



TESTIMONY IN SUPPORT OF HOUSE BILL 969 HD1
RELATING TO WASTE DISPOSAL

House Committee on Judiciary & Hawaiian Affairs
Hawai'i State Capitol

February 27, 2025

2:00PM

Room 325

Dear Chair Tarnas, Vice Chair Poepoe, and Members of the House Committee on Judiciary & Hawaiian Affairs:

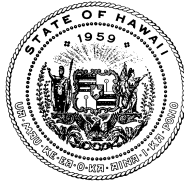
The Office of Hawaiian Affairs (OHA) **strongly supports HB 969 HD1**, which seeks to prohibit the construction, modification, or expansion of any waste or disposal facility on land that is near or above a significant aquifer as determined by the Department of Health. This measure is a critical step toward ensuring the long-term protection of Hawai'i's precious freshwater resources and aligns with the State's constitutional obligations to preserve water as a public trust resource.

OHA has long advocated for the protection and stewardship of Hawai'i's natural and cultural resources, particularly water, which is essential to Native Hawaiian well-being. Water, or wai, is foundational to Native Hawaiian identity, sustenance, and sovereignty. In traditional Hawaiian society, the word for wealth—*waiwai*—reflects the intrinsic connection between water and prosperity. The Hawaiian Kingdom first codified water as a public trust resource in 1839, a principle that remains enshrined in the Hawai'i State Constitution today.

The placement of landfills and waste disposal facilities above significant aquifers introduces an unacceptable risk of leachate contamination, threatening drinking water sources that sustain communities and ecosystems. The Wahiawā Aquifer, which underlies a proposed landfill site, is one such vital source that must be safeguarded. The devastating Red Hill fuel spill of 2021 demonstrated the catastrophic consequences of groundwater contamination, affecting the health and livelihoods of hundreds of families. Given that 99% of Hawai'i's domestic water comes from underground aquifers, allowing landfill development over such a sensitive resource is reckless and shortsighted.

HB 969 HD1 ensures that all county, State and federal agencies integrate aquifer protection into their solid waste management planning by establishing clear prohibitions against landfill construction in high-risk areas. By requiring all agencies to acknowledge and respect these safeguards, this measure will prevent future conflicts between waste disposal facilities and water security efforts. The inclusion of buffer zones in this bill further strengthens protections by preventing waste operations from encroaching on residential, school, and hospital areas.

OHA urges the Committee to **pass HB 969 HD1** to uphold Hawai‘i’s commitment to protecting its most precious resource—wai—for the well-being of present and future generations. Mahalo for the opportunity to testify.



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

**Testimony COMMENTING on HB0969 HD1
RELATING TO WASTE OR DISPOSAL FACILITIES.**

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

February 27, 2025; 2:00 PM; Room Number: 325

1 **Fiscal Implications:** Undetermined.

2 **Department Position:** The Department of Health (Department) offers the following comments.

3 **Department Testimony:** The Environmental Management Division Solid and Hazardous Waste
4 Branch (EMD-SHWB) provides the following testimony on behalf of the Department.

5 This measure proposes to prohibit the construction, modification, or expansion of a
6 waste or disposal facility including a municipal solid waste or construction demolition waste
7 landfill unit or component from land that is above a significant aquifer.

8 The Department believes that depending on the criteria applied, any aquifer may be
9 considered significant. The Department must be given a criteria to apply to this determination.

10 Based on testimony presented for HB0969, the Department notes that there are many
11 interpretations of "significant" among the testifiers, however, based on the preamble to this
12 measure it appears that the Legislature's intent is to consider significant aquifers to be
13 freshwater aquifers with potential as a drinking water source. However, even "potential as a
14 drinking water source" needs to be further defined. For example, is potential use based on
15 economic feasibility? Is treatment allowed? If so, what types of treatment? We note that
16 groundwater in some areas, such as those impacted by historical use of pesticides, are already

1 being treated prior to distribution into a public water system. The Department also notes that
2 the Honolulu Board of Water Supply has proposed to use the saline aquifer beneath James
3 Campbell Industrial Park to install an extraction well for desalination and treatment for use as
4 drinking water. Thus, we respectfully ask the Legislature to define the term “significant” in the
5 measure.

6 If the Legislature is asking the Department to define what a “significant aquifer” is, we
7 cannot ignore other aquifer uses such as irrigation or native Hawaiian cultural practices as less
8 significant than drinking water. Therefore, if this measure passes as it is currently drafted, new
9 landfills or landfill expansions will be effectively prohibited in the state as there is no practical
10 land under which a significant aquifer lies.

11 Properly designed landfills are integral to each island’s overall waste management
12 system to manage our waste and protect public health. Landfills are necessary because they
13 provide a designated, controlled area for solid waste that cannot be recycled, helping to
14 prevent environmental contamination and protect public health. Without them, the counties
15 will be forced to find more costly alternatives for waste management, including off-island
16 shipment. The City and County of Honolulu has already tried this, and even after constructing a
17 facility to bale and wrap the waste, a federal agency withdrew its permit due to public
18 opposition from the receiving community, and Honolulu now manages its own waste on island.
19 The inability to accommodate responsible management of solid waste in Hawai’i could lead to a
20 rise in illegal dumping which will compromise the environment and public health that this
21 measure seeks to protect. Several studies have corroborated the relationship between a
22 decrease in waste management facilities and an increase in illegal dumping. Illegal dumping
23 may also have a disproportional impact to underserved communities.

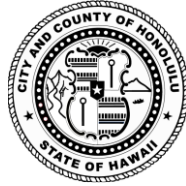
24 **Offered Amendments:** None.

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

**DEPARTMENT OF ENVIRONMENTAL SERVICES
KA 'OIHANA LAWELawe KAIĀPUNI
CITY AND COUNTY OF HONOLULU**

1000 ULU'ŌHI'A STREET, SUITE 308 • KAPOLEI, HAWAII 96707
PHONE: (808) 768-3486 • FAX: (808) 768-3487 • WEBSITE: honolulu.gov

RICK BLANGIARDI
MAYOR
MEIA



ROGER BABCOCK, JR., Ph.D., P.E.
DIRECTOR
PO'O

MICHAEL O'KEEFE
DEPUTY DIRECTOR
HOPE PO'O

IN REPLY REFER TO:
WAS 25-36

February 25, 2025

The Honorable David A. Tarnas, Chair
The Honorable Mahina Poepoe, Vice Chair
and Members of the Committee on Judiciary and Hawaiian Affairs
415 South Beretania Street
Honolulu, Hawai'i 96813

Dear Chair Tarnas and Vice Chair Poepoe:

SUBJECT: House Bill 969, HD 1 - Relating to Waste or Disposal Facilities

The City and County of Honolulu's (City) Department of Environmental Services (ENV) submits the following comments on HB 969, HD 1, Relating to Waste or Disposal Facilities.

In accordance with ENV's Special Use Permit for the Waimānalo Gulch Sanitary Landfill (WGSL), which provides that the WGSL shall close no later than March 2, 2028, and shall not accept any form of waste after March 2, 2028, on December 10, 2024, ENV identified an area northwest of Wahiawā as the site of the City's next landfill. The identified site is above an aquifer. ENV named this site because, after extensive evaluation of all possible alternative sites, it was determined to be one of the only legally available and feasible options. The only legally available and feasible options are above aquifers. Mayor Blangiardi has also stated that the City's next landfill will not be on the Leeward Coast.

By way of background, in 2020, the Hawai'i State Legislature passed SB 2386, SD 2, HD 2, known as Act 73, which placed several restrictions on where a landfill could be located. Act 73 prohibits landfills from being located within one-half mile of residential, school or hospital property lines, or within a conservation district. In addition to Act 73, state law restricts landfills in tsunami evacuation zones and federal law prohibits landfills from being located within 10,000 feet of an airport. Combined, these restrictions drastically reduce the number of feasible sites for a landfill to a few small areas above O'ahu's aquifers. Additionally, following extensive discussions between 2023 and 2024, the Navy informed the City it was unable to offer federal land for a City landfill, including land on the Waipi'o Peninsula that the City had previously identified as a viable landfill site.

The Honorable David A. Tarnas, Chair
The Honorable Mahina Poepoe, Vice Chair
and Members of the Committee on Judiciary and Hawaiian Affairs
February 25, 2025
Page 2

It is important to note that if HB 969, HD 1 were to become law and locating a landfill above an aquifer were legally prohibited, given the restrictions imposed by Act 73, other state and federal laws, decisions and orders and permits, the City and ENV would be left with no legally permissible and feasible options to site a landfill on O'ahu without further action to change existing legal limitations on siting an alternative landfill to WGSL outside the aquifer.

If HB 969, HD 1 were to become law, the state could amend Act 73 to reduce or eliminate several of its restrictions in order to make potential landfill sites available. Alternatively, if HB 969, HD 1 were to become law and Act 73 was not amended, the City would have no choice but to pursue a legally prohibited expansion at WGSL.

Should you have further questions, please contact me at (808) 768-3486.

Sincerely,

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

**BOARD OF WATER SUPPLY
KA 'OIHANA WAI
CITY AND COUNTY OF HONOLULU**

630 SOUTH BERETANIA STREET • HONOLULU, HAWAII 96843
Phone: (808) 748-5000 • www.boardofwatersupply.com

RICK BLANGIARDI
MAYOR
MEIA

ERNEST Y. W. LAU, P.E.
MANAGER AND CHIEF ENGINEER
MANAKIA A ME KAHU WILIKI

ERWIN KAWATA
DEPUTY MANAGER
HOPE MANAKIA



NĀ'ĀLEHU ANTHONY, Chair
JONATHAN KANESHIRO, Vice Chair
BRYAN P. ANDAYA
LANCE WILHELM
KĒHAULANI PU'U
EDWIN H. SNIFFEN, Ex-Officio
GENE C. ALBANO, P.E., Ex-Officio

February 27, 2025

The Honorable David A. Tarnas, Chair
and Members
Committee on Judiciary and Hawaiian Affairs
House of Representatives
Hawai'i State Capitol, Room 325
Honolulu, Hawai'i 96813

Dear Chair Tarnas and Members:

Subject: House Bill 969, HD1: Relating to Waste or Disposal Facilities

The Honolulu Board of Water Supply (BWS) strongly supports House Bill (HB) 969, House Draft (HD) 1. This bill proposes to prohibit the construction, modification, or expansion of any waste or disposal facility on land that is near or above a significant aquifer as determined by the Department of Health (DOH).

The BWS is opposed to any proposed waste or disposal facility to be placed over O'ahu's sole source aquifer, where the island's drinking water is not protected. Historically, the BWS had to treat the drinking water for pesticides and herbicides used in the pineapple plantations. Forty years later, the BWS is still treating for some of these contaminants.

In Article VII of the Revised Charter of the City and County of Honolulu ("City") 1973 (Revised 2017 Edition), as amended, Section 7-105(j)(2) states the BWS shall "prescribe and enforce rules and regulations having the force and effect of law to carry out the provisions of this article of the charter, including the prevention of waste and pollution of water." Thus, in 1982, the BWS Board adopted Resolution No. 502, amending its Rules and Regulations by defining and establishing a "No Pass Zone" and outlined an appeals procedure from decisions of the BWS Manager. The No Pass Zone was established to protect O'ahu's drinking water from underground sources of contamination and there is a compelling basis upon which to expect that a landfill situated over the aquifer may impact the quality and/or quantity of the water resources used or expected to be used as drinking water.

The Honorable David A. Tarnas, Chair
and Members
February 27, 2025
Page 2

Safeguarding O'ahu's water supply from source of potential contamination is not a matter of discretion; it is constitutionally mandated. The Hawai'i Constitution guarantees that "[a]ll public natural resources are held in trust for the benefit of the people" and directs the State, and by extension the BWS, "to protect, control and regulate the use of Hawai'i's water resources for the benefit of its people." Haw. Const. art, XI, §§ 1, 7. As the largest municipal drinking water utility in Hawai'i, the BWS has a constitutional public trust responsibility to protect the water resources it manages and to preserve the rights of present and future generations of Hawai'i.

The No Pass Zone was derived from the review of geologic maps and borings that define the areas of thick caprock around O'ahu. The caprock serves as a barrier to prevent surface contamination from reaching the underlying geology. Since O'ahu's groundwater is hydrogeologically connected and groundwater is always moving, contamination in one part of the aquifer can spread to and impact other parts of the aquifer. The groundwater flow can be unpredictable and can move relatively quickly (greater than ten feet per day in some instances). Contamination from landfill leachate poses a considerable risk to both O'ahu's groundwater aquifer and drinking water resources. If such contamination were to occur, it could – as was the case for Red Hill – eventually cause the BWS to shut down its water supply wells in the vicinity of the source of contamination at the landfill.

Thank you for the opportunity to provide testimony in support of HB 969, HD 1.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Ernest Y. W. Lau'.

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

A small, stylized handwritten mark or signature.

RICHARD T. BISSEN, JR.
Mayor

JOSIAH K. NISHITA
Managing Director



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

TO: Representative David A. Tarnas, Chair
Representative Mahina Poepoe, Vice Chair
Committee on Judiciary & Hawaiian Affairs

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

DATE: February 25, 2025

SUBJECT: **OPPOSITION OF HB969 HD1, RELATING TO WASTE DISPOSAL FACILITIES**

Thank you for the opportunity to testify in **OPPOSITION** of this measure. The Act prohibits the construction, modification, or expansion of any waste or disposal facility on land that is near or above a significant aquifer as determined by the Department of Health.

We **OPPOPSE** this measure for the following reasons:

1. We understand the importance of clean and safe drinking water for Hawai'i residents. We are not opposed to restricting the construction of waste disposal facilities that could impact the availability of clean drinking water for our residents, but regulated waste disposal facilities, such as landfills, are necessary and HB969 will restrict the ability for development of a landfill.
2. The Department of Health already has the Underground Injection Control Program, which designates the boundary between exempted aquifers and underground sources of drinking water on all major islands.
3. "Significant aquifer" and "near" are not clearly defined and may eliminate many or all possible locations for existing and future landfill expansion/siting.
4. Federal and State Regulations governing the siting of solid waste facilities are specifically developed to protect drinking water sources.

Mahalo for your consideration.

SOLID WASTE DIVISION

DEPARTMENT OF PUBLIC WORKS

TROY K. TANIGAWA, P.E., COUNTY ENGINEER

BOYD GAYAGAS, DEPUTY COUNTY ENGINEER



DEREK S.K. KAWAKAMI, MAYOR
REIKO MATSUYAMA, MANAGING DIRECTOR

Testimony of Allison Fraley

Solid Waste Division Chief

County of Kaua'i

Department of Public Works

Before the

Judiciary & Hawaiian Affairs Committee

Thursday, February 27, 2025

2:00 pm

Via Conference Room 325 and Videoconference

In consideration of

House Bill 969 HD1

Relating to Waste or Disposal Facilities

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

The County of Kaua'i Department of Public Works **opposes** House Bill 969 HD1, which prohibits the construction, modification, or expansion of any waste or disposal facility on land above a significant aquifer, as determined by the Department of Health.

The State Department of Health Environmental Management Division has noted that depending on criteria applied, any aquifer may be considered significant and has asked the legislature to define the term "significant aquifer".

If all aquifers are determined to be significant, this bill would prohibit any modifications or expansions of existing landfills in the state as all land in Hawai'i overlays an aquifer of some type. A blanket restriction on construction, modification, or expansion of existing and proposed landfills over an aquifer, significant or otherwise, would further limit the already heavily restricted options for siting a fully lined and regulated landfill required to manage municipal waste safely.

Despite Kaua'i County's extensive efforts to provide opportunities for recycling, reuse, and minimization of landfill waste, the generation of municipal solid waste is an unavoidable reality in our County as well as the State of Hawai'i. Safe disposal of this waste is necessary, and the current landfill capacity is significantly limited. Therefore, additional capacity will be needed, and this bill could limit any options for building this capacity. Please note that modern landfill design allows for the construction of landfill facilities with geological and hydrological factors in mind to be constructed and operated without detriment to the public.

The County of Kauaʻi has spent decades seeking a new landfill site. Limited land availability and increased restrictions for landfill siting have made this work increasingly challenging. Waste disposal facilities are not optional, and facilities like landfills that can safely manage waste must be available to the public. We urge the committee to consider the impacts that the broad, ambiguous language in this bill would have on all existing landfills in the state and possible future landfill siting options.

Thank you for the opportunity to testify on this measure.

HB-969-HD-1

Submitted on: 2/25/2025 5:02:21 PM

Testimony for JHA on 2/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
John & Rita Shockley	Free Access Coalition	Support	Written Testimony Only

Comments:

Aloha!

The Free Access Coalition supports HB969 which will protect our aquifer from pollution. We all need free access to clean water.

Mahalo for your time

HB-969-HD-1

Submitted on: 2/25/2025 5:19:46 PM

Testimony for JHA on 2/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Susan B Roberts Emery	Green Party of Hawai'i	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the Committee on Judiciary & Hawaiian Affairs,

My name is Susan RobertsEmery, I am Co-chair of the Green Party of Hawai'i and we **strongly support HB969 HD1**, to prohibit landfills from being sited above drinking water aquifers and threatening the water security of our islands and our future generations.

This bill is crucial for protecting our vital groundwater resources. Our drinking water aquifers are irreplaceable sources of pure, precious wai that have sustained and must continue to sustain our communities and 'āina. Once contaminated, these water sources can be permanently damaged, putting public health and our environment at risk.

Protecting our water is about protecting our health, our environment, and the future of everyone who calls Hawai'i home.

We , the Green Party of Hawai'i, urge you to **PASS HB969 HD1**.

Sincerely,

Susan RobertsEmery
Green Party of Hawai'i
Paauilo

HB-969-HD-1

Submitted on: 2/25/2025 7:13:10 PM

Testimony for JHA on 2/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Choon James	CountryTalkStory	Support	Remotely Via Zoom

Comments:

SUPPORT. Please protect the environment, for our own sake.



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

February 27, 2025

HEARING BEFORE THE
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

TESTIMONY ON HB 969, HD1
RELATING TO WASTE OR DISPOSAL FACILITIES

Conference Room 325 & Videoconference
2:00 PM

Aloha Chair Tarnas, Vice-Chair Poepoe, and Members of the Committee:

I am Brian Miyamoto, Executive Director of the Hawai'i Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawai'i's voice of agriculture to protect, advocate, and advance the social, economic, and educational interests of our diverse agricultural community.

The Hawai'i Farm Bureau supports HB 969, HD1, which prohibits the construction, modification, or expansion of any waste or disposal facility on land that is near or above 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.

While waste and disposal facilities are necessary, their location must be carefully considered to avoid unintended environmental and public health consequences. Waste sites near significant aquifers pose a serious risk of leachate infiltration, which could introduce harmful pollutants into our drinking water and agricultural irrigation systems. HB 969 ensures that critical water resources remain protected from these potential threats.

Water is the lifeblood of Hawai'i's agricultural industry and essential to the health and well-being of our communities. Our farmers and ranchers depend on clean and reliable water sources to sustain their operations and ensure food security for our state. Hawai'i's aquifers provide a primary source of drinking water and agricultural irrigation, making their protection a top priority. Once an aquifer is compromised, the damage is often irreversible, threatening not only agriculture but also public health, ecosystems, and Hawai'i's long-term sustainability.

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

HB-969-HD-1

Submitted on: 2/26/2025 7:33:10 AM

Testimony for JHA on 2/27/2025 2:00:00 PM

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

Comments:

Hawaii Reef and Ocean Coalition **SUPPORTS** HB969 but proposes an amendment to prevent toxic ash from being spread across the islands:

Please amend HB 969 by inserting the following language under Section 342H-52 Prohibitions; buffer zones:

(d) No person shall utilize in road building, other construction, or as alternative daily cover material on a landfill, fly ash, bottom ash, or combined fly and bottom ash from a municipal waste combustor, including any ash residue that remains after removal of metals for recycling into new metal products. Such material shall be disposed of only in a double lined and duly licensed municipal solid waste or hazardous waste landfill.

Mahalo!

Hawaii Reef and Ocean Coalition (by Ted Bohlen)



INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL UNION 1260 EMPOWERING THE PACIFIC

THIRTY-THIRD LEGISLATURE, 2025, House Committee on Judiciary and Hawaiian Affairs

HEARING DATE: Thursday, February 27, 2025

TIME: 2:00 p.m.

PLACE: Committee Room 325

RE: House Bill 969, HD1 Related to Waste or Disposal Facilities- IN STRONG SUPPORT

Aloha Honorable Chair Tarnas, Vice-Chair Poepoe, and Committee Members;

The International Brotherhood of Electrical Workers Local 1260 (IBEW 1260) would like to offer the following testimony in STRONG SUPPORT of House Bill 969, HD1.

IBEW 1260, is comprised of approximately 3,000 members throughout Hawaii and Guam and consists of a diverse and highly-skilled workforce that supports the electric utility infrastructure across our state as well as government service contracts and broadcasting. It's our duty to serve and to protect the well-being of our members, but beyond that, it is incumbent upon all of us to serve and protect the well-being of our island home.

HB969, HD1 prohibits the construction, modification, or expansion of any waste or disposal facility on land that is near or above a significant aquifer as determined by the Department of Health.

Water like energy, is a critical component to a society that we must protect. Studies have indicated that despite advanced technology in landfill management, liners may over time become compromised and leak its harmful components into the ground upon which the landfill sits.¹ IBEW 1260 supported recently adopted Honolulu City Council Resolution 25-3, which reaffirmed Resolution 03-09, FD1, adopted on April 16, 2003, that Municipal Solid Waste landfills should not be located in proximity to the city's underground drinking water sources.²

Siting a landfill over a water source or aquifer risks irreparable harm, impacts future generations use of this precious resource, which far outweighs any perceived benefit. We should take note and learn from recent above-ground water contamination events. The impact to under-ground water resources should a leachate leak event occur over an aquifer is virtually irreversible.

Mahalo for this opportunity to testify on this measure.

¹ The Norman Landfill Environmental Research Site: What Happens to the Waste in Landfills? By Scott C. Christenson and Isabelle M. Cozzarelli; U.S. Geological Survey; August 2003; <https://pubs.usgs.gov/fs/fs-040-03/pdf/fs-040-03.pdf>

² Honolulu City Council; Resolution 25-003, CD1; January 29, 2025; <https://hnlidoc.ehawaii.gov/hnlidoc/measure/3168>



Environmental Caucus of The Democratic Party of Hawai'i

February 26, 2025

Testimony in Support of HB969 HD1-RELATING TO WASTE OR DISPOSAL FACILITIES

To: Chair David A. Tarnas, Vice Chair Mahina Poepoe, and Members of the Committee on Judiciary and Hawaiian Affairs

From: Melodie Aduja and Alan Burdick, Co-chairs, Environmental Caucus of the Democratic Party of Hawaii

Date: February 27, 2025

Subject: Support for HB969 HD1 - Prohibiting Waste or Disposal Facilities Near Significant Aquifers

Aloha Chair Tarnas, Vice Chair Poepoe, and Members of the Committee,

The Environmental Caucus of the Democratic Party of Hawaii respectfully submits this testimony in strong support of HB969 HD1, which prohibits the construction, modification, or expansion of any waste or disposal facility on land that is near or above a significant aquifer as determined by the Department of Health.

Request to Amend: We urge you to amend HB969 HD1 by inserting the following language on Page 2, Line 16, under §342H-52 Prohibitions; buffer zones: "(d) No person shall utilize in road building, other construction, or as alternative daily cover material on a landfill, fly ash, bottom ash, or combined fly and bottom ash from a municipal waste combustor, including any ash residue that remains after removal of metals for recycling into new metal products. Such material shall be disposed of only in a double lined and duly licensed municipal solid waste or hazardous waste landfill."

Key Points in HB969 HD1:

1. **Protection of Water Resources:** Ensuring the safety and cleanliness of our significant aquifers.
2. **Prevention of Contamination:** Reducing the risk of hazardous substances leaching into groundwater.
3. **Sustainable Waste Management:** Encouraging environmentally friendly alternatives.
4. **Community Health and Safety:** Safeguarding the health of our residents.

Arguments in Support of HB969 HD1:

Protecting Our Water Resources: Hawaii's aquifers are a critical source of fresh water for our communities, agriculture, and ecosystems. Ensuring the protection of these vital resources is paramount to maintaining the health and sustainability of our islands. Waste or disposal facilities pose a significant risk of contamination to these aquifers, which could have devastating consequences for public health and the environment.

Preventing Contamination: The potential for hazardous substances to leach into the groundwater from waste or disposal facilities is a serious concern. Contaminants such as heavy metals, chemicals, and pathogens can compromise the quality of our drinking water, leading to adverse health effects for residents and wildlife. By prohibiting the placement of these facilities near significant aquifers, HB969 HD1 takes a proactive approach to safeguarding our water resources from contamination.

Supporting Sustainable Waste Management: This bill aligns with Hawaii's commitment to sustainable waste management practices. By restricting the location of waste or disposal facilities, we encourage the development and implementation of more environmentally friendly waste management solutions that do not jeopardize our precious water resources.

Community Health and Safety: Protecting our aquifers also means protecting the health and safety of our communities. Clean and safe drinking water is a fundamental human right, and HB969 HD1 ensures that we prioritize the well-being of our residents by preventing potential sources of contamination.

In conclusion, we believe that HB969 HD1 is a crucial step towards protecting Hawaii's aquifers and ensuring the long-term health and sustainability of our islands. We respectfully request that the Committee support this bill and help safeguard our water resources for future generations.

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

Mahalo nui loa,

Melodie Aduja and Alan Burdick

Co-chairs, Environmental Caucus of the Democratic Party of Hawaii



February 26, 2025

Hawai'i State Capitol
415 South Beretania St
Honolulu, HI 96813

RE: Testimony for HB969 HD1

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the Committee on Judiciary & Hawaiian Affairs,

My name is Jonnetta "Jonee" Peters, executive Director for the Conservation Council for Hawai'i, whose mission is to protect and save Hawai'i's native species and their ecosystem. I **strongly support HB969 HD1**, which would prohibit the construction, modification, or expansion of waste and disposal facilities on land above significant aquifers.

This bill is crucial for protecting our vital groundwater resources. Our aquifers are irreplaceable sources of freshwater that sustain our communities, 'āina, oceans, and native and endangered species. Once contaminated, these water sources can be permanently damaged, putting public health and our environment at risk.

Protecting our water is about protecting our health, our environment, and the future of everyone who calls Hawai'i home.

I **strongly urge you to PASS HB969 HD1.**

Respectfully,

Jonnetta "Jonee" Peters
Executive Director

Telephone/Fax: **224.338-6511** | email: **info@conservehi.org**
web: **www.conservehawaii.org** | P.O. Box 2923, Honolulu, HI 96802

President: Colleen Heyer | **Vice President:** Bret Nainoa Mossman | **Secretary:** Makaala Kaaumoana
Treasurer: Mashuri Waite, PhD |

Directors: Puanani Anderson-Fung, Steven Lee Montgomery, PhD, Emily Sarasa, Les Welsh, Sunshine Woodford |

Executive Director: Jonnetta "Jonee" Peters **Operations and Events Manager:** Leah Kocher

National Wildlife Federation Region 12 Director: Rachel Sprague

National Wildlife Federation Pacific Region Associate Director: Emily Martin

Kō Hawai'i leo no nā holoholona lōhiu – Hawai'i's voice for wildlife | State Affiliate of the National Wildlife Federation

Comments before
February 27, 2025
House Committee on Judiciary & Hawaiian Affairs

COMMENTS ON
House Bill 969 HD 1
Relating to Landfill Siting

Mike Ewall, Esq.
Founder & Director
Energy Justice Network
215-436-9511
mike@energyjustice.net
www.EnergyJustice.net

Aloha Honorable Committee members. Energy Justice Network is a national organization supporting grassroots groups working to transition their communities from polluting and harmful energy and waste management practices to clean energy and zero waste solutions. In Hawai'i, we've been working with residents who first sought our support in 2015. Since mid-2022, we have supported residents in forming the Hawai'i Clean Power Task Force and Kōkua nā 'Āina to address numerous energy and waste issues in the state.

We urge you to **amend HB 969 just as [SB 446](#) and [SB 438](#) were amended with the following language** to ban the use of toxic incinerator ash in roads, construction, or as daily landfill cover. If it is too dangerous to have the same ash in a double-lined landfill over the aquifer, it is surely too dangerous to put in roads all over the aquifer with no liners.

AMENDMENT: Insert the following language on Page 2, Line 16, under §342H-52 Prohibitions; buffer zones.

(d) No person shall utilize in road building, other construction, or as alternative daily cover material on a landfill, fly ash, bottom ash, or combined fly and bottom ash from a municipal waste combustor, including any ash residue that remains after removal of metals for recycling into new metal products. Such material shall be disposed of only in a double lined and duly licensed municipal solid waste or hazardous waste landfill.

Schemes to “recycle” toxic incinerator ash into roads have failed across the country, in Tennessee, Maine, Oregon, York County, Pennsylvania – and most recently, Bucks County, Pennsylvania, which is the model that the City and County of Honolulu is holding up as the project they want to copy. That Bucks County, PA plant stopped putting ash into asphalt in September 2022 and never restarted as they said they would do by 2023. The ash is now going back to landfills, anyway.

Ash should never be used as alternative daily cover material for itself at a landfill. Daily cover is required to prevent harmful wastes from blowing into the community at night, and the idea of “alternative daily cover material” is a ploy by the landfill industry to save money by not putting soil on top of the landfill each day while making money taking waste instead. However, ash is fine material and there are examples from across the country where this has blown off of the landfill into communities. It's better to require tarps for daily cover than to allow ash to be “cover” for itself, risking exposure to wind-blown ash particles.

EPA's test for whether ash is hazardous does not account for exposure to ash by inhalation, ingestion, or even by touching it, as they now admit on their website:

<https://www.epa.gov/smm/energy-recovery-combustion-municipal-solid-waste-msw#faq6>

EPA's test only looks at what leaches out under short-term lab conditions under a certain pH, where toxic chemicals like lead and cadmium do not leach out. Scientific experts have documented that this does not represent real-life conditions and that actual leaching of toxic chemicals from incinerator ash happens in real-life, even if not in EPA's test to determine whether the ash is technically and legally "hazardous." It is clear that passing this test does NOT mean that incinerator ash is "non-toxic" or "inert." It is far from that.

Reworld (formerly Covanta) – the operator of the H-POWER trash incinerator that makes this ash – was just fined \$878,000 in New York for having failed to mix their fly and bottom ash properly, and having illegally dumped hazardous incinerator ash in a landfill not permitted to take hazardous waste. See: <https://dec.ny.gov/news/press-releases/2025/2/dec-orders-reworld-hempstead-to-pay-878500-in-penalties-and-environmental-benefit-funds> and <https://law.justia.com/cases/new-york/other-courts/2024/2024-ny-slip-op-24080.html>

More details on the hazards of incinerator ash and its "recycling" or "reuse" start on page 5 of this testimony.

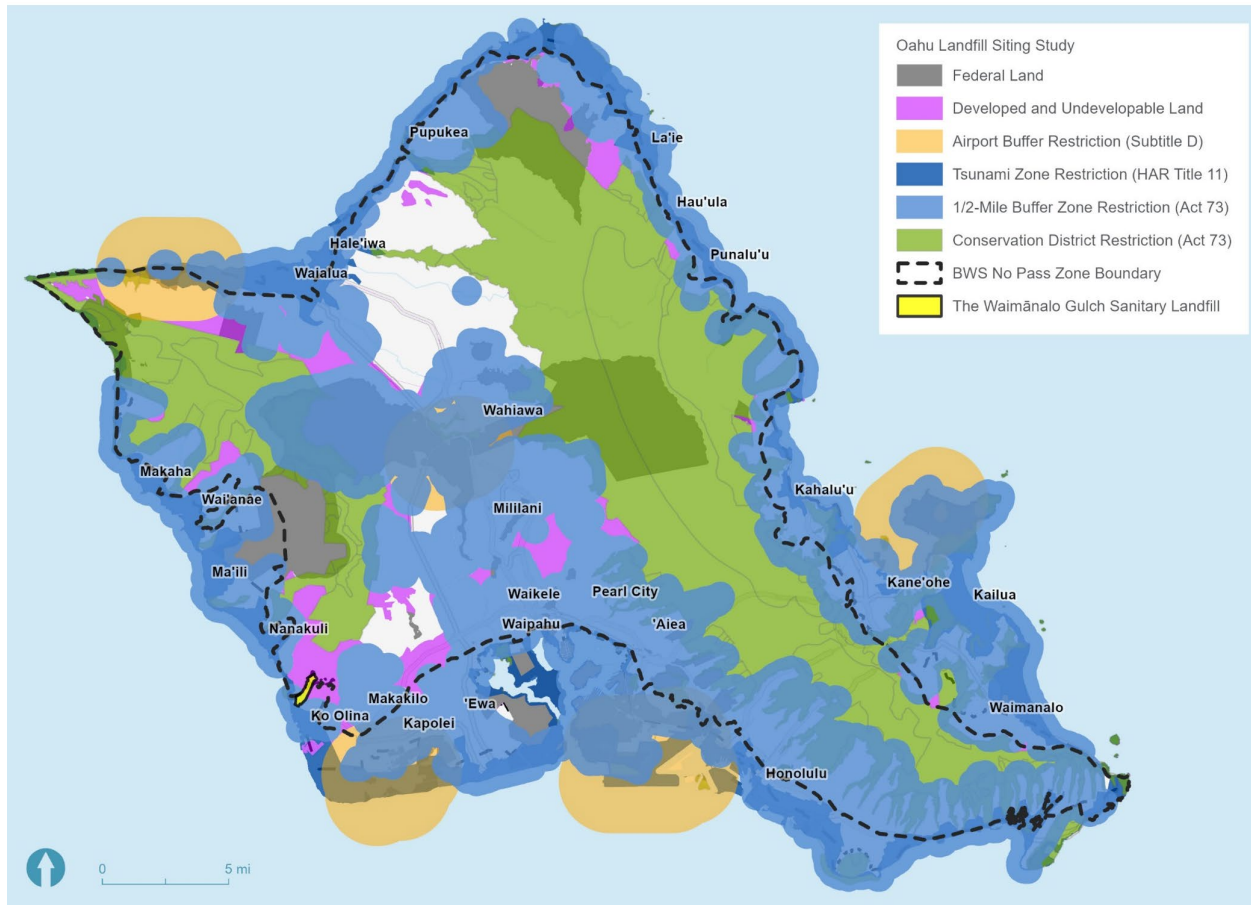
BACKGROUND INFORMATION IN SUPPORT OF HOUSE BILL 969

This, and other bills aiming to reopen Act 73 of 2020, aim to impact the effort to site a new landfill on O'ahu. Waimanalo Gulch Landfill is supposed to close by 3/2/2028, although EPA data shows that it has many more years of capacity remaining... enough for it to last until somewhere between 2032 and 2060 depending on waste generation and composition.

The siting effort for a new landfill was supposed to be completed by the end of 2022, but was delayed for two years after not being able to find suitable land other than over the aquifer. After a failed effort to secure federal land, the City and County of Honolulu returned to one of their original proposed locations – over the aquifer – and now claims that modern double-lined landfills never leak, which is not supported by the track record of landfills across the country.

The Honolulu Board of Water Supply has testified in opposition to siting a new landfill over the aquifer out of concern for the fact that all landfills eventually leak, as has been affirmed multiple times over the years by the U.S. Environmental Protection Agency. They recommend that any new landfill be on the outside of the "no pass zone" boundary, over the caprock, which protects the aquifer from contamination.

As is evident on the map on the next page, there is no area outside of this "no pass zone" where there is land to build a landfill because the half-mile buffer zone in Act 73 already eliminates that entire area. To enable Waimanalo Gulch Landfill to be replaced with a landfill that is not sited over the aquifer, the half-mile buffer zone would have to be reduced.



Furthermore, there are some important considerations for a landfill no matter where it is sited, in order to have the safest possible landfill:

1. Reduce toxicity by ending incineration

There are two things that make landfills particularly harmful: toxicity (from leachate and landfill gas releases) and climate impacts from gas generation. The toxicity is made far worse when burning waste and landfilling ash. The proposed landfill on Oʻahu is primarily for the toxic ash from the H-POWER trash incinerator.¹ The landfill will be far less dangerous if trash is placed there without burning it first, which makes it more possible for toxic chemicals in waste to get out and to blow off of trucks and off of the top of the landfill (especially when ash is used as daily cover material). The City and County of Honolulu is pursuing an even more dangerous plan – to take this toxic ash and build roads with it, which would essentially be linear unlined landfills all over the

¹ As multiple life cycle assessments have demonstrated, burning trash and landfilling ash is 2-3 times more harmful than directly landfilling trash without burning first. See <https://www.energyjustice.net/files/incineration/LCA.pdf> for summary slides from two studies of this sort on incinerators run by the same company operating H-POWER. A study conducted for Hawaiʻi County in 2023 demonstrated the same when looking at the health and environmental costs of landfilling paper and plastics on Hawaiʻi Island vs. burning them at H-POWER on Oʻahu vs. shipping them to Asia or North America for recycling. It turned out that incineration was the worst impact by far, while landfilling was less harmful, and recycling was a major benefit. See: <https://drive.google.com/file/d/1tdhufZvfyXM64OnU7Z9Bdfts-xoptaq/view>

island, exposing people (and the aquifer) much more than placing the ash in one place in a double-lined landfill. The H-POWER trash incinerator will not last forever, and the older two burners (that are missing two of the four air pollution control systems that most incinerators have) are now 35 years old and should be retired in the next five years. No community has chosen to bear the incredible cost of building a new incinerator in over a decade, and many communities have abandoned such pursuits after finding it politically and financially impossible. The City and County of Honolulu must plan for a future without trash incineration, and invest in Zero Waste solutions that rely on landfilling residuals in the most responsible way possible, which means not burning waste first.

2. Reduce gasses, odors and leakage by source separating clean organic materials (food scraps and yard waste) to compost it and build soils

The other main impact of landfills is from organic materials breaking down and forming leachate and landfill gas (and odors that go with it). Much of this can be avoided with a robust composting system that accepts food scraps as well as yard waste for curbside collection with economic incentives and proper education and enforcement.

3. Stabilize the organic fraction of trash with digestion before landfilling, so you'll have a small, safer landfill

For the dirty organic materials like sewage sludge and the organic fraction of municipal solid waste (including the food scraps that should have been source separated for composting), these materials should be digested to stabilize them before landfilling so that the methane generating potential is removed, and the gases are produced in an enclosed system where they're easier to capture than in an open air landfill system. This is discussed in the report by EcoCycle on what to do with the "leftovers" on the path to Zero Waste: <https://ecocycle.org/resources/report-zero-waste-system-leftovers/>

4. Do not use landfill gas for energy (minimize gas formation, maximize collection)

Contrary to popular understanding, it's actually not beneficial to use landfills as energy facilities by burning captured gas for energy. This is because such projects generally involve deliberately generating more gas and manipulating the landfill in ways that are designed to increase the proportion of methane in the gas, though these manipulations tend to cause more gas to escape, which makes climate and community health impacts worse. There are strategies to best manage landfills by minimizing gas formation and maximizing collection which are discussed in the back end of the Zero Waste Hierarchy described on these pages:

<https://www.energyjustice.net/zerowaste/hierarchy> and <https://www.zwia.org/zwh>.

Why incinerator ash that is unsafe in a double-lined landfill over an aquifer is even more dangerous used in construction or road-building over the aquifer with no liner system

The City and County of Honolulu (“city”) is pursuing permits to build a facility near the H-POWER trash incinerator in Campbell Industrial Park in Kapolei. This facility would be owned by the city and operated by Reworld (formerly Covanta) – the same owner/operator relationship that they have for the H-POWER incinerator.

This facility would pull metals out of the incinerator’s ash for recycling, then use the remaining ash to build roads or for other construction purposes. This is unproven and unsafe, and would be a greater threat to human health, the aquifer and the environment in general than simply placing this ash in a double-lined landfill.

The landfill currently proposed for Wahiawa is primarily for the toxic ash from H-POWER’s trash incinerator. The concern driving this and other bills is that a new double-lined landfill will eventually leak and poison the aquifer. The U.S. Environmental Protection Agency has stated multiple times over the years that all landfills eventually leak. Concern over the aquifer is well-warranted.

The plan to use ash to build roads all over the island is even more concerning. Doing so will turn roads into linear unlined landfills with no groundwater protection that can pollute the aquifer from many directions. It will also expose road workers, everyone who drives over the roads, and all who lives near roads where the road surface will erode over time, releasing tiny particles with toxic metals, dioxins, and other harmful chemicals.

Due to these concerns, the Democratic Party of Hawai’i adopted resolution 2024-11 (attached) opposing the use of ash in roads unless it can be “remediated” so that toxic chemicals are removed to the point where they are not detectable. Such remediation technology does not exist, and were it possible, it would not be affordable, and is not what is being proposed by the city.

The facility that the city is using as a model is located in Bucks County, Pennsylvania. That plant, owned and operated by Reworld (Covanta) removes metals from trash incinerator ash, and used provide the remaining ash to a nearby asphalt company to use in roads. They stopped doing this in September 2022 and were going to restart in 2023, but never did. That project apparently failed, and ash is now going back to landfills, anyway. Similar projects failed in Tennessee, Maine, and York County, Pennsylvania. Making roads out of incinerator ash is dangerous and unproven.

In December 2024, the U.S. Environmental Protection Agency admitted on their [website](#) that incinerator ash, even if it tests legally “non-hazardous” based on tests that only look at what leaches out of ash, can still be harmful if people are exposed in other ways, including inhalation, ingestion, or touching it. Ash can blow off of trucks, blow off of the top of landfills when used as alternative daily cover at a landfill, and would be handled by road workers. Roads will also erode over time with tiny toxic particles exposing people.

EPA's statement says:

6. What risks are associated with management, disposal or reuse of MSW incinerator ash?

If MSW combustor ash exceeds the toxicity characteristic regulatory limit at Title 40 of the Code of Federal Regulations Section 261.24 using the Toxicity Characteristic Leaching Procedure (TCLP), it is identified as a hazardous waste due to the risks it poses to groundwater contamination under a worst-case mismanagement scenario. Non-hazardous MSW combustor ash may still present potential risks via other pathways, such as through inhalation, ingestion, or dermal (skin) contact. These risks should also be considered during transport, disposal and/or beneficial reuse of the ash as a non-hazardous secondary material.

Communities are being told that municipal solid waste incinerator ash is “non-toxic” and “[inert](#)” as a means to dismiss concerns about toxicity of ash. This is a misinterpretation of the results of the Toxicity Characteristic Leaching Procedure (TCLP) test that is used to determine whether ash is legally hazardous. EPA's statement now makes that clear. Incinerator ash was never “non-toxic” or biologically inert.

In a 2/23/2022 meeting we had with key staff at the U.S. Environmental Protection Agency's Office of Land and Emergency Management (the office that handles solid waste), EPA staff confirmed that the TCLP test is based solely on what leaches out of ash, not on exposure pathways involving inhalation or ingestion. This is a concern because there are exposure pathways not being considered. Incinerator workers are the first to be exposed. I've toured incinerators where you can write your name in the layer of ash dust that has settled and built up on the floor, yet workers are not wearing respiratory protection. There are anecdotes from communities where ash has blown off of trucks. When ash is dumped from trucks on the surface of landfills, there can be clouds of ash dust blowing away during that activity, which has been video documented by workers in one case I've seen. Incinerator ash is typically used as alternative daily cover material at landfills, which risks ash blowing into communities.² There are several examples of this that we're aware of. One – at the City of Baltimore's Quarantine Road Landfill – was noticed by the Maryland Department of the Environment and the city was ordered in 2010 to stop the practice since ash was blowing off-site (we believe that they have continued the practice). See the bottom of page 2 in this [memo](#). Off-site wind-blown ash has also been documented at an ash monofill in New England. Some landfills, like Old Dominion Landfill in Monroe (Henrico County), VA, use ash to build internal roads in landfills where trucks drive over the ash and can kick it up and track it off-site. The potentials for inhalation and ingestion are significant.

² Historically, landfills are required to use soil as daily cover at the end of each day to prevent waste blowing into communities at night. However, the industry has learned that they can save money by not paying to fill their air space with clean soil, and *make* money taking waste in place of soil. The practice of using waste as “alternative daily cover material” (ADCM) has become commonplace, even though it can involve exposing the community to wind-blown incinerator ash or other wastes permitted to be used as ADCM. There are numerous cases of incinerator ash blowing off of landfills when ash is used as cover material for itself.

Incinerator ash used to be considered to be categorically non-hazardous by EPA until a May 1994 Supreme Court decision that required that, if ash tests hazardous, it must be regulated as hazardous waste. Testing with the EP Tox test used to find fly ash hazardous 91% percent of the time based on lead and 97% of the time based on cadmium; bottom ash 36% of the time based on lead and 2% of the time based on cadmium; and combined ash 40% of the time based on lead and 14% of the time based on cadmium. Find more on the legal history [here](#), as well as additional history of the Supreme Court ruling, testing changes, the above results, and how EPA's TCLP test was chemically designed to prevent a hazardous waste designation [here](#).

In the wake of the Supreme Court ruling, EPA changed the test method to TCLP, where the testing now takes place at a higher pH where ash doesn't test hazardous. The mixing of fly and bottom ash prior to testing also enables the industry to dilute the toxicity of the fly ash while the lime in fly ash where lime scrubbers are used helps protect the bottom ash by increasing the pH. Lead and cadmium have U-shaped solubility curves where they'll leach at a high or low pH, but not in the range where the test is done. In long-term landfill conditions, changing pH can cause ash to leach lead, cadmium, arsenic, and probably other toxic chemicals. A [2004 study](#) found that TCLP fails to simulate landfill conditions and underestimates arsenic leaching from ash, stating "[u]p to tenfold greater arsenic concentration is extracted by an actual landfill leachate than by the TCLP."

Municipal waste combustor ash passing a TCLP test does not mean that ash is non-toxic or biologically inert. The test is based solely on the content of liquids that leach out of ash at a certain pH during an 18-hour laboratory test. A TCLP determination of whether ash must be handled as hazardous waste does not account for exposures via inhalation, ingestion, or dermal (skin) contact. These exposures are possible if ash blows off of trucks during transportation, blows into the air when dumped at a landfill, blows off of the surface of a landfill (which is more possible where ash is used as daily cover material), is kicked up by trucks where ash is used to make internal roads in a landfill, or where workers handle ash to recycle it into roads or other reuse applications where it can erode or leach over time outside of a lined landfill.

Democratic Party of Hawai'i Resolution Adopted May 18, 2024

2024-11: Supporting Safe Management of Incinerator Ash

Whereas, Waste incineration facilities reduce every 100 tons of trash to about 30 tons of ash; and

Whereas, H-POWER—Hawai'i's only trash incinerator—operates in O'ahu's Campbell Industrial Park and burns up to 2,600 tons of waste per day, making it one of the nation's largest waste incinerators, with its ash currently dumped in the Waimanalo Gulch Landfill in Honokai Hale; and

Whereas, While fly ash from trash incinerators is regulated as hazardous waste in several other nations, the U.S. Environmental Protection Agency (EPA) used to categorically define incinerator ash as non-hazardous, even though tests showed that fly ash qualified as hazardous over 90% of the time and even though bottom ash would test hazardous 36% of the time due to leaching of toxic lead or cadmium; and

Whereas, Since a 1994 U.S. Supreme Court ruling that incinerator ash must be handled as hazardous waste if it tests hazardous, the EPA changed the test, allowed mixing of fly and bottom ashes, and changed the test methods to enable incinerator ash to pass the test; and

Whereas, EPA staff admit that the ash testing regulations (which require testing only for what leaches out of incinerator ash at a certain pH in short-term lab tests) are based solely on whether people will be exposed by consuming water that has passed through ash and leached into groundwater and, ultimately, to drinking water supplies—and that ash testing regulations are not based on exposures from touching incinerator ash, or inhaling or ingesting ash particles; and

Whereas, Testing “non-hazardous” does not mean that ash is safe, “non-toxic” or biologically “inert”; and

Whereas, Incinerator ash is typically handled by workers with no respiratory protection, trucked to a landfill in trucks where some ash can blow or spill during transit, dumped from trucks where ash dust usually rises in a cloud that wind can carry, and is finally used 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 & County of Honolulu (the city) is 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 responsibly landfilled; and

Whereas, Roads and other construction materials do not last forever, and will erode and eventually be broken up, releasing more ash particles with no cautionary warnings about toxicity or special handling appropriate for material containing fine particles of highly toxic dioxins and furans, and toxic metals like arsenic, cadmium, chromium, lead and mercury; therefore be it

Resolved, That the Democratic Party of Hawai'i urges the Hawai'i State Department of Health and the city to: 1) Appropriately handle the incinerator ash (a type of “solid waste” as per HRS Section 342H-30) only through proper containment in a landfill, unless the ash is remediated to such a level that it does not pose a risk to public health and safety by first treating the ash to remove dioxins/furans, PFAS, mercury and other toxic contaminants to the point where the remaining ash has no detectable levels of the toxic chemicals, for which there is no known safe dose; 2) Ensure that trucking and landfilling uses secure tarps to prevent ash from being blown by wind into the community; and 3) Cease all activities in pursuit of any effort to “recycle” or “reuse” H-POWER incinerator ash unless it is properly remediated as described above; and be it

Ordered, That copies of this resolution shall be transmitted to the offices of the Governor and Lieutenant Governor of the State of Hawai'i, the Director of the Hawai'i State Department of Health, all members of the Hawai'i State Legislature and Honolulu City Council who are Democrats, the Mayor of the City & County of Honolulu, and the Director of the Honolulu Department of Environmental Services.

February 27, 2025

Honorable David A. Tarnas, Chair
Honorable Mahina Poepoe, Vice Chair
and Members on the Committee on Judiciary & Hawaiian Affairs

Re: HB 969 HD1; RELATING TO WASTE OR DISPOSAL FACILITIES
SUBMITTING COMMENTS

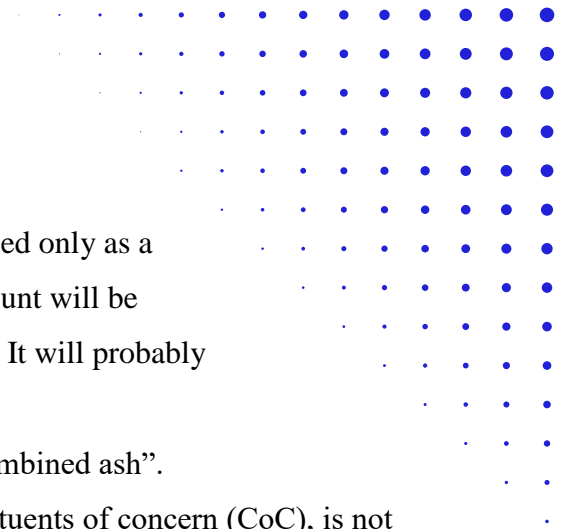
Dear Chair Tarnas and Vice Chair Poepoe:

Reworld is the operator of the HPOWER waste-to-energy facility owned by the City and County of Honolulu. The City and Reworld are working in partnership on a project to move up the waste hierarchy and reduce the amount of waste sent to the landfill. We oppose any amendment to HB 969, HD1 that would prohibit the reuse of ash from waste-to-energy facilities. **The ash amendment being proposed is not germane to the underlying bill to ban landfills over aquifers, and would also kill the City's project to reuse ash to prolong the life of the existing landfill.**

As an important point of clarification, the permit application that has been submitted to DOH is not for the use of ash. It is for use of commercial aggregate that has been recovered from bottom ash through a series of screening and metal recovery steps. This process is analogous to the recovery of metal from ash in that it separates a usable commodity from the non-usable fraction.

HPOWER ash results from a carefully controlled combustion process in an engineered and monitored facility using municipal solid waste (MSW) sources that are specifically allowed by permit. It is routinely tested and has been shown to be non-hazardous in accordance with USEPA's toxicity characteristic leaching procedure (TCLP). Currently, this material is sent to the Waimanalo Gulch landfill for disposal. The project would reduce the amount of ash sent to the landfill by up to 60%. This would reduce disposal costs for the City, save precious landfill capacity, reduce truck traffic and offset the need for importation of aggregate.

The recovered aggregate will be used in asphalt as a substitute for natural aggregate only if it meets the technical requirements of asphalt customers and it meets the environmental



requirements established by the HDOH. The aggregate will be used only as a partial substitute for natural aggregates in asphalt. The exact amount will be established by the HDOH and the asphalt/concrete manufacturer. It will probably comprise about 25% of the total asphalt mix.

The aggregate will be recovered from bottom ash, not “combined ash”. Therefore, fly ash, which contains higher concentrations of constituents of concern (CoC), is not present in the ash feedstock involved in this project or the recovered aggregate product.

We ask that the committee reject any amendments which seeks to block the City’s sustainable waste management project involving HPOWER ash. Efforts being made to make the City and County of Honolulu less dependent on dwindling Oahu landfill capacity should be supported, not prevented.

Thank you for the opportunity to testify.

Frazier Blaylock
Senior Director, Government Relations
Reworld (f/k/a Covanta)
4960 Fairmont Avenue #605
Bethesda, MD 20814

HB-969-HD-1

Submitted on: 2/26/2025 1:45:57 PM

Testimony for JHA on 2/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ian Custino	The Moanalua Gardens Fondation	Support	Remotely Via Zoom

Comments:

Re: HB 969 HD1 - Relating to waste or disposal facilities.**Aloha Chair Tarnas, Vice Chair Poepoe, and members of the Committee on Judiciary & Hawaiian Affairs,**

My name is Ian Keali'i Custino, Executive Director of The Moanalua Gardens Foundation, we strongly support HB969 HD1, which would prohibit the construction, modification, or expansion of waste and disposal facilities on land above significant aquifers.

Ola I Ka Wai, in water there is life. This bill is crucial for protecting our vital groundwater resources, our wai. In our language, waiwai means reach or wealth. There is a reason our kūpuna used the word wai to also describe wealth. Our aquifers are irreplaceable sources of freshwater that sustain our 'āina which in turn gives our kaiāulu (communities) life. Once contaminated, these water sources can be permanently damaged, putting public health and our environment at risk. This is both a cultural and practical issue. Kanaka know that wai, water, is sacred and it is such, because without it nothing lives.

Protecting wai, our precious water is about protecting life! Accessible clean water is crucial in ensuring the health, wellbeing and wealth of our communities across Ka Pae'āina o Hawai'i. The future of our people, our communities, our island home depends on the decisions we make today. Make the right decision and pass this measure.

The Moanalua Gardens Foundation urges the committee to pass H.B. 969 H.D. 1. Mahalo for your attention and consideration.

Me ke aloha,**Ian Keali'i Custino****Executive Director
Moanalua Gardens Foundation****ian@mgfhawaii.org**

HB-969-HD-1

Submitted on: 2/26/2025 4:05:50 PM

Testimony for JHA on 2/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Rev. Mary K. Herbig	Justice and Witness Missional Team of the Hawai'i Conference United Church of Christ	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the Committee on Judiciary & Hawaiian Affairs,

My name is Rev. Mary Herbig. I am a minister at Central Union Church in Honolulu and the Chair of the Justice and Witness Missional Team of the Hawai'i Conference United Church of Christ. We represent 118 churches across the Hawaiian islands.

On behalf of our team of clergy and lay people, we strongly support HB969 HD1, to prohibit landfills from being sited above drinking water aquifers and threatening the water security of our islands and our future generations.

In our faith we believe that human beings are called to be caretakers of the earth, interconnected with all of creation. Our mission statement, "Sent forth by the Spirit, we walk humbly in Christ's footsteps pursuing peace, justice, and the renewal of all creation," expresses our commitment to mālama 'āina. Our kuleana to and relationship with 'āina is deeply embedded in the culture and traditions of the Native Hawaiian people who have lived in harmony with 'āina for generations and stewarded the resources that nourish us today.

This bill is crucial for protecting our vital groundwater resources. Our drinking water aquifers are irreplaceable sources of pure, precious wai that have sustained and must continue to sustain our communities and 'āina. Once contaminated, these water sources can be permanently damaged, putting public health and our environment at risk.

Protecting our water is about protecting our health, our environment, and the future of everyone who calls Hawai'i home.

We trust that you will act for the good of all and PASS HB969 HD1.

Sincerely,
Rev. Mary K. Herbig
Justice and Witness Missional Team
Hawai'i Conference United Church of Christ

HB-969-HD-1

Submitted on: 2/25/2025 12:21:30 PM

Testimony for JHA on 2/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Denise Boisvert	Individual	Support	Written Testimony Only

Comments:

To be blunt, it is hard to believe that this bill is even needed!!!

There is no logical reason why anyone would want a landfill ABOVE a major aquifer; let alone, seriously think it would be safe over the future decades.

There have been too many very questionable (read: ridiculously idiotic) decisions made over the past dozens of decades in Hawai'i that have had DEVASTATING RESULTS to the environment and native species.

Let's not give future generations the opportunity to wonder, "***What the heck were they thinking???***"

Please PASS this bill. Mahalo.

HB-969-HD-1

Submitted on: 2/25/2025 12:33:27 PM

Testimony for JHA on 2/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kim Jorgensen	Individual	Support	Written Testimony Only

Comments:

Please PASS this bill.

Those saying that a landfill over an aquifer will always be safe are talking with their fingers crossed behind their backs.



SIERRA CLUB OF HAWAI'I

HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

February 27, 2025

2:00 PM

Room 308

In **SUPPORT** of **HB969 HD1**: RELATING TO WASTE OR DISPOSAL FACILITIES

Aloha Chair Tarnas, Vice Chair Poepoe, and Members of the Committee,

On behalf of our over 20,000 members and supporters, the Sierra Club **STRONGLY SUPPORTS** HB969 HD1, which will help to uphold our kuleana to safeguard our precious and limited drinking water sources from irreparable contamination.

Deciding where to place a landfill, particularly in an island setting such as ours, will always be a difficult choice. No matter what site is selected, a landfill will inevitably create a range of painful burdens associated with the location selected. **However, as this measure recognizes, siting a landfill over one of our islands' precious, pure, and finite drinking water aquifers is by far the worst choice that can be made.**

As a salient example, the new landfill for O'ahu - proposed to be constructed in Wahiawā, above a drinking water aquifer - will store extremely toxic ash containing heavy metals, cancer-causing PFAS "forever chemicals," and other compounds not easily broken down through incineration, such as PCBs, asbestos, and others. This ash, when combined with rainwater, will create millions of gallons of toxic "leachate" per year. While the City and County of Honolulu administration has assured the public that this leachate will be continually pumped out, transported, and treated at a wastewater facility, it is next to impossible to prevent leachate releases in the years and decades ahead; the EPA itself has concluded that all landfills inevitably leak.

The leachate inevitably released from this proposed landfill, whether through chronic small leaks and/or sudden mass discharges due to fire, flooding, human error, deferred maintenance, or other causes, will slowly but surely percolate into the underlying groundwater table, eventually foreclosing another source of water that our children and grandchildren will need more than ever before, as they navigate an inevitably worsening climate crisis.

Accordingly, by siting a landfill over one of O'ahu's remaining drinking water aquifers, the City would all but guarantee another "Red Hill" situation that compromises the water security of the island's residents, if not in the near future, then at some point in the decades to come. Clearly, this must not be allowed to happen.



Therefore, the Sierra Club strongly supports this measure, as a means to ensure that landfills now and in the future will never be placed in a location that threatens the water security of any of our islands.

With the ongoing Red Hill water crisis still unfolding, we must remember the importance of protecting our remaining clean water sources throughout the islands, if we wish to do right by our children, grandchildren, and all future generations. As our climate continues to destabilize and water and other natural resources become ever more scarce, we have a heightened kuleana to safeguard what resources we still have, so that we can give our islands' future residents and communities the best chance at a hopeful existence. HB969 HD1 is one step to ensuring that we do not fail in this existential duty.

Accordingly, the Sierra Club urges the Committee to **PASS** HB969 HD1. Mahalo nui for the opportunity to testify.

HB-969-HD-1

Submitted on: 2/25/2025 6:48:09 PM

Testimony for JHA on 2/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Cynthia Punihaole Kennedy	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the Committee on Judiciary & Hawaiian Affairs,

I strongly support HB969 HD1, which would prohibit the construction, modification, or expansion of waste and disposal facilities on land above significant aquifers.

This bill is crucial for protecting our vital groundwater resources. Our aquifers are irreplaceable sources of freshwater that sustain our communities and ‘āina. Once contaminated, these water sources can be permanently damaged, putting public health and our environment at risk.

Protecting our water is about protecting our health, our environment, and the future of everyone who calls Hawai‘i home.

I urge you to **PASS** HB969 HD1.

Sincerely,

Cynthia Punihaole Kennedy

Kalaoa, North Kona

Island of Hawai‘i

HB-969-HD-1

Submitted on: 2/25/2025 7:30:30 PM

Testimony for JHA on 2/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Robert Culbertson	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, Rep. Todd, and fellow members of the Committee on Judiciary & Hawaiian Affairs,

I strongly support HB969 HD1, which would prohibit the construction, modification, or expansion of waste and disposal facilities on land above significant aquifers.

This bill is crucial for protecting our vital groundwater resources. Our aquifers are irreplaceable sources of freshwater that sustain our communities and ‘āina. Once contaminated, these water sources can be permanently damaged, putting public health and our environment at risk.

Protecting our water is about protecting our health, our environment, and the future of everyone who calls Hawai‘i home.

I urge you to **PASS** HB969 HD1.

Sincerely,

R A Culbertson

Honokaa

HB-969-HD-1

Submitted on: 2/25/2025 7:50:13 PM

Testimony for JHA on 2/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Sherry Pollack	Individual	Support	Written Testimony Only

Comments:

I strongly support HB969 HD1 that would protect our precious and limited drinking water resources from the threat of landfills. Water is life, and the protection of our precious drinking water should always be the highest priority. Once contaminated, these water sources can be permanently damaged, posing a significant threat to public health and the environment.

With the limited options available on our island for appropriately siting a landfill, the military should be made to offer some of the lands that are currently under their control to be used for this purpose, especially considering our current drinking water crisis is the result of the Navy's negligence at Red Hill.

Last, I respectfully request an amendment be added to this measure that prohibits the reuse of municipal solid waste incinerator ash for uses such as roadbuilding, fill, or construction. The City and County of Honolulu recently shared their interest in building an ash "recycling" plant to take the toxic ash from the H-POWER trash incinerator and use that ash to build roads, however, this would create a serious environmental threat. The EPA has made clear that incinerator ash, even if it tests "non-hazardous" based on tests that only look at what leaches out of ash, can still be harmful if people are exposed in other ways, including inhalation, ingestion, or physical contact. In short, making roads out of incinerator ash is dangerous and should be prohibited.

I urge you to pass this important measure towards protecting our precious water and home for current and future generations.

Mahalo for the opportunity to testify.

HB-969-HD-1

Submitted on: 2/25/2025 8:51:39 PM

Testimony for JHA on 2/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nanea Lo	Individual	Support	Written Testimony Only

Comments:

Hello Chair Tarnas, Vice Chair Poepoe, and members of the Committee on Judiciary & Hawaiian Affairs,

I'm Nanea Lo, and **I write in strong support of HB969 HD1**, which would prohibit the construction, modification, or expansion of waste and disposal facilities on land above significant aquifers.

As a Kanaka Maoli, lineal descendant of the Hawaiian Kingdom, and an advocate for environmental justice, I understand the deep responsibility we have to protect our wai—our most precious and life-sustaining resource. Our aquifers provide essential drinking water for our communities, and once contaminated, they cannot be restored. The potential for waste facilities to leach pollutants into our groundwater is an unacceptable risk to public health, our ecosystems, and the generations to come.

Hawai‘i has already experienced the devastating consequences of water contamination, from Red Hill to other industrial sites. We cannot afford to repeat these mistakes. This bill is a necessary safeguard to ensure that our aquifers remain clean, abundant, and free from toxic threats.

Protecting our water is protecting our people.

I urge you to PASS HB969 HD1 to uphold the health, safety, and sustainability of Hawai‘i.

Me ke aloha ‘āina,

Nanea Lo

Mō‘ili‘ili, HI 96826

Sierra Club of Hawai‘i, Executive Commission Member

Board Member, Hawai‘i Workers Center

Kanaka Maoli | Lineal Descendant of the Hawaiian Kingdom

HB-969-HD-1

Submitted on: 2/25/2025 8:53:41 PM

Testimony for JHA on 2/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kylie Hopkins	Individual	Oppose	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the Committee on Judiciary & Hawaiian Affairs,

My name is Kylie Hopkins and **I STRONGLY OPPOSE HB661 HD1**, which would allow previously and illegally authorized activities to be continued, potentially indefinitely, without a consideration of their environmental, cultural, and social impacts to our islands and our present and future generations.

This measure puts the cart before the horse when it comes to environmental planning and protection. Our environmental review law works by allowing decisionmakers to make more fully-informed decisions that can balance and mitigate potential long-term impacts to the public interest from certain proposed activities, before those activities and their impacts are allowed to proceed. This ensures prudent planning while reducing conflict, minimizing adverse outcomes, and safeguarding the health and well-being of present and future generations.

This bill would do the opposite, allowing activities that have been previously, but unlawfully, authorized without environmental review, to continue while environmental review is pending. As we have seen in cases such as East Maui, where stream diversions by a politically connected plantation were allowed to continue for nearly 20 years after an environmental assessment had been ordered, years' or decades' worth of devastating yet potentially avoidable impacts could occur without the benefit of environmental review, should this measure be passed into law.

By allowing illegally authorized activities to continue while environmental review compliance is pending - something that has taken literal decades in the dewatering of East Maui's streams - this bill would turn our environmental review process into an afterthought, legitimizing unlawful and irresponsible agency practices that have inflicted and that will continue to inflict tremendous generational harms and injustices upon our islands and communities.

I urge you to **HOLD HB661 HD1**.

Sincerely,

Kylie Hopkins

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the Committee on Judiciary & Hawaiian Affairs,

My name is U'ilani and I **strongly support HB969 HD1**, to prohibit landfills from being sited above drinking water aquifers and threatening the water security of our islands and our future generations.

This bill is crucial for protecting our vital groundwater resources. Our drinking water aquifers are irreplaceable sources of pure, precious wai that have sustained and must continue to sustain our communities and 'āina. Once contaminated, these water sources can be permanently damaged, putting public health and our environment at risk.

Protecting our water is about protecting our health, our environment, and the future of everyone who calls Hawai'i home.

Please **PASS HB969 HD1**.

Mahalo,
U'ilani Naipo

HB-969-HD-1

Submitted on: 2/25/2025 9:33:30 PM

Testimony for JHA on 2/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Patrice Choy	Individual	Support	Written Testimony Only

Comments:

I strongly support HB969 HD1.

We must protect our groundwater resources by taking a stand against siting toxic landfills above our drinking water aquifers.

I trust you see the importance of HB969 HD1 and will do the right thing by passing it.

Thank you.

Testimony to the House Committee on Judiciary and Hawaiian Affairs Supporting HB 969 HD 1

February 27, 2025

First, thank you to the Committee Chair and members for the opportunity to testify in favor of HB 969 HD 1.

Our opposition to the proposed Wahiawa landfill is not NIMBY. We are against poisoning the aquifer anywhere. In this case, it would actually affect our neighbors in Waialua and the North Shore. FYI, a January 15 town hall on this subject drew 250 angry people.

Most of the waste will be HPower ashes with high levels of toxic metals. City officials say that they will monitor and remove the thousands of gallons a day of leachate that will drain from the site. But the Board of Water Supply has testified that all landfills eventually leak. At some point after we are gone, the toxins will leak into the aquifer.

When we asked City officials what they would do in 50 years when the dump was full, they said they would find another site, presumably with the same recipe. So, we will have multiple sites leaking into the aquifer - Red Hill on steroids.

In addition, this is an area with heavy rainfall. This means that periodically the site would flood and dump huge amounts of toxic runoff, which has already happened at Waimanalo Gulch.

We have a responsibility to preserve the aquifer and prime agricultural land for seven generations and more.

We also have a responsibility to suggest an alternative.

The City has accepted the military's refusal to use any military land. This is a mistake. They owe us for Red Hill, and many leases of state land are coming up for renewal. We have leverage.

For instance, Kalaeloa was rejected as a site because of the proximity of a lightly-used airport. However, the original legislation bans landfills near residences, schools and hospitals. It does not mention airports. A possible crash is less dangerous than a certain leak into the aquifer.

Therefore, I respectfully suggest amending the law to allow a landfill at Kalaeloa, "to mitigate significant risks to public safety and health." (SB 2386, 2020). This would only be the beginning of the process. But at least it would offer a possible alternative to poisoning our water.

Mahalo for the opportunity to testify.

Larry Meacham, 306B Lehua St, Wahiawa, HI 96786. meacham.hawaii@gmail.com

HB-969-HD-1

Submitted on: 2/26/2025 8:15:58 AM

Testimony for JHA on 2/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lory Ono	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the Committee on Judiciary & Hawaiian Affairs,

My name is Lory Ono and I **strongly support HB969 HD1**, to prohibit landfills from being sited above drinking water aquifers and threatening the water security of our islands and our future generations.

This bill is crucial for protecting our vital groundwater resources. Our drinking water aquifers are irreplaceable sources of pure, precious wai that have sustained and must continue to sustain our communities and ‘āina. Once contaminated, these water sources can be permanently damaged, putting public health and our environment at risk.

Protecting our water is about protecting our health, our environment, and the future of everyone who calls Hawai‘i home.

I urge you to **PASS HB969 HD1**.

Sincerely,

Lory Ono

HB-969-HD-1

Submitted on: 2/26/2025 8:43:22 AM

Testimony for JHA on 2/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Samuel Lee	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the Committee on Judiciary & Hawaiian Affairs,

My name is Samuel Lee and I strongly support HB969 HD1, to prohibit landfills from being sited above drinking water aquifers and threatening the water security of our islands and our future generations. This bill is crucial for protecting our vital groundwater resources. These aquifers are irreplaceable sources of pure, safe wai that have sustained our lāhui and must continue to be available for use in a safe manner. Our ways of life are reliant on being able to access safe, drinkable water, and we must do everything we can to ensure it remains so. Once contaminated, these water sources can be permanently damaged, putting public health and our environment at risk. These risks are something we can afford to take with such a finite and invaluable resource, which powers our communities.

I urge you to PASS HB969 HD1.

Sincerely,
Samuel Lee

HB-969-HD-1

Submitted on: 2/26/2025 8:44:23 AM

Testimony for JHA on 2/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Davie-ann Momilani Thomas	Individual	Support	Written Testimony Only

Comments:

Aloha I firmly support HB969 HD1. The reason? I have a grim concern for beautiful Wahiawa. Also, For an entire decade and presently, my ohana and I live over a former land fill. We live at Pearl City peninsula Navy housing. Our Navy home, plus over 50 Navy homes and our neighborhood park, was constructed over the Navy's vintage land fill. Our style of modern home was ready for Hawaii military community to move in by year 1991. In 1980s the Navy was asked to clean up the land fill that had toxins added in. Well something got accepted behind people's backs and trusted to build a housing community with families to live in. However, when Navy red hill cover ups and crisis became MORE apparent in our neighborhood and to the entire land plus homes, In year 2022, I was urgently informed by an environmental expert including to be a former military housing contractor, informing me, the Navy failed to thoroughly clean up their entire toxins from their past history land fill to where me and my ohana live. The withholding information grew deeper. We learn this entire decade also under our home and this vast property has Hawaiian burials still present, the entire soil is toxic caused by the Navy of decades to even dig into the soil more than 6 inches as told by a decade ago former Navy housing landlords. Also, the landfill underneath my Navy home radius has ignored toxins from the landfill. And we were and still are exposed an entire decade of JP5 Jet fuel plus many toxins that have recently been known (post plumbing/pipes/hot water heater flushing, in the reports of drinking water test and considered still SAFE to use for daily use of island tap water because our home island state dept of health and federal EPA really have no law to say even small traces amount of Jet fuel or toxic material is NOT safe to be in the aquifer, ground water, neighborhood or military water wells or military installations and privatized military housing or local community side or on US Govt land where businesses want to get their water tested or our Navy home right here in Pearl City. Please hear my voice I have lived with

HB-969-HD-1

Submitted on: 2/26/2025 10:25:25 AM

Testimony for JHA on 2/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Severine Busquet	Individual	Support	Written Testimony Only

Comments:

Aloha,

Although I support HB969 bill, it is necessary to amend it first as follows:

Please insert the following language under Section 342H-52 Prohibitions; buffer zones:

(d) No person shall utilize in road building, other construction, or as alternative daily cover material on a landfill, fly ash, bottom ash, or combined fly and bottom ash from a municipal waste combustor, including any ash residue that remains after removal of metals for recycling into new metal products. Such material shall be disposed of only in a double lined and duly licensed municipal solid waste or hazardous waste landfill.

Thank you for your attention

Severine Busquet

Hawaii Kai 96825

HB-969-HD-1

Submitted on: 2/26/2025 10:51:22 AM

Testimony for JHA on 2/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
William Reese Liggett	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the Committee on Judiciary & Hawaiian Affairs,

My name is William Reese Liggett and I **strongly support HB969 HD1**, to prohibit landfills from being sited above drinking water aquifers and threatening the water security of our islands and our future generations.

This bill is crucial for protecting our vital groundwater resources. Our drinking water aquifers are irreplaceable sources of pure, precious wai that have sustained and must continue to sustain our communities and ‘āina. Once contaminated, these water sources can be permanently damaged, putting public health and our environment at risk.

Protecting our water is about protecting our health, our environment, and the future of everyone who calls Hawai‘i home.

I urge you to **PASS HB969 HD1**.

Sincerely,
William Reese Liggett

HB-969-HD-1

Submitted on: 2/26/2025 11:01:19 AM

Testimony for JHA on 2/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Diane Ware	Individual	Support	Written Testimony Only

Comments:

on Judiciary & Hawaiian Affairs,

My name is Diane Ware and I **strongly support HB969 HD1**, which would prohibit the construction, modification, or expansion of waste and disposal facilities on land above significant aquifers.

This bill is crucial for protecting our vital groundwater resources. Our aquifers are irreplaceable sources of freshwater that sustain our communities and ‘āina. Once contaminated, these water sources can be permanently damaged, putting public health and our environment at risk.

Protecting our water is about protecting our health, our environment, and the future of everyone who calls Hawai‘i home.

I urge you to **PASS** HB969 HD1.

Respectfully,

Diane Ware Volcano 96785

HB-969-HD-1

Submitted on: 2/26/2025 11:11:44 AM

Testimony for JHA on 2/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Isaac Harp	Individual	Support	Written Testimony Only

Comments: Aloha Chair Tarnas, Vice Chair Poepoe, and members of the JHA Committee, My name is Isaac "Paka" Harp and I strongly support HB969 HD1, which would prohibit the construction, modification, or expansion of waste and disposal facilities on land above significant aquifers. Hawaii's aquifers are public treasures that we must malama for today and the future. Sincerely, Isaac "Paka" Harp

Hawai'i State Capitol
415 S Beretania Street
Honolulu, HI 96813

RE: HB969 HD1

February 26, 2025

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the Committee on Judiciary & Hawaiian Affairs,

My name is Leah Kocher and I **strongly support HB969 HD1**, which would prohibit the construction, modification, or expansion of waste and disposal facilities on land above significant aquifers.

This bill is crucial for protecting our vital groundwater resources. Our aquifers are irreplaceable sources of freshwater that sustain our communities and land. Once contaminated, these water sources can be permanently damaged, putting public health and our environment at risk.

Protecting our water is about protecting our health, our environment, and the future of everyone who calls Hawai'i home.

I urges you to PASS HB969 HD1.

Sincerely,

A handwritten signature in black ink that reads "Leah Kocher". The signature is written in a cursive, flowing style.

Leah Kocher

HB-969-HD-1

Submitted on: 2/26/2025 11:40:12 AM

Testimony for JHA on 2/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Glenn Choy	Individual	Support	Written Testimony Only

Comments:

I strongly support this bill. Thank you

HB-969-HD-1

Submitted on: 2/26/2025 3:17:54 PM

Testimony for JHA on 2/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kimmer Horsen	Individual	Support	In Person

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the Committee on Judiciary & Hawaiian Affairs,

My name is Kimmer Horsen and I strongly support **HB969 HD1**, to prohibit landfills from being sited above drinking water aquifers and threatening the water security of our islands and our future generations.

This bill is crucial for protecting our vital groundwater resources. Our drinking water aquifers are irreplaceable sources of pure, precious wai that have sustained and must continue to sustain our communities and ‘āina. Once contaminated, these water sources can be permanently damaged, putting public health and our environment at risk.

Protecting our water is about protecting our health, our environment, and the future of everyone who calls Hawai‘i home.

I urge you to **PASS HB969 HD1**.

Sincerely,
Kimmer Horsen

HB-969-HD-1

Submitted on: 2/27/2025 4:26:33 AM

Testimony for JHA on 2/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Simone Kamaunu	Individual	Support	Written Testimony Only

Comments:

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

My name is Simone ‘ Māhealani Kamaunu and I strongly support HB969, which would prohibit the construction, modification, or expansion of waste and disposal facilities above aquifers that are critical to the water security of our islands’ future generations.

We all share a collective responsibility to protect our islands’ vital water resources. The incredibly pure aquifers our islands have been blessed with are irreplaceable, and absolutely critical to sustaining our communities and providing for all aspects of our lives. We must therefore do what we can to protect these aquifers, so that they can continue to support life in these islands, now and for the generations to come.

By preventing the siting of landfills - which will all inevitably leak - over our precious drinking water aquifers, this measure will help to prevent us from failing in our generational responsibility to safeguard our wai, and the very foundation of life in our islands.

I urge you to PASS HB969.

Ola i ka wai,

Simone ‘ Māhealani Kamaunu (He Kanaka Maoli)

HB-969-HD-1

Submitted on: 2/27/2025 8:15:53 AM

Testimony for JHA on 2/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kristen Young	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the Committee on Judiciary & Hawaiian Affairs,

My name is Kristen, I live in Honolulu, and I strongly support **HB969 HD1**, to prohibit landfills from being sited above drinking water aquifers and threatening the water security of our islands and our future generations.

This bill is crucial for protecting our vital groundwater resources. Our drinking water aquifers are irreplaceable sources of pure, precious wai that have sustained and must continue to sustain our communities and ‘āina. Once contaminated, these water sources can be permanently damaged, putting public health and our environment at risk. After what happened with Red Hill which has likely left permanent damaged, we must do all we can to ensure our water's protection.

Protecting our water is about protecting our health, our environment, and the future of everyone who calls Hawai‘i home.

I urge you to **PASS HB969 HD1**.

Sincerely,

Kristen Young
Honolulu, HI 96813

Randy Iwase
95-711 Lewanuu Street
Mililani, Hawaii 96789

January 2025

To: House Committee on Judiciary and Hawaiian Affairs
Re: Testimony in STRONG SUPPORT of HB969 HD 1

Aloha, Chair Tarnas, Vice Chair Poepoe, and Members of the Committee:

Thank you for the opportunity to submit testimony in STRONG SUPPORT of legislation which would prohibit locating waste disposal facilities for hazardous waste or solid waste (herein "landfills") near or above a significant aquifer or on Class A & B agricultural land. This testimony is submitted in STRONG SUPPORT of HB969 HD1 which prohibits siting landfills near or above significant aquifers.

I understand that the City is proposing to locate a major landfill on prime agriculture land north of Wahiawa. I further understand that the site selected is presently in active cultivation and is near or over a significant aquifer.

The Central Oahu/North Shore region is fully aware of the fragility of preserving and protecting our precious water resources and prime ag lands:

1. From a 2023 report prepared by the Department of Health (DOH) for the U.S. Environmental Protection Agency (EPA) entitled "Per-and Polyfluoroalkyl Substances (PFAS) Monitoring Project in Hawaii Drinking Water" (DOH report):
 - a. In 1977, Del Monte pineapple reported a spill of approximately 495 gallons of ethylene dibromide (EDB). The area was about 50 feet away from Del Monte's domestic water well. The well site supplied more than 600 residents at the Kunia Camp.
 - b. On April 24, 1980, the well was retested and DOH ordered Del Monte to stop using the well as a source of potable water for Kunia Camp.
 - c. The Del Monte spill site became a Superfund Site.
2. In 1982, DOH withdrew pesticide-contaminated milk products from Oahu grocery shelves and school cafeterias because the milk supply had abnormal levels of heptachlor due to inadvertently including contaminated "green chop" in the green chop fed to cows.
3. In 1982, the pesticide DBCP was found in a Mililani well. DOH closed several wells.

I understand that the City has argued that the proposed landfill does not pose a threat to the water system because it will have landfill liners. The recent Red Hill crisis is a

present-day, real-time example that there are no permanent fail-safe systems to prevent contamination of our aquifers and water systems from landfills sited near or above our precious aquifers.

Importantly, the DOH Report listed landfills as a potential sources of PFAS contamination.

With this history and background, the City chose as their landfill site, an area over a major aquifer and on prime ag land. In the words of the inimitable Charlie Brown, "GOOD GRIEF!"

Our State imposes on all of us a Constitutional, statutory, and moral obligation to protect and preserve our precious drinking water and our ever-dwindling prime ag land.

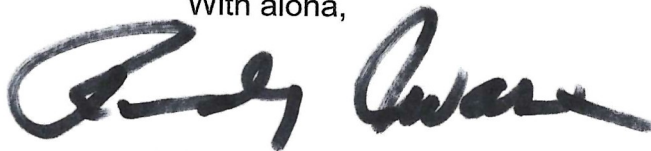
1. Among the mandates in Article XI, Section 1 of our State Constitution is to protect our land and water "in a manner consistent with their conservation and in furtherance of the self-sufficiency of the State."
2. Article XI, Section 3 of our Constitution mandates that the State "conserve and protect agricultural lands, promote diversified agriculture, increase agricultural self-sufficiency, and assure the availability of agriculturally suitable lands."

We fail to meet our responsibilities if we site a landfill on prime ag lands, especially taking an area that is being actively cultivated.

We fail to meet our responsibilities to protect the health, safety, and welfare of the people of our State if we site a landfill near or over a significant aquifer, jeopardizing the purity of the water we all need to drink to sustain life.

I respectfully request that you please pass HB969 HD1.

With aloha,

A handwritten signature in black ink, appearing to read "Randy Iwase", written in a cursive, flowing style.

RANDY IWASE
Former State Senator
Former City Councilmember

HB-969-HD-1

Submitted on: 2/27/2025 10:31:03 AM

Testimony for JHA on 2/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Brittany Lokelani Yuk Lan Kuoha	Individual	Support	Written Testimony Only

Comments:

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

My name is Brittany Kuoha and I strongly support HB969, which would prohibit the construction, modification, or expansion of waste and disposal facilities above aquifers that are critical to the water security of our islands' future generations.

We all share a collective responsibility to protect our islands' vital water resources. The incredibly pure aquifers our islands have been blessed with are irreplaceable, and absolutely critical to sustaining our communities and providing for all aspects of our lives. We must therefore do what we can to protect these aquifers, so that they can continue to support life in these islands, now and for the generations to come.

By preventing the siting of landfills - which will all inevitably leak - over our precious drinking water aquifers, this measure will help to prevent us from failing in our generational responsibility to safeguard our wai, and the very foundation of life in our islands.

I urge you to PASS HB969.

Ola i ka wai,

Brittany Kuoha

HB-969-HD-1

Submitted on: 2/27/2025 11:51:22 AM

Testimony for JHA on 2/27/2025 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Amy Schwab	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Poepoe, and members of the Committee on Judiciary & Hawaiian Affairs,

My name is Amy Schwab from Kaimuki and I **strongly support HB969 HD1**, to prohibit landfills from

being sited above drinking water aquifers and threatening the water security of our islands and our future generations.

This bill is crucial for protecting our vital groundwater resources. Our drinking water aquifers are irreplaceable sources of pure, precious wai that have sustained and must continue to sustain our communities and ‘āina. Once contaminated, these water sources can be permanently damaged, putting public health and our environment at risk.

Protecting our water is about protecting our health, our environment, and the future of everyone who calls Hawai‘i home.

I urge you to **PASS HB969 HD1**.

Sincerely,
Amy Schwab