

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  
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HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

Testimony of  
DAWN N. S. CHANG  
Chairperson

Before the House Committee on  
WATER & LAND

Tuesday, February 04, 2025  
9:00 a.m.

State Capitol, Conference Room 411 & Videoconference

In consideration of  
HOUSE BILL 878  
RELATING TO LANDFILLS

House Bill 314 proposes to expand the landfill buffer zone from one-half mile to one mile, and to apply the buffer zone to State Conservation Lands. **The Department of Land and Natural Resources (DLNR) offers the following comments on this bill.**

Act 73, Session Laws of Hawai'i 2020, established Hawai'i's statewide buffer zone law, which prohibits any waste or disposal facility from being located in a Conservation District except in emergency circumstances and prohibits persons, including the State or any county, from constructing, operating, modifying, expanding, or closing a municipal solid waste landfill or construction and demolition landfill without first establishing a buffer zone of no less than one-half mile.

House Bill 314 would expand the buffer zone to lands outside the Conservation District, and thus outside of DLNR's jurisdiction. However, DLNR recognizes the challenges that the individual counties have in siting new landfills and note that his bill would significantly reduce the areas available for landfills without reducing the amount of waste that the State generates.

There are four main subzones within the State Land Use Conservation District, each with its own unique objectives. These subzones and their objectives, as described in Hawai'i Administrative Rules Chapter 13-5, are:

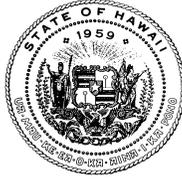
- **Protective Subzone.** The objective of this subzone is to protect valuable natural and cultural resources in designated areas such as restricted watersheds, marine, plant, and wildlife sanctuaries, significant historic, archaeological, geological, and volcanological features and sites, and other designated unique areas.

- Limited Subzone. The objective of this subzone is to limit uses where natural conditions suggest constraints on human activities.
- Resource Subzone. The objective of this subzone is to ensure, with proper management, the sustainable use of the natural resources of those areas.
- General Subzone. The objective of this subzone is to designate open space where specific conservation uses may not be defined, but where urban use would be premature.

The intent of House Bill 878 is to protect conservation areas that are designated to protect native species, habitats, and cultural resources. In the context a buffer zone around the Protective Subzone would appear to be appropriate. DLNR is not sure that a buffer zone around the other subzones would further the objectives of those subzones.

Mahalo for the opportunity to provide testimony on this bill.

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



KENNETH S. FINK, MD, MGA, MPH  
DIRECTOR OF HEALTH  
KA LUNA HO'OKELE

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

**Testimony COMMENTING on HB0878  
RELATING TO LANDFILLS.**

REPRESENTATIVE MARK J. HASHEM, CHAIR  
HOUSE COMMITTEE ON WATER & LAND

February 4, 2025, 9:00 AM, Conference Room 411

1 **Fiscal Implications:** Undetermined.

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

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

5 This measure proposes to 1) extend the landfill buffer zone from one-half mile to one  
6 mile and 2) require the landfill buffer zone to apply to lands in the state conservation district  
7 and lands designated as national conservation areas managed by the federal Bureau of Land  
8 Management.

9 Hawai'i appears to currently have the most stringent buffer requirement with the  
10 existing one-half mile which is 2,640 feet (one mile is 5,280 feet). Other states have landfill  
11 buffer zones that range from approximately 200 feet to 2,000 feet.

12 The Department has not been able to identify a study that sets a blanket buffer zone  
13 distance applicable to all landfills nor one that provides data or any specific criteria to  
14 determine that distance. Some of states have included rationale for their buffer as to address  
15 nuisances such as litter, odor, and dust.

1           If this measure passes, the increase in the buffer zone to one-mile will effectively ban  
2 landfills from most coastal areas below the Underground Injection Control (UIC) line<sup>1</sup> (the line  
3 circling each island that separates potential upland drinking water aquifers from aquifers that  
4 have other uses). This would force landfill siting upland over potential drinking water aquifers  
5 less the areas within or one-mile from conservation district lands. If prohibitions on landfills  
6 above the UIC line are then also added, as has been introduced in separate legislative bills, the  
7 combined effect is a ban on landfills in the state of Hawai'i.

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

21 **Offered Amendments:** None

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

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<sup>1</sup> <https://health.hawaii.gov/sdwb/underground-injection-control-program/> and  
[https://geoportal.hawaii.gov/datasets/HiStateGIS::underground-injection-control-line-uic-  
line/explore?location=20.151006%2C-155.759072%2C6.95](https://geoportal.hawaii.gov/datasets/HiStateGIS::underground-injection-control-line-uic-line/explore?location=20.151006%2C-155.759072%2C6.95)

**OFFICE OF THE MAYOR  
KE KE'ENA O KA MEIA  
CITY AND COUNTY OF HONOLULU**

530 SOUTH KING STREET, ROOM 300 • HONOLULU, HAWAII 96813  
PHONE: (808) 768-4141 • FAX: (808) 768-4242 • WEBSITE: [honolulu.gov](http://honolulu.gov)

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KRISHNA F. JAYARAM  
DEPUTY MANAGING DIRECTOR  
HOPE PO'O HO'OKELE

February 3, 2025

The Honorable Mark J. Hashem, Chair  
The Honorable Rachele F. Lamosao, Vice Chair  
and Members of the House Committee on Water and Land  
House of Representatives  
415 South Beretania Street  
Honolulu, Hawai'i 96813

Dear Chair Hashem, Vice Chair Lamosao, and Members of the Committee:

Subject: HB878 – Relating to Landfills

The City and County of Honolulu strongly **opposes** SB 878 which would increase the current buffer zone from ½ mile to 1 mile. This administration was not in office when Act 73 was originally passed by the Legislature. However, we would be remiss to allow HB 878 to become law without alerting the Legislature to the negative impact to the City's obligation and responsibility to operate and maintain a waste and disposal facility on O'ahu on behalf of the residents and businesses in the City and County of Honolulu. The impact of increasing the current buffer to 1 mile will effectively eliminate any potential alternative to expand operations at the Waimānalo Gulch Sanitary Landfill, the third path of the City's current siting dilemma, and further restrict any other viable options for a landfill outside the aquifer.

Although the City is working towards a sustainable waste program that significantly minimizes, if not eliminates, disposable waste, the policies, practices and technology to implement a program that eliminates disposable waste does not exist at the present. Further eliminating options for an operational landfill outside the aquifer is simply not in the best interest of all residents and businesses on O'ahu.

Thank you for the opportunity to testify on this measure,

Sincerely,

A handwritten signature in black ink, appearing to read "Michael D. Formby".

Michael D. Formby  
Managing Director Designate

**RICHARD T. BISSEN, JR.**  
Mayor

**JOSIAH K. NISHITA**  
Managing Director



**OFFICE OF THE MAYOR**  
COUNTY OF MAUI  
200 SOUTH HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.mauicounty.gov](http://www.mauicounty.gov)

TO: Representative Mark J. Hashem, Chair  
Representative Rachele F. Lamosao, Vice Chair  
Committee on Water and Land

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

DATE: February 1, 2025

SUBJECT: **COMMENTS OF HB878, RELATING TO LANDFILLS**

Thank you for the opportunity to make comments on HB878 which aims to extend the landfill buffer zone from one-half mile to one mile, and requires the landfill buffer zone to apply to lands in the state conservation district and lands designated as national conservation areas.

We have the following comments:

1. Though the County of Maui (County) does recycle and divert as much waste as it can from its landfills, not all solid waste can be recycled, and some byproducts of diversion/recycling do require landfilling. Currently, there are no other alternatives to landfilling for the County and we are concerned that HB 878 will make siting a new landfill or landfill expansion on Maui difficult and costly to County taxpayers.
2. The Resource Conservation and Recovery Acts (RCRA), Hawaii Environmental Policy, and Hawaii Administrative Rules Title 11, Section 58.1 already consider environmental, health and safety risks to nearby communities and eco systems.
3. Extending the buffer to one mile will further impact existing and future landfills within the County, possibly limiting future expansion or requiring the County to site new landfills at a greater expense. In addition, locating and permitting a new landfill will take multiple years. As solid waste continues to be produced, the time needed to find a new location with limited options and to permit a landfill may cause unintended risks to human health and the environment.

Mahalo for your consideration.



LATE \*Testimony submitted late may not be considered by the Committee for decision making purposes.

**HONOLULU CITY COUNCIL**  
**KE KANIHELA O KE KALANA O HONOLULU**  
530 S. KING ST. STE. 202, HONOLULU, HI 96813

**ESTHER KIA'ĀINA**  
COUNCILMEMBER,  
HONOLULU CITY COUNCIL, DISTRICT III  
*HOPE LUNA HO'OMALU*  
TELEPHONE: (808) 768-5003  
EMAIL: [ekiaaina@honolulu.gov](mailto:ekiaaina@honolulu.gov)  
<https://www.honolulucitycouncil.org/district-3-kiaaina>

February 3, 2025

Hawai'i State House of Representatives

Committee on Water and Land  
Hawai'i State Legislature

Aloha Chair Hashem, Vice Chair Lamosao, and Members of the Committee,

I am in strong support of HB878, introduced by Representative Mike Lee, which seeks to extend the landfill buffer zone from one-half mile to one mile and ensure that buffer zones apply to conservation lands. This bill is a critical step toward environmental protection, public health, and a more equitable approach to landfill siting on O'ahu.

For decades, Windward O'ahu—including Waimānalo, Kailua and Kāne'ōhe—has hosted nine landfills out of 74, impacting public health, the environment, and quality of life. Expanding the buffer zone and protecting conservation lands are necessary steps toward fairness and sustainability of our land and natural resources.

A one-mile buffer zone reduces our communities' exposure to landfill pollution, protects groundwater, and safeguards native ecosystems. Keeping landfills off conservation lands upholds their purpose of preserving natural and cultural resources, prevents environmental degradation, and aligns with Hawai'i's commitment to sustainability.

HB878 ensures a more just and responsible approach to waste management. I urge the committee to move this bill forward.

Mahalo for your consideration.

Sincerely,  
Esther Kia'āina  
District 3: Waimānalo, Kailua, & Kāne'ōhe  
City and County of Honolulu  
Email: [ekiaaina@honolulu.gov](mailto:ekiaaina@honolulu.gov)  
Phone: (808) 768-5003

## SOLID WASTE DIVISION

DEPARTMENT OF PUBLIC WORKS

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

BOYD GAYAGAS, DEPUTY COUNTY ENGINEER



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

**Testimony of Allison Fraley**  
Solid Waste Division Chief

County of Kaua'i  
Department of Public Works

Before the  
**Committee on Water & Land**

Tuesday, February 4, 2025

9:00 am

Via Conference Room 309 and Videoconference

In consideration of

**House Bill 878**

**Relating to Waste or Disposal Facilities**

Honorable Chair Hashem, Vice Chair Lamosao, and Members of the Committee:

The County of Kaua'i Department of Public Works **opposes** House Bill 878, which proposes to extend the landfill buffer zone from one-half mile. It requires the landfill buffer zone be applied to lands in the state conservation district and lands designated as national conservation areas.

The County of Kaua'i has spent decades seeking a new landfill site. Limited land availability and increased restrictions for landfill siting have made this work increasingly challenging. An increased buffer would add another obstacle to landfill siting. It may require Counties to expend taxpayer dollars to purchase additional land around landfill sites so they are not subject to limits on future expansions.

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 impact on all existing landfills in the state and possible future landfill siting options.

We respectfully request that you defer House Bill 878.



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Aloha Chair Hashem, Vice Chair Lamosao, and Members of the House Water & Land Committee,

The Hawaii Farmers Union is a 501(c)(5) agricultural advocacy nonprofit representing a network of over 2,500 family farmers and their supporters across the Hawaiian Islands. **HFUU supports HB878 and seeks similar protection for productive agricultural lands.**

Hawaii's commitment to environmental preservation and sustainable land use is exemplified by HB878, which seeks to extend the landfill buffer zone from one-half mile to one mile and ensure that this buffer applies to lands within the state conservation district and national conservation areas.

While significant, HB878 would be further strengthened by including protections for agricultural lands. Agricultural lands are integral to Hawaii's economy and food security, yet they are also vulnerable to pollution and degradation from landfill use. Incorporating the Land Study Bureau's master productivity ratings would provide a systematic and objective method to determine which agricultural parcels necessitate additional protection. Including key agricultural lands in the buffer zone definition ensures these regions receive the same consideration as conservation areas, we can preserve the vitality of Hawaii's farming communities and contribute to a more resilient agricultural sector.

"Buffer zone" means the distance between the edge of waste or waste activity and the nearest residential~~[7]~~ lot, school, ~~[or]~~ hospital ~~[property line.]~~, land within the conservation district, land designated as a national conservation area and managed by the federal Bureau of Land Management through the National Landscape Conservation System pursuant to title 16 United States Code section 7202 or agricultural lands classified with an Land Study Bureau overall (master) productivity rating of A or B.

Mahalo for the opportunity to testify.

Hunter Heavilin  
Advocacy Director  
Hawaii Farmers Union



# Environmental Caucus of The Democratic Party of Hawai'i

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February 4, 2025

## Testimony in Opposition to HB878: Relating to Landfills

**To:** Chair Hashem, Vice Chair Lamosao, and Members of the House Committee on Water & Land

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

**Date:** February 4, 2025, 9:00 a.m.

**Re:** HB878: Relating to Landfills

**Position:** Strong Opposition

Dear Chair Hashem, Vice Chair Lamosao, and Members of the House Committee on Water & Land,

We, Melodie Aduja and Alan Burdick, Co-chairs of the Environmental Caucus of the Democratic Party of Hawaii, strongly oppose HB878, which seeks to extend the landfill buffer zone from one-half mile to one mile and requires the landfill buffer zone to apply to lands in the state conservation district and lands designated as national conservation areas. While the intention to protect our environment is commendable, this bill poses significant concerns that need to be addressed.

### Key Concerns with HB878:

- Impact on Waste Management:** Extending the landfill buffer zone could significantly reduce the available land for waste management facilities. This could lead to increased costs and logistical challenges for waste disposal, ultimately affecting the efficiency of waste management in Hawaii.
- Economic Feasibility:** The increased buffer zone could result in higher costs for land acquisition and development of new landfill sites. These costs could be passed on to consumers, leading to higher waste disposal fees and increased financial burden on residents.
- Environmental Impact:** While the intention is to protect conservation lands, the bill does not address the potential environmental impact of relocating landfill sites. New sites may disrupt other ecosystems and habitats, leading to unintended environmental consequences.

4. **Aquifer Protection:** Extending the buffer zone could cause landfills to be sited closer to the aquifer, which we must keep safe from leachate to protect our water supply for future generations.
5. **Alternative Solutions:** There are other ways to address environmental concerns related to landfills, such as improving waste reduction and recycling programs. These alternatives should be considered alongside buffer zone extensions to achieve the best environmental outcomes.

#### **Arguments Against HB878:**

1. **Comprehensive Environmental Assessment:** Before extending the landfill buffer zone, a comprehensive environmental assessment should be conducted to evaluate the potential impacts and ensure that the benefits outweigh the drawbacks.
2. **Economic Impact Analysis:** An economic impact analysis should be performed to assess the financial implications for waste management facilities and consumers. This analysis should consider the cost-effectiveness of buffer zone extensions compared to other waste management solutions.
3. **Holistic Approach:** A holistic approach to waste management should be adopted. This includes considering a range of solutions, such as waste reduction and recycling, to achieve the best environmental and economic outcomes.

In conclusion, we urge the Committee to reject HB878 in its current form. While we support the goal of protecting conservation lands, we believe that a more comprehensive and balanced approach is needed. We recommend conducting thorough assessments and considering alternative solutions to achieve the best outcomes for both the environment and the economy.

Thank you for the opportunity to testify in strong opposition to this legislation.

Sincerely,

Melodie Aduja and Alan Burdick

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

**HB-878**

Submitted on: 2/4/2025 5:45:55 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dwayne Bautista	Iron Workers Stabilization Fund, Local 625	Comments	In Person

Comments:

Leave Act 73 as it is no ammendments.

**HB-878**

Submitted on: 2/1/2025 5:27:32 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Geraldine Best	Individual	Support	Written Testimony Only

Comments:

I **STRONGLY SUPPORT** HB 878 to extend the Land Fill Buffer Zone to **ONE MILE**. Much of the history of Hawaii has involved the wanton and deliberate destruction of our conservstion lands. This has resulted in the loss of Native wildlife along with threatening the quality of our water supply. Callous disreagr of preserving sustainability was also the 'rule rather than the exception.'

It is **IMPERATIVE** that we make earnest and enforceable laws to protect our natural resources and wildlife along with promoting sustainability. HB 878 addresses the purposes/intent of **CONSERVATION** by widening the Land Fill Buffer Zone to one mile.

**HB-878**

Submitted on: 2/2/2025 11:08:30 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Eric Ching	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Hashem, Vice Chair Lamosao, and members of the Committee,

My name is Eric Ching and I'm testfying in support of HB 878, to increase the size of the required buffer zone surrounding landfills to 1 mile. 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 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, residence, or conservation area. Please help protect our communities by passing HB 878.

Mahalo.

**HB-878**

Submitted on: 2/3/2025 9:24:06 AM

Testimony for WAL on 2/4/2025 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
J White	Individual	Support	Written Testimony Only

Comments:

I stand in strong support of HB878 as written

We the people need to be better stewards of our land and come up with more ingenious ways to remedy our waste issues. We already struggle with wastewater in the ocean. We can NOT afford to put our water supply at risk with a quick decision because a lease is expiring. That should have been a topic all these years if operating the current landfill. An exfil plan needs to be incorporated into the infiltration plan to be 100% thorough. I propose the State of Hawaii construct another HPower plant to turn our trash into more electricity. With the ever increasing price on electricity why not supplement and subsidize an alternate form of generation like HPower since we are trying so hard with solar and wind. Again I stand in strong support of HB878

**HB-878**

Submitted on: 2/3/2025 6:57:36 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Johnnie-Mae L. Perry	Individual	Oppose	Written Testimony Only

Comments:

I,Johnnie-Mae L. Perry STRONGLY OPPOSE HB878 which would be detrimental and disruptive to the communities, public schools health and safety and learning environment.

**HB-878**

Submitted on: 2/3/2025 11:29:09 PM

Testimony for WAL on 2/4/2025 9:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Claudine Tomasa	Individual	Support	Written Testimony Only

Comments:

Aloha Committee Chair Hashem and Members of the Committee on Water & Land.

My name is Claudine Tomasa testifying in support of HB878.

I am a Kailua resident living near a former landfill.

HB878 is intended to protect public health, public safety and the environment from potential and existing hazardous threats associated with landfill operations.

Please pass this Bill through your Committee.

Thank you for allowing me to testify in support of HB878.