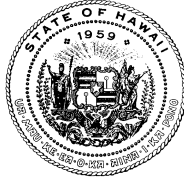


JOSH GREEN, M.D.
GOVERNOR OF HAWAII
KE KIA'ĀINA O KA MOKU'ĀINA 'O HAWAII'



KENNETH S. FINK, M.D., M.G.A, M.P.H
DIRECTOR OF HEALTH
KA LUNA HO'OLELE

STATE OF HAWAII
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony COMMENTING on HB0751
RELATING TO ORGANIC WASTE.**

REPRESENTATIVE NICOLE E. LOWEN, CHAIR
HOUSE COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

February 6, 2025, 9:00a.m., Room Number: 325

1 **Fiscal Implications:** This measure would impact the priorities identified in the Governor's
2 executive budget request for the Department of Health (Department) by an undetermined
3 amount. The Department therefore requests that this measure be considered as a vehicle to
4 provide this needed funding so long as it does not supplant the priorities and requests outlined
5 in the Governors executive budget request.

6 **Department Position:** The Department offers the following comments and amendments.

7 **Department Testimony:** The Environmental Management Division (EMD) provides the
8 following testimony on behalf of the Department.

9 HB0751 proposes to amend Hawaii Revised Statutes (HRS) 342G to: (1) establish
10 benchmarks to reduce the State's solid waste stream by requiring organic waste generators to
11 divert organic waste; (2) adds new definitions for "biodegradable" and "organic waste;" (3)
12 updates the State's solid waste stream reduction goals; and (4) directs counties to incorporate
13 organic waste diversion goals into their Integrated Solid Waste Management (ISWM) plans with
14 unspecified funding appropriated for the counties to implement the new organic waste
15 diversion requirements.

1 The Department respectfully requests clarification regarding the benchmark goals of the
2 State to reduce the solid waste stream prior to disposal by requiring that organic waste
3 generators divert organic waste material to certified facilities. Specifically, is the benchmark
4 meant to be a mandate for waste generators or an overall solid waste reduction goal? The
5 Department estimates that it will be cost-prohibitive and resource intensive to identify and
6 quantify the amount of organic waste generated and reduced by the generators identified in
7 HB0751 as the Department would be required to conduct waste characterization studies of
8 every organic waste generator and regularly track tonnages of every organic waste generator to
9 measure solid waste reductions and to determine which generator the measure applies. We
10 further note that the measure does not provide any county funding for infrastructure
11 improvements should the benchmarks be intended as mandates. This is especially critical as the
12 costs for system improvements will be prohibitively high for the counties to implement alone.

13 We also request clarification on whether waste generators are to consider source
14 reduction as a means to comply with this measure or if source reduction activities are only
15 considered prior to determining their applicability to the measure. As examples, we understand
16 that a number of food establishments donate unsold food or send food waste to piggeries. Are
17 these tonnages removed from their calculation of waste generation? We further request the
18 term “certified facility” be defined (e.g., a Department-permitted solid waste management
19 facility that is not a landfill or incinerator).

20 Regarding Section 7 of the measure, the Department respectfully requests that a new
21 special fund be established for the appropriations to reimburse the counties. In accordance
22 with HRS Section 342G-24, counties shall submit revised ISWM plans to the Department every
23 ten years. Counties that just updated their ISWM plans will not need to submit their next
24 update to the Department for several years. For example, the County of Kaua’i completed its
25 revised ISWM plan in 2021 and will not update their current plan until 2031. Creating a special
26 fund will preserve the appropriated funds until it is necessary to reimburse the counties.

1 Furthermore, the Department requires that a specified maximum dollar amount be described in
2 the measure for distribution to the counties, as there is no assurance that the amount to be
3 requested by the counties for reimbursement will be within the appropriated amount.

4 **Offered Amendments:** The Department recommends amending the term “certified
5 facility” on page 2, Lines 1 to 2 to “department-permitted facility” to better harmonize with
6 existing statutory terminology.

7 The Department recommends changing January 1, 2035 to January 1, 2045 on Page 2,
8 Line 17, as a more realistic time frame given the magnitude of the tasks required by this
9 measure and the timing of the next county plans.

10 The Department recommends that the definitions of “Biodegradable” and “Organic
11 Waste” on page 3, lines 4 to 11 of the bill be placed in HRS 342G-3 instead of the currently
12 proposed HRS 342G-1. This would ensure that the definitions apply to the goals and not the
13 entirety of 342G.

14 The Department recommends that the proposed “organic waste landfill diversion”
15 language be removed from page 3, lines 20 to 21 as it is duplicative of the current statutory list
16 in HRS Section 342G-3. Similarly, the Department recommends that “organic waste diversion”
17 be removed from page 4, lines 15 to 16 as the recycling and bioconversion components
18 described in HRS Section 342G-26 applies to all solid waste, including organic waste.

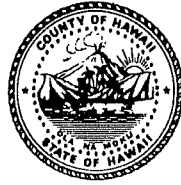
19 Thank you for the opportunity to testify on this measure.

C. Kimo Alameda, Ph.D.
Mayor

Wesley R. Segawa
Director

William V. Brillhante Jr.
Managing Director

Craig Kawaguchi
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

February 5, 2025

COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

Rep. Nicole E. Lowen, Chair

Rep. Amy A. Perruso, Vice Chair

Hawai'i State Capitol

Honolulu, HI 96813

Re: Testimony in Support of House Bill (HB) 751 Relating to Organic Waste, which establishes statewide goals for solid waste reduction and organic waste diversion. Requires each county to incorporate into its next integrated solid waste management plan revision a plan to divert certain organic waste generated within the county in alignment with established state benchmarks. Appropriates funds.

Dear Chair Lowen, Vice Chair Perruso and Committee Members,

The County of Hawai'i Department of Environmental Management (DEM) respectfully submits this testimony in opposition to HB 751, which mandates the diversion of organic waste from landfills and incineration. While we share the bill's laudable goal of reducing waste and increasing diversion, the bill presents significant challenges that render its current form impractical for Hawai'i County.

- 1. Inadequate Infrastructure and Permitting:** Hawai'i Island lacks the necessary commercial composting infrastructure to process the increased volume of organic waste mandated by this bill. Moreover, the development of new composting facilities faces substantial hurdles due to stringent permitting requirements from the Hawai'i State Department of Health.
- 2. Disruption of Existing Beneficial Use:** A significant portion of food waste from restaurants and grocery stores is currently utilized by local pig farmers, providing a valuable resource for both waste management and local food production. This bill's mandates could disrupt this beneficial system, forcing businesses and farmers to seek more costly and potentially less effective alternatives.
- 3. Unfunded Mandates:** While the bill allocates funds for updating the Integrated Solid Waste Management Plan, it fails to provide adequate funding for the critical infrastructure, outreach, education, and enforcement necessary for successful implementation. This leaves Hawai'i County to bear the substantial financial burden of developing new processing facilities, hiring enforcement personnel, and educating the public and businesses on the new requirements.
- 4. Existing Green Waste Surplus:** Hawai'i County currently grapples with a surplus of green waste, exceeding 3,000 cubic yards per month. Introducing additional organic material without a viable market or processing capacity will exacerbate this challenge and potentially strain existing waste management systems.

5. **Burden on Businesses and Residents:** Compliance with this bill will necessitate significant changes to waste management practices for restaurants, grocery stores, apartment complexes, and even single-family homes. Without adequate education and sufficient enforcement resources, businesses and residents will face difficulties in complying, potentially leading to increased disposal costs and the risk of penalties.

Recommendations:

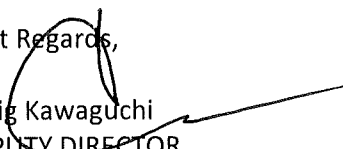
To address these concerns, DEM urges the committee to:

- **Invest in Composting Infrastructure:** Prioritize funding for the development of commercial composting facilities on Hawai'i Island.
- **Streamline Permitting:** Simplify the permitting process for composting facilities to encourage their establishment.
- **Provide Adequate Funding:** Ensure sufficient funding for county implementation, including infrastructure development, outreach, education, and enforcement.
- **Explore Market Solutions:** Investigate and develop viable markets for the increased volume of organic waste.
- **Phased Implementation:** Consider a phased implementation approach to allow for gradual adjustments and infrastructure development.

By addressing these concerns, the committee can ensure that organic waste diversion efforts in Hawai'i County are successful, sustainable, and beneficial to both the environment and the local economy.

Thank you for your consideration.

Best Regards,


Craig Kawaguchi
DEPUTY DIRECTOR

cc: Mayor Kimo Alameda
Gene Quiamas, Acting Hawai'i County Solid Waste Division Chief
Tanya Buckley, Acting Hawai'i County Recycling Coordinator

RICHARD T. BISSEN, JR.
Mayor

JOSHIAH K. NISHITA
Managing Director



OFFICE OF THE MAYOR
COUNTY OF MAUI
200 SOUTH HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov

TO: Representative Nicole E. Lowen, Chair
Representative Amy A. Perruso, Vice Chair
Committee on Energy and Environmental Protection

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

DATE: February 4, 2025

SUBJECT: **OPPOSITION OF HB751, RELATING TO ORGANIC WASTE**

We are in **OPPOSITION** of HB751. This Act establishes statewide goals for solid waste reduction and organic waste diversion. Requires each county to incorporate into its next integrated solid waste management plan revision a plan to divert certain organic waste generated within the county in alignment with established state benchmarks. Appropriates funds.

We **OPPOSE** this bill for the following reasons:

1. There are already existing regulations on landfills to divert 50% residential green waste and 70% commercial green waste. Adding more regulations when there are limited places to take organics is counter intuitive. This bill puts the responsibility on businesses when organic processing facilities have permitting setbacks around PFAS. A bill that would assist organic processing facilities in getting solid waste management permits would be more effective in diverting organic waste.
2. The Tier 1 benchmark of January 1, 2026 is not feasible and needs to be pushed back. The County of Maui Recycling Section would need additional staff, time, and funding to educate, draft the administrative rules, and implement enforcement procedures.
3. Under the definitions for "organic waste": "food-soiled paper that is acceptable for food storage" should be removed or revised since some food ware is marketed as sustainable but are neither compostable or biodegradable because they have plastic liners and/or are composed of a percentage of plastic.
4. The definition for "compostable" should be included along with the definition for "biodegradable". Compostable is comprised of an organic product(s) that can disintegrate into non-toxic, natural elements at a rate consistent with similar organic materials, and

requires microorganisms, humidity, and heat to yield a finished compost product (CO₂, water, and biomass).

5. This Act also restricts the development of the County's future waste to energy facility as green waste cannot be used as an additional fuel source.
6. Food waste contains PFAS. This Act may not be achievable if the Federal Government regulates PFAS.
7. To offset the use of cover soil resources for landfilling, mulch may be utilized as an alternative daily cover. HB751 would ban this use in 2035.
8. Similarly, the County of Maui utilizes mulch to better solidify wastewater sludge prior to disposal, HB751 would ban this use in 2035.

Mahalo for your consideration.



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Kaua'i

Aloha Chair Lowen, Vice Chair Perruso, and Members of the House Energy & Environmental Protection Committee,

The Hawai'i Farmers Union is a 501(c)(5) agricultural advocacy nonprofit representing a network of over 2,500 family farmers and their supporters across the Hawaiian Islands. **HFUU supports HB751.**

HB751 aims to transform Hawaii's approach to organic waste management by establishing clear statewide goals for solid waste reduction and organic waste diversion. This bill presents a constructive opportunity for Hawaii to address historical challenges in waste management and to move towards a more sustainable, circular economy. By setting progressive diversion benchmarks and focusing initially on large-scale food waste generators, this legislation allows both infrastructure and communities to adapt efficiently, leading to a full landfill ban on organic waste by 2035.

For Hawaii's agricultural community, the successful implementation of HB751 will deliver significant benefits. By diverting organic waste for composting, local farmers gain access to high-quality compost, which enhances soil fertility, retains moisture, and reduces the dependency on expensive imported fertilizers. Farmers will benefit from economic opportunities through the development of small and mid-scale composting enterprises, crucial to a decentralized and resilient agricultural network. It is essential that county and state governments provide the necessary support, including funding, technical assistance programs, and potential incentives like tax credits or grants to facilitate on-farm composting and the creation of community composting hubs. Through these strategic efforts, Hawaii can sustainably manage organic waste while supporting its farming communities.

Mahalo for the opportunity to testify.

Hunter Heavilin
Advocacy Director
Hawai'i Farmers Union

HB-751

Submitted on: 2/4/2025 9:10:58 PM

Testimony for EEP on 2/6/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Ted Bohlen	Hawaii Reef and Ocean Coalition and Climate Protectors Hawaii	Support	Written Testimony Only

Comments:

Hawaii Reef and Ocean Coalition and Climate Protectors Hawaii **SUPPORT** removing **organics from the waste stream because they generate in the landfill methane, a greenhouse gas that is 80 times worse than carbon for climate warming over the next twenty years.**

HB-751

Submitted on: 1/30/2025 1:33:37 PM

Testimony for EEP on 2/6/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jacqueline S. Ambrose	Individual	Support	Written Testimony Only

Comments:

YES to - Establishes statewide goals for solid waste reduction and organic waste diversion. Requires each county to incorporate into its next integrated solid waste management plan revision a plan to divert certain organic waste generated within the county in alignment with established state benchmarks. Appropriates funds.

HB-751

Submitted on: 1/29/2025 7:02:07 PM

Testimony for EEP on 2/6/2025 9:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Keoni Shizuma	Individual	Support	Written Testimony Only

Comments:

Aloha Committee members of the House Committee on Energy and Environmental Protection,

I am testifying in support of this bill.

As has been witness during the search for a new site for the next landfill on Oahu, we have run-out of ideal spaces for storing trash (or byproducts of trash processing, ie ash from H-Power). More needs to be done to ensure that we are able to continue living on Oahu, without humans destroying the ‘aina and its resources (wai and air). This bill is a step in the right direction, focusing on organic diversion by vendors, food service providers, restaurants, and more will make a difference in the the amount of waste that needs to get placed in our landfills. If done right, these “waste” products can be converted into nutritious compost that can be used to help feed our soils and plants and improve our environment. Our waste can become a resource for us. If needed, funding for research and/or the creation of facilities that process our waste into a resource may be necessary and something I hope we support in the future.

Eventually, research into more technologies and facilities may be needed to figure out how we can convert other waste products, such as metal and non-combustable materials, into resources for our people to utilize.

Mahalo for your consideration.