aquifer (page 3, line 15-16).

8 Hawaii’s hydrogeological setting includes layers of uniquely defined aquifers, vertically  
9 oriented and separated by either an “aquitard” or “aquiclude.” An aquitard is “a geologic  
10 formation or stratum that lies adjacent to an aquifer and that allows only a small amount of liquid  
11 to pass.”<sup>1</sup> An aquiclude is “any geological formation that absorbs and holds water but does not  
12 transmit it at a sufficient rate to supply springs, wells, etc.”<sup>2</sup> If the measure is strictly interpreted,  
13 landfill siting near or above a significant aquifer, at any depth, would be prohibited. However, it  
14 is unclear if an aquifer which is buffered vertically by non-productive water (i.e. high chlorides),  
15 is not ecologically sensitive, and which is not hydraulically connected would be considered as a  
16 significant aquifer.

17 Extent of Aquifers with Current or Potential Drinking Water Use.

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<sup>1</sup> <https://www.merriam-webster.com/dictionary/aquitard>

<sup>2</sup> <https://www.dictionary.com/browse/aquiclude>

1           The Department’s Safe Drinking Water Branch is protective of drinking water sources.  
2 Utilizing the University of Hawai‘i Water Resource Research Center Aquifer Classification  
3 System (Mink and Lau, 1990), unconfined drinking water aquifers cover major portions of  
4 landmass on each island (see figure on page 4). Act 73, Session Laws of Hawaii (SLH) 2020,  
5 established several State restrictions for the location and expansion of a waste and disposal  
6 facility. These restrictions include a ½ mile buffer from a residence, school, hospital, and  
7 conservation land. Additional prohibitions include proximity to airport runways and coastal  
8 areas within the Tsunami inundation zone. As such, the siting of a landfill on the Island of  
9 O‘ahu, when all restrictions are applied, would be nearly impossible should this measure pass.  
10 Unintended Consequences of Additional Location Restrictions on Waste Disposal Facilities.

11           The inability to accommodate responsible management of solid waste in Hawai‘i could  
12 lead to a rise in illegal dumping which may compromise the very aquifer that this measure seeks  
13 to protect. Several studies, including those by Munton (1996)<sup>3</sup>, Kim et al. (2008)<sup>4</sup> and Ichinose  
14 and Yamamoto (2011)<sup>5</sup>, have corroborated the relationship between a decrease in waste  
15 treatment facilities and an increase in illegal dumping. Illegal dumping may have a  
16 disproportional impact to underserved communities. In July 2022, the Department of Justice  
17 launched an Environmental Justice Investigation of the City of Houston of alleged discrimination  
18 around the City’s lack of response to illegal dumping compared to affluent communities.

19 Restriction of Solid Waste Flow Control at the County Level.

20           The recent attempt to site a landfill by the City and County of Honolulu in 2022 failed in  
21 part due to concerns of siting a landfill over an aquifer and Act 73, SLH 2020. If siting  
22 restrictions prohibit the counties from implementing certain waste management strategies, then  
23 other more likely expensive strategies, such as waste-to-energy (WtE) via incineration or  
24 gasification, shipment out of state, in addition to recycling and bioconversion will need to be  
25 considered. Illegal dumping is a cost-avoidance activity. However, even these options may have  
26 limits without a landfill. For example, WtE and recycling activities currently dispose of residue

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<sup>3</sup> Munton, D., 1996. Siting hazardous waste facilities, Japanese style. In : Munton D. (Ed.), Hazardous Waste Siting and Democratic Choice. Georgetown University Press., pp. 95-105.

<sup>4</sup> Kim, G.-S., Chang, Y.-J., Kelleher, D., 2008. Unit pricing of municipal solid waste and illegal dumping: an empirical analysis of Korean experience. Environ. Econ. Policy Stud. 9, 167e176.

<sup>5</sup> Ichinose, D., Yamamoto, M., 2011. On the relationship between the provision of waste management service and illegal dumping. Resour. Energy Econ. 33, 79e93.

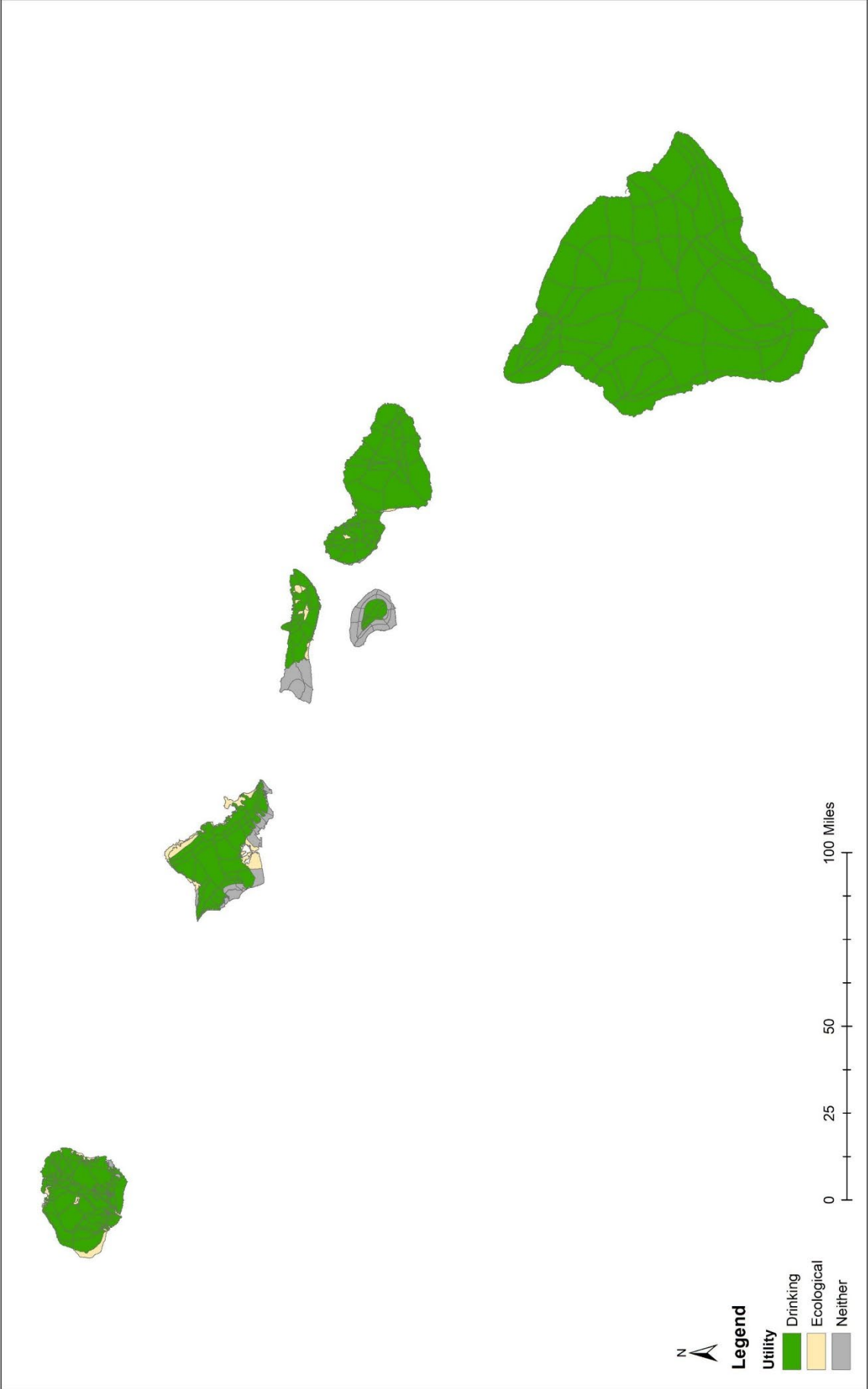
1 that are generated and cannot be utilized in these processes. In addition, there are materials that  
2 cannot reasonably be incinerated or recycled, such as asbestos. Without a landfill, costly  
3 off-island disposal will be required.

4 Finally, the control of solid waste management is largely handled by each county,  
5 including the role of landfills (HRS Section 342G-2). This measure would limit the counties'  
6 ability to properly implement their integrated solid waste management plan which may impact  
7 their economy, master planning and the environment.

8 While the counties evaluate landfill siting, the Department still maintains our regulatory  
9 oversight through our landfill and source water protection regulations.

10 **Offered Amendments:** None

1



## BOARD OF WATER SUPPLY

CITY AND COUNTY OF HONOLULU  
630 SOUTH BERETANIA STREET  
HONOLULU, HI 96843  
www.boardofwatersupply.com



March 29, 2023

RICK BLANGIARDI, MAYOR

BRYAN P. ANDAYA, Chair  
KAPUA SPROAT, Vice Chair  
MAX J. SWORD  
NA'ALEHU ANTHONY  
JONATHAN KANESHIRO

DAWN B. SZEWCZYK, P.E., Ex-Officio  
EDWIN H. SNIFFEN, Ex-Officio

ERNEST Y. W. LAU, P.E.  
Manager and Chief Engineer

ERWIN M. KAWATA  
Deputy Manager

The Honorable David A. Tarnas  
and Members  
House Committee on Judiciary and Hawaiian Affairs  
Hawaii State Capitol, Room 325  
Honolulu, Hawaii 96813

Dear Chair Tarnas and Members:

**SUBJECT: Senate Bill 388, HD1: Relating to Waste Disposal Facilities**

The Honolulu Board of Water Supply (BWS) strongly supports Senate Bill (SB) 388, House Draft (HD) 1.

Landfills contain heavy metals, synthetic organic chemicals, polyfluorinated alkyl substances (PFAS), asbestos, and other hazardous substances that can leach into and contaminate drinking water aquifers. Despite technologies that claim to be designed to contain leachate contaminants from entering the environment, such technologies have a finite useful life and eventually fail.

The U.S. Environmental Protection Agency and U.S. Geological Survey have determined that all landfills do fail and can release harmful substances that can contaminate drinking water aquifers and the environment. Landfills are “forever facilities” that remain with the materials buried there long after the facility reaches the end of its operating period.

This bill will ensure the protection of Oahu’s only drinking water aquifer from further contamination and we urge your support of this measure.


We request the following revision to bill’s amending section 342H-52 (b)(4) to read:

*“(b) No person, including the State or a county, shall construct, modify, or expand a waste or disposal facility . . . for a solid waste or hazardous waste on land that is near or above a significant aquifer, as determined by the department, in consultation with the commission on water resource management and the Honolulu Board of Water Supply.”* New language underscored.

The Honorable David A. Tarnas, Chair  
and Members  
March 29, 2023  
Page 2

We believe this revision will further strengthen this bill and preserve our drinking water now and into the future. Thank you for the opportunity to testify.

Very truly yours,

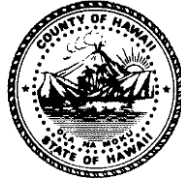


ERNEST Y. W. LAU, P.E.  
Manager and Chief Engineer

*EL*

**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

345 Kekūanāo'a Street, Suite 41 · Hilo, Hawai'i 96720 · cohdem@hawaiicounty.gov

Ph: (808) 961-8083 · Fax: (808) 961-8086

March 24, 2023

Rep. David Tarnas, Chair, and  
Members of the Committee on Judiciary and Hawaiian Affairs

Dear Chair Tarnas and Committee Members,

The County of Hawai'i Department of Environmental Management (COHDEM) understands the intent but cannot support **SB 388 HD1**, which if approved would result in unintended consequences.

The Department of Health in its comments to EEP/WAL on SB 388 provided a map showing 100 percent of the Island of Hawai'i is above a drinking water aquifer. If this is the map to be used, COHDEM may be effectively prohibited from any future construction, modification, of any future solid waste facility, to include a future landfill, the 21 transfer stations, recycling and reuse facilities, and the two greenwaste facilities.

The specific concerns that COHDEM has are that this bill:

- Does not define a "significant aquifer";
- Does not define what is "near" a significant aquifer;
- Does not define what is "above" a significant aquifer;
- Does not define a "component" of a MSW landfill unit;
- Does not specifically allow for continued operation of a waste or disposal facility, even if properly permitted; and
- Does not exempt individual, state certified, non-industrial redemption centers.

COHDEM believes that adequate engineering and design technology exists to prevent contamination of groundwater in compliance with the Clean Water Act, Subtitle D of the Resource Conservation and Recovery Act, and applicable Hawai'i statutes and rules. The bill, which is rightfully driven because of the Red Hill fuel storage leaks, should not become law without scientific evidence to support it. The easiest and simplest solution to this concern would be to install upstream and downstream monitoring wells that can establish benchmark data for monitoring throughout the lifespan of the landfill for any possible contamination. Therefore, we urge you to defer this bill until further scientific data become available.

Thank you for the opportunity to provide testimony.

Sincerely,

Ramzi Mansour, Director  
Department of Environmental Management, County of Hawai'i

# SOLID WASTE MANAGEMENT DIVISION

DEPARTMENT OF PUBLIC WORKS

TROY TANIGAWA, COUNTY ENGINEER

BOYD GAYAGAS, DEPUTY COUNTY ENGINEER



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

**Testimony of Allison Fraley**  
Environmental Services Manager  
County of Kaua'i  
Department of Public Works

Before the  
**Committee on Judiciary and Hawaiian Affairs**  
Wednesday, March 29, 2023  
Via Videoconference

In consideration of  
**Senate Bill 388 HD1**  
**Relating to Waste Disposal Facilities**

Honorable Chair Tarnas, Vice Chair Takayama and Members of the Committee:

The County of Kaua'i Department of Public Works **offer comments** regarding Senate Bill 388 which prohibits the construction, modification, or expansion of any waste or disposal facility for hazardous waste or solid waste on land that is near or above a significant aquifer.

The County of Kaua'i has very little airspace available at our only active sanitary landfill in Kekaha. Currently, there are many restrictions on construction of landfills, including proximity to airport runways and coastal areas within the Tsunami inundation zone, and those imposed by Act 73 which established a ½ mile buffer from a residence, school, hospital, and conservation land. The County's attempts to site a new landfill over the past 20 plus years have been unsuccessful and have presented an enormous challenge. Adding another layer of restrictions will further limit the County's ability to move forward with this effort.

The meaning of "near" is not defined in SB 388 HD1. And while the most recent draft of the bill states that a "significant aquifer" would be determined by the Department of Health in consultation with the Commission on Water Resource Management, the definition of "significant aquifer" is still unclear.

We respectfully ask that the committee further define the terms above and consider the potential impacts that SB 388 HD1 would have on solid waste management within the State of Hawaii.



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

IN REPLY REFER TO:  
DIR 23-15

March 28, 2023

The Honorable David A. Tarnas, Chair  
The Honorable Gregg Takayama, Vice Chair  
and Members of the Committee on Judiciary & Hawaiian Affairs  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Tarnas and Vice Chair Takayama:

SUBJECT: Senate Bill 388, HD1, Relating to Waste Disposal Facilities

The City and County of Honolulu's Department of Environmental Services ("ENV") submits the following comments SB 388, HD1.

ENV previously submitted written comments to the joint Senate committee hearing on February 22, 2023, and to the joint House committee hearing on March 16, 2023.

SB 388, HD1, in part, proposes to add the following language to HRS 342H-52.

"(b) No person, including the State or a county, shall construct, modify, or expand a waste or disposal facility, including: (1) A municipal solid waste landfill unit; (2) Any component of a municipal solid waste landfill (3) A construction and demolition unit; or (4) Any component of a construction and demolition landfill unit, for solid waste or hazardous waste on land that is **near or above a significant aquifer**, as determined by the department in consultation with the commission on water resource management."

The meanings of the terms "near" and "significant aquifer" are unclear and should be clarified or defined so this bill can be fully assessed for its operational impact on existing or future waste or disposal facilities.

ENV also notes that SB 388, HD1, as drafted, potentially eliminates many or all inland areas on Oahu from consideration as future landfill sites. Moreover, SB 388, HD1, combined with other state and federal restrictions, could eliminate all but a very small number of potential landfill sites on Oahu - sites that may be less desirable or may be unsuitable for a landfill for a myriad of reasons.

The Honorable David A. Tarnas, Chair  
The Honorable Gregg Takayama, Vice Chair  
and Members of the Committee on Judiciary & Hawaiian Affairs  
415 South Beretania Street  
Honolulu, Hawaii 96813  
March 28, 2023  
Page 2

Our department is currently in the process of exploring all alternative landfill sites to Waimanalo Gulch given existing laws, including lands not currently in the possession and/or control of the City and County of Honolulu. Respectfully, we suggest this Committee may wish defer action on this bill until such time as the City has additional information on alternative landfill sites.

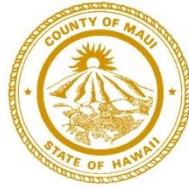
Thank you for your consideration. Please feel free to contact me with any questions at (808) 768-3486.

Sincerely,

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

**RICHARD T. BISSEN, JR.**  
Mayor

**KEKUHAUPIO R. AKANA**  
Managing Director



**OFFICE OF THE MAYOR**  
COUNTY OF MAUI  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.mauicounty.gov](http://www.mauicounty.gov)

March 29, 2023

**TO:** Honorable Rep. David A. Tarnas, Chair  
Honorable Rep. Gregg Takayama, Vice Chair  
House Committee on Judiciary and Hawaiian Affairs

**FROM:** Richard T. Bissen, Jr., Mayor  
Shayne Agawa, Director, Department of Environmental Management

**DATE:** March 29, 2023

**SUBJECT: COMMENTS FOR SB 388, HD1, RELATING TO WASTE DISPOSAL FACILITIES**

We respectfully offer our comments and concerns on Senate Bill 388 for your consideration. This measure will make siting a new landfill or landfill expansion in Maui County difficult and costly to our taxpayers. The purpose of the Act is to prohibit the construction, modification, or expansion of any waste disposal facility that is near or above a significant aquifer as determined by the Department of Health (Department) in consultation with the Department of Land and Natural Resources, Commission on Water Resource Management.

This measure is not clear on the definition of a “significant aquifer”, which is important to clarify. Depending on how “significant aquifer” is defined, this measure may prohibit the establishment or lateral expansion of all solid waste facilities in the State. Hawaii is already a costly state to reside and this measure will add to the financial burdens of local taxpayers. Also, the words “near” and “above” provide a subjective determination and should be clearly defined to provide better understanding and consistency with administration of the measure.

After recycling and other landfill diversion activities, landfilling is the current method for handling residual solid waste collected from residents and businesses throughout Maui County. The alternatives to landfilling will be much more expensive, such as waste-to-energy (e.g., incineration, gasification, pyrolysis, etc.) or shipping off island. These increased costs would be passed on to the residents and businesses of Maui County, which may have the unintended

consequences of increased illegal dumping, and detrimental impact to the environment and public health.

Landfills are designed to collect and contain leachate and landfill gas from decomposing waste to minimize impacts to groundwater. Environmental monitoring systems also help to detect if the landfill's environmental controls are insufficient and mitigation measures need to be taken. A properly managed landfill is still considered an effective waste management system.

While the County of Maui supports protecting significant aquifers, we believe this measure is poorly defined and will severely reduce the available space for expanding or siting a new landfill. It will also increase costs to manage solid waste and subsequently, lead to other environmental and public health hazards. Due to the lack of clarity, this may also result in inconsistent interpretation of changes resulting from this measure.

Protection of human health and the environment is an important part of the core mission statement of the County of Maui's Department of Environmental Management, but we need to be prudent in our decision-making. This measure needs to be reviewed and substantially clarified to provide consistency and to understand fiscal implications for local taxpayers. The County of Maui respectfully requests that this committee reconsider the limitations and implications of SB388 before moving it forward.



# Environmental Caucus of The Democratic Party of Hawai'i

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To: The Honorable David A. Tarnas, Chair  
The Honorable Gregg Takayama, Vice Chair  
Members of the Committee on Judiciary and Hawaiian Affairs

Re: **SB 388 HD 1– RELATING TO WASTE DISPOSAL FACILITIES**

Hearing: Wednesday, March 29, 2023, 2:00 p.m., Conference 325, via videoconference

Position: **Strong Support**

Aloha, Chair Tarnas, Vice Chair Takayama and Members of the Committee on Judiciary and Hawaiian Affairs:

The Environmental Caucus of the Democratic Party of Hawai'i with its 7,500 members stands in strong support of SB 388 HD1. This measure would prohibit the construction, modification, or expansion of any waste or disposal facility for hazardous waste or solid waste on land that is near or above a significant aquifer as determined by the Department of Health in consultation with the Commission on Water Resource Management.

The Democratic Party of Hawai'i Platform on the environment provides that its members are to “protect and preserve Hawai'i's environment and achieve energy sustainability, advance measures to re-establish a healthy climate and environment for humans and fellow species, including actions to urgently address climate change, and work towards 100% renewable energy goals.

We believe that all people have the right to live in a clean, healthy and safe environment. We believe that the preservation of our natural environment and its ecological well-being is essential to ensuring a safe, healthy, bountiful life for future generations in Hawai'i. We support policies that create a more sustainable society. We support the restoration, preservation, and protection of native ecosystems.

We believe in the resource management principles outlined in the Public Trust doctrine [in Article XI, Section 1 of] the Hawai'i State Constitution.” [OUR PLATFORM | DPH \(hawaiidemocrats.org\)](#)

In addition, Article XI, Section 7 entitled WATER RESOURCES of the Hawai'i State Constitution provides that the State has an obligation to protect, control and regulate the use of Hawaii's water resources for the benefit of its people. [State Constitution – LRB Legislative Reference Bureau \(hawaii.gov\)](#)



March 29, 2023

Page 2

Similar to the contamination that stemmed from 80-years of leakage of jet fuel from the 20 Red Hill underground fuel storage tanks built a mere 100 feet above Honolulu's sole source aquifer, allowing the construction, modification, or expansion of any waste or disposal facility for hazardous waste or solid waste on land near or above a significant aquifer poses a risk of substantial and imminent endangerment to the aquifer and human life in violation of the Federal Clean Water Act and the Resource Conservation and Recovery Act.

Prohibiting the construction, modification, or expansion of any waste or disposal facility for hazardous waste or solid waste on land that is near or above a significant aquifer as determined by the Department of Health in consultation with the Commission on Water Resource Management is consistent with the state and counties' duties under the Public Trust Doctrine and the DPH Environmental Platform plank that provides that members must protect and preserve Hawai'i's environment, and advance measures to re-establish a healthy climate and environment for humans and fellow species.

Please support and pass this bill.

Mahalo for the opportunity to testify on this measure.

/s/ Melodie Aduja and Alan Burdick

Co-Chairs, Environmental Caucus of the Democratic Party of Hawai'i



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

March 29, 2023

HEARING BEFORE THE  
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

**TESTIMONY ON SB 388, HD1**  
RELATING TO WASTE OR DISPOSAL FACILITIES

Conference Room 325 & Via Videoconference  
2:00 PM

Aloha Chai Tarnas, Vice-Chair Takayama, 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 SB 388, HD1**, which would prohibit the construction, modification, or expansion of any waste or disposal facility on land that covers a significant aquifer, as determined by the department of health.

HFB recognizes the need for future landfill locations, however, we have serious concerns about future waste or disposal facilities being sited on lands that provide groundwater for agriculture, drinking water, irrigation, and domestic, commercial, and industrial needs. To avoid potential health risks, our precious aquifers need to be protected, and preventing contaminants from reaching these waters in the first place is the best way to accomplish that.

Thank you for the opportunity to provide our comments and thank you for your continued support of Hawaii's agricultural community.



March 15, 2023

Representative David a. Tarnas, Chair  
Representative Greg Takayama, Vice Chair  
House Committee on Judiciary & Hawaiian Affairs

**Testimony in Support of SB 388, HD1 RELATING TO WASTE DISPOSAL FACILITIES (Prohibits the construction, modification, or expansion of any waste or disposal facility for hazardous waste or solid waste on land that is near or above a significant aquifer as determined by the Department of Health in consultation with the Commission on Water Resource Management. Effective 6/30/3000. [HD1])**

**Wednesday, March 29, 2023, 2:00 PM  
State Capitol, Conference Room 325, Via 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.

Hawaii residents, visitors, wildlife, and industries rely on groundwater that is free from contaminants. Like the recent fuel leak problems with the Navy's Red Hill facility, there are great public health concerns regarding possible contamination of Hawaii's freshwater aquifers and drinking water by construction, modification, or expansion of any waste or disposal facility for hazardous waste or solid waste facilities. Thus, the state has a significant interest in protecting and preserving the aquifers throughout the State from any further potential toxic contamination from waste or disposal facilities for hazardous waste or solid waste on land that is near or above a significant aquifer. This measure provides greater protection of the State's valuable aquifers.

For the reasons set forth above, LURF is in **support of SB 388, HD1**, and respectfully requests your favorable consideration of this bill.

Thank you for the opportunity to present testimony in support of this measure.



LATE TESTIMONY



## HAWAII FIRE FIGHTERS ASSOCIATION

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL 1463, AFL-CIO  
1018 PALM DRIVE | HONOLULU, HAWAII 96814

TEL: (808) 949-1566 FAX: (808) 952-6003

[www.hawaii firefighters.org](http://www.hawaii firefighters.org)

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HOUSE OF REPRESENTATIVES  
THE THIRTY-SECOND LEGISLATURE  
REGULAR SESSION OF 2023  
March 29, 2023

Committee on Judiciary and Hawaiian Affairs

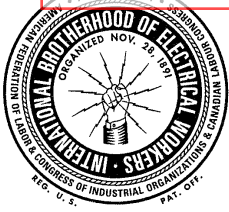
Testimony by  
Hawaii Fire Fighters Association

S.B. No. 388                      RELATING TO WASTE DISPOSAL FACILITIES                      EEP/WAL, JHA  
H.D. 1

The Hawaii Fire Fighters Association (HFFA), Local 1463, IAFF, AFL-CIO, represents more than 1,900 professional active-duty fire fighters throughout the State. The HFFA, on behalf of our members, **supports S.B. No. 388, H.D. 1** which prohibits the construction, modification, or expansion of any waste or disposal facility for hazardous waste or solid waste on land that is near or above a significant aquifer as determined by the Department of Health, in consultation with the Commission on Water Resource Management.

The preservation of Hawaii's fresh water supply for our community is an urgent concern for HFFA as it supplies our islands communities with safe drinking water as well as supplying the fire service with the critical resource needed to battle fires as well as. This measure is an added safeguard to protect Hawaii's precious water resources by mitigating the potential of contamination of any "significant" aquifers.

Thank you for the favorable consideration of S.B. No. 388, H.D. 1 and for the opportunity to testify.



# International Brotherhood of Electrical Workers

**LOCAL UNION NO. 1186 • Affiliated with AFL-CIO**

1935 HAU STREET, ROOM 401 • HONOLULU, HI 96819-5003  
TELEPHONE (808) 847-5341 • FAX (808) 847-2224

TO: HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS  
Hearing on Wednesday, March 29, 2023 at 2:00p.m., Conference Room 325

RE: TESTIMONY IN **SUPPORT** OF SB 388 HD1

Honorable Chair David Tarnas, Vice Chair Gregg Takayama, and Members of the Committee:

The International Brotherhood of Electrical Workers Local Union 1186 (IBEW 1186), is comprised of over 3,600 men and women working in electrical construction, Spectrum, telecommunications, civil service employees, and educator and faculty associations.

IBEW 1186 **SUPPORTS** this bill in its effort to protect one of Hawaii's most precious resources, our water. Recent events, such as the fuel storage leak at Red Hill, have shown us how vulnerable our limited water resources are if we don't carefully plan, protect, and preserve these fresh water sources. Constructing or expanding solid or hazardous waste facilities should be prohibited near these aquifers, and should also carefully consider the health of the communities that live near them.

Our support for this bill should not be construed to allow for the changing of established buffer zones and/or the terms and conditions already in place for permitting to construct, modify, operate, or expand solid waste landfills.

Promoting industry safety for our members and the public is a cornerstone principle of the IBEW 1186. SB 388 is a common-sense measure to protect the life, health, and safety of the public and the vital natural resource of the State's freshwater aquifers.

While we understand the need for adequate waste disposal locations, we urge the Legislature to consider alternative methods such as waste-to-energy facilities that can also serve as an additional energy source.

Thank you for the opportunity to submit this testimony.

Sincerely,

Damien T.K. Kim  
Business Manager/  
Financial Secretary

**SB-388-HD-1**

Submitted on: 3/24/2023 3:57:06 PM

Testimony for JHA on 3/29/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
B.A. McClintock	Individual	Support	Written Testimony Only

Comments:

Please support this common sense bill. Mahalo.

**SB-388-HD-1**

Submitted on: 3/25/2023 1:51:25 PM

Testimony for JHA on 3/29/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Georjean Adams	Individual	Oppose	Written Testimony Only

Comments:

SB388 SD1 needs additional consideration to avoid serious unintended consequences of:

- prohibiting any new landfills or extensions to existing landfills on Hawaii Island, Maui and much of Oahu and forcing solutions that are more expensive and potentially of higher risk, such as high global warming transport to countries ill-equipped to properly manage wastes.

- prohibiting new or expansion of existing facilities to collect and process (sort/treat/convert) reusable and/or recyclable materials that would significantly reduce landfill volumes and minimize use of virgin resources. Hawaii is very much in need of additional resource recovery facilities and locations. Resource recovery should include waste to energy by incineration and chemical recycling, as well as traditional recycling. Of course, we need to ensure those activities are conducted safely under reasonable risk management requirements. We should not block all potential resource recovery facility sites.

- prohibiting even low risk waste management, e.g., by not allowing nonhazardous construction and demolition waste sites and ignoring use of leachate control and monitoring technology that would allow early risk mitigation responses.

In addition, more careful definitions need to be provided to avoid confusion and unintended prohibitions of reasonable and safe resource recovery and waste management. Examples:

- "near" or "above" an aquifer

- "buffer"

- "component" of a "landfill unit"

- "construction and demolition unit"

Yes, we must protect our aquifers from likely contamination from poor waste management. But the simplistic approach in this bill is not the best way to minimize waste generation, maximize resource recovery and assure long term, safe disposal of remaining wastes.

Georjean Adams

Kamuela, Hawaii

Wednesday, March 29, 2023

House Committee on Judiciary and Hawaiian Affairs

Hearing Time: 9:00 a.m.

Location: Conference Room 325

Representative David Tarnas, Chair

Representative Gregg Takayama, Vice Chair

Members of the Committees

**SB 388, HD 1, RELATING TO WASTE DISPOSAL FACILITIES**

I write in support of SB 388, HD1, Relating to Waste Disposal Facilities.

The purpose of this measure is to prohibit the construction, modification or expansion of any waste disposal facility that are near or above a significant aquifer as determined by the Department of Health in consultation with the Commission of Water Resources Management.

I as a concerned citizen of the State of Hawaii is troubled that Oahu's aquifers are irreplaceable, and needs to be protected at all cost.

Please protect our precious Water resources for our Island community and the State of Hawaii. Please pass SB 388, HD1 to reassure the people of Hawaii that our State Government can be relied upon to protect our natural resources.

Mahalo for your affirmation by voting for the passage of SB 388, HD1.

C. Mike Kido

**SB-388-HD-1**

Submitted on: 3/28/2023 1:32:41 PM

Testimony for JHA on 3/29/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Victor T Kimura	Individual	Support	Written Testimony Only

Comments:

Honorable David Tarnas

Chair-Judiciary & Hawaiian Affairs

House of Representative-State of Hawaii

Honorable Gregg Takayama

Vice Chair-Judiciary & Hawaiian Affairs

House of Representatives-State of Hawaii

RE: SUPPORT FOR SB 388

Aloha Chair Tarnas and Vice Chair Takayama,

i am submitting my personal testimony in SUPPORT of SB388, to protect our aquifers that provide clean and drinkable water to our residents of the State of Hawaii. Recent issues regarding to Red Hill and other areas of contamination highlight the urgent need to continue our endeavors to protect our valuable water resources for our residents and key development and agricultural and housing needs. There is nothing man-made regarding to liners that last forever, and we need to protect our water sources, namely the aquifers,

Finding alternative solutions through technology is moving forward, however, at this critical time, we need to clearly state that having areas designated for waste disposal of any kind, over an aquifer, is not in the best interests for the people of Hawaii.

Mahalo for your kind consideration of SB388, and I ask for your support along with your committee members to move this Biil forward.

Mahalo and Aloha,

Victor T. Kimura

Mililani, Hawaii 96789





**SB-388-HD-1**

Submitted on: 3/28/2023 1:42:03 PM

Testimony for JHA on 3/29/2023 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sherry Pollack	Individual	Support	Written Testimony Only

Comments:

I strongly support this measure that prohibits the construction, modification, or expansion of any waste or disposal facility for hazardous waste or solid waste on land that is near or above a significant aquifer as determined by the Department of Health, in consultation with the Commission on Water Resource Management.

In addition, I urge that the requested amendment previously submitted by the Honolulu Board of Water Supply be added to this measure. This request suggested amending section 342H-52 (b)(4) to include consultation, not only with the Commission on Water Resource Management, but **also** with the Honolulu Board of Water Supply.

This amendment is most certainly in all of our best interests.

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