



**TESTIMONY IN SUPPORT OF HOUSE BILL 969 HD2
RELATING TO WASTE DISPOSAL**

Senate Committee on Health and Human Services
Senate Committee on Water and Land
Hawai'i State Capitol

March 17, 2025

1:15PM

Room 225

Aloha Chairs San Buenaventura and Inouye, Vice Chairs Aquino and Elefante and Members of the Committees:

The Office of Hawaiian Affairs (OHA) **strongly supports HB 969 HD2**, 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 HD2 ensures that all county, State and federal agencies integrate aquifer protection into their solid waste management planning by establishing clear prohibitions

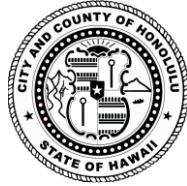
against landfill construction in high-risk areas. By requiring all agencies to acknowledge and respect these safeguards, this measure will prevent future conflicts between waste disposal facilities and water security efforts. The inclusion of buffer zones in this bill further strengthens protections by preventing waste operations from encroaching on residential, school, and hospital areas.

OHA urges the Committee to **pass HB 969 HD2** 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.

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

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RICK BLANGIARDI
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DIRECTOR
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DEPUTY DIRECTOR
HOPE PO'O

IN REPLY REFER TO:
WAS 25-44

March 13, 2025

The Honorable Joy A. San Buenaventura, Chair
The Honorable Henry J.C. Aquino, Vice Chair
and Members of the Committee on Health and Human Services
The Honorable Lorraine R. Inouye, Chair
The Honorable Brandon J.C. Elefante, Vice Chair
and Members of the Committee on Water and Land
415 South Beretania Street
Honolulu, Hawai'i 96813

Dear Chairs San Buenaventura and Inouye, and Vice Chairs Aquino and Elefante:

SUBJECT: House Bill 969, HD 2 - 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 2, 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

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and Members of the Committee on Water and Land
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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.

It is important to note that if HB 969, HD 2 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 2 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 2 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**

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GENE C. ALBANO, P.E., Ex-Officio

March 17, 2025

The Honorable Joy A. San Buenaventura, Chair
and Members
Senate Committee on Health and Human Services
Hawai'i State Capitol, Room 225
Honolulu, Hawai'i 96813

The Honorable Lorraine R. Inouye, Chair
and Members
Senate Committee on Water and Land
Hawai'i State Capitol, Room 225
Honolulu, Hawai'i 96813

Dear Chair San Buenaventura, Chair Inouye and Members:

Subject: House Bill 969, HD2: Relating to Waste or Disposal Facilities

The Honolulu Board of Water Supply (BWS) strongly supports House Bill (HB) 969, House Draft (HD) 2. 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 containinants.

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

The Honorable Joy A. San Buenaventura, Chair
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and Members
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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.

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 2.

Very truly yours,



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





MAKAKILO/KAPOLEI/HONOKAI HALE NEIGHBORHOOD BOARD NO. 34

c/o NEIGHBORHOOD COMMISSION • 925 DILLINGHAM BLVD SUITE 160 • HONOLULU, HAWAII, 96817
PHONE (808) 768-3710 • FAX (808) 768-3711 • INTERNET: <http://www.honolulu.gov>

RESOLUTION

**SUPPORTING EFFORTS TO DIVERT WASTE FROM LANDFILLS, INCLUDING RECYCLING TO
CREATE FUEL AND CONSTRUCTION MATERIALS**

Whereas, the Makakilo/Kapolei/Honokai Hale Neighborhood Board No. 34 (“Board”) is a citizens’ advisory board whose purpose is to “increase and assure effective citizen participation in the decisions of government” per the City and County of Honolulu’s Neighborhood Plan of 2008; and

Whereas, every community in Hawai‘i deserves a “clean and healthful environment” as guaranteed by the Hawaii State Constitution (Article XI, Section 9; In re Maui Elec. Co., 2017 Haw.); and

Whereas, in 2021, the total waste generated on O‘ahu was 1,692,840 tons, with significant portions being recycled or diverted through various waste-to-energy initiatives, but still a substantial portion of waste ended up in landfills, including Construction and Demolition landfilling, general material recycling, and the H-Power Ash and Residuals; and

Whereas, nearly all landfilling, waste-to-energy processing, and recycling of O‘ahu’s waste occurs in West O‘ahu at the City-owned Waimanalo Gulch Sanitary Landfill (WGSL) in Kahe Valley, adjacent to the Honokai Hale and Makakilo communities, and the City-owned H-POWER facility near Kapolei, where waste, including Construction and Demolition materials, passes through Makakilo, Kapolei, and Honokai Hale before being landfilled at WGSL or transported to PVT Land Company, Ltd. in Nānākuli; and

Whereas, the State of Hawaii has made significant strides in addressing climate change, including the declaration of a climate emergency in 2021, and the adoption of the Hawaii Clean Energy Initiative aiming for 100% renewable energy by 2045, and the adoption of Act 238, Session Laws of Hawaii 2022, to explore decarbonization pathways, including sustainable fuel production; and

Whereas, Hawaii’s heavy reliance on imported fossil fuels continues to pose challenges to energy security, economic growth, and efforts to reduce greenhouse gas emissions, leading to the exploration of alternatives such as sustainable aviation fuel, renewable gas, and waste diversion through recycling as fuel; and

Whereas, the state’s current waste disposal practices, particularly landfilling, have been associated with harmful public health risks, including respiratory, neurological, and gastrointestinal issues for nearby communities, as well as environmental hazards from landfill gases like hydrogen sulfide (H₂S), which are linked to serious health problems; and

Whereas, studies have shown that communities within a 3.1-mile radius of landfills, including the PVT landfill and Waimanalo Gulch Sanitary Landfill in West Oahu, are potentially exposed to harmful pollutants, which have been linked to lung cancer, respiratory illnesses, and other health issues; and

Whereas, the residents within the Nanakuli Census tracts (15003009608 & 15003940002), in which PVT landfill resides, suffer 10 years less in their life expectancy than the state average (U.S. Small-Area Life Expectancy Estimates Project, Center for Disease Control, US Department of Health, 2020); and

Whereas, to mitigate these risks and improve the quality of life for residents, it is essential to adopt measures that promote waste diversion from landfills, including the recycling of waste materials into renewable fuels, which aligns with the state's decarbonization goals and reduces dependence on imported petroleum; and

Whereas, the City and County of Honolulu executed a contract with Covanta to evaluate and pursue recycling a portion of the ash, which may significantly reduce the amount of ash disposed at the Waimanalo Gulch Sanitary Landfill; and

Whereas, the Aloha Sustainable Materials Recycling & Fertilizer Facility (SMRFF), currently under development in Kapolei, Hawaii, will serve as a waste recycling facility for local solid-organic wastes, including construction and demolition (C&D) debris, which will be sorted into recyclable and unrecyclable materials, with organic C&D waste components such as lumber, cardboard, fabric, and plastic film converted to energy using a fluidized-bed gasification system to self-power the facility, while inorganic C&D waste, including concrete and window glass, will be recycled into building materials, and landscaping waste, greenwaste from invasive species eradication, and wildfire prevention projects will also be converted to energy, with the resulting ash, along with other local nutrient-containing wastes, formulated into organic and potash fertilizers for use in Hawaii, all of which is expected to reduce waste sent to landfills on O'ahu by half, with ongoing efforts to innovate further; and

Whereas, the adoption of renewable energy practices, such as recycling waste as fuel and producing sustainable aviation fuel locally, would not only improve environmental health but also stimulate local job creation and investment in clean energy infrastructure, contributing to Hawaii's energy independence and long-term sustainability; now, therefore be it

Resolved, that the Makakilo/Kapolei/Honokai Hale Neighborhood Board No. 34 supports efforts to divert waste from landfills, including recycling to create fuel and construction materials; and be it

Resolved, that the board supports the efforts of the City and County of Honolulu to recycle H-Power Ash for use in construction materials safely, and further supports the safe diversion of waste materials to the Aloha Sustainable Materials Recycling & Fertilizer Facility for recycling, including the creation of fuel; and be it

Resolved, the board supports efforts to divert waste from landfills, including recycling initiatives, provided that these efforts are implemented in a manner that minimizes and mitigates any negative effects on public health and safety; and be it

Resolved, the board supports the intent of bills [SB1220 \(2025\)](#) Relating to Renewable Gas Tariff and [HB976 \(2025\)](#) Relating to Renewable Fuel, and [SB764/HB750 \(2025\)](#) Relating to the Environment; and

Ordered, that copies of this resolution be transmitted to the Mayor of the City and County of Honolulu, Honolulu Council Members, Area Legislators, and all Neighborhood Boards.

Adopted by the Makakilo/Kapolei/Honokai Hale Neighborhood Board No. 34 at its February 26, 2025 Regular Board Meeting, 8-0-0 (**Aye:** Dudley, Ferreira, Khan, Lidstone, Moon, Singleton, Taala, Paris; **Nay:** None; **Abstain:** None)

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
**Committee on Health and Human Services &
Committee on Water and Land**
Monday, March 17, 2025; 1:15 PM
Conference Room 225 and Videoconference

In consideration of
House Bill 969 HD2
Relating to Waste or Disposal Facilities

Honorable Chairs San Buenaventura and Inouye, and Vice Chairs Aquino and Elefante, and Members of the Committees:

The County of Kaua'i Department of Public Works **opposes** House Bill 969 HD2, 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 Kaua'i 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.



445 South Street
Morristown, NJ 07960
862.345.5000

March 17, 2025

Honorable Joy A. San Buenaventura, Chair
Honorable Lorraine R. Inouye, Chair
Honorable Henry J.C. Aquino, Vice Chair
Honorable Brandon J.C. Elefante, Vice Chair
and Members on the Committee on Health and Human Services
and Committee on Water and Land

Re: HB 969 HD2; RELATING TO WASTE OR DISPOSAL FACILITIES
SUBMITTING COMMENTS

Dear Chair San Buenaventura, Chair Inouye, and Members:

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 HD2 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. We respectfully request that any language or amendment related to an ash prohibition be rejected from inclusion in HB 969 HD2.**

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 and remove 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



March 17, 2025

Re: Commenting on [HB969 SD2](#) Relating to Waste or Disposal Facilities

Aloha e Chair San Buenaventura, Vice Chair Aquino, Chair Inouye, Vice Chair Elefante, and Members of the Committee on Health and Human Services and the Committee on Water and Land,

The Prince Kūhiō Hawaiian Civic Club submits this testimony commenting on [HB969 SD2](#) Relating to Waste or Disposal Facilities.

We stand with the Association of Hawaiian Civic Clubs in supporting the **1/2 mile landfill buffer** zone and the prohibition of landfills in conservation districts, both established in Act 73, SLH 2020 and that landfills should not be situated over significant aquifers and may only be placed within conservation districts in exceptional circumstances.

We ask the committees to consider maintaining the landfill buffer zone at one-half mile. Please support funding for a comprehensive aquifer study and prohibit landfills near critical groundwater resources, allowing the Department of Health to review landfill permits near significant aquifers on a case-by-case basis. We also request that fly ash and bottom ash reuse be evaluated individually, rather than imposing a blanket prohibition. Finally, we urge you to ensure that impacted communities receive compensation through Community Benefits Packages.

1. Support The Half-Mile Buffer Zone: It's Essential for Public Health

The current half-mile buffer zone was established to provide a reasonable level of protection for families, schools, and farms. Scientific studies show that living near landfills is linked to:

- Higher rates of respiratory illness, birth defects, and certain cancers
- Exposure to toxic gases such as hydrogen sulfide, which can cause neurological and respiratory damage
- Long-term air and water quality degradation

Reducing the buffer zone to one-quarter mile would increase these health risks, disproportionately affecting Native Hawaiian, low-income, and rural communities. Protecting our people should take precedence over landfill siting convenience.

2. Support Environmental Justice: Stop Policies that Target Native Hawaiian and Rural Communities

Hawai'i has a long history of placing landfills near Native Hawaiian communities, despite clear evidence of higher health risks and environmental harm:

- In Nānākuli, the PVT landfill, which receives 42% of all O'ahu's waste, is located next to Hawaiian Homesteads and schools within 0.5-2 miles and homes that abut the landfill, where residents suffer from some of the shortest life expectancies in the state.
- In Kekaha, Hilo, Native Hawaiian families live within 1.5 miles of the old landfill and near the Hilo Airport, enduring decades of cumulative pollution.

Reducing the landfill buffer would only worsen these injustices. This is an issue of equity, health, and human dignity—our communities deserve better.

3. Support Protecting Groundwater: Prohibit Landfills Near Critical Aquifers

We strongly support proactive measures to protect Hawai‘i’s limited and vulnerable aquifers.

Specifically, we recommend:

1. Funding the Department of Health, in collaboration with the Commission on Water Resource Management, to conduct a comprehensive study identifying significant aquifers across Hawai‘i.
2. Prohibiting the establishment of waste or disposal facilities near or above critical aquifers, except for transfer stations, which only serve as temporary waste-holding sites.
3. Empowering the Department of Health to conduct case-by-case reviews only for proposed landfills located above the UIC Line, where the risk to significant aquifers is greatest. Landfills proposed below the UIC Line should not require this additional review.
4. Allowing transfer stations near aquifers only if strict environmental safeguards are met, ensuring no groundwater contamination risk.

Hawai‘i’s drinking water is too precious to risk contamination from landfill pollution.

4. Protecting Communities First — Not Just Agricultural Lands

SB446 SD2 adds important protections for Hawai‘i’s most valuable agricultural lands with A and B rated soils — and we support the effort to preserve these lands for future generations. However, these protections must not come at the expense of protecting our homes, hospitals, and schools.

Our kūpuna, keiki, and working families—especially in Native Hawaiian homestead communities like Nānākuli and Kekaha—deserve the same level of protection as conservation lands currently have and what this bill proposes to provide to Ag land with A and B rated soil. Protecting land is important, but protecting people is essential. Our health, safety, and future should never be sacrificed for administrative convenience or quick fixes.

5. Support Responsible Recycling and Reuse of Fly Ash and Bottom Ash

We oppose the blanket prohibition in SB438 SD2 on the reuse of fly ash and bottom ash, as this would restrict its beneficial use in concrete mixes, flowable fill, and road construction. Instead, we support a case-by-case evaluation by the Department of Health.

A total ban on recycling these materials would:

- Eliminate sustainable reuse opportunities, forcing more materials into landfills;
- Increase landfill waste volume, creating permanent waste streams from waste-to-energy plants, including those burning invasive species, hemp, jatropha, switchgrass, and algae;
- Ignore potential advances in recycling technologies, which could safely repurpose these materials in the future.

We recommend allowing the Department of Health to assess the environmental impacts of fly ash and bottom ash reuse on a case-by-case basis, ensuring both public health and sustainability.

6. Support Community Benefits Packages for Landfill Host Communities

If a landfill is sited near a residential area, impacted communities must receive compensation. We call for the mandatory establishment of Community Benefits Packages that include:

- Free ongoing health screenings and medical care for affected residents
- Independent environmental monitoring (air, water, and soil quality)
- Financial compensation for decreased property values
- Investments in infrastructure, education, and cultural programs
- Long-term environmental restoration funding post-landfill closure

Landfill host communities should not bear the burden alone—they must receive meaningful benefits.

7. Conclusion: Protect Public Health, Preserve Water Resources, and Promote Sustainable Waste Management

The Prince Kūhiō Hawaiian Civic Club urges this committee to:

- Reject the reduction of the landfill buffer zone—leave it at one-half mile;
- Fund a comprehensive aquifer study and prohibit landfills near critical groundwater resources and allow the Department of Health to review landfill permits over significant aquifers on a case-by-case basis;
- Evaluate fly ash and bottom ash reuse on a case-by-case basis, rather than imposing a blanket prohibition;
- Ensure impacted communities receive compensation through Community Benefits Packages.

Hawai'i deserves waste policies that prioritize people over profits, health over convenience, and environmental justice over short-term gains.

Founded in 1964, the Prince Kuhio Hawaiian Civic Club (PKHCC) was established to promote the education and social welfare of people of Hawaiian ancestry. Its objectives include supporting high ethical standards in business, industry, and professional fields.

Mahalo for your attention and consideration.

Me ke aloha,

Norman Llanos
Pelekikena
president@pkhcc.org

HB-969-HD-2

Submitted on: 3/14/2025 5:11:01 PM

Testimony for HHS on 3/17/2025 1:15:00 PM

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

Comments:

Aloha!

The Free Access Coalition supports HB969. Free public access to pure drinking water is of paramount importance to all of us. Let's not place land-fills over our aquafer.

Pleas forward HB969 to become law.

Mahalo for your time.

Comments before
March 17, 2025
Joint Senate Committees on Health and Human
Services and Water and Land

IN SUPPORT OF
House Bill 969 HD 2
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 support this bill to prevent building landfills over the aquifer. The Honolulu Board of Water Supply has rightfully spoken up against putting this ash over our aquifer, whether in a landfill or in road-building, and we concur. **We urge you to amend HB 969 just as you strengthened [SB 446](#) and [SB 438](#) by banning 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 O'ahu's aquifer, it is surely too dangerous to put in roads all over the aquifer with no liners.

Please add this language to protect against this reckless ash "recycling" proposal, as follows, inserting the following on page 2, line 16:

AMENDMENT:

Section 342H-52 Prohibitions; buffer zones:

(d) No person shall utilize fly ash, bottom ash, or a combination of fly ash and bottom ash from a municipal waste combustor, including any ash residue that remains after removal of metals for recycling into new metal products, for the purposes of road building, construction, or as alternative daily cover material on a landfill. Notwithstanding use of Waimanalo Gulch Landfill cells constructed as of July 1, 2025, fly ash, bottom ash, or a combination of fly ash and bottom ash from a municipal waste combustor shall be disposed of only in a double-lined and duly licensed municipal solid waste or hazardous waste landfill.

Note that this amendment is updated from the earlier ones used in SB 446 and SB 438 so that it does not accidentally ban ash from the currently-used Waimanalo Gulch Landfill until new double-lined cells are available. Apparently, the landfill is not double-lined, as [prior testimony](#) on the bill from Department of Health indicated.

We support other changes recommended by DOH and recently adopted in SB 438 to clarify terms, prevent it from accidentally impacting composting facilities, and have the bill apply only to O'ahu.

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 City and County of Honolulu ("city") is pursuing permits from the Department of Health 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. These proponents of ash "recycling" into roads have been spreading misinformation that needs to be corrected.

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.

Ash cannot be cleaned. There is no technology that would be applied which can remove dioxins/furans, lead, mercury, cadmium, arsenic, PFAS, and other toxic constituents out of the incinerator ash before allowing workers to handle it for roadbuilding and other construction purposes.

It is not just bottom ash. Incinerators produce fly ash (small particles caught in pollution controls... about 10% of the ash, and very toxic) and bottom ash (about 90% of the ash and less toxic, but still full of many toxic chemicals). Reworld claimed in testimony that they only handle bottom ash, but several of their own documents from their Bucks County, Pennsylvania plant (the model for the one proposed by the City and County of Honolulu) contradict their statement and show that they are taking "combined" ash, which means fly ash mixed with bottom ash.

They are not "removing aggregate" from the bottom ash. Reworld also claims that they're removing "aggregate" from the ash as if that is separate from the ash. The City and County of Honolulu and Reworld claim that they'd be diverting 60% of the ash from the landfill. If this is the case, it is the ash itself that they want to put into roads, not just some rocks they pull out of the

ash. It will be the same ash that research shows will leach arsenic and other toxic metals in real-world landfill conditions over time.

It is NOT like sand. Sand does not require tests for whether it's hazardous waste, and disposal in lined landfills. Sand has a neutral pH while ash is far more basic, enabling toxic metals to leach out over time. Roger Babcock has been making false claims to the legislature and neighborhood boards about how it's just like sand. This is not true.

Ash recycling into roads is failed technology. 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 plant, owned and operated by Reworld (Covanta) removes metals from trash incinerator ash, and used to 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.

Ash is not safe as daily landfill cover. 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.

Reworld cannot be trusted. 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> The company also has a decades-long track record of thousands of violations.

EPA's test does saying ash is "non-hazardous" does not mean it's safe, non-toxic, or inert. 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](#).

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.

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.¹ 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

¹ 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.

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.

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.

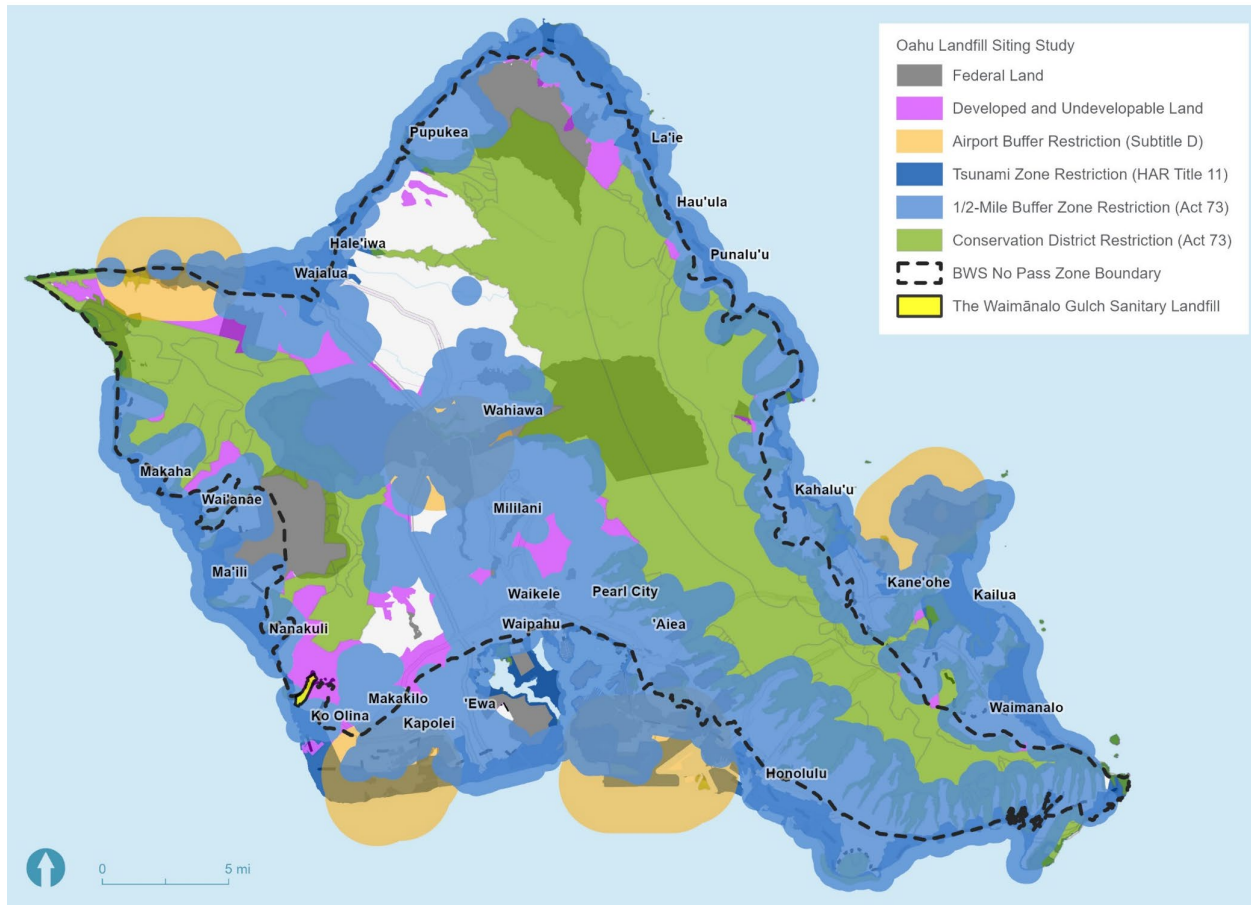
BACKGROUND INFORMATION IN SUPPORT OF HOUSE BILL 969

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 is it 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.² 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

² 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, 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>.



Environmental Caucus of The Democratic Party of Hawai'i

March 16, 2025

To: Chairs Joy A. San Buenaventura and Lorraine R. Inouye, Vice Chairs Henry J.C. Aquino and Brandon J.C. Elefante, and Members of the Committees on Health and Human Services and Water and Land

From: Environmental Caucus of the Democratic Party of Hawaii

Date: Monday, March 17, 2025, **Time:** 1:15 p.m.

Place: Conference Room 225 & Videoconference

Subject: Testimony in Strong Support of **HB969 HD2 RELATING TO WASTE OR DISPOSAL FACILITIES**

Aloha Chairs San Buenaventura and Inouye, Vice Chairs Aquino and Elefante, and Members of the Committees,

The Environmental Caucus of the Democratic Party of Hawaii strongly supports HB969 HD2, 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.

Key Points in Support:

1. **Protection of Water Quality:** This bill is crucial in safeguarding Hawaii's only drinking water supply by preventing the building of landfills over the aquifer, where toxic substances could pose serious threats to water quality.
2. **Further Precautions Against Toxic Ash:** Your committee was wise to protect us further in related bills, SB 438 and SB 446, by prohibiting the same toxic incinerator ash that would be in a double-lined landfill from being used to build roads. The Honolulu Board of Water Supply has justifiably spoken out against placing this ash over the aquifer—whether in a landfill or road-building applications. If it is too dangerous to store in a double-lined landfill over the aquifer, it is surely far too dangerous to scatter across roads over the aquifer without liners.
3. **Proposed Addition:** To strengthen this measure, we respectfully request adding language to prevent the reckless “recycling” of toxic ash as follows:

Section 342H-52 Prohibitions; buffer zones: (d) No person shall utilize fly ash, bottom ash, or a combination of fly ash and bottom ash from a municipal waste combustor, including any ash residue that remains after removal of metals for recycling into new metal products, for the

purposes of road building, construction, or as alternative daily cover material on a landfill. Notwithstanding use of Waimanalo Gulch Landfill cells constructed as of July 1, 2025, fly ash, bottom ash, or a combination of fly ash and bottom ash from a municipal waste combustor shall be disposed of only in a double-lined and duly licensed municipal solid waste or hazardous waste landfill.

This additional language would ensure that our aquifers and communities are fully protected from hazardous waste that has no place in construction materials.

We commend the Legislature for taking decisive action to protect Hawaii's environment and drinking water supply. We urge you to pass HB969 HD2 with the proposed amendment to further strengthen its protections.

Thank you for the opportunity to testify in strong support of this measure.

Respectfully submitted,

Melodie Aduja and Alan Burdick
Co-Chairs Environmental Caucus of the Democratic Party of Hawaii

HB-969-HD-2

Submitted on: 3/16/2025 9:57:11 AM

Testimony for HHS on 3/17/2025 1:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Makaala Kaaumoana	Testifying for Hanalei Watershed Hui	Support	Written Testimony Only

Comments:

We strongly support this measure to protect our aquifers.

Please protect the life blood of our people and places.

How many times have we been told no harm will happen, no damage will occur? Only to learn years later that the promised protections were only wishful thinking. We cannot wish our water is safe, we must work to protect this critical resource.

The highest and most critical job of our elected officials per our Hawaii Constitution is to protect our resources.

The most important resource is our water, pass this bill and do your job.

Mahalo

HB-969-HD-2

Submitted on: 3/13/2025 3:57:34 PM

Testimony for HHS on 3/17/2025 1:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Daniel Nellis	Testifying for Dole Food Company Hawaii	Support	Remotely Via Zoom

Comments:

Dole Food Company Hawaii strongly supports the bill to prevent location of landfills over aquifers. The City of Honolulu is currently proposing to site a landfill in Wahiawa over the aquifer. This is in the middle of Dole's actively farmed pineapple fields. We are opposing the City's site selection as it endangers the drinking water supply for Oahu's public and it is an inappropriate use of productive agricultural land which is a limited resource in Hawaii.

Thank You,

Daniel Nellis , General Manager , Dole Food Company Hawaii.



P.O. Box 37158, Honolulu, Hawai`i 96837-0158
Phone: 927-0709 henry.lifeoftheland@gmail.com

COMMITTEE ON HEALTH AND HUMAN SERVICES

Senator Joy A. San Buenaventura, Chair

Senator Henry J.C. Aquino, Vice Chair

COMMITTEE ON WATER AND LAND

Senator Lorraine R. Inouye, Chair

Senator Brandon J.C. Elefante, Vice Chair

DATE: Monday, March 17, 2025

TIME: 1:15 PM

PLACE: Conference Room 225

Re: HB969 Aquifers

Support

Aloha Chairs San Buenaventura and Inouye Members of the Committees

Life of the Land is Hawai`i's own energy, environmental and community action group advocating for the people and `aina for 55 years. Our mission is to preserve and protect the life of the land through sound energy and land use policies and to promote open government through research, education, advocacy and, when necessary, litigation.

Life of the Land strongly supports HB969 HD2, to prohibit landfills from being sited above drinking water aquifers and threatening the water security of our islands and our future generations

Life of the Land opposed the attempt in 2003 to allow landfills in central Oahu.

SB1532 SD1 (2003) required that county agencies allow solid waste disposal activities above the underground injection control line established by the safe drinking water branch of the department of health; provided county, State, and federal environmental health standards are satisfied in the best public interest. Eliminates requirement that a county that has a resource recovery facility not be granted a permit for other solid waste disposal activities including landfills.

SB1532 SD1 was recomitted on third reading.

Mahalo

Henry Curtis
Executive Director

HB-969-HD-2

Submitted on: 3/15/2025 1:21:40 PM

Testimony for HHS on 3/17/2025 1:15:00 PM

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

Comments:

Aloha Chairs San Buenaventura and Inouye, Vice Chairs Aquino and Elefante, and members of the committees,

My name is Susan RobertsEmery, and I am the Co-Chair of the Green Party of Hawai'i. We write to offer our **strong support HB969 HD2**, 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.

Green Party of Hawai'i urges you to **PASS HB969 HD2**.

Mahalo,

Susan RobertsEmery
Green Party of Hawai'i
Paauilo



SIERRA CLUB OF HAWAI'I

SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES SENATE COMMITTEE ON WATER AND LAND

March 17, 2025

1:15 PM

Room 225

In **SUPPORT** of **HB969 HD2**: RELATING TO WASTE OR DISPOSAL FACILITIES

Aloha Chair San Buenaventura, Chair Inouye, Vice Chair Aquino, Vice Chair Elefante, and Members of the Committees,

On behalf of our over 20,000 members and supporters, the Sierra Club **STRONGLY SUPPORTS** HB969 HD2, 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.

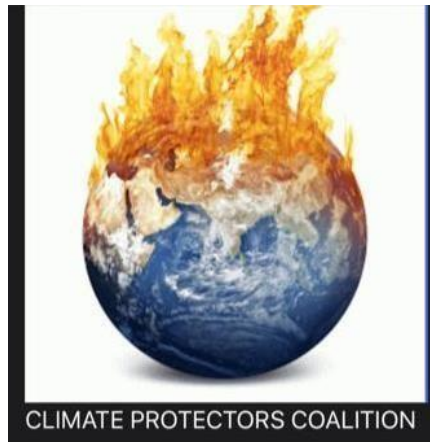
In other words, by siting a landfill over one of O'ahu's remaining drinking water aquifers, the City would all but guarantee another "Red Hill" situation that compromises the water security of the island's residents, if not in the near future, then at some point in the decades to come. Clearly, this 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 Committees to **PASS** HB969 HD2. Mahalo nui for the opportunity to testify.



To: The Honorable Senators Joy San Buenaventura and Lorraine Inouye, Chairs, the Honorable Senators Henry Aquino and Brandon Elefante, Vice Chairs, and Members of the Health and Human Services and Water and Land Committees.

From: Hawai'i Reef and Ocean Coalition and Climate Protectors Hawai'i (by Ted Bohlen)

Re: **Hearing HB969 HD2 RELATING TO WASTE OR DISPOSAL FACILITIES**

Hearing: Monday March 17, 2025 1:00 p.m. CR225

Aloha Chairs San Buenaventura and Inouye, Vice Chairs Aquino and Elefante, Members of the Health and Human Services and Water and Land Committees!

The Hawai'i Reef and Ocean Coalition (HIROC) is a group of scientists, educators, filmmakers and environmental advocates who have been working since 2017 to protect Hawaii's coral reefs and ocean. The mission of the Climate Protectors Hawai'i is to educate and engage the local community in climate change action.

Hawai'i Reef and Ocean Coalition and Climate Protectors Hawai'i **STRONGLY SUPPORT HB969 HD2 but propose an amendment!**

Toxic ash should not be placed where it can endanger our water supply. Hawai'i Reef and Ocean Coalition and Climate Protectors Hawai'i **SUPPORT** this bill's **prohibition on siting a solid or hazardous waste facility over a significant aquifer as determined by the Department of Health, but propose an amendment to also prohibit the placement of toxic ash outside of double-lined landfills. The bill should be amended to require that toxic incinerator ash not be used in road building, construction, or as alternative daily cover, but must be disposed of in a double-lined and duly licensed solid or hazardous waste landfill.**

On page 2 line 16, the bill should read:

Section 342H-52 Prohibitions; buffer zones:

(d) No person shall utilize fly ash, bottom ash, or a combination of fly ash and bottom ash from a municipal waste combustor, including any ash residue that remains after removal of metals for recycling into new metal products, for the purposes of road building, construction, or as alternative daily cover material on a landfill. Notwithstanding use of Waimanalo Gulch Landfill cells constructed as of July 1, 2025, fly ash, bottom ash, or a combination of fly ash and bottom ash from a municipal waste combustor shall be disposed of only in a double-lined and duly licensed municipal solid waste or hazardous waste landfill.

(e)

Please protect the environment by passing this bill with these restrictions on placement of toxic incinerator ash!

Mahalo!

Hawai'i Reef and Ocean Coalition and Climate Protectors Hawai'i (by Ted Bohlen)



Mike Biechler
Chair
North Shore Law Offices

Carol Philips
Vice-Chair
North Shore Surf Girls

Marcia Murphy
Treasurer
Pacific One Mortgage

Bill Ward
Recording Secretary
Corcoran Properties

Lamont Brown
Director
Maya's Tapas and Wine

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Thomas Naylor
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Ke Nui Kitchen

Mary Wood
Director
Resident

Michael Sweetman
Law Offices of
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Teresa Berthiaume
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Marsha Taylor
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info@gonorthshore.org / www.gonorthshore.org

Testimony in Strong Support of HB969 HD2
Relating to the Protection of Hawai'i's Aquifers
Senate Committees on:
Health & Human Services and Water &
LandHawai'i State Legislature - State Capitol
1:15 PM, March 17, 2025 RM 225,

Aloha Chair San Buenaventura, Chair Inouye, Vice Chair Aquino, Vice Chair Elefante, and Members of the Committee:

My name is Carol Philips, and I am submitting this testimony on behalf of the **North Shore Chamber of Commerce** in strong support of **HB969 HD2**, which seeks to protect Hawai'i's aquifers for current and future generations.

1. Importance of Aquifers to the North Shore Economy and Community

Our local economy on the North Shore depends on a robust and reliable water supply. From small businesses and family-run farms to world-class visitor attractions, a stable source of clean freshwater underpins the livelihoods of our members. Aquifers supply the majority of our drinking water, support agriculture and ecotourism, and sustain cultural practices that shape the unique identity of our community.

2. Fulfilling Our Kuleana to Future Generations

At the North Shore Chamber of Commerce, we strive to promote responsible economic development that aligns with our shared values. Ensuring the long-term health of our aquifers reflects our *kuleana*—our responsibility—to protect the natural resources that future generations of residents and businesses will depend upon. By passing HB969, we can safeguard freshwater availability and preserve the authentic character of our region.

3. Critical Threats to Aquifer Sustainability

- **Over-Pumping and Saltwater Intrusion:** Excessive withdrawals risk contaminating our water supply with saltwater, impacting both residents and local industries that rely on fresh water.
- **Contamination:** Agricultural runoff, urban development, and industrial activities can introduce pollutants that degrade water quality and harm public health.
- **Climate Impacts:** Changing rainfall patterns, rising temperatures, and increasing drought conditions threaten the natural recharge process of our aquifers.

*The North Shore Chamber of Commerce is a 501(c)3 nonprofit organization,
Federal Tax ID# 99-0265444*



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Community Outreach
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4. Economic and Cultural Ramifications

Clean and abundant water is essential for tourism, agriculture, and the many small businesses that define the North Shore. Protecting our aquifers ensures that local farms can thrive, that visitor experiences remain memorable and authentic, and that the cultural and environmental treasures of our community remain intact. When our water sources suffer, so do the many families and entrepreneurs who depend on this resource for their livelihoods.

5. Why HB969 Matters

By strengthening safeguards around aquifer management, HB969 ensures that we balance economic growth with environmental stewardship. This measure proposes critical strategies—such as stricter monitoring, enhanced watershed management, and collaborative oversight—that will help protect our water resources, maintain our unique local character, and enable businesses to operate sustainably.

The North Shore Chamber of Commerce strongly urges the passage of **HB969** to protect Hawai'i's aquifers, preserve our community's well-being, and uphold our commitment to responsibly steward our natural resources. We appreciate your thoughtful consideration of this measure and your dedication to a prosperous and sustainable future for Hawai'i.

Mahalo nui loa for the opportunity to testify, and we look forward to working with you to ensure the continued vitality of our state's most precious resource.

Respectfully submitted,

Carol Philips
VP, North Shore Chamber of Commerce



INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS LOCAL UNION 1260 EMPOWERING THE PACIFIC

THIRTY-THIRD LEGISLATURE, 2025,

Joint Senate Committee on Health and Human Services and Water and Land

HEARING DATE: Monday, March 17, 2025

TIME: 1:15 p.m.

PLACE: Committee Room 225

RE: House Bill 969, HD2 Related to Waste or Disposal Facilities- **IN STRONG SUPPORT**

Aloha Honorable Chair(s) San Buenaventura and Inouye, Vice-Chair(s) Aquino and Elefante, and Joint 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, HD2.

IBEW Local 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. We are committed to protecting the well-being of the members we serve and the community at large.

HB969, HD2 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 indicate that despite advanced technology in landfill management, liners may become compromised over time and leak harmful toxic liquids into the area upon which the landfill sits.¹ IBEW 1260 supported the 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>



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March 17, 2025

HEARING BEFORE THE
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES
SENATE COMMITTEE ON WATER AND LAND

TESTIMONY ON HB 969, HD2
RELATING TO WASTE OR DISPOSAL FACILITIES

Conference Room 225 & Videoconference
1:15 PM

Aloha Chairs San Buenaventura and Inouye, Vice-Chairs Aquino and Elefante, and Members of the Committees:

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, HD2, 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.

Testimony to the HHS/WTL Committees Supporting HD969

March 17, 2025

Thank you to the Committee Chairs and members for the opportunity to submit testimony.

Our opposition to placing the landfill over the aquifer on prime Dole Pineapple land in Wahiawa is not NIMBY. In fact, because of the geology, it is our neighbors in Waialua and the North Shore that would be affected. We are against poisoning the aquifer anywhere.

A January 15th 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 says that all landfills eventually leak. At some point after we are gone, the toxins would 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, Wahiawa has heavy rainfall. This means that periodically the site would flood and dump huge amounts of toxic runoff, as 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.

Kalaeloa in Central Oahu was rejected as a site because of the proximity of a lightly-used airport. However, the legislation on landfills bans sites near residences, schools and hospitals. It does not mention airports. And polluting the aquifer forever is more dangerous than a possible airplane crash.

Therefore, I respectfully suggest amending the pertinent statutes 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 it would offer a possible alternative to poisoning our water.

If we allow a landfill over the aquifer, when it leaks, and it will leak, what will future generations say about us?

Mahalo for the opportunity to testify.

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

HB-969-HD-2

Submitted on: 3/14/2025 2:04:59 PM

Testimony for HHS on 3/17/2025 1:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Henrietta Paris	Individual	Comments	Written Testimony Only

Comments:

Aloha Senators:

Please don't amend the bill to shorten the buffer zone or to mandate that H-Power Ash has to go to a landfill and not be recycled safely.

Our ohana lived on Mohihi St. and Auyoung Homestead Rd. in Nanakuli for many years. During that time, we witnessed the growing mound of trash behind our yard, just under a football field away from our home. We, along with our neighbors, had to cope with constant dust and the litter that would spill into our streets during heavy rainstorms, not to mention the runoff that made its way into Ulehawa stream. Many of our friends and neighbors, including ourselves, made frequent trips to the doctor due to health conditions, and we know that others on our street faced similar struggles. No one should have to live next to a landfill. We kindly ask that you maintain the 1/2 mile buffer zone and encourage all efforts to recycle and reuse materials to prevent them from ending up in Nanakuli, Waimanalo Gulch, or any other future landfills.

Mahalo for your time.

Sincerely,

Henrietta K. Paris

Kapolei, Hawai'i

HB-969-HD-2

Submitted on: 3/11/2025 6:23:15 PM

Testimony for HHS on 3/17/2025 1:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Eric Ching	Individual	Support	Written Testimony Only

Comments:

Aloha HHS Chair San Buenaventura , WTA Chair Inouye, HHS Vice Chair Aquino, WTA Vice Chair Elefante, and members of the HHS and WTA Committees:

My name is Eric Ching and I'm testifying in partial support of HB 969, HD2, to protect our water resources by prohibiting construction, modification, or expansion of landfills above the aquifer. I understand the concerns that the Legislature has tried to address with this bill, however, it doesn't go far enough. While much attention is currently being focused on protecting our aquifer from the potentially hazardous effects of landfills, I feel it is equally important to protect the safety, health, and physical well being of area residents and community that may live, work, go-to-school, or utilize facilities that are located near a landfill. This bill should be amended to increase the buffer zone minimum distance from 1/2 mile to 1 mile. This would increase the level of protection for the community around the landfill.

A landfill is a source of dust, fumes, traffic, and environmentally hazardous elements, that have no place next to a school, hospital, or residence. Please help protect our communities by amending this bill to increase the buffer zone minimum distance to 1 mile.

Mahalo.

HB-969-HD-2

Submitted on: 3/11/2025 8:37:36 PM

Testimony for HHS on 3/17/2025 1:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Leimomi Khan	Individual	Support	Written Testimony Only

Comments:

Support. The placement of landfills and waste disposal facilities above significant aquifers introduces an unacceptable risk of l contamination, threatening drinking water sources that sustain communities and ecosystems. 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 and waste disposal over such a sensitive resource is irresponsible. The provisions of this bill will help to prevent such an occurrence as Red Hill from happening again.

HB-969-HD-2

Submitted on: 3/12/2025 7:21:44 AM

Testimony for HHS on 3/17/2025 1:15:00 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 forever 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 yet another opportunity to wonder, "*What the heck were they thinking???*"

Please PASS this bill. Mahalo.

HB-969-HD-2

Submitted on: 3/12/2025 7:23:30 AM

Testimony for HHS on 3/17/2025 1:15:00 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.

HB-969-HD-2

Submitted on: 3/12/2025 9:53:57 AM

Testimony for HHS on 3/17/2025 1:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Geraldine Best	Individual	Support	Written Testimony Only

Comments:

Aloha, my name is Geraldine Best and I am testifying in SUPPORT of HB 969 by prohibiting construction, modification or expansion of landfills above our aquifer. However, further protection is needed by expanding the buffer zone from 1/2 mile to 1 mile. This amendment to increase the buffer zone to 1 mile would further protect the surrounding communities from the hazardous materials/fumes generated from the landfills. It is incumbent for all of us to protect not only our environments but the people living in the vicinity of a landfill. Provisions in this bill along with the proposed amendment to increase the buffer zone to 1 mile will certainly help protect our water and resources - human and natural.

HB-969-HD-2

Submitted on: 3/14/2025 3:28:10 PM

Testimony for HHS on 3/17/2025 1:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Janice Palma-Glennie	Individual	Support	Written Testimony Only

Comments:

Aloha,

I ask that you strongly support HB969 HD2 which would help prevent landfills from being located near drinking water aquifers which endanger the health and other safety of me, my ohana and the rest of the public.

groundwater is a Public Trust Resource -- the most important one. We've had issues on most of the islands at one time or another where our water isn't safe or abundant enough to support the people already living and visiting here. Kona has a wastewater treatment plant that's illegally poisoning our nearshore waters, our groundwater, our residents.

Please do the right thing for our health and our future by passing this important bill.

Best regards,

Janice Palma-Glennie

Kailua-Kona

HB-969-HD-2

Submitted on: 3/12/2025 3:03:43 PM

Testimony for HHS on 3/17/2025 1:15:00 PM

Submitted By	Organization	Testifier Position	Testify
lynne matusow	Individual	Support	Written Testimony Only

Comments:

I strongly support this bill. Water is life. The Navy (aka SNAFU) poisoned thousands with its underground fuel. I believe this is no truly safe material which will protect us. Everything will eventually leak. Maybe not now, but for our children and grandchildren. We cannot allow that. I do not know why Mayor Blangiardi is doubling down on his plan to put garbage on top of an aquifer and next to prime agricultural land.

Please move this bill forward.

HB-969-HD-2

Submitted on: 3/14/2025 2:06:27 PM

Testimony for HHS on 3/17/2025 1:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Melvin Paris	Individual	Oppose	Written Testimony Only

Comments:

Aloha legislators:

You can protect the water, but no forget the people! Please do not touch the 1/2 mile buffer zone and keep opala out of our communities backyards and let the City recycle the ash from H-Power. Better than putting it in a landfill next to people's homes on the West side of Oahu. Mahalo.

Melvin Paris

Kapolei, O'ahu

HB-969-HD-2

Submitted on: 3/13/2025 2:55:26 AM

Testimony for HHS on 3/17/2025 1:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Jeanette Esquivel	Individual	Oppose	Written Testimony Only

Comments:

I Jeanette do not support HB969 because I fear the landfill will affect our environment especially water supply.

Aloha, my name is Jennifer Hernando. I have worked as a hydrogeologist for the last 40 years in Hawaii and have monitored groundwater at landfills throughout the State. I strongly support not locating landfills above drinking water aquifers. Even with the City's proposed double liner and two leachate collection systems, which is above standard requirements for municipal solid waste landfills, there is no guarantee that leachate will never reach the groundwater. Unforeseen circumstances such as errors in liner construction, subsurface fires, hurricanes, floods, or liner degradation over the decades, could result in unanticipated impacts to groundwater. There is a precedent for unanticipated impacts to groundwater – in the 1970s, the experts stated that pesticides used on pineapple fields in Hawaii would remain in the soil and degrade before they would ever reach groundwater; however, in the early 1980s these pesticides were discovered in central Oahu's potable water system. The incident at Red Hill is another example of unanticipated impacts to groundwater. Our water resources are finite and precious; we need water to survive, and we have a responsibility to protect this resource for future generations.

Since leachate is generated by rainfall falling on the landfill and filtering through the waste, locating landfills in areas with lower rainfall results in less leachate generated and less potential impact to groundwater. The best locations for landfills are in areas with low rainfall. The areas of lower rainfall also tend to occur along the outer portions of the island, closer to the ocean, which are also areas not directly above drinking water aquifers (outside the Honolulu Board of Water Supply's No Pass Zone and seaward of the State of Hawaii's Underground Injection Control line).

I support the bill's intent of protecting drinking water aquifers (or significant aquifers as determined by the State Department of Health); however, if the only available areas for siting a landfill above a non-drinking water or non-significant aquifer are within one-half mile of residential, school, or hospital property, then the one-half mile buffer zone should be reduced. The one-half mile designation seems arbitrary – I question why it is one-half mile and not one-quarter mile? Have there been any studies done to support this designation?

Thank you for the opportunity to provide testimony.

Sincerely,
Jennifer Hernando
Hale'iwa, Hawai'i

HB-969-HD-2

Submitted on: 3/12/2025 4:33:44 PM

Testimony for HHS on 3/17/2025 1:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Jacqueline Leinau	Individual	Support	Written Testimony Only

Comments:

Testimony in Support of House Bill 969

I strongly support House Bill 969, which seeks to protect our critical water sources by prohibiting the construction, modification, or expansion of waste disposal facilities, including construction or demolition projects, on land above significant aquifers. As we face growing environmental challenges, safeguarding our water resources is essential for the health and sustainability of our communities. This bill is a proactive step in preserving the integrity of our aquifers and ensuring that future generations have access to clean, safe water. I urge you to support this important legislation for the well-being of our environment and public health.

Mahalo,

Jacqueline Leinau

HB-969-HD-2

Submitted on: 3/12/2025 3:49:50 PM

Testimony for HHS on 3/17/2025 1:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Sara Phelan	Individual	Support	Written Testimony Only

Comments:

Aloha, I support Bill HB969 for the following reasons. Mahalo, Sara Phelan

- Our underground drinking water sources are vital to our community's health, environment, and local economy.
- Siting a landfill near these water resources threatens both current and future generations.
- By supporting HB969 HD 2 we reinforce the commitment to sustainable solutions that protect our island home.

HB-969-HD-2

Submitted on: 3/12/2025 3:26:03 PM

Testimony for HHS on 3/17/2025 1:15:00 PM

Submitted By	Organization	Testifier Position	Testify
SharLyn Foo	Individual	Support	Written Testimony Only

Comments:

Aloha Highly support not building above our water supply

mahalo

HB-969-HD-2

Submitted on: 3/12/2025 3:19:57 PM

Testimony for HHS on 3/17/2025 1:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Joni Ann Shiraishi	Individual	Support	Written Testimony Only

Comments:

I strongly support HB969HD2. We are fighting to save our AG zoned land for Agriculture. There are numerous small farms very near by the proposed landfill site. It also sits above our aquifer which presents huge concerns. I'm sure it's being said that the landfill will cause no harm but once it's there, who will take the responsibility if an accident occurs which adversely affects the aquifer, our clean water source and potential harm to our small farmers?

Please support HB969 and don't allow a land fill on our rich ag lands

Respectfully submitted,

Joni Shiraishi

HB-969-HD-2

Submitted on: 3/14/2025 3:46:25 PM

Testimony for HHS on 3/17/2025 1:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Harvey Arkin	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs San Buenaventura and Inouye, Vice Chairs Aquino and Elefante, and members of the committees,

My name is Harvey Arkin and I **strongly support HB969 HD2**, 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 HD2**.

Sincerely,

Harvey Arkin

Manoa

HB-969-HD-2

Submitted on: 3/14/2025 5:02:26 PM

Testimony for HHS on 3/17/2025 1:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Benton Kealii Pang, Ph.D.	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs San Buenaventura and Inouye, Vice Chairs Aquino and Elefante, and members of the committees,

My name is Benton Kealii Pang, Ph.D., and I strongly support HB969 HD2, which prohibits landfills from being sited above drinking water aquifers, safeguarding the water security of our islands and future generations.

Water is the foundation of life in Hawai‘i. Our groundwater aquifers are irreplaceable, providing clean and essential drinking water for our communities. Any contamination of these resources is irreversible and would have devastating consequences for public health, the environment, and our cultural and economic sustainability. We cannot afford to take such risks with the lifeblood of our islands.

The protection of our water is not just an environmental issue—it is a matter of public health, equity, and long-term resilience for all who call Hawai‘i home. Passing HB969 HD2 is a necessary step to ensure that future generations inherit a land where clean, safe drinking water remains abundant and secure.

I urge you to pass HB969 HD2 to uphold our kuleana to protect our most precious resource—wai.

Mahalo for your time and consideration.

Sincerely,

Benton Kealii Pang, Ph.D.

HB-969-HD-2

Submitted on: 3/14/2025 4:48:45 PM

Testimony for HHS on 3/17/2025 1:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Patricia Blair	Individual	Support	Written Testimony Only

Comments:

Prohibit landfills over drinking water sites forever.

HB-969-HD-2

Submitted on: 3/16/2025 11:56:01 AM

Testimony for HHS on 3/17/2025 1:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Earl Kim	Individual	Oppose	Written Testimony Only

Comments:

This bill protects our water quality by preventing the building of landfills over the aquifer where it could threaten our only drinking water supply. Your committee was wise to protect us further in related bills (SB 438 and SB 446) by preventing the same toxic incinerator ash that would be in a double-lined landfill from being used to build roads.

The Honolulu Board of Water Supply has rightfully spoken up against putting this ash over our aquifer, whether in a landfill or in road-building. If it's 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.

Please add this language to protect against this reckless ash "recycling" proposal, as follows:

Section 342H-52 Prohibitions; buffer zones:

(d) No person shall utilize fly ash, bottom ash, or a combination of fly ash and bottom ash from a municipal waste combustor, including any ash residue that remains after removal of metals for recycling into new metal products, for the purposes of road building, construction, or

as alternative daily cover material on a landfill. Notwithstanding use of Waimanalo Gulch Landfill cells constructed as of July 1, 2025, fly ash, bottom ash, or a combination of fly ash and bottom ash from a municipal waste combustor shall be disposed of only in a double-lined and duly licensed municipal solid waste or hazardous waste landfill.

HB-969-HD-2

Submitted on: 3/16/2025 4:38:32 AM

Testimony for HHS on 3/17/2025 1:15:00 PM

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

Comments:

I strongly support HB969 HD2 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.

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-2

Submitted on: 3/15/2025 9:11:36 PM

Testimony for HHS on 3/17/2025 1:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Lorna Holmes	Individual	Support	Written Testimony Only

Comments:

This bill protects our water quality by preventing the building of landfills over the aquifer where it could threaten our only drinking water supply. Your committee was wise to protect us further in related bills (SB 438 and SB 446) by preventing the same toxic incinerator ash that would be in a double-lined landfill from being used to build roads.

The Honolulu Board of Water Supply has rightfully spoken up against putting this ash over our aquifer, whether in a landfill or in road-building. If it's 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.

Please add this language to protect against this reckless ash "recycling" proposal, as follows:

Section 342H-52 Prohibitions; buffer zones:

(d) No person shall utilize fly ash, bottom ash, or a combination of fly ash and bottom ash from a municipal waste combustor, including any ash residue that remains after removal of metals for recycling into new metal products, for the purposes of road building, construction, or

as alternative daily cover material on a landfill. Notwithstanding use of Waimanalo Gulch Landfill cells constructed as of July 1, 2025, fly ash, bottom ash, or a combination of fly ash and bottom ash from a municipal waste combustor shall be disposed of only in a double-lined and duly licensed municipal solid waste or hazardous waste landfill.

Mahalo,

Dr. Lorna Holmes, Honolulu 96817

HB-969-HD-2

Submitted on: 3/14/2025 6:32:07 PM

Testimony for HHS on 3/17/2025 1:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Craig Tanaka	Individual	Support	Written Testimony Only

Comments:

My name is Craig Tanaka and I **strongly support HB969 HD2**, 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 HD2**.

Sincerely,
Craig Tanaka



Deborah King <dking0923@gmail.com>

Kaka'ako Makai District Environmental Report

1 message

Deborah King <dking0923@gmail.com>

Fri, Mar 14, 2025 at 3:45 PM

To: repperruso@capitol.hawaii.gov, repquinlan@capitol.hawaii.gov, "Rep. Adrian K. Tam" <reptam@capitol.hawaii.gov>, repalcas@capitol.hawaii.gov, repamato@capitol.hawaii.gov, repbelatti@capitol.hawaii.gov, repchun@capitol.hawaii.gov, repcochran@capitol.hawaii.gov, repevslin@capitol.hawaii.gov, repgarcia@capitol.hawaii.gov, repgarrett@capitol.hawaii.gov, repgrandinetti@capitol.hawaii.gov, rephashem@capitol.hawaii.gov, repholt@capitol.hawaii.gov, rephussey@capitol.hawaii.gov, repichiyama@capitol.hawaii.gov, repilagan@capitol.hawaii.gov, repiwamoto@capitol.hawaii.gov, repkahaloa@capitol.hawaii.gov, repkapela@capitol.hawaii.gov, repkeohokapuleeloy@capitol.hawaii.gov, repkila@capitol.hawaii.gov, repkitagawa@capitol.hawaii.gov, repkong@capitol.hawaii.gov, repkusch@capitol.hawaii.gov, replachica@capitol.hawaii.gov, replamosao@capitol.hawaii.gov, replee@capitol.hawaii.gov, replowen@capitol.hawaii.gov, repmarten@capitol.hawaii.gov, repmatayoshi@capitol.hawaii.gov, repmatsumoto@capitol.hawaii.gov, repmiyake@capitol.hawaii.gov, repmorikawa@capitol.hawaii.gov, repmuraoka@capitol.hawaii.gov, repnakamura@capitol.hawaii.gov, repolds@capitol.hawaii.gov, reppierick@capitol.hawaii.gov, reppoepoe@capitol.hawaii.gov, repreyesoda@capitol.hawaii.gov, repshimizu@capitol.hawaii.gov, repsouza@capitol.hawaii.gov, reptakayama@capitol.hawaii.gov, reptakenouchi@capitol.hawaii.gov, reptarnas@capitol.hawaii.gov, reptemplo@capitol.hawaii.gov, reptodd@capitol.hawaii.gov, repward@capitol.hawaii.gov, repwoodson@capitol.hawaii.gov, repyamashita@capitol.hawaii.gov

Cc: chair@oahu.surfrider.org

Aloha,

I attended the Diamond Head - Kapahulu - St. Louis Neighborhood Board Meeting No. 5 last night and the different committees were commended for deferring the bill to allow building housing in the Kaka'aki Makai District.

I have attached the environment report dated June 2009 and I have highlighted a few of the pages below; however, I would like to share with each of you my experience with environment toxins.

I was exposed to many environmental toxins while I lived in Naples, Italy. I have experienced soil contamination, water contamination, gas leaks inside my home, burning of toxic materials and I am fortunate that I have lived to tell my story. I have shared some of my medical records with some officials.

I will say this about toxins:

Toxins have no idea what a boundary is
Toxins have no idea what a percentage is
Toxins have no idea what time is AND
Toxins have a long lifespan

I was exposed to many environmental toxins during my time spent in Naples, Italy. Unfortunately, environment toxins are not something that a doctor usually diagnoses because the symptoms mimic many other ailments including allergies. I have suffered for decades due to environmental toxins.

I have submitted both written and oral testimony in **strong support for Bill 969**. I have attached the email from the North Shore Chamber of Commerce where I am (front row, orange dress) in the photograph during the Press Conference.

Here is an excerpt from the Environmental Report pages 32 and 33 of the contaminants of concern:

"5.1 Contaminants of Potential Concern

Historically, the general project area has been impacted by waste incineration, landfilling, and commercial/industrial operations. Previous investigations conducted within the Kakaako Makai District included the collection of soil and groundwater samples for analysis of varying COPC. The COPC described herein only include those with a corresponding DOH EAL. A listing of the COPC considered has been provided below.

TPH including gasoline-range hydrocarbons (TPH-G); middle distillates (TPH-D) such as diesel, kerosene, solvents, jet fuels, and heating oils; and residual fuels (TPH-O) such as used oil, lube oils, hydraulic oils, and mineral oils.

VOCs including BTEX (benzene, toluene, ethylbenzene, xylenes), MtBE, methylene chloride, chloromethane, bromomethane, vinyl chloride, chloroethane, acetone, 1,1-dichloroethene, 1,1-dichloroethane, 1,2-dichloroethene, chloroform, 1,2-dichloroethane, 2-butanone (MEK), 1,1,1-trichloroethane, carbon tetrachloride, bromodichloromethane, 1,2-dichloropropane, cis-1,3-dichloropropene, trichloroethene, dibromochloromethane, 1,2-dibromomethane, 1,1,2-trichloroethane, trans-1,3-dichloropropene, bromoform, 1,2-dibromo-3-chloropropane (DBCP), 4-methyl-2-pentanone, tetrachloroethene, 1,1,2,2-tetrachloroethane, 1,4-dichlorobenzene, chlorobenzene, and styrene.

SVOCs including various PAHs (benzo(a)anthracene, benzo(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, chrysene, dibenz(a,h)anthracene, indeno(1,2,3-cd)pyrene, acenaphthene, acenaphthylene, anthracene, benzo(ghi)perylene, fluoranthene, fluorene, naphthalene, phenanthrene, and pyrene), diethylphthalate, phenol, bis-(2-chloroethyl)ether, 2-chlorophenol, 1,3-dichlorobenzene, 1,4-dichlorobenzene, 1,2-dichlorobenzene, hexachloroethane, nitrobenzene, isophorone, 2,4-dimethylphenol, 2,4-dichlorophenol, 1,2,4-trichlorobenzene, 4-chloroaniline(p-chloroaniline), hexachlorobutadiene, hexachlorocyclopentadiene, 2,4,6-trichlorophenol, 2,4,5-trichlorophenol, dimethylphthalate, 2,6-dinitrotoluene, 2,4-dinitrophenol, 2,4-dinitrotoluene, hexachlorobenzene, pentachlorophenol, 3,3'-dichlorobenzidine, and bis(2-ethylhexyl)phthalate.

PCBs

Pesticides including alpha BHC, beta BHC, gamma BHC (lindane), chlordane, heptachlor, aldrin, heptachlor epoxide, endosulfan I, endosulfan II, dieldrin, 4,4'-DDE, endrin, 4,4'-DDD, 4,4'-DDT, methoxychlor, and toxaphene.

Metals including RCRA 8 (arsenic, barium, cadmium, chromium, lead, mercury, selenium, silver), antimony, beryllium, cobalt, copper, iron, nickel, thallium, vanadium, and zinc, Dioxins/furans congeners.

Methane gas.

5.2 Screening for Contaminants of Concern

As previously discussed, the project area was subdivided into seven separate areas and each area was evaluated as a stand-alone site. These areas include Units 1 and 3, Units 2 and 4,

Unit 5, Unit 6, Unit 7, Unit 8, and the Ala Moana WWPS. Data from past reports were initially compiled for each area and compared to current default DOH Tier 1 EALs for unrestricted land use in areas that are less than 150 meters from the nearest surface water body and are not considered a current or potential drinking water source. If any analyte from a single sample in an area was detected at concentrations above the EAL, the analyte was selected as a COPC for further assessment. These analytes are summarized by area and matrix in Appendix II, Table A.

The arithmetic mean concentrations for each of these COPC were then calculated (by area and matrix) and these mean concentrations were then compared to default DOH Tier 1 EALs. If the mean concentrations exceeded the default DOH Tier 1 EAL, the analyte was retained as a COC for the area being assessed.

The resultant COC were identified by area and sample matrix (surface and near surface soils, subsurface soils, and

groundwater) in Table 5-1 for soils and Table 5-2 for groundwater below. For the purposes of this EHE, it was assumed that non-detectable concentrations of COC were not present in values above DOH EALs. This includes non-detected COC with method detection limits or reporting limits above DOH EALs. Furthermore, the "surface and near surface soil" categorization generally includes soil samples collected from the top 2 to 3 feet of soil at a site. The "subsurface soil" categorization generally includes soil samples collected from 3 feet bgs and deeper.

With the exception of multi increment sampling conducted at Unit 8 in 2007 by the DOH HEER Office and at the historic Ala Moana Pump Station in 2008 by ETC, the past investigations conducted in all areas were performed through the collection of discrete samples.

Therefore, all concentrations from historical discrete samples were averaged (by COC and matrix) to estimate the arithmetic mean COC concentrations throughout an area. As a conservative measure for non-detected concentrations, discrete sample reporting limits were used in the calculation of the mean concentration for COC. The COC for each group are identified in Tables 6-1 to 6-11."

I **strongly support** Bill HB 969 introduced by Representative Sean Quinlan, which prohibits constructing or expanding waste facilities near or above significant aquifers, as determined by the Department of Health.

I **strongly support** impeaching State Legislatures who go against their values and are unable to help the people of Hawai'i without privatizing and sacrificing our people, our communities and our 'āina.

A Big Mahalo to you for all that you and your colleagues do to keep us moving to a higher quality of life by utilizing the "Aloha Spirit" of love and compassion without making sacrifices that destroy our lives, our communities, our 'āina, our culture and our traditions.

Mahalo for your time,

Deborah W. King
Honolulu Park Place
1212 Nu'uuanu Avenue Apt 2803
Honolulu, Hawai'i 96817
Cellular Phone: 808.369.6370
Home Phone: 808.524-0954

2 attachments



3.12.2025 Email Call to Action! Testimony Needed!.pdf
2195K



Environmental_Hazard_report_June 2009_Kakaako-Makai.pdf
11843K

HB-969-HD-2

Submitted on: 3/14/2025 7:23:29 PM

Testimony for HHS on 3/17/2025 1:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Monica Morris	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs San Buenaventura and Inouye, Vice Chairs Aquino and Elefante, and members of the committees,

My name is Monica Morris and I strongly support HB969 HD2, 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 HD2. Mahalo nui loa.

HB-969-HD-2

Submitted on: 3/14/2025 11:33:22 PM

Testimony for HHS on 3/17/2025 1:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Lisa Galloway	Individual	Support	Written Testimony Only

Comments:

Please support HB969 HD2

HB-969-HD-2

Submitted on: 3/15/2025 8:34:22 AM

Testimony for HHS on 3/17/2025 1:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Malia Marquez	Individual	Support	Written Testimony Only

Comments:

My name is Malia Marquez and I **strongly support HB969 HD2**, 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 HD2**.

Mahalo for your time on this urgent matter, we do not need another "Red Hill" on our hands.

Me ka ha'aha'a,

Malia Marquez

HB-969-HD-2

Submitted on: 3/15/2025 9:02:45 AM

Testimony for HHS on 3/17/2025 1:15:00 PM

Submitted By	Organization	Testifier Position	Testify
cheryl hendrickson	Individual	Support	Written Testimony Only

Comments:

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.

HB-969-HD-2

Submitted on: 3/15/2025 9:58:42 AM

Testimony for HHS on 3/17/2025 1:15:00 PM

Submitted By	Organization	Testifier Position	Testify
kalena Charlene Holani	Individual	Support	Written Testimony Only

Comments:

I support this bill and ask you all to please do the same for the principal of Hawaii's fresh water for us all and futures to come.

mahalo

HB-969-HD-2

Submitted on: 3/15/2025 11:23:01 AM

Testimony for HHS on 3/17/2025 1:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Shay Chan Hodges	Individual	Support	Written Testimony Only

Comments:

I strongly support HB969 HD2, 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 HD2**.

HB-969-HD-2

Submitted on: 3/15/2025 12:34:06 PM

Testimony for HHS on 3/17/2025 1:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Regina Gregory	Individual	Support	Written Testimony Only

Comments:

support

HB-969-HD-2

Submitted on: 3/15/2025 1:53:58 PM

Testimony for HHS on 3/17/2025 1:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Samantha Nelson	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs San Buenaventura and Inouye, Vice Chairs Aquino and Elefante, and members of the committees,

My name is Samantha Nelson and I strongly support HB969 HD2, 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 HD2.

Sincerely,

Samantha Nelson

HB-969-HD-2

Submitted on: 3/15/2025 2:05:54 PM

Testimony for HHS on 3/17/2025 1:15:00 PM

Submitted By	Organization	Testifier Position	Testify
emily gambino	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs San Buenaventura and Inouye, Vice Chairs Aquino and Elefante, and members of the committees,

My name is Emily Gambino and I **strongly support HB969 HD2**, 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 HD2**.

Sincerely,
Emily Gambino

HB-969-HD-2

Submitted on: 3/15/2025 2:32:46 PM

Testimony for HHS on 3/17/2025 1:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Barbara Best	Individual	Support	Written Testimony Only

Comments:

his 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 HD2.**

Mahalo, Bobbie Best, Wailuku

HB-969-HD-2

Submitted on: 3/15/2025 4:48:17 PM

Testimony for HHS on 3/17/2025 1:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Kaleiheana-a-Pohaku Stormcrow	Individual	Support	Written Testimony Only

Comments:

My name is Kaleiheana Stormcrow and I **strongly support HB969 HD2**, to prohibit landfills from being sited above drinking water aquifers and threatening the water security of our islands and our future generations.

We live in the middle of an ocean, with limited freshwater drinking sources. The health of our aquifers is essential in sustaining life on the islands. If they get polluted, we have no second option. This is important not only for human health, but for ecosystem health as well.

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 HD2**.

Sincerely,
Kaleiheana Stormcrow

HB-969-HD-2

Submitted on: 3/15/2025 4:07:09 PM

Testimony for HHS on 3/17/2025 1:15:00 PM

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

Comments:

Aloha Chairs San Buenaventura and Inouye, Vice Chairs Aquino and Elefante, and members of the committees,

My name is Diane Ware and I strongly support HB969 HD2, 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 HD2.

Malama pono,

Diane Ware, Ka'u Moku 96785

HB-969-HD-2

Submitted on: 3/15/2025 6:21:39 PM

Testimony for HHS on 3/17/2025 1:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Hansen	Individual	Support	Written Testimony Only

Comments:

aloha / please support this bill but combine the ASH amendment to this bill, which will protect the people of Hawaii.

Mahalo

HB-969-HD-2

Submitted on: 3/16/2025 10:19:46 AM

Testimony for HHS on 3/17/2025 1:15:00 PM

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

Comments:

Hello Chairs San Buenaventura and Inouye, Vice Chairs Aquino and Elefante, and members of the committees,

My name is Nanea Lo, and **I strongly support HB969 HD2**, which prohibits landfills from being sited above drinking water aquifers, protecting the water security of our islands and future generations.

This bill is crucial for safeguarding our vital groundwater resources. Our drinking water aquifers are irreplaceable sources of pure, life-sustaining wai that have nourished our communities and ‘āina for generations. Once contaminated, these water sources may be permanently damaged, posing severe risks to public health and our environment.

Protecting our water is not just about today—it is about ensuring the well-being of future generations. Water is the foundation of life, and in an island state like Hawai‘i, we must take every precaution to protect it from pollution and degradation.

I urge you to PASS HB969 HD2 to uphold our responsibility as stewards of this land and safeguard the future of everyone who calls Hawai‘i home.

me ke aloha ‘āina,
Nanea Lo
Mō‘ili‘ili, HI 96826
Sierra Club of Hawai‘i Executive Committee Member
Board Member, Hawai‘i Workers Center
Kanaka Maoli/Lineal Descendant of the Hawaiian Kingdom

HB-969-HD-2

Submitted on: 3/16/2025 8:43:27 AM

Testimony for HHS on 3/17/2025 1:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Katherine Fryer	Individual	Support	Written Testimony Only

Comments:

HB969 prohibits the building of landfills over our aquifer, to prevent toxins from leaching into our only drinking water supply. Your committee was wise to protect us further in related bills (SB 438 and SB 446) that prohibit the use of toxic incinerator ash as road building material. If placing this ash above the aquifer in a double-lined landfill is a health hazard, then surely building unlined roads with it is also a hazard and should be prohibited. The Honolulu Board of Water Supply has rightfully warned against placing this ash over our aquifer, whether in a landfill or as road pavement.

Please add this language to protect against this reckless ash "recycling" proposal, as follows:

Section 342H-52 Prohibitions; buffer zones:

(d) No person shall utilize fly ash, bottom ash, or a combination of fly ash and bottom ash from a municipal waste combustor, including any ash residue that remains after removal of metals for recycling into new metal products, for the purposes of road building, construction, or as alternative daily cover material on a landfill. Notwithstanding use of Waimanalo Gulch Landfill cells constructed as of July 1, 2025, fly ash, bottom ash, or a combination of fly ash and bottom ash from a municipal waste combustor shall be disposed of only in a double-lined and duly licensed municipal solid waste or hazardous waste landfill.

Thank you for your consideration.

HB-969-HD-2

Submitted on: 3/16/2025 12:26:25 AM

Testimony for HHS on 3/17/2025 1:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Joe Woo Jr	Individual	Support	Written Testimony Only

Comments:

This bill protects our water quality by preventing the building of landfills over the aquifer where it could threaten our only drinking water supply. Your committee was wise to protect us further in related bills (SB 438 and SB 446) by preventing the same toxic incinerator ash that would be in a double-lined landfill from being used to build roads.

The Honolulu Board of Water Supply has rightfully spoken up against putting this ash over our aquifer, whether in a landfill or in road-building. If it's 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.

Please add this language to protect against this reckless ash "recycling" proposal, as follows:

Section 342H-52 Prohibitions; buffer zones:

(d) No person shall utilize fly ash, bottom ash, or a combination of fly ash and bottom ash from a municipal waste combustor, including any ash residue that remains after removal of metals for recycling into new metal products, for the purposes of road building, construction, or

as alternative daily cover material on a landfill. Notwithstanding use of Waimanalo Gulch Landfill cells constructed as of July 1, 2025, fly ash, bottom ash, or a combination of fly ash and bottom ash from a municipal waste combustor shall be disposed of only in a double-lined and duly licensed municipal solid waste or hazardous waste landfill.

HB-969-HD-2

Submitted on: 3/15/2025 9:34:55 PM

Testimony for HHS on 3/17/2025 1:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Janice Toma Shiira	Individual	Support	Written Testimony Only

Comments:

Support HB969 HD2

HB-969-HD-2

Submitted on: 3/15/2025 8:25:38 PM

Testimony for HHS on 3/17/2025 1:15:00 PM

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

Comments:

Aloha Chairs San Buenaventura and Inouye, Vice Chairs Aquino and Elefante, and members of the committees,

My name is Samuel Lee and I strongly support HB969 HD2, 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 HD2.

Sincerely,
Samuel

HB-969-HD-2

Submitted on: 3/15/2025 7:15:30 PM

Testimony for HHS on 3/17/2025 1:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Mary True	Individual	Support	Written Testimony Only

Comments:

I support this bill, but please make sure that it doesn't allow toxic incinerator ash to be included in paving our roads where it will then leach into the aquafir and our ocean.

Aloha and mahalo for your attention, Mary True, Pepe`ekeo

HB-969-HD-2

Submitted on: 3/16/2025 1:07:36 PM

Testimony for HHS on 3/17/2025 1:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Steve Slater	Individual	Support	Written Testimony Only

Comments:

As a 45 year resident in Hawaii, I firmly support this bill. We must protect our aquifers.

StevenAs a 45 year resident in Hawaii, I firmly support this bill. We must protect our aquifers.

Steven Slater.

HB-969-HD-2

Submitted on: 3/17/2025 8:01:56 AM

Testimony for HHS on 3/17/2025 1:15:00 PM

LATE

Submitted By	Organization	Testifier Position	Testify
Cliff Laboy	Individual	Support	Written Testimony Only

Comments:

I strongly support this bill HB 969

LATE

HB-969-HD-2

Submitted on: 3/17/2025 7:59:59 AM

Testimony for HHS on 3/17/2025 1:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Dwayne Bautista	Individual	Support	In Person

Comments:

In strong support for HB 969.

LATE

HB-969-HD-2

Submitted on: 3/17/2025 7:40:23 AM

Testimony for HHS on 3/17/2025 1:15:00 PM

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

Comments:

Aloha Chairs San Buenaventura and Inouye, Vice Chairs Aquino and Elefante, and members of the committees,

*My name is Kylie Hopkins and I **strongly support HB969 HD2**, to prohibit landfills from being sited above drinking water aquifers and threatening the water security of our islands and our future generations.*

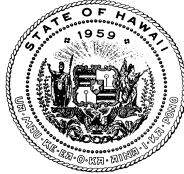
This bill is crucial for protecting our vital groundwater resources. Our drinking water aquifers are irreplaceable sources of pure, precious wai that have sustained and must continue to sustain our communities and 'āina. Once contaminated, these water sources can be permanently damaged, putting public 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 HD2**.*

Sincerely,

Kylie Hopkins



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



**Testimony COMMENTING on HB0969 HD2
RELATING TO WASTE OR DISPOSAL FACILITIES.**

SENATOR JOY A. SAN BUENAVENTURA, CHAIR
SENATE COMMITTEE ON HEALTH AND HUMAN SERVICES

SENATOR LORRAINE R. INOUYE, CHAIR
SENATE COMMITTEE ON WATER AND LAND

March 17, 2025; 1:15 PM; Room Number: 225

1 **Fiscal Implications:** Potentially significant costs by and for counties to manage municipal solid
2 waste.

3 **Department Position:** The Department of Health (Department) provides comments on this
4 measure.

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

7 This measure proposes to prohibit the construction, modification, or expansion of any
8 waste or disposal facility including municipal solid waste and construction demolition landfill
9 units and components of landfill units on land that is above a significant aquifer as determined
10 by the Department.

11 The Department believes that depending on the criteria applied, any aquifer may be
12 considered significant. We cannot ignore other aquifer uses such as irrigation or native
13 Hawaiian cultural practices as less significant than drinking water. Therefore, the Department

1 must be given criteria to apply to this determination. The term, “significant aquifer” is
2 subjective, and therefore, difficult to enforce. We recommend abandoning the term “significant
3 aquifer,” and consider other options as discussed in the section below. However, if the
4 Legislature elects to continue the use this term, we implore the Legislature to provide
5 clarification and specific criteria on the meaning of this term.

6 Potential Drinking Water Sources and Options

7 Based on similar measures introduced during this session, we presume the impetus for
8 the language in this measure may be to prohibit landfills above potential drinking water
9 sources. If this is true, we provide additional options. Since the counties are responsible for
10 providing waste management services and for ensuring that the future water needs of their
11 counties are met; one option to accomplish this would be to allow the counties to develop this
12 restriction through their own county ordinances.

13 If the Legislature prefers to create the restriction at the state level, another option is use
14 of a county developed No Pass Zone. A definition for the term “No Pass Zone” was proposed in
15 SB0446 for consideration. Currently, only O’ahu has developed a No Pass Zone. If the
16 Legislature wishes to have the other counties develop and establish No Pass Zones, we
17 recommend that a timeline and appropriations be provided for them to do so. SB0446 and
18 SB0446 SD1 considered the use of No Pass Zones, thus the testimonies surrounding these two
19 measures provide additional information.

20 Alternatively, the Legislature may consider the State’s Underground Injection Control
21 (UIC) Line, mauka of which demarcates potential underground sources of drinking water¹. The
22 UIC line was developed as part of the UIC program under chapter 340E, Hawaii Revised Statutes
23 (HRS). We offer proposed amendments to use either a county’s No Pass Zone or the State’s

¹ <https://geoportal.hawaii.gov/datasets/HiStateGIS::underground-injection-control-line-uic-line/explore?location=20.151006%2C-155.759072%2C6.95>

1 (UIC) Line as a demarcation for prohibiting landfills in the “Offered Amendments” section of our
2 testimony.

3 Our concern with use of the State’s UIC Line, or if the counties’ No Pass Zones generally
4 follow the state’s UIC line, is that for some of the counties the line is close to the coast and use
5 of it to prohibit landfills in those counties could make siting a landfill nearly impossible.
6 Figures 1 through 4 show maps of each of the counties with the UIC line in yellow and some of
7 the current restrictions (conservation district, ½-mile buffer, airport safety, tsunami evacuation
8 zone) in red. If the UIC line is used with the existing restrictions, then we believe that new
9 landfills or landfill expansions will be severely restricted in the State, especially on Kaua’i,
10 O’ahu, and Hawai’i Islands.

11 Landfill Siting

12 There are existing landfill restrictions, many of which are already promulgated in federal
13 or state laws or regulations. Examples of which include distance to airports, tsunami inundation
14 zones, conservation districts, and ½-mile buffer distances to schools, residences, and hospitals
15 (Act 73, 2020 SLH). Figure 5 shows the City and County of Honolulu’s map of Landfill Siting
16 Restrictions on Oahu as presented to the State Land Use Commission on December 5, 2024. The
17 City further describes, “Developed and Undevelopable Lands: Lands previously zoned or
18 approved for development” and “Federal Lands: Lands under Federal control, mostly military,
19 require congressional action to allow their use by the City for a landfill.”

20 The City’s testimony for HB0969 HD2 states that “if HB 969, HD 2 were to become law,
21 the state could amend Act 73 [SLH 2020] to reduce or eliminate several of its restrictions in
22 order to make potential landfill sites available. Alternatively, if HB 969, HD 2 were to become
23 law and Act 73 was not amended, the City would have no choice but to pursue a legally
24 prohibited expansion at WGSL [Waimanalo Gulch Sanitary Landfill].” Act 73, SLH 2020 restricted

1 landfill placement in all conservation districts in addition to creating a ½-mile buffer zone
2 between landfill units and residential, school or hospital property lines.

3 If the Legislature is considering reducing the buffer distances specified in Act 73,
4 SLH 2020, to allow more available areas to site landfills below the no pass zone, they may want
5 to consider the following sets of data.

- 6 • Air monitoring data was collected by the U.S. Army Corps of Engineers' contractors
7 around the Temporary Disposal Site for the Maui Wildfires which accepted Lahaina
8 wildfire debris². Data from January 2024 to January 2025, when the disposal site was
9 actively receiving waste, are available. Based on Google Earth, these air monitors appear
10 to be located around ¼-mile and ½-mile away from the temporary disposal site. All
11 measurements to date at these locations have been below levels of health concern.
- 12 • A number of studies³ have been done at PVT Landfill involving dust monitoring, which is
13 the sampling of particulate matter (PM), and modeling to assess air quality impacts from
14 landfill operations, including:
 - 15 ○ April 22, 2019, Air Quality Impact Report PVT Integrated Solid Waste
16 Management Facility Relocation. The report assessed the potential air quality
17 impact of fugitive dust associated with landfill operations at a proposed new site.
18 The proposed setback between the makai property line and edge of waste of the
19 landfill was at 750 feet.
 - 20 ○ May 6, 2016 – May 1, 2017, Air Monitoring Report, PVT Land Company, Ltd,
21 Nanakuli. This report summarized a 12-month air monitoring program
22 concurrent with the start-up of mining activities at the landfill. The mining
23 operations occurred in Phase 1 of the landfill, located around 1,500 feet from
24 the makai property line, where the air monitors were placed.
 - 25 ○ December 20, 2011, Nanakuli Dust Study, utilizing data collected from
26 November 2009 through November 2010.
 - 27 ○ Air Monitoring, PVT Land Company, Summary Report, November 2009-
28 November 2010. This report summarized a 13-month air monitoring program.

² <https://health.hawaii.gov/environmental-data/west-maui-tds-site/>
<https://health.hawaii.gov/environmental-data/data-monitoring-sets/#USACE-Data>

³ <https://www.pvtland.com/pvt-air-quality-and-human-health-risk-assessment-studies/>

1 The air monitors were located along the makai property line. The landfill’s solid
2 waste permit requires the maintenance of a buffer of at least 750 feet between
3 the disposal area and the makai property line.

- 4 ○ October – November 2010 and May – June 2011 Baseline Air Monitoring PVT
5 Land Company, Airborne Metals Analysis. The air monitors were located along
6 the makai property line. The landfill’s solid waste permit requires the
7 maintenance of a buffer of at least 750 feet between the disposal area and the
8 makai property line.
- 9 ○ June 2005 Human Health Risk Assessment of Fugitive Dust and Surface Soils PVT
10 Landfill. The study considered the disposal of contaminated soil at the landfill. A
11 ¼ mile distance to residents was modeled.

12 The studies at PVT Landfill concluded that emissions of PM and metals, two of the main
13 contaminants that appear in dust, were well below health-based standards and did not
14 show a significant impact to existing air quality. The studies also found that similar
15 concentrations of PM were observed at other Department ambient air monitoring
16 stations such as in Pearl City. Since around 2006, PVT’s solid waste management permit
17 required maintenance of a buffer of at least 750 feet between the disposal area and the
18 makai property line, where the air monitors were stationed during these studies.

19 We note that while there are other states or counties that have landfill buffer distances
20 that range from approximately 200 feet to 2,000 feet, the Department has not been able to
21 identify a study that support a blanket buffer zone distance applicable to all landfills nor one
22 that provides data or any specific criteria to determine that distance. Some states have included
23 rationale and indicate that their buffer is to address nuisances such as litter, odor, and dust, but
24 the distance itself appears arbitrary.

25 Housekeeping Issues

26 In reviewing the measure, we noted a discrepancy between the definition of “buffer
27 zone” and its application in proposed section 342H-52(c), HRS. Based on the definition of
28 “buffer zone” in current law and in proposed section 342H-52(d), HRS, we understand the
29 intent of the law is to ensure a buffer zone between the edge of waste or waste disposal

1 activity and the nearest residential, school, or hospital property line, rather than from the
2 property line of the disposal facility. The counties should be given the opportunity to
3 incorporate the buffer zone within their own properties rather than relying on external sources.
4 Thus, we would like to clarify that point and offer proposed amendments.

5 **Offered Amendments:** The Department offers the following options for amendments to the
6 original HRS language, where applicable, for consideration. Additions appear as underlined and
7 deletions as bracketed strikeouts.

8 **Option 1 - No amendments offered. Defer this measure.**

9 Allow the counties to take the responsibility to site landfills based on current criteria
10 and pass county ordinances, as the county determines is necessary, to produce further
11 restrictions for landfill siting.

12 **Option 2 – Use the proposed language in the measure with clarification.**

13 If the Legislature decides to continue to use the currently proposed language, we
14 implore the Legislature to provide clarification and specific criteria on the term “significant
15 aquifer.” As we have asserted in previous testimony, the Department would need to consider
16 various uses of aquifers such that any of those uses could be considered significant and thus
17 include the majority, if not all, aquifers as significant aquifers. Doing so would effectively
18 prohibit landfills in Hawaii and produce an environmental and public health concern for the
19 future as solid waste could not be properly managed or produce an economic burden as
20 potentially costly alternatives for solid waste management would be necessary.

21 **Option 3 - Proposed amendments if Legislature prefers to use the no pass zone.**

22 The following amendments are meant to replace the entirety of SECTION 1 of the
23 measure.

1 These amendments establish a definition for a No Pass Zone, provides counties time to
2 develop, establish, and promulgate these No Pass Zones in their respective Integrated Solid
3 Waste Management Plans, and prohibits landfills in established No Pass Zones. The
4 amendments are based on language proposed in SB0446 and SB0446 SD1. Use of other
5 mechanisms to establish the No Pass Zone could also be used. We have included proposed
6 amendments to remove a discrepancy in the definition and application of “buffer zones” in the
7 existing statute. We do not want to prohibit landfill facilities from obtaining more land to
8 secure buffer zone distances. Note that we created a new definition of “landfill unit” to only
9 apply to the listed subsections. Being that this part is specific to Municipal Solid Waste Landfill
10 Criteria, the subsections 342H-52(b) and (c), HRS, expands to construction and demolition
11 landfills, we want to be careful to not affect the definitions intended for the remainder of the
12 Part. The state relies on Part IV of chapter 342H, HRS, to ensure compliance with federal
13 regulations so that we may maintain our state program approval.

14 “SECTION 1. Section 342G-1, Hawaii Revised Statutes, is amended by adding a new
15 definition to be appropriately inserted and to read as follows:

16 “No pass zone” means an area determined by the county and defined by geographic
17 coordinates, in which the installation of a waste disposal facility may contaminate groundwater
18 resources used or expected to be used for domestic water supply.”

19 Section 342G-27, Hawaii Revised Statutes, is amended by amending subsection (a) to
20 read as follows:

21 “(a) The existing capacity and future needs component shall identify existing and future
22 facilities needed by the county for solid waste management[-] and shall show the location of
23 any no pass zones. The location of any no pass zones shall be included in the next integrated
24 solid waste management plan published after July 1, 2025.”

25 Section 342H-52, Hawaii Revised Statutes, is amended to read as follows:

26 “**§342H-52 Prohibitions; buffer zones.** (a) No person, including any federal agency, the
27 State, or any county, shall construct, operate, modify, expand, or close a municipal solid waste

1 landfill unit, or any component of a municipal solid waste landfill unit, without first obtaining a
2 permit from the director. All permits for municipal solid waste landfill units shall be subject to
3 any terms and conditions that the director determines are necessary to protect human health
4 or the environment.

5 (b) Beginning July 1, 2025, no~~[No]~~ person, including the State or any county, shall
6 construct, modify, or expand a [~~waste or disposal facility including a municipal solid waste~~
7 ~~landfill unit, any component of a municipal solid waste landfill unit, a construction and~~
8 ~~demolition landfill unit, or any component of a construction and demolition~~]landfill unit or
9 component of a landfill unit without first establishing a buffer zone of no less than one-half mile
10 around the [~~waste or disposal facility~~]landfill unit. This subsection shall not apply to the
11 continued operation of an existing [~~waste or disposal facility~~]landfill unit that is properly
12 permitted; provided that continued operation does not require physical expansion, vertical to
13 the above ground surface or horizontal, of the [~~facility~~]landfill unit or component of the landfill
14 unit, requiring additional permitting review and a permit modification.

15 For the purposes of this subsection:

16 “Buffer zone” means the distance between the edge of waste or waste disposal activity
17 and the nearest residential, school, or hospital property line.

18 “Landfill unit” means a municipal solid waste landfill unit or a construction and
19 demolition landfill unit.

20 [~~“Waste or disposal facility” excludes individual, state certified, non-industrial~~
21 ~~redemption centers.~~]

22 (c) Beginning July 1, 2025, no person, including the State or any county, shall construct,
23 modify, or expand a landfill unit, any component of a landfill unit mauka of the no pass zone, as
24 defined in section 342G-1 and established in accordance with section 342G-27. This subsection
25 shall not apply to the continued operation of an existing landfill unit that is properly permitted;

1 provided that continued operation does not require physical expansion, vertical to the above
2 ground surface or horizontal, of the landfill unit, requiring additional permitting review and a
3 permit modification.

4 For the purposes of this subsection:

5 “Landfill unit” means a municipal solid waste landfill unit or a construction and
6 demolition landfill unit.””

7 **Option 4 - Proposed amendments if Legislature prefers to use the UIC line**

8 The following amendments are meant to replace the entirety of SECTION 1 of the
9 measure.

10 These amendments prohibit landfills in areas inland of the State’s UIC line. We have
11 included proposed amendments to remove a discrepancy in the definition and application of
12 “buffer zones” in the existing statute. We do not want to prohibit landfill facilities from
13 obtaining more land to secure buffer zone distances. Note that we created a new definition of
14 “landfill unit” to only apply to the listed subsections. Being that this part is specific to Municipal
15 Solid Waste Landfill Criteria, the subsections 342H-52(b) and (c), HRS, expands to construction
16 and demolition landfills, we want to be careful to not affect the definitions intended for the
17 remainder of the Part. The state relies on Part IV of chapter 342H, HRS, to ensure compliance
18 with federal regulations so that we may maintain our state program approval. We have also
19 included language to use the UIC line as the demarcation for protecting drinking water sources
20 if the legislature wishes to adopt it.

21 “SECTION 1. Section 342H-52, Hawaii Revised Statutes, is amended to read as follows:

22 “**§342H-52 Prohibitions; buffer zones.** (a) No person, including any federal agency, the
23 State, or any county, shall construct, operate, modify, expand, or close a municipal solid waste
24 landfill unit, or any component of a municipal solid waste landfill unit, without first obtaining a
25 permit from the director. All permits for municipal solid waste landfill units shall be subject to

1 any terms and conditions that the director determines are necessary to protect human health
2 or the environment.

3 (b) Beginning July 1, 2025, no~~[No]~~ person, including the State or any county, shall
4 construct, modify, or expand a ~~[waste or disposal facility including a municipal solid waste~~
5 ~~landfill unit, any component of a municipal solid waste landfill unit, a construction and~~
6 ~~demolition landfill unit, or any component of a construction and demolition]~~ landfill unit or
7 component of a landfill unit without first establishing a buffer zone of no less than one-half mile
8 around the ~~[waste or disposal facility]~~ landfill unit. This subsection shall not apply to the
9 continued operation of an existing ~~[waste or disposal facility]~~ landfill unit that is properly
10 permitted; provided that continued operation does not require physical expansion, vertical to
11 the above ground surface or horizontal, of the ~~[facility]~~ landfill unit or component of the landfill
12 unit, requiring additional permitting review and a permit modification.

13 For the purposes of this subsection:

14 “Buffer zone” means the distance between the edge of waste or waste disposal activity
15 and the nearest residential, school, or hospital property line.

16 ~~["Waste or disposal facility" excludes individual, state certified, non-industrial~~
17 ~~redemption centers.]~~

18 (c) Beginning July 1, 2025, no person, including the State or any county, shall construct,
19 modify, or expand a landfill unit, any component of a landfill unit inland of the underground
20 injection control line. This subsection shall not apply to the continued operation of an existing
21 landfill unit that is properly permitted; provided that continued operation does not require
22 physical expansion, vertical to the above ground surface or horizontal, of the landfill unit,
23 requiring additional permitting review and a permit modification.

24 For the purposes of this subsection:

1 "Landfill unit" means a municipal solid waste landfill unit or a construction and
2 demolition landfill unit.

3 "Underground injection control line" means the line determined by the department
4 under rules adopted pursuant to section 340E-2."

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

LATE

HB-969-HD-2

Submitted on: 3/16/2025 10:07:36 PM

Testimony for HHS on 3/17/2025 1:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Gabriella	Individual	Support	Written Testimony Only

Comments:

Aloha Senator Inouye and Vice Chair Senator Elefante, I strongly support HB969, 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 Department of Health. This bill is vital in protecting our environment and public health by safeguarding our most precious resource, clean water. Aquifers provide drinking water to countless communities, and allowing facilities near them could pose an irreversible risk of contamination. We must prioritize environmental responsibility and make decisions that protect both our water and the well-being of our communities. I urge lawmakers to pass this critical bill to secure a safer, healthier future for our community.

LATE

HB-969-HD-2

Submitted on: 3/17/2025 10:31:22 AM

Testimony for HHS on 3/17/2025 1:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Hideki Kimukai	Individual	Support	Written Testimony Only

Comments:

Aloha Chairs San Buenaventura and Inouye, Vice Chairs Aquino and Elefante, and members of the committees,

My name is Hideki Kimukai and I **strongly support HB969 HD2**, 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 HD2**.

Sincerely,
Hideki Kimukai

LATE

HB-969-HD-2

Submitted on: 3/16/2025 10:00:11 PM

Testimony for HHS on 3/17/2025 1:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Kiana Otsuka	Individual	Support	Written Testimony Only

Comments:

Dear Chairs, Vice Chairs, and Committees Members,

My name is Kiana Otsuka, and I am an O‘ahu resident writing in **strong support of HB969 HD2**, 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.

Siting a landfill over one of our islands’ precious, pure, and finite drinking water aquifers is troubling and has the potential to compromise our water security. With the ongoing Red Hill water crisis still unfolding, we must remember the importance of protecting our remaining clean water sources throughout the islands.

Thank you for the opportunity to testify on this important measure. I hope the committee passes this bill, that would help protect our water.

Mahalo,

Kiana Otsuka