

MAR 08 2024

SENATE RESOLUTION

URGING THE DEPARTMENT OF HEALTH TO ENSURE THE SAFE MANAGEMENT OF
ASH FROM WASTE INCINERATION FACILITIES.

1 WHEREAS, waste incineration facilities reduce every one
2 hundred tons of trash to approximately thirty tons of ash; and

3
4 WHEREAS, H-Power is the only trash incinerator in Hawaii,
5 operating in Campbell Industrial Park on Oahu, burning up to two
6 thousand six hundred tons of waste per day, making it one of the
7 largest waste incinerators in the nation; and

8
9 WHEREAS, the ash produced from H-Power is currently dumped
10 in the Waimanalo Gulch Landfill in Honokai Hale; and

11
12 WHEREAS, fly ash from trash incinerators is regulated as
13 hazardous waste in several other nations, but in the United
14 States, the Environmental Protection Agency (EPA) categorically
15 defines incinerator ash as non-hazardous, even when tests show
16 fly ash is qualified as hazardous over ninety percent of the
17 time due to the leaching of lead and cadmium, and bottom ash
18 would test hazardous thirty-six percent of the time due to
19 leaching of toxic lead; and

20
21 WHEREAS, since 1994, the United States Supreme Court ruled
22 incinerator ash must be handled as hazardous waste if it tests
23 hazardous; so the EPA changed the test and allowed the mixing of
24 fly and bottom ash and other methods that enable incinerator ash
25 to pass the test; and

26
27 WHEREAS, EPA staff admit that the ash testing regulations
28 (which require testing incinerator ash only for what leaches out
29 of the incinerator at a certain pH in short-term lab tests) are
30 based solely on whether people will be exposed by consuming
31 water that has passed through ash and leached groundwater and
32 ultimately to drinking water supplies; and

33
34 WHEREAS, EPA staff admit that ash testing regulations are
35 not based on skin exposure to incinerator ash or inhaling and
36 ingesting it; and



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39

WHEREAS, workers typically handle incinerator ash with no respiratory protection, truck ash to a landfill in trucks where some ash can blow or spill during transit, dump ash from trucks where ash dust usually rises in a cloud that wind can carry, and use toxic ash as daily cover material for itself, instead of a tarp or clean soil to prevent wind from blowing ash into the community; and

WHEREAS, the City and County of Honolulu are currently working with Covanta to develop an ash "recycling" facility at Campbell Industrial Park where incinerator ash would be exempted from being handled as waste and would be used to build roads or for other purposes that can put workers, the public, and the environment in more contact with incinerator ash than would occur if it were properly contained and landfilled responsibly; and

WHEREAS, roads and other construction materials are not forever and will erode and eventually break up, releasing more ash particles, without cautionary warnings, including participls of highly toxic dioxins and furans, and toxic metals like arsenic, cadmium, chromium, lead, and mercury; now, therefore,

BE IT RESOLVED by the Senate of the Thirty-second Legislature of the State of Hawaii, Regular Session of 2024, that the Department of Health is urged to enforce section 342H-30, Hawaii Revised Statutes, so that incinerator ash (a type of "solid waste") may not be managed in a manner other than properly contained in a landfill and that trucking and landfilling must at least use secure tarps to ensure that ash cannot be blown by wind into the community; and

BE IT FURTHER RESOLVED that the City and County of Honolulu is hereby notified that "recycling" or "reuse" of incinerator ash violates state law, is not protective of public health, and should not be pursued; and



S.R. NO. 64

1 BE IT FURTHER RESOLVED that certified copies of this
2 Resolution be transmitted to the Governor, Director of Health,
3 Chief Energy Officer, and Mayors of each county.
4
5
6

OFFERED BY:



