



**TESTIMONY IN SUPPORT OF SENATE BILL 446 SD1
RELATING TO WASTE MANAGEMENT**

Senate Committee on Ways and Means

February 19, 2025

10:02 am

Room 211

Aloha e Chair Dela Cruz, Vice Chair Moriwaki and Members of the Committee on Ways and Means,

The Office of Hawaiian Affairs (OHA) **strongly supports** Senate Bill 446 SD1, which seeks to prohibit landfills in “no pass zones” to protect Hawai‘i’s critical aquifers and groundwater resources. The inclusion of no pass zones is an essential safeguard that ensures waste facilities are not placed in locations that pose a direct threat to drinking water sources. This measure aligns with Hawai‘i’s constitutional mandate to preserve water as a public trust resource, recognizing that contamination of groundwater would irreversibly harm our communities, ecosystems, and cultural practices.

As the constitutionally established entity mandated to improve the well-being of Native Hawaiians, OHA has long advocated for the protection and stewardship of Hawai‘i’s natural and cultural resources, particularly water. Water, or wai, is the foundation of Native Hawaiian identity, sustenance, and sovereignty. In traditional Hawaiian society, the abundance of wai was so deeply tied to prosperity that the word for wealth itself is waiwai. The Hawaiian Kingdom codified water as a public trust in 1839, a principle that remains embedded in the Hawai‘i State Constitution today. Protecting water sources is not just a legal responsibility but a necessary condition to ensure perpetuation of traditional and customary cultural practices..

The presence of waste disposal facilities in designated no pass zones would expose the aquifer to potential leachate contamination, endangering the integrity of the Honolulu Board of Water Supply’s “no pass zone” protections established in 1982.¹ The Wahiawā Aquifer, which lies beneath the city’s recently proposed landfill site, is a vital drinking water source that must be protected from contamination. The Red Hill fuel spill of 2021 demonstrated the devastating consequences of groundwater contamination,

¹ Board of Water Supply, City and County of Honolulu, Rules and Regulations, Chapter III: Protection, Development and Conservation of Water Resources, Section 3-301: Waste Disposal Facilities, Paragraph 2 (1982), <https://www.boardofwatersupply.com/about-us/rules-and-regulations/chapter-iii> (last accessed Feb. 8, 2025).

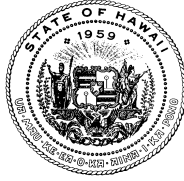
affecting the health and livelihoods of hundreds of families. Given that 99% of Hawai‘i’s domestic water comes from underground aquifers², allowing landfill development over such a sensitive resource is reckless and shortsighted.

The no pass zone provision of SB 446 SD1 is critical to ensuring that counties integrate aquifer protection into their solid waste management planning. By requiring that these zones be identified and recognized in waste management strategies, this measure will prevent future conflicts between landfill sites and water security. Furthermore, the amendments added in SD1, enhance the bill’s effectiveness in promoting **stronger waste management policies** that align with the State’s environmental and public trust obligations.

OHA strongly urges the Committee to **pass SB 446 SD1** to uphold Hawai‘i’s commitment to protecting its most precious resource—wai—for the well-being of present and future generations.

Mahalo for the opportunity to testify.

² U.S. Geological Survey. (2000). *Ground-Water Resources of Hawaii* (Fact Sheet 126-00). U.S. Department of the Interior, <https://pubs.usgs.gov/fs/2000/126/pdf/fs126-00.pdf> (last accessed on Feb. 10, 2025).



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WRITTEN
TESTIMONY ONLY

**Testimony COMMENTING on SB0446 SD1
RELATING TO WASTE MANAGEMENT**

SENATOR DONOVAN M. DELA CRUZ, CHAIR
SENATE COMMITTEE ON WAYS AND MEANS

February 19, 2025, 10:02 AM, Conference Room 211

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

3 **Department Position:** The Department of Health (Department) offers comments and proposed
4 amendments.

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

7 This measure proposes to: 1) define “no pass zone” as an area determined by the
8 county in which the installation of a waste disposal facility may contaminate groundwater
9 resources used or expected to be used for domestic water supply; 2) require the counties to
10 identify any no pass zones in their integrated solid waste management plans; 3) beginning
11 July 1, 2025, prohibit construction, modification, or expansion of a municipal solid waste or
12 construction demolition landfill or unit of a landfill in a no pass zone, except existing landfills
13 are exempt from this prohibition, unless expanded; 4) prohibit recycling of municipal waste
14 combustor ash for purposes of road building, construction or as alternative daily cover; and 5)
15 require the disposal of municipal waste combustor ash in a double-lined and licensed municipal
16 solid waste or hazardous waste landfill.

1 The Department supports the protection of our drinking water resources as the
2 measure intends to address. However, we also see a potential public health crisis. The County
3 of Kauai currently has less than three years¹ and the City and County of Honolulu (City)
4 currently has about seven years^{2,3} of permitted landfill capacity remaining (not considering the
5 closure date set by their Special Use Permit). Both counties have spent many years trying to site
6 their next municipal solid waste landfill, and given the proposed measure and current
7 restrictions, will likely be unable to do so.

8 We encourage the Legislature to allow the counties greater flexibility to look at landfill
9 siting more holistically, because given the current restrictions there are no good options to site
10 a landfill. The counties, being both responsible for providing waste management services and
11 for ensuring that the future water needs of their counties, are in the best position to make this
12 evaluation.

13 No Pass Zone, County Integrated Solid Waste Management Plans

14 In the Department testimony for SB0446, we stated that only the City has a no pass
15 zone. To comply, other counties, need time to evaluate and decide where their no pass zones
16 will be located. In addition, county solid waste management plans are only updated every
17 10 years per section 342G-24, Hawaii Revised Statutes (HRS). The County of Hawaii and the City
18 last completed their plans in 2019, County of Kauai in 2021, and County of Maui in 2024. We
19 recommend that the counties be provided time to include this information by the submission of
20 their next integrated solid waste management plan. Since the inclusion of a no pass zone and
21 its use in landfill siting will likely be considered a substantial revision to the plan, the change will

¹ *Kekaha Municipal Solid Waste Landfill and Kekaha Materials Drop-Off Facility, Annual Operating Report, July 1, 2023 through June 30, 2024*, Prepared by Geosyntec Consultants, Inc., August 30, 2024.

² *2024 Annual Operating Report, Waimanalo Gulch Sanitary Landfill*, Prepared by Waste Management of Hawaii, Inc., July 26, 2024.

³ The estimated remaining life is based on a highly variable rate of waste disposal, and in the case of Honolulu, highly dependent on the number of days HPOWER is down for maintenance or repairs. From FY23 to FY24, the City's landfill operator estimated the landfill life decreased by 5.3 years because of the increased diversion of waste from HPOWER due to equipment downtime.

1 require review by the county advisory council and subject to at least one public hearing.
2 Similarly, the counties and other entities, who may be constructing a landfill in the respective
3 county, should be provided time after the publication of the no pass line in the integrated solid
4 waste management plans to implement the new siting criteria, as it also takes time to site,
5 acquire land, prepare an environmental assessment or impact statement, obtain proper land
6 approvals, design, permit, and construct. Thus, to accommodate these activities, we
7 recommend that the Legislature change the effective date of the proposed section (c) (Page 5,
8 Line 12) to be some years after the next publication of the county's integrated solid waste
9 management plan following July 1, 2025. For consideration, we suggest five years after the
10 next publication date. This will especially be helpful to counties that do not already have a no
11 pass zone.

12 Landfill Siting

13 Also, in the Department testimony for SB0446, we provided maps of the islands where
14 landfills would not be allowed to be sited if the injection control (UIC) line was used with
15 existing restrictions. A comparison of the City's no pass zone and the UIC line showed
16 similarities, although the UIC was generally more restrictive. If counties utilize similar
17 demarcations as the UIC line, then we believe that new landfills or landfill expansions will be
18 severely restricted in the State, especially on Kaua'i, Oahu, and Hawai'i Island.

19 The City's testimony for SB0446 states that "if SB446 were to become law and Act 73
20 [SLH 2020] was not amended, the City would have no choice but to pursue a legally prohibited
21 expansion at WGSL [Waimanalo Gulch Sanitary Landfill]."

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

- 1 • Air monitoring data collected by the U.S. Army Corps of Engineers’ contractors around
2 the Temporary Disposal Site for the Maui Wildfires, which accepted Lahaina wildfire
3 debris.⁴ Data from January 2024 to January 2025, when the disposal site was actively
4 receiving waste, are available. Based on Google Earth, these air monitors appear to be
5 located around ¼-mile and ½-mile away from the temporary disposal site. All
6 measurements to date at these locations have been below levels of health concern.
- 7 • A number of studies⁵ have been done at PVT Landfill involving dust monitoring, which is
8 the sampling of particulate matter (PM), and modeling to assess air quality impacts from
9 landfill operations, including:
- 10 ○ April 22, 2019, Air Quality Impact Report PVT Integrated Solid Waste
11 Management Facility Relocation. The report assessed the potential air quality
12 impact of fugitive dust associated with landfill operations at a proposed new site.
13 The proposed setback between the makai property line and edge of waste of the
14 landfill was at 750 feet.
- 15 ○ May 6, 2016 – May 1, 2017, Air Monitoring Report, PVT Land Company, Ltd,
16 Nanakuli. This report summarized a 12-month air monitoring program
17 concurrent with the start-up of mining activities at the landfill. The mining
18 operations occurred in Phase 1 of the landfill, located around 1,500 feet from
19 the makai property line, where the air monitors were placed.
- 20 ○ December 20, 2011, Nanakuli Dust Study, utilizing data collected from
21 November 2009 through November 2010.
- 22 ○ Air Monitoring, PVT Land Company, Summary Report, November 2009-
23 November 2010. This report summarized a 13-month air monitoring program.
24 The air monitors were located along the makai property line. The landfill’s solid
25 waste permit requires the maintenance of a buffer of at least 750 feet between
26 the disposal area and the makai property line.
- 27 ○ October – November 2010 and May – June 2011 Baseline Air Monitoring PVT
28 Land Company, Airborne Metals Analysis. The air monitors were located along
29 the makai property line. The landfill’s solid waste permit requires the
30 maintenance of a buffer of at least 750 feet between the disposal area and the
31 makai property line.

⁴ <https://health.hawaii.gov/environmental-data/west-maui-tds-site/>
<https://health.hawaii.gov/environmental-data/data-monitoring-sets/#USACE-Data>

⁵ <https://www.pvtland.com/pvt-air-quality-and-human-health-risk-assessment-studies/>

1 ○ June 2005 Human Health Risk Assessment of Fugitive Dust and Surface Soils PVT
2 Landfill. The study considered the disposal of contaminated soil at the landfill. A
3 ¼ mil distance to residents was modeled.
4 The studies at PVT Landfill concluded that emissions of PM and metals, two of the
5 main contaminants that appear in dust, were well below health-based standards and
6 did not show a significant impact to existing air quality. The studies also found that
7 similar concentrations of PM were observed at other Department ambient air
8 monitoring stations such as in Pearl City. Since around 2006, PVT's solid waste
9 management permit required maintenance of a buffer of at least 750 feet between
10 the disposal area and the makai property line, where the air monitors were
11 stationed during these studies.

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

18 Municipal Solid Waste Combustion Ash Recycling and Disposal

19 While we agree that HPOWER ash in its current form should be properly disposed and
20 not recycled, as currently specified in their solid waste management permit, the Department
21 does not support the proposed addition of subsection (d) (Page 5, Line 20 to Page 6, Line 7).
22 First, this provision does not consider the application of treatment or recycling technologies
23 that may be applied to the ash now or at some point in the future. The strict prohibition of
24 recycling and requirement of landfilling will prevent the future development of possible reuse
25 options. While we have not yet fully evaluated the City's current proposal, we recognize that
26 there are existing technologies that could potentially address public health and environmental
27 concerns but have yet to be demonstrated that they can be upscaled, reliable, and cost-

1 effective. Second, this provision could potentially apply to other incinerator units that may not
2 be burning all types of municipal solid waste but are limited to waste such as invasive species
3 infested green waste. Third, placement of this ash under this proposed measure is limited to a
4 double-lined landfill. Depending on the effective date of the measure, the City may not have an
5 immediate place for disposal of the ash, as the City does not currently operate a double-lined
6 landfill. In addition, we do not have data to support that a double liner system is needed over
7 the current lined landfill that City is using. Lastly, given decades worth of data, HPOWER
8 combined ash is not a hazardous waste, and thus, is not required by existing state and federal
9 laws and regulations to be disposed in a hazardous waste landfill. If the City is required to
10 dispose of this waste at a hazardous waste landfill, then this waste must be shipped out of state
11 because Hawai'i does not have a hazardous waste landfill. Being that the City generates on the
12 order of 130,000 tons of ash per year, this will be a significant cost.

13 **Offered Amendments:** If the Legislature intends to keep the requirement of no pass zones, the
14 Department offers the following amendments for consideration. The proposed new insertions
15 are double underlined and deletions are bracketed strikeouts.

16 1. Clarify the definition of the no pass zone: Page 3, Lines 11-14.

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

21 2. Clarify date in which the counties are required to include the no pass zone in their
22 integrated solid waste management plans: Page 3, Lines 17-20.

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

- 1 3. Revise date in which the no pass zone prohibition begins, as it must be some time after
2 the county submits their determination in their integrated solid waste management
3 plan. Page 5, Lines 12-14.

4 “(c) Beginning [July 1, 2025] _____ years after the publication date of the
5 respective county’s integrated solid waste management plan identifying the no pass
6 zone, no person, including the State or any county shall construct, modify, or expand a
7 landfill unit in a no pass zone, as defined in [section 342G-1]the respective county’s
8 integrated solid waste management plan.”

- 9 4. Delete new subsection (d) in its entirety. Page 5 line 20 to Page 6, Line 7.

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

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

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February 19, 2025

The Honorable Donovan M. Dela Cruz, Chair
and Members
Senate Ways and Means
Hawaii State Capitol 225
Honolulu, Hawaii 96813

Dear Chair Dela Cruz and Members:

Subject: Senate Bill 446, SD1: Relating to Waste Management

The Honolulu Board of Water Supply (BWS) offers comments to Senate Bill (SB) 446, Senate Draft (SD) 1, which requires counties to include no pass zones in their integrated solid waste management plans and to prevent landfills in areas critical to Hawaii's fresh water resources and to show the location of any no pass zones. Further, this bill proposes to prohibit the construction, modification, or expansion of a waste or disposal facility, including a municipal solid waste landfill unit, a construction and demolition landfill unit or any component thereof, in a no pass zone.

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

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

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and Members
February 19, 2025
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situated over the aquifer may impact the quality and/or quantity of the water resources used or expected to be used as drinking water.

The 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.

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.

Thank you for the opportunity to provide testimony and provide comments to SB 446, SD 1.

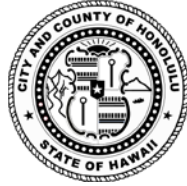
Very truly yours,


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

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

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IN REPLY REFER TO:
WAS 25-29

February 18, 2025

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

Dear Chair San Buenaventura and Vice Chair Aquino:

SUBJECT: Senate Bill 446, SD 1 - Relating to Waste Management

The City and County of Honolulu's (City) Department of Environmental Services (ENV) submits the following testimony in opposition to SB 446, SD 1, Relating to Waste Management.

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 Wahiawa as the site of the City's next landfill. The identified site is within the Honolulu Board of Water Supply's No Pass Zone. 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 within the No Pass Zone. Mayor Blangiardi has also stated that the City's next landfill will not be on the Leeward Coast.

By way of background, in 2020, the Hawai'i State Legislature passed SB 2386, SD 2, HD 2, known as Act 73, which placed several restrictions on where a landfill could be located. Act 73 prohibits landfills from being located within one-half mile of residential, school or hospital property lines, or within a conservation district. In addition to Act 73, state law restricts landfills in tsunami evacuation zones and federal law prohibits landfills from being located within 10,000 feet of an airport. Combined, these restrictions drastically reduce the number of feasible sites for a landfill to a few small areas within the No Pass Zone. 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 Joy A. San Buenaventura, Chair
The Honorable Henry J.C. Aquino, Vice Chair
and Members of the Committee on Health and Human Services
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Page 2

It is important to note that if SB 446, SD 1 were to become law and locating a landfill within the No Pass Zone 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 Oahu without further action to change existing legal limitations on siting an alternative landfill to WGS� outside the No Pass Zone.

If SB 446, SD 1 were to become law, the state could amend Act 73 to reduce or eliminate several of its restrictions in order to make potential landfill sites available. Alternatively, if SB 446, SD 1 were to become law and Act 73 was not amended, the City would have no choice but to pursue a legally prohibited expansion at 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 150,000 tons of H-POWER ash to the Waimānalo Gulch Landfill every year. Ash typically accounts for 75% of all landfilled materials. ENV has contracted with a private company to design, build and operate a facility that would extensively process and recycle H-POWER bottom ash into aggregate 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 aggregate from distant overseas markets. ENV’s ash recycling project, which has been designed and is currently pursuing the requisite permits from City and State 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 the recycled material will not pollute the environment. I urge you to remove the language prohibiting ash reuse and allow the State regulators to determine, on a case-by-case basis, if recycled ash poses environmental risks.

It is unclear what is meant by the requirement that ash only be disposed in a “double-lined” landfill. ENV notes the Waimānalo Gulch Landfill 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 further questions, please contact me at (808) 768-3486.

Sincerely,

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

**Comments before
February 19, 2025
Senate Committee on Ways and Means**

**COMMENTS ON
Senate Bill 446 SD 1
Relating to Landfill Siting**

**Mike Ewall, Esq.
Founder & Director
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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 as amended.

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 O'ahu's drinking water source.

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.

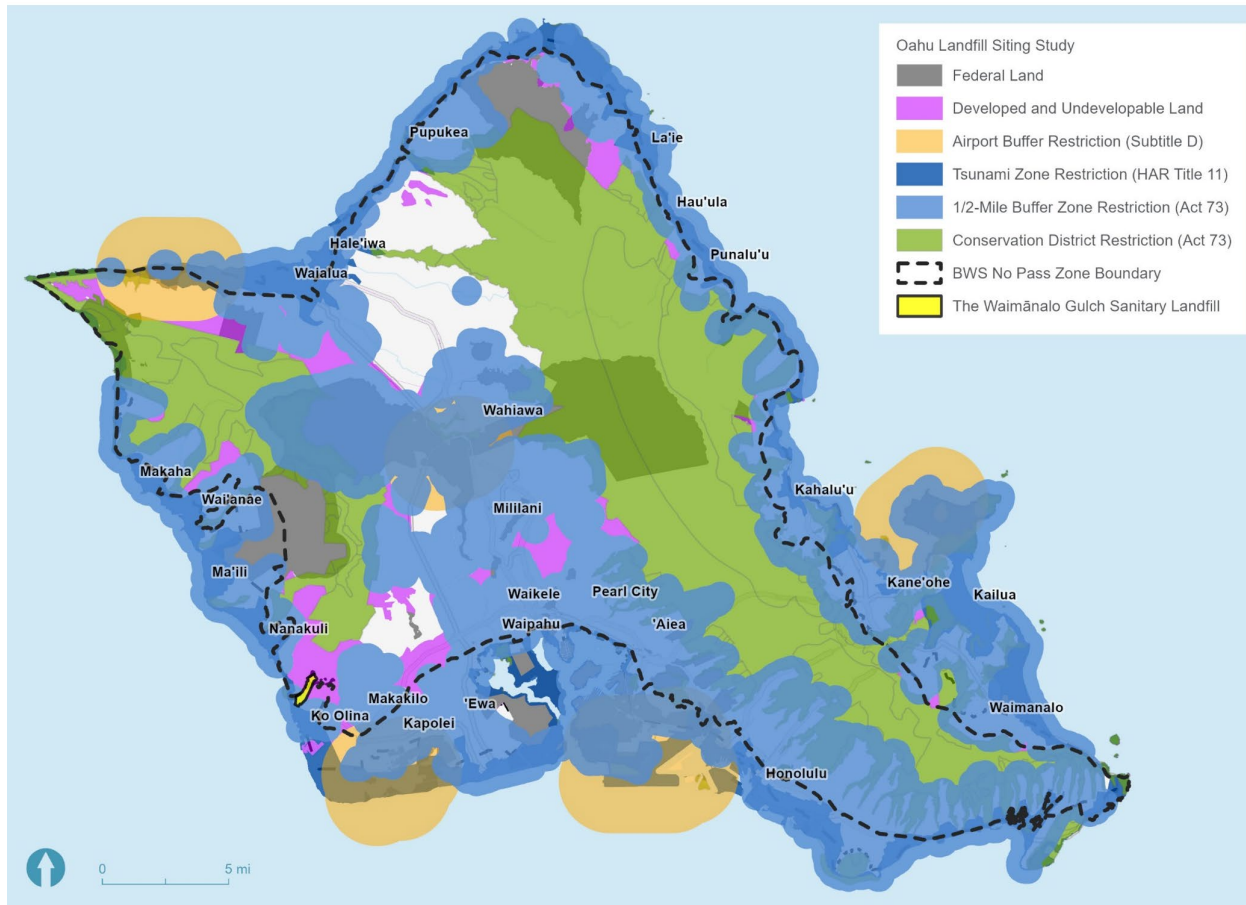
BACKGROUND INFORMATION IN SUPPORT OF SENATE BILL 446

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

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

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

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



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

1. Reduce toxicity by ending incineration

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

¹ As multiple life cycle assessments have demonstrated, burning trash and landfilling ash is 2-3 times more harmful than directly landfilling trash without burning first. See <https://www.energyjustice.net/files/incineration/LCA.pdf> for summary slides from two studies of this sort on incinerators run by the same company operating H-POWER. A study conducted for Hawaiʻi County in 2023 demonstrated the same when looking at the health and environmental costs of landfilling paper and plastics on Hawaiʻi Island vs. burning them at H-POWER on Oʻahu vs. shipping them to Asia or North America for recycling. It turned out that incineration was the worst impact by far, while landfilling was less harmful, and recycling was a major benefit. See: <https://drive.google.com/file/d/1tdhufZvfYXM64OnU7Z9BdfTs-xoptaq/view>

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

EPA's statement says:

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

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

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

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

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

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

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

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

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

2024-11: Supporting Safe Management of Incinerator Ash

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

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

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

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

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

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

Whereas, Incinerator ash is typically handled by workers with no respiratory protection, trucked to a landfill in trucks where some ash can blow or spill during transit, dumped from trucks where ash dust usually rises in a cloud that wind can carry, and is finally used as daily cover material for itself, instead of a tarp or clean soil to prevent wind from blowing ash into the community; and

Whereas, The City & County of Honolulu (the city) is currently working with Covanta to develop an ash “recycling” facility at Campbell Industrial Park, where incinerator ash would be exempted from being handled as waste, and would be used to build roads or for other purposes that can put workers, the public, and the environment in more contact with incinerator ash than would occur if it were properly contained and responsibly landfilled; and

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

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

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



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

February 19, 2025

HEARING BEFORE THE
SENATE COMMITTEE ON WAYS AND MEANS

TESTIMONY ON SB 446, SD1
RELATING TO WASTE MANAGEMENT

Conference Room 211 & Videoconference
10:02 AM

Aloha Chair Dela Cruz, Vice-Chair Moriwaki, 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 446, SD1, which prohibits landfills in no pass zones, which are areas determined by the county where the installation of a waste disposal facility may contaminate groundwater and requires counties to identify no pass zones in county integrated solid waste management plans.

HFB recognizes the need for future landfill locations; however, we have serious concerns about future waste or disposal facilities being sited on lands that provide groundwater for agriculture, drinking water, irrigation, and domestic, commercial, and industrial needs.

While waste and disposal facilities are necessary, their location must be carefully considered to avoid unintended environmental and public health consequences. Waste sites near significant aquifers pose a serious risk of leachate infiltration, which could introduce harmful pollutants into our drinking water and agricultural irrigation systems. SB 446, SD1 ensures that critical water resources remain protected from these potential threats.

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

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

SB-446-SD-1

Submitted on: 2/17/2025 12:18:19 PM

Testimony for WAM on 2/19/2025 10:02:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|-----------------------------------|---------------------------|------------------------|
| Sylvia Dolena | Testifying for Pele Lani Farm LLC | Support | Written Testimony Only |

Comments:

PLEASE Support SB446. Water is LIFE!!

Mahalo nui,

Sylvia Dolena



February 19, 2025

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

SB 446 – RELATING TO WASTE MANAGEMENT

Aloha Chair Dela Cruz, Vice Chair Moriwaki, and members of the committee on Health and Human Services.

The Association of Hawaiian Civic Clubs **supports** SB446, SD1 Relating to Waste Management, which would require counties to include the no pass zones in integrated solid waste plans, prevent landfill construction in areas critical to Hawai‘i’s freshwater resources, and prohibit the use of fly ash or bottom ash from municipal waste combustion as roadway, construction, or as alternative daily cover material for landfills.

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 landfill buffer zones enacted in Act 73, Session Laws of Hawaii, 2020. SB446 ensures that our critical freshwater sources are protected from any pollution runoff or percolation from landfills. The SD1 also ensures protection of wai from waste combustion fly ash runoff. 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.

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 your favorable consideration of this bill.

SB-446-SD-1

Submitted on: 2/15/2025 9:06:17 PM

Testimony for WAM on 2/19/2025 10:02:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|--|---------------------------|---------------------------|
| Janice Toma Shiira | Testifying for Shimanchu Wai Protectors | Support | Written Testimony Only |

Comments:

Please support SB446 SD1



Environmental Caucus of The Democratic Party of Hawai'i

February 15, 2025

Testimony in Support of SB446 SD1: Relating to Environmental Protection

To: Chair Donovan M. Dela Cruz, Vice Chair Sharon Y. Moriwaki, and Members of the Committee on Ways and Means

Date: Wednesday, February 19, 2025

Time: 10:02 AM

Place: Conference Room 211 & Videoconference

From: The Environmental Caucus of the Democratic Party of Hawai'i

Subject: Support for SB446 SD1 - Relating to Environmental Protection

Aloha Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Committee on Ways and Means,

The Environmental Caucus of the Democratic Party of Hawai'i strongly supports SB446 SD1, which prohibits landfills in no pass zones, requires counties to identify no pass zones in county integrated solid waste management plans, and prohibits the utilization of fly ash, bottom ash, or a combination of both for certain purposes. This measure is crucial for protecting our groundwater and ensuring the responsible management of waste materials.

Key Points:

- 1. Prohibition in No Pass Zones:** Beginning July 1, 2025, landfills are prohibited in no pass zones, which are areas determined by the county where the installation of a landfill unit may contaminate groundwater. This measure will help protect our vital water resources from contamination.
- 2. Identification of No Pass Zones:** The bill requires counties to identify no pass zones in their integrated solid waste management plans. This proactive approach will ensure that potential risks to groundwater are identified and mitigated.
- 3. Prohibition on Use of Fly Ash and Bottom Ash:** SB446 SD1 prohibits the utilization of fly ash, bottom ash, or a combination of both from a municipal waste combustor, including any ash residue that remains after the removal of metals for recycling into new metal products, for the purposes of road building, construction, or as alternative daily cover material on a landfill. This measure addresses the potential environmental hazards associated with these materials.

Arguments in Support:

Protecting Groundwater: Groundwater is a critical source of drinking water and essential for the health of our ecosystems. The prohibition of landfills in no pass zones ensures that our groundwater remains uncontaminated and safe for future generations.

Responsible Waste Management: By requiring counties to identify no pass zones, SB446 SD1 promotes a responsible and strategic approach to waste management. This will help prevent environmental degradation and ensure that waste disposal practices do not jeopardize public health or the environment.

Addressing Environmental Hazards: The prohibition on the use of fly ash and bottom ash for road building, construction, or as alternative daily cover material on landfills addresses the potential environmental hazards posed by these materials. Fly ash and bottom ash can contain harmful substances that, if not managed properly, can contaminate soil and water resources.

We believe that SB446 SD1 is a critical step towards safeguarding our environment and promoting sustainable waste management practices in Hawai'i. We urge the Committee to favorably consider SB446 SD1 and support its passage.

Sincerely,

Melodie Aduja and Alan Burdick

Co-chairs, Environmental Caucus of the Democratic Party of Hawai'i



SIERRA CLUB OF HAWAI'I

SENATE COMMITTEE ON WAYS AND MEANS

February 19, 2025

10:02 AM

Conference Room 211

In **SUPPORT** of **SB446 SD1**: RELATING TO WASTE MANAGEMENT

Aloha Chair Dela Cruz, Vice Chair Moriwaki, and Members of the Committee,

On behalf of our over 20,000 members and supporters, the Sierra Club **STRONGLY SUPPORTS** SB446 SD1, which will help to keep us from failing our kuleana to safeguard our precious and limited drinking water sources from irreparable contamination.

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

As a salient example, the new landfill for O'ahu - proposed to be constructed in Wahiawā, within the Honolulu Board of Water Supply's "No Pass Zone" and above a drinking water aquifer - will store extremely toxic ash containing heavy metals, cancer-causing PFAS "forever chemicals," and other compounds not easily broken down through incineration, such as PCBs, asbestos, and others. This ash, when combined with rainwater, will create millions of gallons of toxic "leachate" per year. While the City and County of Honolulu administration has assured the public that this leachate will be continually pumped out, transported, and treated at a wastewater facility, it is next to impossible to prevent leachate releases in the years and decades ahead; the EPA itself has concluded that all landfills inevitably leak.

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

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



SIERRA CLUB OF HAWAI‘I

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

As a final note, with respect to the situation on O‘ahu, the Sierra Club emphasizes that there are other potential siting 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, that were not considered by the Landfill Advisory Committee due to their location in the conservation district. Alternatively, prevailing upon the U.S. Navy to reconsider its decision to deny the City the use of its lands – especially given the Navy’s culpability in creating the ongoing Red Hill water crisis – could also provide another option. These and other potential remedies merit further exploration, given the 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. As our climate continues to destabilize and water and other natural resources become ever more scarce, we have a heightened kuleana to safeguard what resources we still have, so that we can give our islands’ future residents and communities the best chance at a hopeful existence. SB446 SD1 is one step to ensuring that we do not fail in this existential duty.

Accordingly, the Sierra Club urges the Committee to **PASS** SB446 SD1. Mahalo nui for the opportunity to testify.

February 12, 2025

 LATE

Honorable Donovan M. Dela Cruz, Chair
Honorable Sharon Y. Moriwaki, Vice Chair
and Members on the Committee on Ways and Means

Re: SB446 SD1, Relating to Waste Management
SUBMITTING COMMENTS AND OPPOSITION TO THE
AMENDMENTS ADDED TO THE BILL RELATING TO THE
PROHIBITION OF ASH REUSE

Dear Chair Dela Cruz , Vice Chair Moriwaki 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 landfill. **We strongly oppose the amendments that were added to SB 446 SD1 by the previous committee that would prohibit the reuse of ash from waste-to-energy facilities and respectfully request that said amendments be removed from SB 446 SD1.**

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.



445 South Street
Morristown, NJ 07960
862.345.5000

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 remove the amendment 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

SB-446-SD-1

Submitted on: 2/17/2025 3:38:36 PM

Testimony for WAM on 2/19/2025 10:02:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|--------------|--------------------|------------------------|
| Eduardo A. Gandolfo | Individual | Support | Written Testimony Only |

Comments:

Aloha Chair Dela Cruz, Vice Chair Moriwaki, and members of the Committee on Ways and Means

My name is Eduardo A. Gandolfo and I **strongly support SB446 SD1**, to prohibit landfills in county “no pass zones” where they may threaten the water security of our islands and our future generations.

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

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

I urge you to **PASS SB446 SD1**.

Sincerely,

Eduardo A. Gandolfo

SB-446-SD-1

Submitted on: 2/17/2025 2:44:21 PM

Testimony for WAM on 2/19/2025 10:02:00 AM

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

Comments:

I strongly support SB446 SD1 that prohibits landfills in no pass zones, which are areas determined by the county where the installation of a landfill unit may contaminate groundwater. This measure further requires counties to identify no pass zones in county integrated solid waste management plans, and prohibits the utilization of fly ash, bottom ash, or a combination of fly and bottom ash from a municipal waste combustor, including any ash residue that remains after removal of metals for recycling into new metal products, for the purposes of road building, construction, or as alternative daily cover material on a landfill.

It is crucial we protect our precious and limited drinking water resources from the threat of landfills and toxic ash. 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.

I urge you to PASS SB446 SD1.

Thank you for the opportunity to testify on this very important measure.

SB-446-SD-1

Submitted on: 2/17/2025 9:07:29 PM

Testimony for WAM on 2/19/2025 10:02:00 AM

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

Comments:

Aloha Chair Dela Cruz, Vice Chair Moriwaki, and members of the Committee on Ways and Means

My name is Kiana Otsuka, and I am an O‘ahu resident writing in **strong support of SB446 SD1**, to prohibit landfills in county “no pass zones” where they may threaten the water security of our islands and our future generations.

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

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

Mahalo,
Kiana Otsuka

SB-446-SD-1

Submitted on: 2/15/2025 12:29:16 PM

Testimony for WAM on 2/19/2025 10:02:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Kealakai Hammond | Individual | Support | Written Testimony Only |

Comments:

Aloha Chair Dela Cruz, Vice Chair Moriwaki, and members of the Committee on Ways and Means

I strongly support SB446 SD1, to prohibit landfills in county “no pass zones” where they may threaten the water security of our islands and our future generations.

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

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

I urge you to **PASS SB446 SD1**.

Sincerely,
Kealakai Hammond

Honolulu, HI

SB-446-SD-1

Submitted on: 2/15/2025 12:12:48 PM

Testimony for WAM on 2/19/2025 10:02:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| briana kawata | Individual | Support | Written Testimony Only |

Comments:

Aloha Chair Dela Cruz, Vice Chair Moriwaki, and members of the Committee on Ways and Means

My name is Briana Kawata. I **strongly support SB446 SD1**, to prohibit landfills in county “no pass zones” where they may threaten the water security of our islands and our future generations.

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

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

I urge you to **PASS SB446 SD1**.

Sincerely,
Briana Kawata

SB-446-SD-1

Submitted on: 2/15/2025 12:30:09 PM

Testimony for WAM on 2/19/2025 10:02:00 AM

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

Comments:

Aloha Chair Dela Cruz, Vice Chair Moriwaki, and members of the Committee on Ways and Means

My name is Kaleiheana Stormcrow and I **strongly support SB446 SD1**, to prohibit landfills in county “no pass zones” where they may threaten the water security of our islands and our future generations.

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

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

I urge you to **PASS SB446 SD1**.

Sincerely,
Kaleiheana Stormcrow

SB-446-SD-1

Submitted on: 2/15/2025 1:39:49 PM

Testimony for WAM on 2/19/2025 10:02:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Marcia Kemble | Individual | Support | Written Testimony Only |

Comments:

Aloha Chair Dela Cruz, Vice Chair Moriwaki, and members of the Committee on Ways and Means,

My name is Marcia Kemble and I **strongly support SB446 SD1**, to prohibit landfills in county “no pass zones” where they may threaten the water security of our islands and our future generations.

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

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

I urge you to **PASS SB446 SD1**.

Mahalo for your attention.

Marcia Kemble

Makiki

SB-446-SD-1

Submitted on: 2/15/2025 1:57:28 PM

Testimony for WAM on 2/19/2025 10:02:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|----------------|--------------|--------------------|------------------------|
| Stephen Canham | Individual | Support | Written Testimony Only |

Comments:

Chair Dela Cruz, Vice Chair Moriwaki, and members of the Committee on Ways and Means:

My name is Stephen Canham, I reside in Kaneohe, and I **strongly support SB446 SD1**, to prohibit landfills in county “no pass zones” where they may threaten the water security of our islands and our future generations.

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

Protecting our water is about protecting our health, our environment, and the future of everyone who calls Hawai‘i home. Let us not repeat the Red Hill fiasco in any way.

I urge you to **PASS SB446 SD1**.

Respectfully and hopefully,

Stephen Canham, PhD

SB-446-SD-1

Submitted on: 2/15/2025 2:38:56 PM

Testimony for WAM on 2/19/2025 10:02:00 AM

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

Comments:

Prohibit landfills in county " no pass zones" that threaten water safety.

SB-446-SD-1

Submitted on: 2/15/2025 2:55:45 PM

Testimony for WAM on 2/19/2025 10:02:00 AM

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

Comments:

Aloha Chair Dela Cruz, Vice Chair Moriwaki, and members of the Committee on Ways and Means

My name is Diane Ware and I **strongly support SB446 SD1**, to prohibit landfills in county “no pass zones” where they may threaten the water security of our islands and our future generations.

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

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

I urge you to **PASS SB446 SD1**.

Sincerely,

Diane Ware

Volcano 96785

SB-446-SD-1

Submitted on: 2/15/2025 4:39:51 PM

Testimony for WAM on 2/19/2025 10:02:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| KEALA FUNG | Individual | Support | Written Testimony Only |

Comments:

Aloha Chair Dela Cruz, Vice Chair Moriwaki, and members of the Committee on Ways and Means

My name is Keala Fung and I **strongly support SB446 SD1**, to prohibit landfills in county “no pass zones” where they may threaten the water security of our islands and our future generations.

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

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

I urge you to **PASS SB446 SD1**.

Sincerely,
Keala Fung, Honolulu

SB-446-SD-1

Submitted on: 2/15/2025 7:44:24 PM

Testimony for WAM on 2/19/2025 10:02:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|--------------|--------------|--------------------|------------------------|
| tia pearson | Individual | Support | Written Testimony Only |

Comments:

Aloha Chair Dela Cruz, Vice Chair Moriwaki, and members of the Committee on Ways and Means

My name is Tia Pearson and I **strongly support SB446 SD1**, to prohibit landfills in county “no pass zones” where they may threaten the water security of our islands and our future generations.

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

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

I urge you to **PASS SB446 SD1**.

Sincerely,
Tia Pearson

SB-446-SD-1

Submitted on: 2/17/2025 12:03:56 PM

Testimony for WAM on 2/19/2025 10:02:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Shannon Rudolph | Individual | Support | Written Testimony Only |

Comments:

Support SB 446! Please protect our aquifers at all costs!

SB-446-SD-1

Submitted on: 2/15/2025 10:17:20 PM

Testimony for WAM on 2/19/2025 10:02:00 AM

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

Comments:

Aloha Chair Dela Cruz, Vice Chair Moriwaki, and members of the Committee on Ways and Means

My name is [Peter Wilson and I **strongly support SB446 SD1**, to prohibit landfills in county “no pass zones” where they may threaten the water security of our islands and our future generations.

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

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

I urge you to **PASS SB446 SD1**.

Sincerely,
Peter Wilson

SB-446-SD-1

Submitted on: 2/17/2025 4:33:04 PM

Testimony for WAM on 2/19/2025 10:02:00 AM

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

Comments:

Please pass SB446 SD1 as is. Because 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.

Aloha and mahalo for your attention, Mary True, Pepekeo

SB-446-SD-1

Submitted on: 2/16/2025 8:35:44 AM

Testimony for WAM on 2/19/2025 10:02:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Jody Smith | Individual | Support | Written Testimony Only |

Comments:

Aloha

it was never a good idea to store potential contaminants over our drinking water. I drink water --
You drink water too. PASS SB446 SB1.

Jody Smith, East Honolulu

SB-446-SD-1

Submitted on: 2/17/2025 11:26:40 AM

Testimony for WAM on 2/19/2025 10:02:00 AM

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

Comments:

I strongly support this bill. Thank you.

SB-446-SD-1

Submitted on: 2/17/2025 9:13:06 PM

Testimony for WAM on 2/19/2025 10:02:00 AM

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

Comments:

Aloha Senators!

Please pass SB446 SD1 as is. 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.

R A Culbertson

Honokaa

SB-446-SD-1

Submitted on: 2/17/2025 10:03:02 PM

Testimony for WAM on 2/19/2025 10:02:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Brian Piotrowski | Individual | Support | Written Testimony Only |

Comments:

Please pass SB446 SD1 as is. 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.

SB-446-SD-1

Submitted on: 2/18/2025 9:52:09 AM

Testimony for WAM on 2/19/2025 10:02:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------|--------------|--------------------|------------------------|
| Madison Owens | Individual | Support | Written Testimony Only |

Comments:

Aloha Chair Dela Cruz, Vice Chair Moriwaki, and members of the Committee on Ways and Means

My name is Madison Owens and I **strongly support SB446 SD1**, to prohibit landfills in county “no pass zones” where they may threaten the water security of our islands and our future generations.

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

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

I urge you to PASS SB446 SD1.

Sincerely,
Madison Owens

SB-446-SD-1

Submitted on: 2/18/2025 8:58:02 AM

Testimony for WAM on 2/19/2025 10:02:00 AM

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

Comments:

Bill SB446 is crucial for protecting our vital groundwater resources. Our drinking water aquifers are irreplaceable sources of pure, precious wai that have sustained and must continue to sustain our communities and ‘āina. Once contaminated, these water sources can be permanently damaged, putting public health and our environment at risk.

Protecting our water is about protecting our health, our environment, and the future of everyone in Hawaii.

Mahalo, Bill and Bobbie Best, Wailuku

SB-446-SD-1

Submitted on: 2/18/2025 9:01:39 AM

Testimony for WAM on 2/19/2025 10:02:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Phaethon Keeney | Individual | Support | Written Testimony Only |

Comments:

Aloha esteemed legislators,

Please support SB 446 and help Hawaii protect it's aquifers by keeping toxic incinerator ash out of the roadways. Incinerator ash is a concentrate of all the heavy metals and toxic waste residuals & byproducts of the incineration process, it would be better to keep those things bound up in the original slow to break down materials, but if incinerated to a fine toxic powder we sure don't need to be spreading that terrible stuff around these beautiful islands. Mahalo for caring and much appreciate all you do to keep Hawaii (& it's precious water) safe!

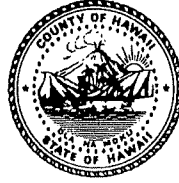
Phaethon Keeney, Honokaa Hawaii

C. Kimo Alameda, Ph.D.
Mayor

Wesley R. Segawa
Director

William V. Brilhante Jr.
Managing Director

Craig Kawaguchi
Deputy Director



County of Hawai'i

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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

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

February 11, 2025

LATE

COMMITTEE ON WAYS AND MEANS

Sen. Donovan M. Dela Cruz, Chair
Sen. Sharon Y. Moriwaki, Vice Chair

COMMITTEE ON HEALTH and HUMAN SERVICES

Sen. Joy A, San Buenaventura, Chair
Sen. Henry J.C. Aquino, Vice Chair
Hawai'i State Capitol
Honolulu, HI 96813

Re: Testimony in Opposition of Senate Bill (SB) 446 Relating to Waste Management, which prohibits landfills in no pass zones, which are areas determined by the county where the installation of a waste disposal facility may contaminate groundwater. Requires counties to identify no pass zones in county integrated solid waste management plans.

Dear Chair Dela Cruz, Chair San Buenaventura and Committee Members,

The County of Hawai'i Department of Environmental Management (DEM) respectfully submits this testimony in opposition to Senate Bill 446 regarding "no pass zones" for landfills. This bill will create significant obstacles to responsible waste management in Hawaii.

Justification and Arguments:

- Vague Definition:** The bill defines "no pass zone" as areas where waste disposal *may* contaminate groundwater. This broad definition allows counties to designate virtually any area, precluding new landfill sites.
- Planning Contradiction:** The bill requires counties to include "no pass zones" in waste management plans while prohibiting landfills within them. This creates a planning conflict, hindering the ability to secure future landfill capacity.
- Capacity Crisis:** Oahu faces a landfill capacity shortage. This bill will worsen the problem, potentially increasing disposal costs, and illegal dumping.
- Focus on Alternatives:** Instead of prohibitions, the legislature should prioritize sustainable waste management solutions like emerging technologies and waste reduction programs.

Conclusion:

This bill will negatively impact waste management in Hawaii. I urge the committee to reject it and pursue comprehensive, sustainable solutions.

Hawai'i County is an Equal Opportunity Provider and Employer

Thank you for your consideration.

Best Regards,


Craig Kawaguchi
DEPUTY DIRECTOR

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

LATE

SB-446-SD-1

Submitted on: 2/18/2025 7:36:00 PM

Testimony for WAM on 2/19/2025 10:02:00 AM

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

Comments:

Aloha Chair Dela Cruz, Vice Chair Moriwaki, and members of the Committee on Ways and Means,

My name is Hannalore Aiwohi, I'm a long time Haleiwa resident, and I am testifying in strong support of SB446 SD1. This bill is not just about regulations- it's about protecting the lifeblood of our islands for our families today and for generations to come.

Water is more than a resource here in Hawai'i; it is our wai, our source of life. Our ancestors relied on these pure aquifers, just as we do now, to nourish our 'ohana and sustain our 'Aina. But once our water is contaminated, there is no going back. We cannot afford to risk the safety of our drinking water by allowing landfills in areas that endanger our most precious and irreplaceable natural resource.

As a community, we have a responsibility to safeguard the health of our keiki, our kupuna, and all who call these islands home. Protecting our water is protecting our future.

I urge you to pass SB446 SD1. Let's make the right choice for Hawai'i today and for the generations that follow.

Mahalo for your time and consideration.

Hannalore Aiwohi