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# SENATE CONCURRENT RESOLUTION

URGING THE DEPARTMENT OF HEALTH AND ENCOURAGING THE COUNTY OF MAUI, UNITED STATES ARMY CORPS OF ENGINEERS, AND FEDERAL EMERGENCY MANAGEMENT AGENCY TO TAKE CERTAIN MEASURES TO ENSURE THE SAFEST POSSIBLE MANAGEMENT OF ASH AND DEBRIS FROM THE AUGUST 2023 MAUI WILDFIRES.

1           WHEREAS, ash from the burning of vegetation, homes,  
2 vehicles and other property contains dioxins, furans, cancer-  
3 causing polycyclic aromatic hydrocarbons, per- and  
4 polyfluoroalkyl Substances (PFAS) including perfluorooctanoic  
5 acid, and toxic metals; and

6  
7           WHEREAS, this ash, can expose those who come in contact  
8 with it to these toxic substances, and if not properly  
9 contained, can be blown by the wind or carried by rainwater,  
10 further exposing people, other animals, and our land and ocean  
11 environments to risk; and

12  
13           WHEREAS, in October 2023, the Board of Land and Natural  
14 Resources approved the use of state land adjacent to an old  
15 landfill in Olowalu, located five miles south of Lahaina, Maui,  
16 for the disposal of ash and debris from the August 2023 Maui  
17 wildfire; and

18  
19           WHEREAS, dumping ash and debris from the August 2023 Maui  
20 wildfires into a temporary landfill in Olowalu risks further  
21 contamination as plastic-wrapped waste "burritos" break open  
22 when dumped, spreading dust into the air; and

23  
24           WHEREAS, continuing to use the Olowalu landfill to  
25 temporarily dump this waste and later reloading it for  
26 transportation to a permanent site increases costs of waste  
27 handling; and



1           WHEREAS, the county of Maui recently designated land next  
2 to the Central Maui Landfill to be the permanent disposal site  
3 for this waste; and  
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5           WHEREAS, according to the United States Environmental  
6 Protection Agency, Central Maui Landfill has enough space to  
7 last until 2039 and the full amount of waste from the August  
8 2023 Maui wildfires (about six hundred thousand tons) represents  
9 about two years of waste disposal at the Central Maui Landfill;  
10 and  
11

12           WHEREAS, properly executed Zero Waste programs could cut  
13 Maui's waste by more than half in just a handful of years,  
14 stretching out the life of the county's landfill; and  
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16           WHEREAS, life cycle analysis studies, including one  
17 conducted for the county of Hawaii in 2023, show that the health  
18 and environmental costs of incineration (and dumping ash into  
19 landfills) are far greater than sending unburned trash to  
20 landfills, and that recycling is a much better option compared  
21 to landfilling or incineration, even when barging materials  
22 across the ocean to recyclers; and  
23

24           WHEREAS, ash can blow off of the top of a landfill if not  
25 properly contained, especially if that ash is permitted to be  
26 used as alternative daily cover material in place of soil or  
27 tarps to safely cover landfilled waste at night; and  
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29           WHEREAS, on January 2, 2024, at a public hearing held by  
30 the Disaster, Resilience, International Affairs, and Planning  
31 Committee of the Maui county council, Alan Booker, an engineer  
32 brought in by the county as one of their expert resources,  
33 testified that no matter how carefully waste is transported,  
34 moving this material means some will spill and there will be a  
35 need for a plan to remediate the roads; and  
36

37           WHEREAS, many thousands of truck trips will be necessary to  
38 transport waste, risking traffic problems; and  
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40           WHEREAS, barging large volumes of waste to the mainland to  
41 bury in other landfills or burn in incinerators raises greater  
42 environmental justice concerns; and



1  
2 WHEREAS, high-temperature processes such as pyrolysis or  
3 incineration create new toxic chemicals including dioxins,  
4 furans, polycyclic aromatic hydrocarbons, other chemical  
5 pollutants like nitrogen oxides, sulfur oxides, and acid gasses,  
6 and enable more existing toxic chemicals such as PFAS and heavy  
7 metals to be inhaled or ingested; and

8  
9 WHEREAS, using these technologies to manage material that  
10 has already been burned is impractical and compounds the  
11 problems caused by the burning of these materials in the first  
12 place; and

13  
14 WHEREAS, section 342H-30, Hawaii Revised Statutes,  
15 prohibits any person, including any public body, from:

- 16  
17 (1) Engaging in the operation of an open dump;  
18  
19 (2) Operating a solid waste management system without  
20 first securing approval in writing from the Director  
21 of Health; or  
22  
23 (3) Discarding, disposing of, depositing, discharging, or  
24 dumping solid waste, or by contract or otherwise  
25 arranging directly or indirectly for the disposal of  
26 solid waste in an amount equal to or greater than one  
27 cubic yard in volume anywhere other than a permitted  
28 solid waste management system without the prior  
29 written approval of the Director of Health;

30  
31 now, therefore,

32  
33 BE IT RESOLVED by the Senate of the Thirty-second  
34 Legislature of the State of Hawaii, Regular Session of 2024, the  
35 House of Representatives concurring, that the Department of  
36 Health is requested to enforce section 342H-30, Hawaii Revised  
37 Statutes to ensure that:

- 38  
39 (1) Ash and other waste from the August 2023 Maui wildfire  
40 are not managed in any manner other than proper  
41 containment in a landfill;  
42



- 1 (2) Trucking of the ash and other waste are conducted in  
2 secured containers that cannot leak or spill;
- 3
- 4 (3) The ash and other waste are not used as alternative  
5 daily cover material once landfilled; and
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- 7 (4) Secure tarps are used to prevent ash from blowing off  
8 of the landfill; and
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10 BE IT FURTHER RESOLVED that this body supports the County  
11 of Maui's choice to use the Central Maui Landfill as the final  
12 disposal site for waste from the August 2023 Maui wildfire; and  
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14 BE IT FURTHER RESOLVED that the County of Maui, United  
15 States Army Corps of Engineers, and Federal Emergency Management  
16 Agency are encouraged to:

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- 18 (1) Contain the remaining waste as soon as possible in  
19 trucking-ready containers at- or near-site until ready  
20 to be transported for final disposal;
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- 22 (2) Discontinue the use of Olowalu as a temporary disposal  
23 site;
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- 25 (3) Ensure that waste is transported in sealed containers  
26 to avoid spills and leaks;
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- 28 (4) Decontaminate trucks before departing Lahaina or the  
29 Central Maui Landfill to ensure that toxic chemicals  
30 are not tracking off-site;
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- 32 (5) Transport waste to the landfill at night to minimize  
33 traffic concerns; and
- 34
- 35 (6) Abandon consideration of pyrolysis, gasification,  
36 incineration, or any other high-temperature processes  
37 as waste management methods; and
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39 BE IT FURTHER RESOLVED that certified copies of this  
40 Concurrent Resolution be transmitted to the Commander of the  
41 Honolulu District of the United States Army Corps of Engineers,  
42 and Regional Administrator for Region 9 of the Federal Emergency



1 Management Agency, Governor, Director of Health, Mayor of the  
2 County of Maui, and Chairperson of the Maui County Council.

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OFFERED BY: *Walter P. ...*

**By Request**

