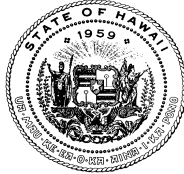


JOSH GREEN, M.D.
GOVERNOR OF HAWAII
KE KIA'ĀINA O KA MOKU'ĀINA 'O HAWAII'



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**Testimony COMMENTING on SB0438 SD2
RELATING TO WASTE DISPOSAL FACILITIES.**

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

March 13, 2025, 9:45 AM, Conference Room 325

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 Solid and Hazardous Waste
6 Branch (EMD-SHWB) provides the following testimony on behalf of the Department.

7 This measure proposes to: (1) prohibit the construction, modification, or expansion of
8 any waste or disposal facility for hazardous or solid waste on land that is near or above a
9 significant aquifer as determined by the Department in consultation with the Commission on
10 Water Resource Management (CWRM) and defines a significant aquifer as a freshwater aquifer
11 with the potential for use as a drinking water aquifer, (2) prohibit waste or disposal facilities on
12 land in an agricultural district having soil classification as overall (master) productivity rating
13 class A or B; (3) prohibit the utilization of fly ash, bottom ash, or a combination of fly ash and
14 bottom ash from a municipal waste combustor, including any ash residue that remains after
15 removal of metals, for the purposes of road building, construction, or as alternative daily cover
16 material on a landfill; and (4) require fly ash, bottom ash, or a combination of fly ash and

bottom ash from a municipal waste combustor to be disposed of in a double-lined and duly licensed municipal solid waste or hazardous waste landfill.

SECTIONS 2 and 3: Regarding the prohibition of waste or disposal facilities defined in section 183C-4, Hawaii Revised Statutes (HRS), the Department notes that this section defines waste or disposal facility to also include a solid waste reduction facility or waste reduction facility as defined in section 342G-1, HRS. The term solid waste reduction facility or waste reduction facility in section 342G-1, HRS, includes composting, bioconversion, or recycling sites utilized for the reduction, consolidation, conversion, processing, or disposal of solid waste. Thus, this measure proposes the prohibition of all solid waste activities on select agricultural lands, not just landfills as Section 1 states. This further restricts siting of needed solid waste management facilities.

SECTION 4: The Department is unable to enforce this section as currently written, as additional clarification is required. We require clarification on the term “potential use as a drinking water aquifer.” For example, is potential use based on economic feasibility? Is treatment allowed? If so, what types of treatment? We note that groundwater in some areas, such as those impacted by historical use of pesticides, are already being treated prior to distribution into a public water system. In addition, to determine “freshwater aquifer with the potential for use as a drinking water aquifer” as used in this measure, the Department would need to complete a study, which we estimate will cost around \$1 million to be conducted over a 5-year period. The intent of the study would be to produce a report detailing the location of these aquifers in Hawai‘i. We note that there is not a clear source to determine the freshwater aquifers in Hawai‘i and a study will be able to develop the criteria for and identify these aquifers.

Alternatively, instead of using the term “freshwater aquifer with the potential for use as a drinking water aquifer,” the Legislature may choose to use an existing demarcation, the State’s Underground Injection Control (UIC) line. Areas mauka of this line are protected

1 potential drinking water sources. Our concern with use of this line, however, is that for some of
2 the counties the line comes close to the coast and use of it to prohibit landfills in those
3 counties, could make siting a landfill nearly impossible. Figures 1 through 4 show maps of each
4 of the counties with the UIC line in yellow and some of the current restrictions (conservation
5 district, ½-mile buffer, airport safety, tsunami evacuation zone) in red. If the UIC line is used
6 with the existing restrictions, then we believe that new landfills or landfill expansions will be
7 severely restricted in the State, especially on Kauaʻi, Oahu, and Hawaiʻi Island.

8 The City's testimony for SB0438 SD1 states that "if SB 438, SD1 were to become law, the
9 state could amend Act 73 [SLH 2020] to reduce or eliminate several of its restrictions in order to
10 make potential landfill sites available. Alternatively, if SB0438 SD1 were to become law and Act
11 73 was not amended, the City would have no choice but to pursue a legally prohibited
12 expansion at WGSL [Waimanalo Gulch Sanitary Landfill]." Act 73, SLH 2020 restricted landfill
13 placement in all conservation districts in addition to creating a ½-mile buffer zone between
14 landfill units and residential, school or hospital property lines.

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

- 18 • Air monitoring data was collected by the U.S. Army Corps of Engineers' contractors
19 around the Temporary Disposal Site for the Maui Wildfires which accepted Lahaina
20 wildfire debris.¹ Data from January 2024 to January 2025, when the disposal site was
21 actively receiving waste, are available. Based on Google Earth, these air monitors appear
22 to be located around ¼-mile and ½-mile away from the temporary disposal site. All
23 measurements to date at these locations have been below levels of health concern.

¹ <https://health.hawaii.gov/environmental-data/west-maui-tds-site/>
<https://health.hawaii.gov/environmental-data/data-monitoring-sets/#USACE-Data>

- A number of studies² have been done at PVT Landfill involving dust monitoring, which is the sampling of particulate matter (PM), and modeling to assess air quality impacts from landfill operations, including:
 - April 22, 2019, Air Quality Impact Report PVT Integrated Solid Waste Management Facility Relocation. The report assessed the potential air quality impact of fugitive dust associated with landfill operations at a proposed new site. The proposed setback between the makai property line and edge of waste of the landfill was at 750 feet.
 - May 6, 2016 – May 1, 2017, Air Monitoring Report, PVT Land Company, Ltd, Nanakuli. This report summarized a 12-month air monitoring program concurrent with the start-up of mining activities at the landfill. The mining operations occurred in Phase 1 of the landfill, located around 1,500 feet from the makai property line, where the air monitors were placed.
 - December 20, 2011, Nanakuli Dust Study, utilizing data collected from November 2009 through November 2010.
 - Air Monitoring, PVT Land Company, Summary Report, November 2009- November 2010. This report summarized a 13-month air monitoring program. The air monitors were located along the makai property line. The landfill's solid waste permit requires the maintenance of a buffer of at least 750 feet between the disposal area and the makai property line.
 - October – November 2010 and May – June 2011 Baseline Air Monitoring PVT Land Company, Airborne Metals Analysis. The air monitors were located along the makai property line. The landfill's solid waste permit requires the maintenance of a buffer of at least 750 feet between the disposal area and the makai property line.
 - June 2005 Human Health Risk Assessment of Fugitive Dust and Surface Soils PVT Landfill. The study considered the disposal of contaminated soil at the landfill. A ¼ mile distance to residents was modeled.

The studies at PVT Landfill concluded that emissions of PM and metals, two of the main contaminants that appear in dust, were well below health-based standards and did not show a significant impact to existing air quality. The studies also found that similar concentrations of PM were observed at other Department ambient air monitoring stations such as in Pearl City. Since around 2006, PVT's solid waste management permit

² <https://www.pvtland.com/pvt-air-quality-and-human-health-risk-assessment-studies/>

1 required maintenance of a buffer of at least 750 feet between the disposal area and the
2 makai property line, where the air monitors were stationed during these studies.

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

9 Municipal Solid Waste Combustion Ash Recycling and Disposal

10 While we agree that HPOWER combined ash in its current form should be properly
11 disposed and not recycled, as currently specified in their solid waste management permit, the
12 Department opposes the proposed addition of subsection (c) (Page 13, Line 15 to Page 14,
13 Line 2).

14 First, this provision does not consider the application of treatment or recycling
15 technologies that may be applied to the ash now or at some point in the future. The strict
16 prohibition of recycling and requirement of landfilling will prevent the future development of
17 possible reuse options. While we have not yet fully evaluated the City's current proposal, we
18 recognize that there are existing technologies that could potentially address public health and
19 environmental concerns but have yet to be demonstrated that they can be upscaled, reliable,
20 and cost-effective.

21 Second, this provision could potentially apply to other incinerator units that may not be
22 burning all types of municipal solid waste but are limited to waste such as invasive species
23 infested green waste.

24 Third, placement of this ash under this proposed measure is limited to a double-lined
25 landfill. Depending on the effective date of the measure, the City may not have an immediate

1 place for disposal of the ash, as the City does not currently operate a double-lined landfill. In
2 addition, we do not have data to support that a double liner system is needed over the current
3 lined landfill that City is using. Lastly, given decades worth of data, HPOWER combined ash is
4 not a hazardous waste, and thus, is not required by existing state and federal laws and
5 regulations to be disposed in a hazardous waste landfill. If the City is required to dispose of this
6 waste at a hazardous waste landfill, then this waste must be shipped out of state because
7 Hawai'i does not have a hazardous waste landfill. Being that the City generates on the order of
8 130,000 tons of ash per year, this will be a significant cost.

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

12 We have included proposed amendments to remove discrepancy in the definition and
13 application of "buffer zones" as was adopted in SB438 SD2. We do not want to prohibit landfill
14 facilities from obtaining more land to secure buffer zone distances. Note that we created a new
15 definition of "landfill unit" to only apply to the listed subsections. Being that this part is specific
16 to Municipal Solid Waste Landfill Criteria, the subsections 342H-52(b) and (c), HRS, expands to
17 construction and demolition landfills, we want to be careful to not affect the definitions
18 intended for the remainder of the Part. The state relies on Part IV of chapter 342H, HRS, to
19 ensure compliance with federal regulations so that we may maintain our state program
20 approval. We have also included language to use the UIC line as the demarcation for protecting
21 drinking water sources if the legislature wishes to adopt it. Language to prohibit recycling of
22 incinerator ash and require landfilling in a double-lined landfill have been omitted for the
23 reasons enumerated in the Municipal Solid Waste Combustion Ash Recycling and Disposal
24 portion of our testimony.

25 "SECTION 4. Section 342H-52, Hawaii Revised Statutes, is amended to read as follows:

1 **“§342H-52 Prohibitions; buffer zones.** (a) No person, including any federal agency, the
2 State, or any county, shall construct, operate, modify, expand, or close a municipal solid waste
3 landfill unit, or any component of a municipal solid waste landfill unit, without first obtaining a
4 permit from the director. All permits for municipal solid waste landfill units shall be subject to
5 any terms and conditions that the director determines are necessary to protect human health
6 or the environment.

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

17 For the purposes of this subsection:

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

20 “Landfill unit” means a municipal solid waste landfill unit or a construction and
21 demolition landfill unit.

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

24 (c) Beginning July 1, 2025, no person, including the State or any county, shall construct,
25 modify, or expand a landfill unit, any component of a landfill unit mauka of the underground

1 injection control line. This subsection shall not apply to the continued operation of an existing
2 landfill unit that is properly permitted; provided that continued operation does not require
3 physical expansion, vertical to the above ground surface or horizontal, of the landfill unit,
4 requiring additional permitting review and a permit modification.

5 For the purposes of this subsection:

6 "Landfill unit" means a municipal solid waste landfill unit or a construction and
7 demolition landfill unit.

8 "Mauka" means inland.

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

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

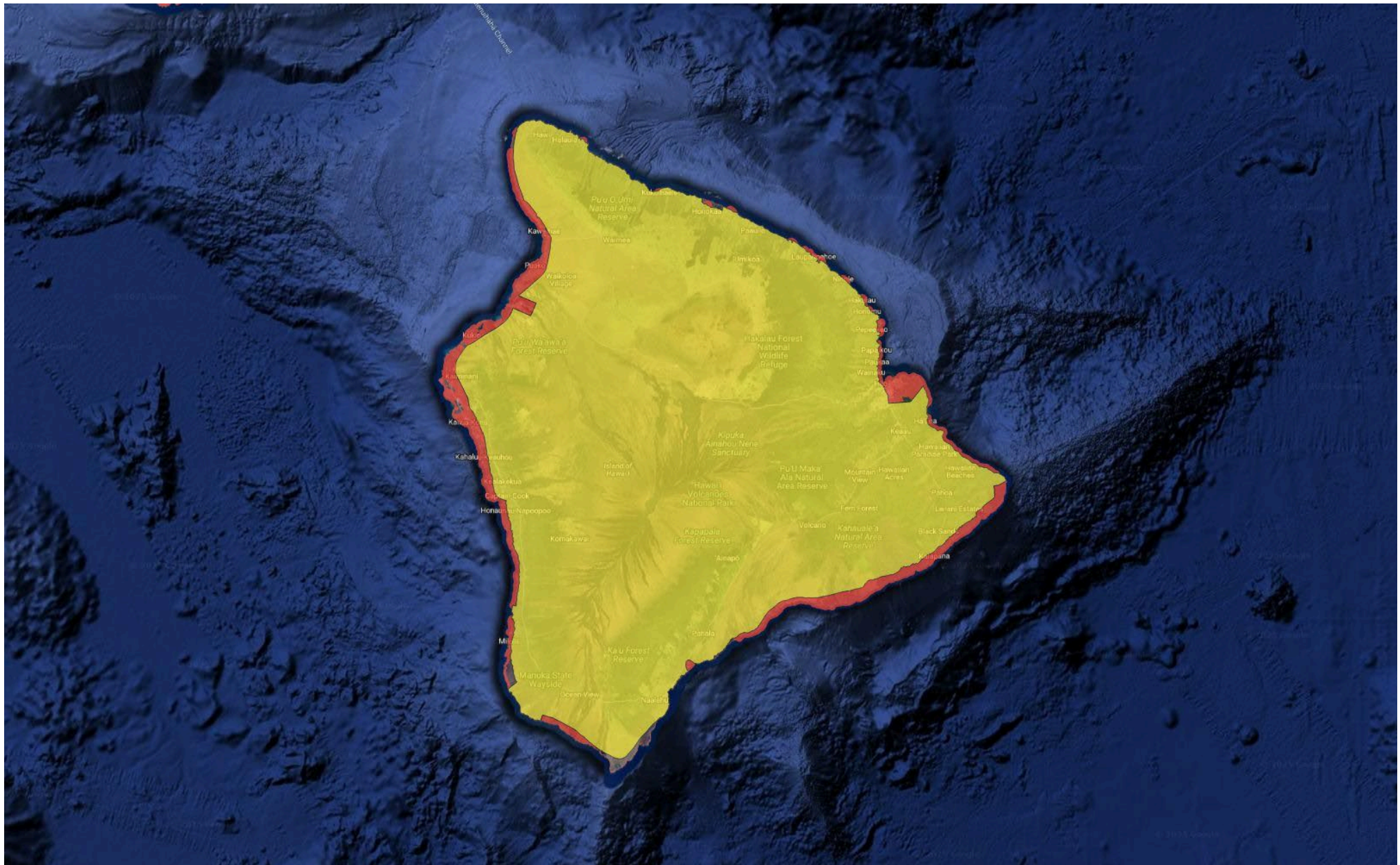


Figure 1: County of Hawaii: Top Layer, Yellow - UIC Line; Bottom Layer, Red - Current Restrictions

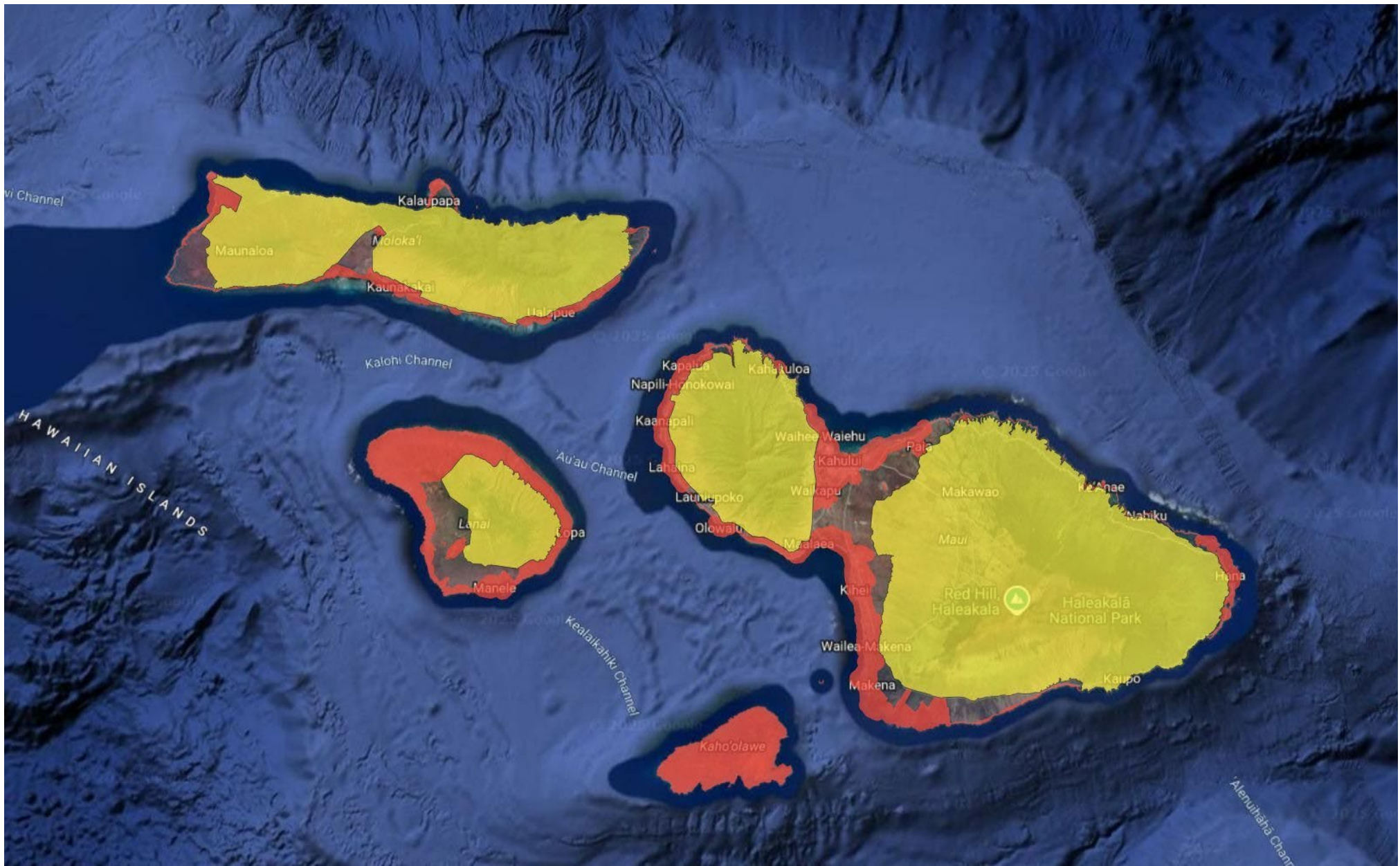


Figure 2: County of Maui. Top Layer, Yellow: UIC Line; Bottom Layer, Red: Current Restrictions

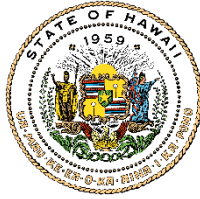




Figure 4: County of Kauai. Top Layer, Yellow: UIC Line; Bottom Layer, Red: Current Restrictions

JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



**STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA**

P.O. BOX 621
HONOLULU, HAWAII 96809

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
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FIRST DEPUTY

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DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

**Testimony of
DAWN N. S. CHANG
Chairperson**

**Before the House Committee on
ENERGY & ENVIRONMENTAL PROTECTION**

**Thursday, March 13, 2025
9:45 AM**

State Capitol, Conference Room 325 & Videoconference

**In consideration of
SENATE BILL 438 SD2
RELATING TO WASTE DISPOSAL FACILITIES**

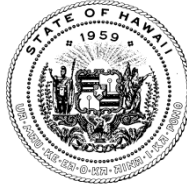
Senate Bill 438 SD2 proposes to prohibit the construction, modification, or expansion of any waste or disposal facility for hazardous waste or solid waste on land that is near or above a significant aquifer as determined by the Department of Health, in consultation with the Commission on Water Resource Management; and prohibits waste or disposal facilities on class A and B agricultural land. **The Department of Land and Natural Resources (Department) offers comments.**

The Commission on Water Resource Management (Commission) was established by the Hawai'i State Legislature in 1987 to implement and administer the State Water Code (HRS chapter 174C). Under the laws and constitution of the State of Hawai'i, the Commission has a dual mandate of protecting and preserving the state's fresh water resources while providing for the maximum reasonable and beneficial use of water by present and future generations. The Commission allocates water to support needs like affordable housing, agriculture, and other important uses. Under the Hawai'i Constitution and the State Water Code, the Commission must ensure the protection of public trust uses—maintenance of waters in their natural state, domestic uses, traditional and customary practices of Native Hawaiians, and adequate reservations of water for the Department of Hawaiian Home Lands—and appurtenant rights.

While the Department understands that the proposed measure will protect potable drinking water and agricultural uses, the Commission's statutory obligation to protect the public trust also includes the protection of water for the public trust uses described above.

Mahalo for the opportunity to testify on this measure.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



EDWIN H. SNIFFEN
DIRECTOR
KA LUNA HO'OKELE

Deputy Directors
Nā Hope Luna Ho'okele
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STATE OF HAWAI'I | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU
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March 13, 2025
9:45 A.M.
State Capitol, Room 325

**S.B. 438 SD 2
RELATING TO WASTE DISPOSAL FACILITIES**

House Committee on Energy & Environmental Protection

The Hawai'i Department of Transportation (HDOT) **opposes** the prohibition on the use of municipal waste combustor ash for road construction and infrastructure projects as outlined in SB438, SD2.

Municipal waste combustor ash has been successfully used in roadway construction in other locations. Prohibiting its use in Hawai'i would unnecessarily increase landfill waste while eliminating a sustainable, cost-effective material for infrastructure development.

If allowed, HDOT would ensure that the use of ash meets all federal and state environmental safety standards, including testing for contaminants and proper encapsulation methods to prevent environmental impacts. We urge the committee to reconsider this prohibition and allow for its responsible use in road construction.

Thank you for the opportunity to provide testimony.



TESTIMONY IN SUPPORT TO SENATE BILL 438 SD2
RELATING TO WASTE DISPOSAL FACILITIES

House Committee on Energy and Environmental Protection
Hawai'i State Capitol

March 13, 2025

9:45 AM

Room 325

Aloha e Chair Lowen, Vice Chair Perruso and Members of Committee:

The Office of Hawaiian Affairs (OHA) strongly **supports SB438 SD2**, which prohibits the construction, modification, or expansion of any waste or disposal facility on land near or above a significant aquifer and on Class A and B agricultural lands. This measure upholds the fundamental Native Hawaiian values of mālama ‘āina (care for the land) and mālama wai (care for water) by ensuring that Hawai‘i’s limited water and agricultural lands base are protected from contamination and environmental degradation.

OHA has long advocated for the protection of Hawai‘i’s natural and cultural resources, recognizing that water and ‘āina are central to the survival and well-being of the Native Hawaiian people. For generations, Native Hawaiians have maintained a reciprocal relationship with the environment, understanding that the health of the land and water is directly tied to the health of the people. This bill aligns with that ancestral wisdom by preventing waste facilities from being placed in locations that could jeopardize Hawai‘i’s fragile ecosystem, food security, and public health.

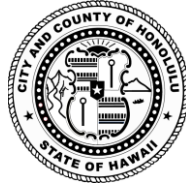
This measure is particularly critical in the wake of environmental crises such as the Red Hill fuel leaks, which demonstrated the irreversible damage that can occur when pollutants are allowed to be stored directly above our critical aquifers. SB 438 SD 2 provides a proactive approach to preventing similar disasters by ensuring that hazardous waste facilities are not located in areas where they could threaten drinking water supplies. Likewise, Class A and B lands represent the highest-quality soil in the islands, supporting the cultivation of crops that could allow Hawai‘i to reduce its costly dependence on imported food products. Allowing landfills in these areas would permanently remove them from agricultural use, reducing Hawai‘i’s ability to achieve food self-sufficiency.

OHA strongly urges the Committee to **PASS** SB 438 SD2 to uphold the integrity of Hawai‘i’s water and land resources, ensuring they remain sources of life and sustenance for generations to come. Mahalo for the opportunity to testify.

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

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

MICHAEL O'KEEFE
DEPUTY DIRECTOR
HOPE PO'O

IN REPLY REFER TO:
DIR 25-17

March 11, 2025

The Honorable Nicole E. Lowen, Chair
The Honorable Amy A. Perruso, Vice Chair
and Members of the Committee on Energy & Environmental Protection
415 South Beretania Street
Honolulu, Hawai'i 96813

Dear Chair Lowen and Vice Chair Perruso:

SUBJECT: SB 438, SD 2 - Relating to Waste or Disposal Facilities

The City and County of Honolulu's (City) Department of Environmental Services (ENV) submits the following testimony in opposition to SB 438, SD 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 and on class A or B agricultural land. 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 Hawaii 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 Oahu's aquifers. Additionally, following extensive discussions between 2023 and 2024, the Navy informed the City it was unable to offer federal land for a City landfill, including land on the Waipi'o Peninsula that the City had previously identified as a viable landfill site.

The Honorable Nicole E. Lowen, Chair
The Honorable Amy A. Perruso, Vice Chair
and Members of the Committee on Energy & Environmental Protection
415 South Beretania Street
Honolulu, Hawai'i 96813
March 11, 2025
Page 2

It is important to note that if SB 438, SD 2 were to become law and locating a landfill above an aquifer or on class A or B agricultural land 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 WGS� outside the aquifer and not on class A or B agricultural land.

If SB 438, SD 2 were to become law, the state could amend Act 73 to reduce or eliminate its restrictions in order to make potential landfill sites available. Alternatively, if SB 438, SD 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 WGS�.

Lastly, ENV strongly opposes the language added via the SD 1 regarding the reuse of ash for road building or construction, and the disposal of ash in a "double-lined" landfill.

ENV sends approximately 170,000 tons of H-POWER ash to the WGS� every year. Ash typically accounts for 60-70% of all landfilled materials. ENV has contracted with a private company to design, build and operate a facility that would extensively process H-POWER bottom ash to recover additional metals for recycling and produce a sand product that can be safely and responsibly used for construction purposes, thereby diverting that material from landfill disposal and reducing or eliminating the need for road paving companies, for example, to import sand from distant overseas markets. Local sand is not available for use in construction activities – it is imported, mostly from Canada. ENV's ash recycling project will produce approximately 85,000 tons of recycled sand product per year. Local companies import about 250,000 to 300,000 tons of sand to Honolulu each year. ENV's ash recycling project, which has been designed and is currently pursuing the requisite permits from the State Department of Health regulators, has the potential to reduce the amount of ash going to the landfill by 60% or more. The receipt of a permit for this project is contingent upon ENV demonstrating through extensive testing and analysis that the recycled material will not pollute the environment or adversely impact public health. Waste recycling is good practice, especially when it facilitates local production of a commodity that is 100% imported. This is known as a circular economy, is a pillar of sustainability and resilience, and is just plain smart. I urge you to remove the language prohibiting ash reuse and allow the State Department of Health to determine, on a case-by-case basis, if recycled ash poses environmental or health risks.

It is unclear what is meant by the requirement that ash only be disposed in a "double-lined" landfill. According to federal law, a RCRA Subtitle D solid waste landfill must have a single liner system, and a RCRA Subtitle C hazardous waste landfill must have two liner systems. The WGS� is a Subtitle D landfill that has a single liner system and it is suitable for ash disposal under all existing laws. Is the intent of the requirement to

The Honorable Nicole E. Lowen, Chair
The Honorable Amy A. Perruso, Vice Chair
and Members of the Committee on Energy & Environmental Protection
415 South Beretania Street
Honolulu, Hawai'i 96813
March 11, 2025
Page 3

prohibit H-POWER ash disposal at WGSL? Does this mean that the intention is to force the shut-down of the H-POWER facility at least until a double-lined landfill is constructed? ENV notes the WGSL has been accepting H-POWER ash since H-POWER opened in 1990 and its liner system has never leaked into the underlying soil.

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

Sincerely,

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

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

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

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EDWIN H. SNIFFEN, Ex-Officio
GENE C. ALBANO, P.E., Ex-Officio

March 13, 2025

The Honorable Nicole E. Lowen, Chair
and Members
House Committee on Energy and Environmental Protection
Hawaii'i State Capitol, Room 325
Honolulu, Hawaii'i 96813

Dear Chair Lowen and Members:

Subject: Senate Bill 438, SD2: Relating to Waste Disposal Facilities

The Honolulu Board of Water Supply (BWS) strongly supports Senate Bill (SB) 438, Senate Draft (SD) 1. This bill proposes to prohibit the construction, modification, or expansion of any waste or disposal facility on land that is near or above a significant aquifer as determined by the Department of Health (DOH). The bill also prohibits the use of fly ash, bottom ash, or a combination of fly ash and bottom ash from a municipal waste combustor . . . for the purposes of road building, construction, or as alternative daily cover material on a landfill.

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

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

The Honorable Nicole E. Lowen, Chair
and Members
March 13, 2025
Page 2

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 SB 438, SD 2.

Very truly yours,

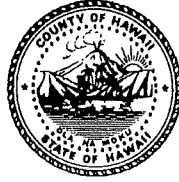


ERNEST Y. W. LAU, P.E.
Manager and Chief Engineer



C. Kimo Alameda, Ph.D.
Mayor

William V. Brillhante Jr.
Managing Director



Wesley R. Segawa
Director

Craig Kawaguchi
Deputy Director

County of Hawai'i

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

345 Kekūanāo'a Street, Suite 41 · Hilo, Hawai'i 96720 · cohdem@hawaiiicounty.gov

Ph: (808) 961-8083 · Fax: (808) 961-8086

March 24, 2025

COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

Rep. Nicole E. Lowen, Chair

Rep. Amy A. Perruso, Vice Chair

Hawai'i State Capitol

Honolulu, HI 96813

Re: Testimony in Opposition of Senate Bill (SB) 438 SD2 Relating to Waste or Disposal Facilities, which Prohibits the construction, modification, or expansion of any waste or disposal facility for hazardous waste or solid waste on land that is near or above a significant aquifer as determined by the Department of Health, in consultation with the Commission on Water Resource Management; Prohibits waste or disposal facility on class A and B agricultural land.

Dear Chair Lowen, Vice Chair Perruso and Committee Members,

The County of Hawai'i Department of Environmental Management (DEM) respectfully submits this testimony in strong opposition to SB 438 SD2. While we acknowledge and share the bill's stated intent to protect our vital aquifer resources and agricultural lands, the current draft presents significant concerns that, if enacted, will severely impair the County of Hawai'i's ability to manage solid waste effectively and sustainably.

Detailed Analysis of SB 438 SD2 and Critical Concerns:

1. Impact of UIC Line Amendments and Aquifer Protection (Section 342H-52(b)):

- We understand the Committee's intention, as discussed during the SB446-SD2 hearing on February 19, 2025, to prohibit landfills mauka of the Underground Injection Control (UIC) line.
- As the provided map illustrates, this would effectively create a future landfill ban for the majority of the Island of Hawai'i. The blue polygon accurately depicts the substantial area rendered unusable for future waste disposal facilities.
- Using the UIC line as a definitive boundary, effectively bans future landfill placement on most of the island.

2. Act 73 and Buffer Zone Issues (Section 342H-52(c)):

- Act 73's imposition of a ½-mile buffer zone, and the committee's proposal to reduce it to ¼-mile, do not adequately address the County's need for viable landfill siting options.
- When combined with the proposed UIC line restrictions and agricultural land prohibitions, the buffer zone limitations effectively eliminate potential sites.
- Section 342H-52(c) of SB 438 SD2, while maintaining the ½-mile buffer, further compounds this issue.

Hawai'i County is an Equal Opportunity Provider and Employer

3. Potential for Disruptive "Grandfather Clause" Issues (Section 342H-52(c)):

- While Section 342H-52(c) addresses existing facilities, the bill lacks a comprehensive "grandfather clause" to protect existing, properly permitted landfills with a history of safe operation from potential future regulatory changes.
- Imposing new, stringent restrictions could create undue burdens, potentially jeopardizing continued operation despite demonstrated environmental responsibility.


4. Increased Regulatory Burden and Uncertainty:

- The combined restrictions of SB 438 SD2 will significantly increase the regulatory burden on landfill operators, hindering future development and discouraging investment in essential waste management infrastructure.
- This could severely impact the County's ability to manage solid waste and protect public health.

By addressing these concerns, the legislature can achieve the goal of protecting our vital aquifer resources and agricultural lands without severely compromising the County of Hawai'i's ability to effectively manage solid waste and protect public health.

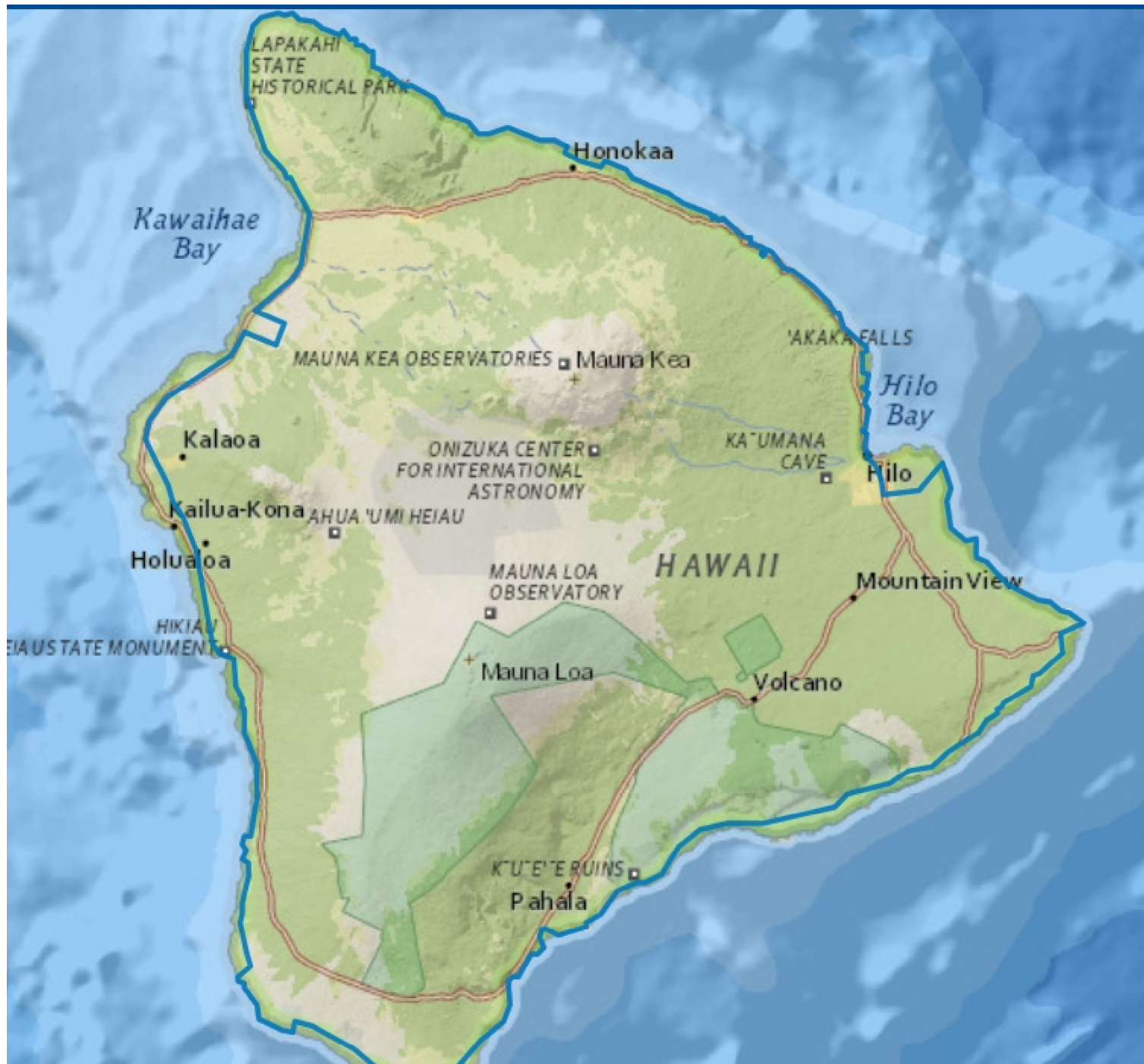
Thank you for your careful consideration.

Best Regards,



Craig Kawaguchi
DEPUTY DIRECTOR

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



Esri, Garmin, HERE, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, increment P Corp., I Hawi

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
House Committee on Energy & Environmental Protection
Thursday, March 13, 2025
9:45 a.m.
Via Conference Room 325 and Videoconference

In consideration of
Senate Bill 438 SD2
Relating to Waste or Disposal Facilities

Honorable Chair Lowen, Vice Chair Perruso, and Members of the Committee:

The County of Kaua'i Department of Public Works **offers comments** on Senate Bill 438 SD2, which prohibits the construction, modification, or expansion of any waste or disposal facility on land near or above a significant aquifer and prohibits waste or disposal facilities on class A and B agricultural land. Clarifies buffer zones, and prohibits the use of various ash for anything other than disposal in a double lined landfill.

While the proposed bill defines "significant aquifer" as a freshwater aquifer with the potential to be used as a drinking water source, this definition requires clarification and study. Aquifers could be treated to provide potential use as a drinking water source. This bill could prohibit expansions of existing landfills and siting of new landfills on Kaua'i, as all land overlays an aquifer of some type. A 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. The design of modern landfills considers geological and hydrological factors to ensure they are constructed and operated without harm to the public.

If SB 438 SD2 were to become law and locating a landfill on class A or B agricultural land were prohibited, Kaua'i County would not have feasible options for siting a new landfill. Despite 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. The County of Kaua'i has spent decades seeking a new landfill site. Limited land availability and increased restrictions for landfill siting due to State and Federal restrictions and the recently passed Act 73 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 this bill's impacts on all existing landfills in the state and future landfill siting options.

Thank you for the opportunity to testify on this measure.



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)



SIERRA CLUB OF HAWAI'I

HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

March 13, 2025

9:45 AM

Conference Room 325

In **SUPPORT** of **SB438 SD2**: RELATING TO WASTE DISPOSAL FACILITIES

Aloha Chair Lowen, Vice Chair Perruso, and Members of the Committee,

On behalf of our over 20,000 members and supporters, the Sierra Club **STRONGLY SUPPORTS** SB438 SD2, which will help to keep us from failing in our kuleana to safeguard our precious and limited drinking water aquifers 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 location is selected, a landfill will inevitably create a range of painful burdens based on the location selected. However, as this measure recognizes, siting a landfill over one of our precious and pure drinking water aquifers is by far the worst choice that can be made.

For example, the proposed new landfill for O'ahu 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 leakage; the EPA itself has concluded that all landfills inevitably leak.

Any released leachate 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.

Accordingly, by siting a landfill over one of O'ahu's remaining precious and pure drinking water aquifers, the City will accordingly all but guarantee another "Red Hill" situation if not for O'ahu residents today, then for our future generations. Clearly, this must not be allowed to happen.

Accordingly, the Sierra Club strongly supports this measure, as a means to ensure that landfills now and in the future are never to be placed in a location on any island that will threaten the water security of future generations.



SIERRA CLUB OF HAWAI'I

As a final note, with respect to the situation on O'ahu, the Sierra Club notes that there are other potential options, with and without legislative action, for a new landfill that would not burden West O'ahu with the intergenerational harms associated with Waimānalo Gulch and the PVT Integrated Solid Waste Management Facility. These options could include petitioning the Land Use Commission to redistrict potential sites, such as golf courses, rejected from consideration due to their location in the conservation district. **Alternatively, prevailing upon the Navy to reconsider allowing the City to use its lands – especially after it has caused the current water crisis for O'ahu – could also provide another option.** These and other potential remedies merit further exploration, given the potentially existential impacts that would arise from the City's currently proposed landfill site.

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 who will call Hawai'i home. 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, to provide our islands' future residents and communities with the best chance of a hopeful existence that we can give them. SB438 SD2 is one step to ensuring that we do not fail in this existential duty.

Accordingly, the Sierra Club urges the Committee to **PASS** SB438 SD2. Mahalo nui for the opportunity to testify.

**Comments before
March 13, 2025
House Committee on Energy & Environmental
Protection**

**IN SUPPORT OF
Senate Bill 438 SD 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.

Please support this bill with the ash recycling prohibition intact.

If incinerator ash is too dangerous to be placed over O'ahu's aquifer in a double-lined landfill, it is even more dangerous if we build roads with it all over the island with no liners to protect our drinking water.

However, please amend it so that the bill does not accidentally ban ash from the currently-used Waimanalo Gulch Landfill until new double-lined cells are ready. Apparently, the landfill is not double-lined, as [prior testimony](#) on the bill from Department of Health indicated.

AMENDMENT:

Page 13, line 20, replace "Fly ash," with "Notwithstanding use of Waimanalo Gulch Landfill cells constructed as of July 1, 2025, fly ash,".

There is no way to clean toxic chemicals like dioxins/furans, lead, mercury, cadmium, and arsenic out of incinerator ash. The bottom ash that Reworld and the City and County of Honolulu want to build roads with is the ash. It is not "aggregate" removed from ash, as Reworld claims. It is the same ash that research shows will leach arsenic and other toxic metals in real-world landfill conditions over time.

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

Ash should never be used as alternative daily cover material for itself at a landfill. Daily cover is required to prevent harmful wastes from blowing into the community at night, and the idea of

“alternative daily cover material” is a ploy by the landfill industry to save money by not putting soil on top of the landfill each day while making money taking waste instead. However, ash is fine material and there are examples from across the country where this has blown off of the landfill into communities. It’s better to require tarps for daily cover than to allow ash to be “cover” for itself, risking exposure to wind-blown ash particles.

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

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

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

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

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

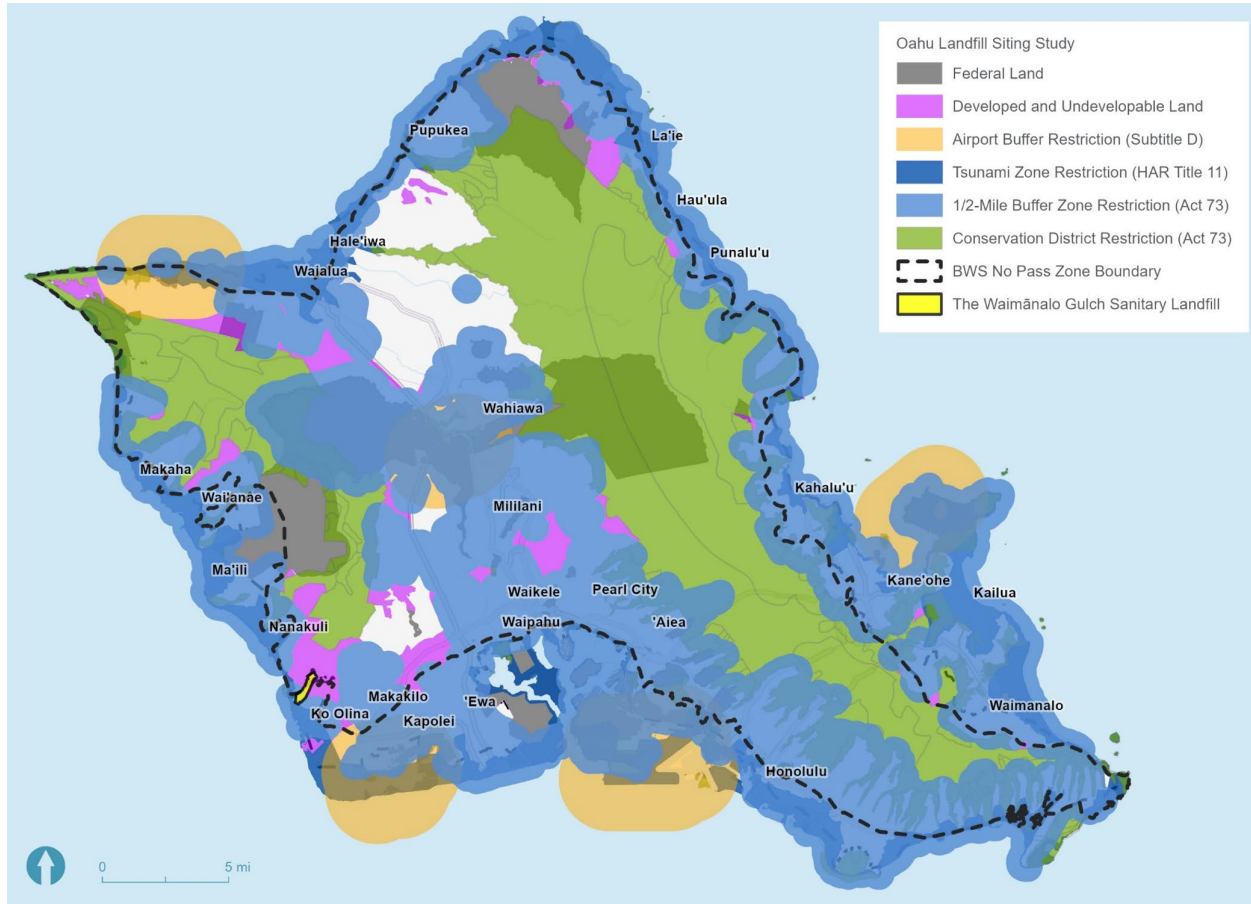
BACKGROUND INFORMATION IN SUPPORT OF SENATE BILL 438 SD 2

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

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

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

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



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

1. Reduce toxicity by ending incineration

There are two things that make landfills particularly harmful: toxicity (from leachate and landfill gas releases) and climate impacts from gas generation. The toxicity is made far worse when burning waste and landfilling ash. The proposed landfill on Oʻahu is primarily for the toxic ash from the H-POWER trash incinerator.¹ The landfill will be far less dangerous if trash is placed there

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

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 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>.

harmful, and recycling was a major benefit. See: <https://drive.google.com/file/d/1tdhufZvfYXM64OnU7Z9Bdfts-xoptaq/view>

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

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

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

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

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

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

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

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

EPA's statement says:

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

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

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

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

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

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

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.

SB-438-SD-2

Submitted on: 3/11/2025 11:52:21 PM

Testimony for EEP on 3/13/2025 9:45:00 AM

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

Comments:

Hawai'i Reef and Ocean Coalition **SUPPORTS** this bill's prohibition on siting a solid or hazardous waste facility over a significant aquifer.

Hawai'i Reef and Ocean Coalition also **SUPPORTS** this bill's **requirement 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.**

An exception should be made allowing continued placement of incinerator ash in the existing single-lined cells of Waimanalo Gulch Sanitary Landfill on page 13, line 20.

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

Mahalo!

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



Environmental Caucus of The Democratic Party of Hawai'i

March 11, 2025

Testimony in Support of SB438 SD2 - RELATING TO WASTE DISPOSAL FACILITIES

To: Chair Nicole E. Lowen, Vice Chair Amy A. Perruso, and Members of the Committee on Energy & Environmental Protection

From: Environmental Caucus of the Democratic Party of Hawaii

Date: Thursday, March 13, 2024 **Time:** 9:45 a.m.

Place: Conference Room 325 & Videoconference

Dear Chair Lowen, Vice Chair Perruso, and Members of the Committee,

The Environmental Caucus of the Democratic Party of Hawaii strongly supports SB438 SD2. This measure is a critical step toward protecting Hawaii's natural resources, agricultural lands, and public health. Below are the key reasons for our support:

- **Protection of Water Resources:**
 - Prohibits the construction, modification, or expansion of waste or disposal facilities near or above significant aquifers, as determined by the Department of Health.
 - Safeguards vital drinking water sources for current and future generations.
- **Preservation of Agricultural Land:**
 - Prohibits waste or disposal facilities on Class A and B agricultural lands.
 - Ensures the integrity of Hawaii's most fertile farmland, supporting local agriculture and food security.
- **Environmental Safety Measures:**
 - Clarifies buffer zones to enhance environmental safety.
 - Prohibits the use of fly ash and bottom ash from municipal waste combustors for road building, construction, or landfill cover material.
 - Requires these hazardous materials to be disposed of in double-lined, duly licensed landfills to prevent contamination.

- **Commitment to Sustainability:**

- Aligns with Hawaii's goals for environmental stewardship and sustainable waste management practices.
- Demonstrates a forward-thinking approach to protecting ecosystems and public health.

SB438 SD2 reflects Hawaii's dedication to preserving its unique environment and ensuring the well-being of its residents. We urge the Committee to pass this measure to safeguard our natural resources and communities.

Thank you for the opportunity to testify in strong support of SB438 SD2. We are available to answer any questions or provide additional information as needed.

Sincerely,

Melodie Aduja and Alan Burdick

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



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

March 13, 2025

HEARING BEFORE THE
HOUSE COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

TESTIMONY ON SB 438, SD2
RELATING TO WASTE DISPOSAL FACILITIES

Conference Room 325 & Videoconference
9:45 AM

Aloha Chair Lowen, Vice-Chair Perruso, and Members of the Committee:

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

The Hawai'i Farm Bureau supports SB 438, SD2, which prohibits the construction, modification, or expansion of any waste or disposal facility for hazardous or solid waste on land near or above a significant aquifer, as determined by the Department of Health, in consultation with the Commission on Water Resource Management. The bill also prohibits waste or disposal facilities on Class A and B agricultural lands. Protecting Hawai'i's water resources and prime agricultural lands is essential for the long-term sustainability of both agriculture and public health.

Hawai'i's farmers and ranchers rely on clean and reliable water sources for irrigation, livestock, and food production. Groundwater contamination from landfills and waste facilities poses a serious threat to agriculture, drinking water, and public health. The recent crisis at Red Hill demonstrated the long-term consequences of groundwater contamination, reinforcing the need for proactive measures to prevent similar risks in the future. SB 438, SD2 ensures that Hawai'i's aquifers, which serve as the primary drinking water source for residents and agricultural users, remain protected from potential leachate contamination.

In addition to safeguarding aquifers, SB 438, SD2 protects Class A and B agricultural lands from being used for waste disposal facilities. These lands represent Hawai'i's most productive farmland, essential for food security and reducing reliance on imports. Preserving these lands for farming rather than industrial uses aligns with the state's commitment to increasing local food production and supporting the agricultural economy.

Agricultural lands should be prioritized for farming, not waste disposal, to ensure a thriving and resilient agricultural sector.

Hawai'i's waste management needs must be met without compromising essential resources. Waste and disposal facilities should be located in areas that do not endanger groundwater or displace critical agricultural lands. Proper site selection for these facilities is key to balancing the state's environmental, agricultural, and public health priorities.

We urge the committee to pass SB 438, SD2 to protect Hawai'i's vital water sources and agricultural lands while ensuring responsible waste management practices.

Thank you for the opportunity to testify on this measure.

SB-438-SD-2

Submitted on: 3/12/2025 1:48:50 PM

Testimony for EEP on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
‘Ilima DeCosta	Hui Malama Pono Hawai‘i	Support	Written Testimony Only

Comments:

Mahalo for the opportunity to testify in strong support of SB438 SD2, which would place restrictions on where a waste disposal facility may be cited.

If passed, SB438 would protect our acquifer from further contamination and prevent the unsafe conditions that could result from such contamination.

Native Hawaiians have traditionally placed a high priority on fresh water and it is the obligation of the state to ensure that those water resources are better protected for present and future generations.

Mahalo for passing SB438 SD2 out of committee and on to the Governor for his signature. Ola I Ka Wai!



March 13, 2025

Re: Opposition to [SB438 SD2](#) Relating to Waste Disposal Facilities

Aloha e Chair Lowen, Vice Chair Peruso, and Members of the Energy and Environmental Protection Committee,

The Prince Kūhiō Hawaiian Civic Club submits this testimony in strong opposition to [SB438 SD2](#) Relating to Waste Disposal Facilities, which proposes to reduce the minimum buffer zone between landfills and nearby communities from one-half mile to one-quarter mile. If passed, this bill would jeopardize public health, exacerbate environmental injustices, and weaken protections for Native Hawaiian and rural communities that have long shouldered the burden of waste facilities. It also proposes to outright ban the reuse of fly ash and bottom ash even if appropriately treated, increasing the load on our landfills.

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.

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.

PKHCC urges the committee to hold [SB438 SD2](#) Relating to Waste Disposal Facilities Mahalo for your attention and consideration.

Me ke aloha,

Norman Llanos
 Pelekikena
president@pkhcc.org

March 13, 2025

Honorable Nicole E. Lowen, Chair
Honorable Amy A. Perruso, Vice Chair
Members of the Committee on Energy & Environmental Protection

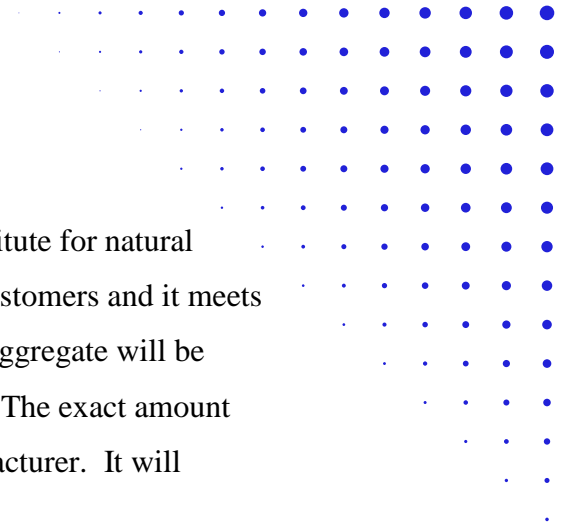
Re: SB 438 S.D.2; RELATING TO WASTE DISPOSAL FACILITIES
SUBMITTING COMMENTS

Dear Chair Lowen, Vice Chair Perruso, 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 SB 438 S.D.2 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 and removed from SB 438 S.D.2.**

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 13, 2025

TESTIMONY OF THE ASSOCIATION OF HAWAIIAN CIVIC CLUBS
To the Senate Committee on Health and Human Services
Comments on

SB 438 – RELATING TO WASTE DISPOSAL FACILITIES

Aloha Chair Lowen, Vice Chair Peruso, and members of the committee on Energy and Environmental Protection.

The Association of Hawaiian Civic Clubs **comments** on SB438 Relating to Waste Disposal Facilities, which prohibits the construction, modification, or expansion of any hazardous waste or solid waste disposal facility on land located near or above a significant aquifer, as determined by the Department of Health in consultation with the Commission on Water Resource Management. Additionally, it forbids the establishment of such facilities on Class A and B agricultural land. It clarifies buffer zone requirements and prohibits the use of fly ash, bottom ash, or a combination of both from municipal waste combustors— including any ash residue remaining after metal removal for recycling into new products— in road construction, building projects, or as alternative daily cover in landfills. Requires that fly ash, bottom ash, or their combination be disposed of in a double-lined, licensed municipal solid waste or hazardous waste landfill. Our wai is critical to life and it is critical to protect our freshwater aquifers.

The mission of the Association of Hawaiian Civic Clubs is to effectively advocate for the educational, civic, health, cultural, economic, and social well-being of our lāhui.

The Association of Hawaiian Civic Clubs supported the prohibition of constructing landfills in conservation districts and establishment of the ½ **mile** “buffer zones” enacted in Act 73, Session Laws of Hawaii, 2020 given its 2019-52 Resolution (See attached). At the January 2025 board meeting, the Association reaffirmed its longstanding commitment to protecting wai by formally adopting the position that landfills should not be situated over aquifers and may only be placed within conservation districts in exceptional circumstances.

No community should suffer the negative health impacts and decrease in quality of life from a waste or disposal facility, including a landfill. This bill for an act would *remove* the minimum safe distance of one-half mile from such facilities and the public. Let’s make sure that such sites, including landfills, are *not in anyone’s backyard*.

Maintain the buffer zone at half a mile to ensure that our kanaka living in their homes, hospitals, and schools receive the same level of protection as our wai.

Founded by Prince Kūhiō in 1918, the Hawaiian Civic Club movement is the oldest Native Hawaiian community-based advocacy movement. The Association of Hawaiian Civic Clubs is a not-for-profit organization that is a confederation of 61 individual and autonomous Hawaiian Civic Clubs and 3,000 members located across Hawai‘i and across the continental United States.

We appreciate you holding or amending this bill.

ASSOCIATION OF HAWAIIAN CIVIC CLUBS

A RESOLUTION

No. 2019 - 52

URGING THE STATE OF HAWAI'I AND ALL COUNTIES TO CREATE AN ADEQUATE BUFFER ZONE AROUND LANDFILLS WITH A MINIMUM BUFFER ZONE OF ONE-HALF MILE

WHEREAS, there is an emergence of scientific studies affirming the health hazards of living and working near landfills, including studies published by the World Health Organization in 2015, and "*Living near a landfill may damage your health*" published by the International Journal of Epidemiology, Oxford University Press, in 2016; and

WHEREAS, the State of Hawai'i and the four counties lack landfill buffer zone requirements that adequately protect public health; and

WHEREAS, adequate landfill buffer zones provide minimum space of four miles and improvements, particularly trees and other vegetation, between a landfill's structures used for handling or storing waste and homes, schools, and other public places; and

WHEREAS, hundreds of residents of Nānākuli Town and the Nānākuli Hawaiian Homestead, thousands of students attending Ka Waihona o Ka Na'auao Public Charter School, Nānāikapono Elementary School, Nānākuli Elementary School, Nānākuli High and Intermediate School, Kamehameha Schools Community Learning Center, and thousands of members of the public go to places of worship, clinics, grocery stores, restaurants, and visit their 'ohana at the Nānākuli kupuna housing, all within four miles of O'ahu's only construction and demolition landfill, the privately-owned landfill operated by PVT Land Company, Ltd. (PVT Landfill); and

WHEREAS, the current buffer zone between PVT Landfill and the nearest residential units and churches is approximately 750 feet; and

WHEREAS, since the 1980s, kama'āina offered numerous oral and written testimony at Neighborhood Board meetings in the City and County of Honolulu, State of Hawai'i Department of Health public hearings, and community gatherings at churches voicing concerns over the adverse health impacts of living and working in close proximity to landfills in general and PVT Landfill, in specific; and

WHEREAS, the State of Hawai'i Department of Health has still not addressed the outstanding inquiries from the community related to the long-term health effects of the debris that

runs off of PVT Landfill during heavy rains, the leachate that permeates the ground, the dust particles from both PVT Landfill and its trucks that coat neighborhood houses as they drive through the community, and the gasses released by the decomposition of waste and other landfill activities, especially the cumulative and long-term health effects on those living and working within four miles of landfill; and

WHEREAS, the predominantly Native Hawaiian communities of Nānākuli Town and Nānākuli Hawaiian Homestead should no longer be subject to the adverse effects of landfills; and

WHEREAS, no community in Hawai'i should be impacted by the adverse effects of landfills.

NOW, THEREFORE, BE IT RESOLVED, by the Association of Hawaiian Civic Clubs at its 60th Annual Convention in Lahaina, Maui, in the malama of Welehu and the rising of Lā'au Pau, this 16th day of November 2019, urging the State of Hawai'i and City and County of Honolulu to create an adequate buffer zone around landfills with a minimum buffer zone of one-half mile; and

BE IT FURTHER RESOLVED, that a certified copy of this resolution be transmitted to the Governor of the State of Hawai'i, President of the State Senate, Speaker of the State House of Representatives, Chair of the State Senate subject matter committee on Hawaiian Affairs, Chair of the State House subject matter committee on Hawaiian Affairs, Chair of the Board of Trustees of the Office of Hawaiian Affairs, and all County Mayors.



The undersigned hereby certifies that the foregoing Resolution was duly adopted in the malama of Welehu and the rising of Lā'au Pau on the 16th day of November 2019, at the 60th Annual Convention of the Association of Hawaiian Civic Clubs in Lahaina, Maui.

Handwritten signature of Hailama V. K. K. Farden.

Hailama V. K. K. Farden, President

SB-438-SD-2

Submitted on: 3/13/2025 8:46:12 AM

Testimony for EEP on 3/13/2025 9:45:00 AM

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

Comments:

Aloha Again!

The Free Access Coalition strongly supports SB438 which prohibits land fills about the aina aquifers. We need to guard our drinking water supply from pollution from landfills.

We hope you will pass this important legislation.

Mahalo for your time and hopefully your Kokua.

SB-438-SD-2

Submitted on: 3/11/2025 12:32:25 PM

Testimony for EEP on 3/13/2025 9:45:00 AM

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

Comments:

I strongly support this bill. Thank you.

SB-438-SD-2

Submitted on: 3/11/2025 12:33:08 PM

Testimony for EEP on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Keith Neal	Individual	Support	Written Testimony Only

Comments:

Support

The long term priority and stewardship of precious fresh water aquifers must not be trumped by the short term problems of waste management.

Water is life.

Keith Neal

Waimea

SB-438-SD-2

Submitted on: 3/11/2025 12:07:09 PM

Testimony for EEP on 3/13/2025 9:45:00 AM

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

Comments:

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

My name is Emily Gambino and I strongly support SB438 SD2, which would prohibit the construction, modification, or expansion of waste and disposal facilities above significant aquifers.

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

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

I urge you to **PASS SB438 SD2**.

Sincerely,
Emily Gambino

SB-438-SD-2

Submitted on: 3/11/2025 12:05:18 PM

Testimony for EEP on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Nathan Leo Braulick	Individual	Support	Written Testimony Only

Comments:

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

My name is Nathan Leo Braulick and I strongly support SB438 SD2, which would prohibit the construction, modification, or expansion of waste and disposal facilities above significant aquifers.

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

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

I urge you to **PASS SB438 SD2**.

Sincerely,
Nathan Leo Braulick

SB-438-SD-2

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

Testimony for EEP on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
fred hofer	Individual	Support	Written Testimony Only

Comments:

SB 438:

Please pass SB438 SD 2 complete with the language prohibiting unsafe uses of ash. If toxic incinerator ash is dangerous over the aquifer in a double-lined landfill, it's even more dangerous if we build roads with it all over the island with no liners to protect our drinking water. However, please amend it so that the bill does not accidentally ban ash from the current landfill until new double-lined cells are ready.

Fred Hofer

Hilo

SB-438-SD-2

Submitted on: 3/11/2025 11:33:17 AM

Testimony for EEP on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Jonas Vibell	Individual	Support	Written Testimony Only

Comments:

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

My name is Jonas Vibell and I strongly support SB438 SD2, which would prohibit the construction, modification, or expansion of waste and disposal facilities above significant aquifers.

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

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

I urge you to **PASS SB438 SD2**.

Sincerely,

Jonas Vibell

SB-438-SD-2

Submitted on: 3/11/2025 9:56:13 AM

Testimony for EEP on 3/13/2025 9:45:00 AM

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

Comments:

Protecting our drinking water from land fills is absolutely essential for our life. Pass this bill!

SB-438-SD-2

Submitted on: 3/11/2025 10:48:57 AM

Testimony for EEP on 3/13/2025 9:45:00 AM

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

Comments:

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

My name is Diane Ware and I strongly support SB438 SD2, which would prohibit the construction, modification, or expansion of waste and disposal facilities above significant aquifers.

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

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

I urge you to **PASS SB438 SD2**.

Sincerely,
Diane Ware, Volcano

SB-438-SD-2

Submitted on: 3/11/2025 6:56:13 AM

Testimony for EEP on 3/13/2025 9:45:00 AM

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

Comments:

Aloha Representatives!

Please pass SB438 SD 2 complete with the language prohibiting unsafe uses of ash. If toxic incinerator ash is dangerous over the aquifer in a double-lined landfill, it's even more dangerous if we build roads with it all over the island with no liners to protect our drinking water. However, please amend it so that the bill does not accidentally ban ash from the current landfill until new double-lined cells are ready.

Mahalo!

R A Culbertson

Honokaa

SB-438-SD-2

Submitted on: 3/11/2025 10:29:00 AM

Testimony for EEP on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Deborah Umiamaka	Individual	Support	Written Testimony Only

Comments:

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

My name is Deborah Umiamaka, and I am writing to express my strong support for SB438 SD2, which seeks to prohibit the construction, modification, or expansion of waste and disposal facilities above significant aquifers. This bill is essential to safeguarding Hawai‘i’s precious and limited drinking water resources.

Our aquifers are irreplaceable sources of fresh water that sustain our communities, ecosystems, and ‘āina. Allowing landfills to be placed above these vital groundwater resources poses an unacceptable risk. Landfills inevitably leak toxic leachate over time, which could contaminate the underlying aquifers. Once polluted, these water sources cannot be restored, jeopardizing public health, our environment, and the water security of future generations.

Protecting our water is not just an environmental issue—it is a matter of public health, economic stability, and cultural preservation. Clean and safe drinking water is fundamental to the well-being of everyone who calls Hawai‘i home.

I respectfully urge you to PASS SB438 SD2 to ensure the long-term protection of our groundwater resources for current and future generations. Mahalo for your time and consideration of this critical issue.

**Sincerely,
Deborah Umiamaka**

SB-438-SD-2

Submitted on: 3/11/2025 11:20:18 AM

Testimony for EEP on 3/13/2025 9:45:00 AM

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

Comments:

My name is Geraldine Best and I am testifying IN SUPPORT of SB438 to protect our water resources by prohibiting construction, modification, or expansion of landfills above the aquifer. This bill also needs to expand its protective coverage 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. Therefore, this bill NEEDS TO BE AMENDED to increase the buffer zone's minimum distance from 1/2 mile to 1 mile. A landfill brings with it dust, fumes, traffic and environmentally hazardous elements which have NO PLACE next to a school, hospital or residence(s). This increase in the buffer zone would definitely increase the level of protection for the community surrounding the landfill.

Please help protect our communities by amending this bill to increase the buffer zone to minimum distance of 1 mile along with expanding its protective coverage of our valuable aquifer resources.

SB-438-SD-2

Submitted on: 3/11/2025 9:06:18 AM

Testimony for EEP on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
jen ballou	Individual	Support	Written Testimony Only

Comments:

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

My name is Jen Ballou, and I **strongly support SB438 SD2**, which would ban the construction, expansion, or modification of waste and disposal facilities over critical aquifers.

This bill is essential to safeguarding our groundwater—an irreplaceable source of fresh water that sustains our communities and ‘āina. Once contaminated, these water sources may never fully recover, threatening public health and the environment.

Protecting our water means protecting our people, our land, and the future of Hawai‘i.

I urge you to **PASS SB438 SD2**.

Mahalo,
Jen Ballou

SB-438-SD-2

Submitted on: 3/10/2025 9:05:21 PM

Testimony for EEP on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Hela Oliger	Individual	Support	Written Testimony Only

Comments:

Dear Members of the House Energy and Environmental Protection Committee,

I am writing to express my support for SB 438, which prohibits the construction, modification, or expansion of landfills above the aquifer and sets the buffer zone at 1/2 mile. As a concerned resident, I believe it is crucial to safeguard our precious water resources.

I also urge the committee to consider amending the bill to expand the buffer zone to 1 mile. The current proposed buffer zone of 1/2 mile does not go far enough in protecting the safety, health, and well-being of area residents and the community. Increasing the buffer zone to 1 mile would provide a higher level of protection for those who live, work, go to school, or utilize facilities near a landfill.

Landfills are sources of dust, fumes, traffic, and environmentally hazardous elements that pose significant risks to neighboring schools (where my kids attend), hospitals (where our community presents), and residences (where my babies eat, sleep & play). By amending this bill to increase the buffer zone minimum distance to 1 mile, we can better ensure the safety and well-being of our communities.

Please help protect our communities by amending SB 438 to increase the buffer zone minimum distance to 1 mile. Your consideration and action on this matter are greatly appreciated.

Thank you for your attention to this important issue.

Hela Oliger

SB-438-SD-2

Submitted on: 3/11/2025 10:50:12 AM

Testimony for EEP on 3/13/2025 9:45:00 AM

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

Comments:

Please pass SB438 SD 2 complete with the language prohibiting unsafe uses of ash. If toxic incinerator ash is dangerous over the aquifer in a double-lined landfill, it's even more dangerous if we build roads with it all over the island with no liners to protect our drinking water. However, please amend it so that the bill does not accidentally ban ash from the current landfill until new double-lined cells are ready.

Thank you for your time and attention, Mary True, 96783

SB-438-SD-2

Submitted on: 3/10/2025 3:34:48 PM

Testimony for EEP on 3/13/2025 9:45:00 AM

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

Comments:

Aloha Chair Lowen, Vice Chair Perruso, and members of the Committee,

My name is Eric Ching and I'm testifying in support of SB 438 SD2 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.

SB-438-SD-2

Submitted on: 3/10/2025 3:44:47 PM

Testimony for EEP on 3/13/2025 9:45:00 AM

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

Comments:

It is so sad that this bill had to be introduced. I, like many others, was incensed with Mayor Blangiardi's proposal to put a garbage dump over an aquifer, saying new technology will prevent leaks. But none of us will be around when the leaks occur, totally destroying our clean wai.

Please move this bill forward.

SB-438-SD-2

Submitted on: 3/11/2025 9:37:22 AM

Testimony for EEP on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Hannalore Aiwohi	Individual	Support	Written Testimony Only

Comments:

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

My name is Hannalore Aiwohi and I strongly support SB438 SD2, which would prohibit the construction, modification, or expansion of waste and disposal facilities above significant aquifers.

This bill is crucial for protecting our vital groundwater resources. Our aquifers are irreplaceable sources of freshwater that sustain our communities and ‘āina. Once contaminated, these water sources can be permanently damaged, putting public health and our environment at risk. As a resident of Haleiwa, the disputed placement of the current central O'ahu landfill is personal for me. We don't get second chances and the risk of contamination is too great.

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 SB438 SD2**.

Sincerely,
Hannalore Aiwohi

SB-438-SD-2

Submitted on: 3/11/2025 9:53:53 AM

Testimony for EEP on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Will Caron	Individual	Support	Written Testimony Only

Comments:

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

My name is Will Caron, from Kahalu‘u, O‘ahu, and I strongly support SB438 SD2, which would prohibit the construction, modification, or expansion of waste and disposal facilities above significant aquifers.

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

The state must instead be proactive in investing in technology to better manage waste, reducing our reliance on unsustainable landfills, as well as any and all available opportunities to reduce consumption of products that will end up in landfills. We cannot continue to bury our consumer-waste problems in the ground. We are poisoning our future.

Because budgets are tight and times are uncertain, the state must consider new revenue options from enhanced taxes on the wealthy and big corporations. Polling consistently shows that an overwhelming majority of voters support such taxes, despite what a loud minority might make it seem like. The public has your back on this bill, and bills to better tax wealth.

Protecting our water is about protecting our health, our environment, and the future of everyone who calls Hawai‘i home. We simply cannot afford to jeopardize this resources. The cost of better solutions is far less than the cost of losing our water, our soil health, and our ability to survive here in the middle of the Pacific.

I urge you to pass SB438 SD2.

Mahalo for the opportunity to testify

SB-438-SD-2

Submitted on: 3/11/2025 1:40:59 PM

Testimony for EEP on 3/13/2025 9:45:00 AM

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

Comments:

*Aloha Chair Lowen, Vice Chair Perruso, and Members of the Committee,**My name is Samantha Nelson and I am testifying in STRONG SUPPORT of SB438 SD2, which makes clear that our islands' precious wai should not be jeopardized by the placement of landfills over "significant" drinking water aquifers.**This bill is critical to ensuring that we do not burden our children, grandchildren, and future generations with another "Red Hill" situation, where their water security may be placed in jeopardy by the release of extremely toxic landfill "leachate" above a drinking water aquifer.**As the EPA has concluded, all landfills are expected to fail; accordingly, allowing a landfill to be placed above an aquifer will inevitably threaten that aquifer at some point in the future, whether in a matter of years, or decades. This bill accordingly prohibits the short-sighted placement of landfills over drinking water aquifers, and upholds our generational kuleana to our precious wai and the future generations who will need access to clean water more than ever before.**I urge you to **PASS SB438 SD2**. Mahalo!*

SB-438-SD-2

Submitted on: 3/11/2025 1:40:53 PM

Testimony for EEP on 3/13/2025 9:45:00 AM

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

Comments:

Aloha Chair Lowen, Vice Chair Perruso, and Members of the Committee,

My name is Kylie Hopkins and I am testifying in **STRONG SUPPORT** of SB438 SD2, which makes clear that our islands' precious wai should not be jeopardized by the placement of landfills over "significant" drinking water aquifers.

This bill is critical to ensuring that we do not burden our children, grandchildren, and future generations with another "Red Hill" situation, where their water security may be placed in jeopardy by the release of extremely toxic landfill "leachate" above a drinking water aquifer.

As the EPA has concluded, all landfills are expected to fail; accordingly, allowing a landfill to be placed above an aquifer will inevitably threaten that aquifer at some point in the future, whether in a matter of years, or decades. This bill accordingly prohibits the short-sighted placement of landfills over drinking water aquifers, and upholds our generational kuleana to our precious wai and the future generations who will need access to clean water more than ever before.

I urge you to **PASS SB438 SD2.**

Kylie Hopkins

SB-438-SD-2

Submitted on: 3/10/2025 6:02:48 PM

Testimony for EEP on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Crystal Branco	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair, Vice Chair, and Members of the Committee,

My name is Crystal Branco. Mahalo for protecting our resources, people and future! I am writing in strong support of SB438 SD2 and I am asking that this bill be amended to strengthen its protections by increasing the buffer zone to a minimum of 1 mile.

I appreciate the Legislature's efforts to address the dangers landfills pose to our aquifers but I feel this bill does not stress enough the need for trustworthy protection.

Protecting our drinking water is critical, but we must also prioritize the health, safety, and well-being of the people who live, work, and thrive near these potential landfill sites.

A 1/2-mile buffer is simply inadequate. Increasing the minimum buffer zone to 1 mile would provide greater protection for: Schools where keiki should be able to focus on learning without exposure to airborne toxins and odors. Hospitals where vulnerable individuals are at higher risk from air and water contamination. Cultural and historical sites where stewards are working hard to restore prime agricultural lands for our future generations.

A stronger buffer zone is essential to safeguarding our community's health. I urge you to amend SB438 SD2 to require a 1-mile buffer zone and ensure our communities are protected from the harmful impacts of landfills.

Mahalo nui for your time and dedication to this important matter.

Me ka ha'aha'a

Crystal Branco

Wednesday, March 13, 2025

Energy and Environmental Protection Committee
House of Representatives
State of Hawaii
Honolulu, HI 96813

OPPOSING SB438 SD2 - RELATING TO WASTE AND DISPOSAL FACILITIES

Aloha Chair Nicole Lowe, Vice Chair Amy Peruso and members of the committee:

I oppose [SB438 SD2](#) Relating to Waste Disposal Facilities as written. Please do not undo the monumental environmental justice legislation that created a ½ mile “buffer zone” between ‘opala and people in 2020. Please keep the ½ mile “buffer zone” to protect everyone from the ills of trash and allow for the responsible recycling of ash to lessen the load on our landfills.

From Mā‘ili, my name is Kamuela Werner. I graduated from Nānākuli High School, hold a Bachelors of Science in Natural Resource and Environmental Management as well as a Masters in Public Health from the University of Hawai‘i. I have worked at the Department of Native Hawaiian Health at the John A. Burns School of Medicine as a Native Hawaiian and Pacific Islander health disparities researcher, as a Native Hawaiian Congressional fellow for Senator Mazie Hirono in D.C., and now I am a full time teacher at Nānākuli Middle School.

Before moving to Mā‘ili, I grew up in a multi-generational Native Hawaiian household on Mōhihi street in Nānākuli. The Lualualei plain was my backyard where, at the time, you could see straight through to the base of Pu‘u Heleakalā, the sacred and storied place of our ancestor Māui. But no more, now we see “mauna ‘ōpala” as the keiki call it, created by the PVT Land Company. The same company who is proposing to relocate across the street from its current operations on Lualualei Naval Road in Nānākuli for another 30 years—yards away from our community and land recently aquired by Ma‘o Organic Farms. We now tell stories about trash and sickness rather than the accomplishments of our ancestors. Today, I speak on behalf of my ‘ohana that live, work, or go to school in Nānākuli, Mā‘ili, and Lualualei.

According to the Center for Disease Control and Prevention/National Center for Health Statistics in the U.S. Small-Area Life Expectancy Estimates Project based in part on U.S. census data, the census tracts that include Nānākuli Homestead and the neighborhoods of Auyoung Homestead Road and Mōhihi Street have the 2nd and 3rd lowest life expectancies in the State. Our communities’ life expectancy is 8 to 10 years less than the State average of 82 years. Immediately surrounding these communities, the life expectancy jumps between 4 and 6 years from backside Lualualei Valley behind the Wai‘anae Coast Comprehensive Center, to Ko‘olina, Honokai Hale, and Makakilo. Something is not pono.

From a public health perspective, the operation of a landfill in the current and proposed areas by PVT Land Company should be avoided for the following reasons: First, for landfills in general, the current and available public health studies associate living in close proximity of 1 to 4 miles away with adverse pregnancy outcomes, increases in infant low birth weights, increases in the risk of birth defects, self-reported headaches, sleepiness, respiratory and central nervous system problems, psychological conditions, and gastrointestinal issues. (See *Health effects of residence near hazardous waste landfill sites: a review of epidemiologic literature*, Environmental Health Perspectives, 2000; *Health effects associated with the disposal of solid waste in landfills and incinerators in populations living in surrounding areas: a systematic review*, The International Journal of Public Health, 2013). As a Construction and Demolition landfill in specific, the current PVT landfill contains tons of gypsum drywall which breaks down to produce hydrogen sulfide (H₂S) gas (See *Hydrogen sulfide generation in simulated construction and demolition debris landfills: impact of waste composition*, The Journal of the Air & Waste Management Association, 2006). Residential exposure to H₂S within 3.1 miles of a landfill is associated with lung cancer deaths as well as with death, disease and hospitalizations from respiratory illnesses (*Morbidity and mortality of people who live close to municipal waste landfills: a multisite cohort study*, International Journal of Epidemiology, 2016). Using the US Census 2017 ACS 5-Year Population Estimates for Nānākuli and Mā‘ili, it is estimated that over 18,000 residents live within 3.1 miles of the PVT landfill and are potentially exposed daily to H₂S in specific, and other landfill gasses and debris. In emergency situations, the State and City and County of Honolulu governments can place, and have placed, materials from disaster cleanups into PVT landfill.

Secondly, the Hawai‘i Department of Health (HDOH) has never clarified that there is no risk to the public for living in proximity to landfills in general, or the current or proposed PVT landfill in specific, especially within 3.1 miles. Further, HDOH has never reviewed the findings of independent studies which say that there is no risk to public health from landfills in general or from the current or proposed PVT landfills in specific, especially to the thousands of people that live, work, and play within a 3.1-mile radius of landfill operations. In fact, according to the PVT 2019 Final Environmental Impact Statement, the only HDOH air monitoring station that measures H₂S is located in Puna on Hawai‘i Island. HDOH given the current regulations for landfills, has been unable to adequately protect the public health, despite kama‘āina testimony presented since the 1980s, voicing concerns over the adverse health impacts of living and working in close proximity to landfills both in general and with regard to the operations and plans of PVT in specific. Lastly, it is not clear if the permit requirements issued by HDOH or the Department of Planning and Permitting of the City and County of Honolulu are being enforced given the current regulations for landfills. HDOH and the City and County of Honolulu have been unable to adequately protect the public health, despite the scientific studies that suggest adverse health effects for living within proximity of a landfill up to 4 miles away.

Nānākuli has over 9,000 Native Hawaiians, representing the highest per capita population of Native Hawaiians in the state at 72%. The disproportionate burden of over 42% of all Oahu’s waste ending up in a predominately Native Hawaiian community is environmental racism at its core. Hawaiian lives matters, and *all* our families in Nānākuli are suffering.

As a Native Hawaiian Congressional fellow who worked in the Office of Sen. Mazie Hirono, I gained a greater understanding of the purpose and value of governmental policies, which are in part, to protect the health and safety of the public. The policies that regulate our landfills today are incomplete, because communities are still at risk, our communities of Nānākuli, Mā‘ili, and Lualualei are at risk.

According to the EPA, environmental justice is the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income, with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies. I argue, the current regulations and policies that allow PVT to operate and relocate a landfill in the heart of Nānākuli, Mā‘ili, and Lualualei communities, are racist towards Native Hawaiians and prejudiced towards working families with low to medium incomes. Today, do not undo the good work done four years ago, stay the course and keep the ½ mile “buffer zone.”

Therefore, I urge the committee to hold the bill, and if not, to restore the ½ mile “buffer zone” and remove the prohibition from recycling and reusing ash.
Mahalo.

Ke aloha ‘āina,

Kamuela Werner, MPH

SB-438-SD-2

Submitted on: 3/10/2025 3:16:51 PM

Testimony for EEP on 3/13/2025 9:45:00 AM

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

Comments:

Aloha legislators:

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

SB-438-SD-2

Submitted on: 3/10/2025 3:22:40 PM

Testimony for EEP on 3/13/2025 9:45:00 AM

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

Comments:

Aloha Chair Lowen and fellow committee members,

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, Hawaii

SB-438-SD-2

Submitted on: 3/11/2025 3:26:21 PM

Testimony for EEP on 3/13/2025 9:45:00 AM

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

Comments:

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

My name is Lory Ono, and I strongly support SB438 SD2, which would prohibit the construction, modification, or expansion of waste and disposal facilities above significant aquifers.

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

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

I urge you to **PASS SB438 SD2**.

Sincerely,

Lory Ono

Aloha Chair Lowen, Vice Chair Perruso, and Members of the Committee,

My name is Tuyet Nguyen and I am testifying in STRONG SUPPORT of SB438 SD2, which makes clear that our islands' precious wai should not be jeopardized by the placement of landfills over "significant" drinking water aquifers.

This bill is critical to ensuring that we do not burden our children, grandchildren, and future generations with another "Red Hill" situation, where their water security may be placed in jeopardy by the release of extremely toxic landfill "leachate" above a drinking water aquifer.

As the EPA has concluded, all landfills are expected to fail; accordingly, allowing a landfill to be placed above an aquifer will inevitably threaten that aquifer at some point in the future, whether in a matter of years, or decades. This bill accordingly prohibits the short-sighted placement of landfills over drinking water aquifers, and upholds our generational kuleana to our precious wai and the future generations who will need access to clean water more than ever before.

I urge you to **PASS SB438 SD2**.

Thank you for the opportunity to testify.

Aloha Chair Lowen, Vice Chair Perruso, and Members of the Committee,

My name is Marshall Hung and I am testifying in STRONG SUPPORT of SB438 SD2, which makes clear that our islands' precious wai should not be jeopardized by the placement of landfills over "significant" drinking water aquifers.

This bill is critical to ensuring that we do not burden our children, grandchildren, and future generations with another "Red Hill" situation, where their water security may be placed in jeopardy by the release of extremely toxic landfill "leachate" above a drinking water aquifer.

As the EPA has concluded, all landfills are expected to fail; accordingly, allowing a landfill to be placed above an aquifer will inevitably threaten that aquifer at some point in the future, whether in a matter of years, or decades. This bill accordingly prohibits the short-sighted placement of landfills over drinking water aquifers, and upholds our generational kuleana to our precious wai and the future generations who will need access to clean water more than ever before.

I urge you to **PASS SB438 SD2**.

Thank you for the opportunity to testify.

Sincerely,



Marshall Hung
Resident of Hawaii
T: 808-955-6513

March 11, 2025
Date

SB-438-SD-2

Submitted on: 3/11/2025 2:37:44 PM

Testimony for EEP on 3/13/2025 9:45:00 AM

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.**

SB-438-SD-2

Submitted on: 3/11/2025 2:36:11 PM

Testimony for EEP on 3/13/2025 9:45:00 AM

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

Comments:

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

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

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

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

Please PASS this bill. Mahalo.

SB-438-SD-2

Submitted on: 3/11/2025 2:33:05 PM

Testimony for EEP on 3/13/2025 9:45:00 AM

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

Comments:

Aloha Chair Lowen, Vice Chair Perruso, and Members of the Committee,

My name is William Reese Liggett and I am testifying in **STRONG SUPPORT** of SB438 SD2, which makes clear that our islands' precious wai should not be jeopardized by the placement of landfills over "significant" drinking water aquifers.

This bill is critical to ensuring that we do not burden our children, grandchildren, and future generations with another "Red Hill" situation, where their water security may be placed in jeopardy by the release of extremely toxic landfill "leachate" above a drinking water aquifer.

As the EPA has concluded, all landfills are expected to fail; accordingly, allowing a landfill to be placed above an aquifer will inevitably threaten that aquifer at some point in the future, whether in a matter of years, or decades. This bill accordingly prohibits the short-sighted placement of landfills over drinking water aquifers, and upholds our generational kuleana to our precious wai and the future generations who will need access to clean water more than ever before.

I urge you to **PASS SB438 SD2**. Mahalo!

Yours truly,

William Reese LIGGETT

SB-438-SD-2

Submitted on: 3/12/2025 8:31:33 AM

Testimony for EEP on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Cheryl Ho	Individual	Support	Written Testimony Only

Comments:

Chair Lowen, Vice Chair Perruso, and Members of the EEP:

Back in December, I heard Bd of Water Supply's Ernie Lau and Sierra Club's Wayne Tanaka describe the threat to O'ahu's precious aquifers if Landfills are built over or in close proximity to them. Granted, locating landfills is not an easy challenge on an island such as O'ahu. But we must do our utmost best to research and make decisions which protect the island's water supply.

SB438 SD2 would protect our precious and limited drinking water resources from the [threat of landfills](#), which can and will leak extremely toxic leachate that would inevitably contaminate any underlying aquifer, and jeopardize the water security of our future generations. Our aquifers are irreplaceable. Once they become contaminated, they become a huge public health risk!

I urge you to pass **SB438 SD2!**

Mahalo,

Cheryl Ho, Nu'uaniu

SB-438-SD-2

Submitted on: 3/12/2025 5:10:32 AM

Testimony for EEP on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Jodi Rodar	Individual	Support	Written Testimony Only

Comments:

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

My name is Jodi Rodar and I strongly support SB438 SD2, which would prohibit the construction, modification, or expansion of waste and disposal facilities above significant aquifers.

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

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

I urge you to **PASS SB438 SD2**.

Thank you

Sincerely,

Jodi Rodar

SB-438-SD-2

Submitted on: 3/11/2025 4:38:11 PM

Testimony for EEP on 3/13/2025 9:45:00 AM

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

Comments:

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

My name is Kaleiheana Stormcrow and I **strongly support SB438 SD2**, which would prohibit the construction, modification, or expansion of waste and disposal facilities above significant aquifers.

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

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

I urge you to **PASS SB438 SD2**.

Sincerely,
Kaleiheana Stormcrow

SB-438-SD-2

Submitted on: 3/11/2025 5:04:58 PM

Testimony for EEP on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Shirley Thompson	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Lowen, Vice Chair Perruso, and Members of the Committee,

My name is Shirley Thompson and I am testifying in **STRONG SUPPORT** of SB438 SD2, which makes clear that our islands' precious wai should not be jeopardized by the placement of landfills over "significant" drinking water aquifers.

This bill is critical to ensuring that we do not burden our children, grandchildren, and future generations with another "Red Hill" situation, where their water security may be placed in jeopardy by the release of extremely toxic landfill "leachate" above a drinking water aquifer.

As the EPA has concluded, all landfills are expected to fail; accordingly, allowing a landfill to be placed above an aquifer will inevitably threaten that aquifer at some point in the future, whether in a matter of years, or decades. This bill accordingly prohibits the short-sighted placement of landfills over drinking water aquifers, and upholds our generational kuleana to our precious wai and the future generations who will need access to clean water more than ever before.

Respectfully,

Shirley Thompson

SB-438-SD-2

Submitted on: 3/12/2025 12:38:13 AM

Testimony for EEP on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Peter Wilson	Individual	Support	Written Testimony Only

Comments:

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

My name is Peter Wilson and I strongly support SB438 SD2, which would prohibit the construction, modification, or expansion of waste and disposal facilities above significant aquifers.

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

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

I urge you to **PASS SB438 SD2**.

Sincerely,
Peter Wilson

SB-438-SD-2

Submitted on: 3/11/2025 5:04:37 PM

Testimony for EEP on 3/13/2025 9:45:00 AM

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

Comments:

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

My name is Elizabeth Nelson and I strongly support this bill, which would prohibit the construction, modification or expansion of waste and disposal facilities above significant aquifers.

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 SB439 SD2.

Sincerely, Elizabeth Nelson

SB-438-SD-2

Submitted on: 3/11/2025 9:55:05 PM

Testimony for EEP on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Erin Mendelson	Individual	Support	Written Testimony Only

Comments:

*Aloha Chair Lowen, Vice Chair Perruso, and Members of the Committee,**I am testifying in STRONG SUPPORT of SB438 SD2, which makes clear that our islands' precious wai should not be jeopardized by the placement of landfills over "significant" drinking water aquifers.**This bill is critical to ensuring that we do not burden our children, grandchildren, and future generations with another "Red Hill" situation, where their water security may be placed in jeopardy by the release of extremely toxic landfill "leachate" above a drinking water aquifer.**As the EPA has concluded, all landfills are expected to fail; accordingly, allowing a landfill to be placed above an aquifer will inevitably threaten that aquifer at some point in the future, whether in a matter of years, or decades. This bill accordingly prohibits the short-sighted placement of landfills over drinking water aquifers and upholds our generational kuleana to our precious wai and the future generations who will need access to clean water more than ever before.**Respectfully,**Erin*

SB-438-SD-2

Submitted on: 3/11/2025 11:50:30 PM

Testimony for EEP on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Kimmer Horsen	Individual	Support	Written Testimony Only

Comments:

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

My name is Kimmer Horsen and I **strongly support SB438 SD2**, which would prohibit the construction, modification, or expansion of waste and disposal facilities above significant aquifers.

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

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

I urge you to **PASS SB438 SD2**.

Sincerely,
Kimmer Horsen

SB-438-SD-2

Submitted on: 3/11/2025 9:14:25 PM

Testimony for EEP on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
John L Reppun	Individual	Support	Written Testimony Only

Comments:

Committee on Energy & Environmental Protection

Chair Lowen, Vice Chair Perruso, Committee Members:

Mahalo for the opportunity to provide testimony on strong support of this measure. Our island water resources are finite and vulnerable. No assurances relating to landfills can be truly given that will ensure the safety of these precious resources for generations far beyond ours. At the same time, the problem of addressing trash disposal more effectively, including significantly reducing volume and harmful content, cannot be a can we kick down the road any further. Passing this measure will force our collective hands in favor of seeking out better options...including eliminating further impact on the West side moku. Let's resolve to explore how to live smarter.

Mahalo. John L. Reppun

Lifetime community advocate; resident of Ko'olaupoko

SB-438-SD-2

Submitted on: 3/11/2025 8:25:29 PM

Testimony for EEP on 3/13/2025 9:45:00 AM

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

Comments:

Hello Chair Lowen, Vice Chair Perruso, and Members of the Committee,

My name is Nanea Lo, and I am testifying in **STRONG SUPPORT** of **SB438 SD2**, which ensures that our islands' **precious wai** is never jeopardized by the reckless placement of landfills over **significant drinking water aquifers**.

We have already witnessed the devastating consequences of failing to protect our water. The **Red Hill disaster** serves as a stark warning of what happens when we allow hazardous facilities to sit above our **sole-source aquifers—our drinking water, our lifeline, becomes poisoned**. We cannot allow history to repeat itself.

The **EPA has made it clear: all landfills will fail over time**. When that failure happens **above an aquifer**, it is not a matter of if, but **when** toxic landfill leachate will leach into our water supply. The responsibility we hold today is not just for ourselves—it is for our **children, grandchildren, and the many generations to come** who will depend on access to clean, untainted wai.

This bill is a **common sense, proactive step to prevent disaster before it happens**. By prohibiting landfills from being placed over drinking water aquifers, **SB438 SD2 upholds our generational kuleana**—our responsibility—to protect our wai and safeguard our future.

I urge you to **PASS SB438 SD2** and ensure that we do not make the same mistakes that have already cost us so much.

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

SB-438-SD-2

Submitted on: 3/11/2025 6:40:59 PM

Testimony for EEP on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Ellen Godbey Carson	Individual	Support	Written Testimony Only

Comments:

Thank you for helping the state address the immense damage to our water aquifers and to our residents from the release of jet fuel at Red Hill. This is critical for the safety of our islands' drinking water supply for the future. For these reasons, I strongly support SB438 SD2, which would prohibit the construction, modification, or expansion of waste and disposal facilities above significant aquifers.

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

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

I urge you to **PASS SB438 SD2**.

Ellen Carson

SB-438-SD-2

Submitted on: 3/11/2025 6:06:43 PM

Testimony for EEP on 3/13/2025 9:45:00 AM

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

Comments:

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

My name is Samuel Lee and I strongly support SB438 SD2, which would prohibit the construction, modification, or expansion of waste and disposal facilities above significant aquifers.

This bill is crucial for protecting our vital groundwater resources. Our aquifers are irreplaceable sources of freshwater that sustain our communities and ‘āina. Once contaminated, these water sources can be permanently damaged, putting public health and our environment at risk. Protecting our water is about protecting our health, our environment, and the future of everyone who calls Hawai‘i home.

I urge you to pass SB438 SD2.

Sincerely,
Samuel

SB-438-SD-2

Submitted on: 3/11/2025 8:50:12 PM

Testimony for EEP on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Constance Keoahunui Uale Warrington	Individual	Support	Written Testimony Only

Comments:

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

My name is Constance Keoahunui Uale Warrington and I strongly support SB438 SD2! This bill will prohibit the construction, modification, or expansion of waste and disposal facilities above significant aquifers.

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

Protecting our water is about protecting our health, our environment, and the future of everyone who calls Hawai‘i home. We can't take a chance based on "modern building technology" and allow building above our aquifers. It was done before ... and look what happened!

Please, I urge you to **PASS SB438 SD2**.

Sincerely,

Ms. Constance Keoahunui Uale Warrington

SB-438-SD-2

Submitted on: 3/12/2025 12:36:46 AM

Testimony for EEP on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Bo Breda	Individual	Support	Written Testimony Only

Comments:

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

My name is Bo Breda and I strongly support SB438 SD2, which would prohibit the construction, modification, or expansion of waste and disposal facilities above significant aquifers.

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

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

I urge you to **PASS SB438 SD2**.

Sincerely,
Bo Breda

SB-438-SD-2

Submitted on: 3/12/2025 7:53:28 AM

Testimony for EEP on 3/13/2025 9:45:00 AM

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

Comments:

Please pass SB438 SD 2 complete with language prohibiting unsafe uses of toxic incinerator ash. If this material is dangerous over the aquifer in a double-lined landfill, it is even more dangerous when used as road pavement with no liners to protect our drinking water. However, please amend it so that the bill does not accidentally ban ash from the current landfill until new double-lined cells are ready.

SB-438-SD-2

Submitted on: 3/11/2025 8:55:42 PM

Testimony for EEP on 3/13/2025 9:45:00 AM

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

Comments:

I strongly support this measure 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 the Committee to pass this important measure.

SB-438-SD-2

Submitted on: 3/12/2025 9:47:47 AM

Testimony for EEP on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
claudia rohr	Individual	Support	Written Testimony Only

Comments:

Please pass SB438 SD 2 complete with the language prohibiting unsafe uses of ash, without amendments.

Claudia Rohr

Hilo and Waikiki Hawaii

SB-438-SD-2

Submitted on: 3/12/2025 10:14:42 AM

Testimony for EEP on 3/13/2025 9:45:00 AM

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

Comments:

Aloha // Please pass SB438 SD 2 complete with the language prohibiting unsafe uses of ash. If toxic incinerator ash is dangerous over the aquifer in a double-lined landfill, it's even more dangerous if we build roads with it all over the island with no liners to protect our drinking water. However, please amend it so that the bill does not accidentally ban ash from the current landfill until new double-lined cells are ready.

SB-438-SD-2

Submitted on: 3/12/2025 10:24:41 AM

Testimony for EEP on 3/13/2025 9:45:00 AM

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

Comments:

Please pass SB438 SD 2 complete with the language prohibiting unsafe uses of ash. If toxic incinerator ash is dangerous over the aquifer in a double-lined landfill, it's even more dangerous if we build roads with it all over the island with no liners to protect our drinking water. However, please amend it so that the bill does not accidentally ban ash from the current landfill until new double-lined cells are ready. Mahalo !! Rodger

SB-438-SD-2

Submitted on: 3/12/2025 11:08:20 AM

Testimony for EEP on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Julie Stowell	Individual	Support	Written Testimony Only

Comments:

Please pass SB438 SD 2 complete with the language prohibiting unsafe uses of ash. Please amend it so that the bill does not accidentally ban ash from the current landfill until new double-lined cells are ready. If toxic incinerator ash is dangerous over the aquifer in a double lined landfill, it is even more dangerous to build roads with it all over the island. Thank you for your consideration.

SB-438-SD-2

Submitted on: 3/12/2025 2:49:30 PM

Testimony for EEP on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Dylan Okihiro	Individual	Support	Written Testimony Only

Comments:

I strongly support measure SB438 so that drinking water is unharmed and the public is able to remain protected from potential contaminants from landfills.

SB-438-SD-2

Submitted on: 3/12/2025 3:27:36 PM

Testimony for EEP on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Keri Zacher	Individual	Support	Written Testimony Only

Comments:

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

My name is [Your name] and I strongly support SB438 SD2, which would prohibit the construction, modification, or expansion of waste and disposal facilities above significant aquifers.

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

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

I urge you to **PASS SB438 SD2**.

Sincerely,
[Your name]

Testimony instructions

1. Register for a [capitol website account](#) if you haven't yet (you'll need to confirm your registration by responding to an automated email)
2. Sign in to [capitol.hawaii.gov](#) with your registration information and click the "Submit Testimony" button.
3. Enter "SB639/SB438" where it says "Enter Bill or Measure."
4. Input your information and your written testimony, select your testimony option(s)—in-person + written, remotely + written, written only. Please consider providing verbal testimony (in-person or remotely) if you are able!
 1. Note: Virtual testimony option may be disabled 24 hours before the hearing.
5. If you are testifying via Zoom, be sure to [review these instructions](#)(page 4)

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

My name is [Your name] and I strongly support SB438 SD2, which would prohibit the construction, modification, or expansion of waste and disposal facilities above significant aquifers.

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

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

I urge you to **PASS SB438 SD2**.

Sincerely,
[Your name]

Testimony instructions

1. Register for a [capitol website account](#) if you haven't yet (you'll need to confirm your registration by responding to an automated email)
2. Sign in to [capitol.hawaii.gov](#) with your registration information and click the "Submit Testimony" button.
3. Enter "SB639/SB438" where it says "Enter Bill or Measure."
4. Input your information and your written testimony, select your testimony option(s)—in-person + written, remotely + written, written only. Please consider providing verbal testimony (in-person or remotely) if you are able!
 1. Note: Virtual testimony option may be disabled 24 hours before the hearing.
5. If you are testifying via Zoom, be sure to [review these instructions](#)(page 4)

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

My name is [Your name] and I strongly support SB438 SD2, which would prohibit the construction, modification, or expansion of waste and disposal facilities above significant aquifers.

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

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

I urge you to **PASS SB438 SD2**.

Sincerely,
[Your name]

Testimony instructions

1. Register for a [capitol website account](#) if you haven't yet (you'll need to confirm your registration by responding to an automated email)
2. Sign in to [capitol.hawaii.gov](#) with your registration information and click the "Submit Testimony" button.
3. Enter "SB639/SB438" where it says "Enter Bill or Measure."
4. Input your information and your written testimony, select your testimony option(s)—in-person + written, remotely + written, written only. Please consider providing verbal testimony (in-person or remotely) if you are able!
 1. Note: Virtual testimony option may be disabled 24 hours before the hearing.
5. If you are testifying via Zoom, be sure to [review these instructions](#)(page 4)

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

My name is [Your name] and I strongly support SB438 SD2, which would prohibit the construction, modification, or expansion of waste and disposal facilities above significant aquifers.

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

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

I urge you to **PASS SB438 SD2**.

Sincerely,
[Your name]

Testimony instructions

1. Register for a [capitol website account](#) if you haven't yet (you'll need to confirm your registration by responding to an automated email)
2. Sign in to [capitol.hawaii.gov](#) with your registration information and click the "Submit Testimony" button.
3. Enter "SB639/SB438" where it says "Enter Bill or Measure."
4. Input your information and your written testimony, select your testimony option(s)—in-person + written, remotely + written, written only. Please consider providing verbal testimony (in-person or remotely) if you are able!

1. Note: Virtual testimony option may be disabled 24 hours before the hearing.
5. If you are testifying via Zoom, be sure to [review these instructions](#)(page 4)

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

My name is Keri Zacher and I strongly support SB438 SD2, which would prohibit the construction, modification, or expansion of waste and disposal facilities above significant aquifers.

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

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

I urge you to **PASS SB438 SD2**.

Sincerely,

Keri Zacher

SB-438-SD-2

Submitted on: 3/12/2025 3:35:00 PM

Testimony for EEP on 3/13/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
malcolm mackey	Individual	Support	Written Testimony Only

Comments:

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

My name is Malcolm Mackey, and I strongly support SB438 SD2, which would prohibit the construction, modification, or expansion of waste and disposal facilities above significant aquifers.

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

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

I urge you to **PASS SB438 SD2**.

Sincerely,

Malcolm Mackey

SB-438-SD-2

Submitted on: 3/12/2025 10:30:56 PM

Testimony for EEP on 3/13/2025 9:45:00 AM

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

Comments:

My name is Barbara Altemus and I strongly support SB438 SD2, which would prohibit the construction, modification, or expansion of waste and disposal facilities above significant aquifers.

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

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

I urge you to PASS SB438 SD2.

Sincerely, Barbara Altemus