

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

**SYLVIA LUKE**  
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



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

P.O. BOX 621  
HONOLULU, HAWAII 96809

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

**RYAN K.P. KANAKA'OLE**  
FIRST DEPUTY

**CIARA W.K. KAHANE**  
DEPUTY DIRECTOR - WATER

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

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

**Before the Senate Committee on  
WAYS AND MEANS**

**Wednesday, February 26, 2025  
10:03 AM**

**State Capitol, Conference Room 211 & Videoconference**

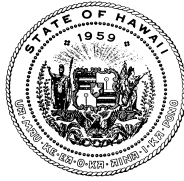
**In consideration of  
SENATE BILL 438 SD1  
RELATING TO WASTE DISPOSAL FACILITIES**

Senate Bill 438 SD1 proposes to prohibit the construction, modification, or expansion of any waste or disposal facility for hazardous waste or solid waste on land that is near or above a significant aquifer as determined by the Department of Health, in consultation with the Commission on Water Resource Management; and prohibits waste or disposal facilities on class A and B agricultural land. **The Department of Land and Natural Resources (Department) offers comments.**

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

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

Mahalo for the opportunity to testify on this measure.



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 SB0438 SD1  
RELATING TO WASTE DISPOSAL FACILITIES.**

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

February 26, 2025, 10:03 AM, Conference Room 211

1 **Fiscal Implications:** Based on our testimony recommending a study, this measure would  
2 impact the priorities identified in the Governor's executive budget request for the Department  
3 of Health (Department) by an estimated \$1 million dollars. The Department therefore requests  
4 that this measure be considered as a vehicle to provide this needed funding so long as it does  
5 not supplant the priorities and requests outlined in the Governors executive budget request.

6 **Department Position:** The Department offers the following comments.

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

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

removal of metals, for the purposes of road building, construction, or as alternative daily cover material on a landfill; and 4) require fly ash, bottom ash, or a combination of fly ash and bottom ash from a municipal waste combustor to be disposed of in a double-lined and duly licensed municipal solid waste or hazardous waste landfill.

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

SECTION 4: In order to determine “freshwater aquifer with the potential for use as a drinking water aquifer” as used in this measure, the Department requests funding of \$1 million for a 5-year study. The intent of the study is to produce a report detailing the location of these aquifers in Hawai‘i. We note that there is not a clear source to determine the freshwater aquifers in Hawai‘i and a study will be able to develop the criteria for and identify these aquifers. Additionally, we request clarification on the term “potential use as a drinking water aquifer” to apply the correct criteria for the study. For example, is potential use based on economic feasibility? Is treatment allowed? If so, what types of treatment? We note that groundwater in some areas, such as those impacted by historical use of pesticides, are already being treated prior to distribution into a public water system.

Municipal Solid Waste Combustion Ash Recycling and Disposal

1 While we agree that HPOWER ash in its current form should be properly disposed and  
2 not recycled, as currently specified in their solid waste management permit, the Department  
3 does not support the proposed addition of subsection (d) (Page 5, Line 20 to Page 6, Line 7).

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

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

14 Third, placement of this ash under this proposed measure is limited to a double-lined  
15 landfill. Depending on the effective date of the measure, the City may not have an immediate  
16 place for disposal of the ash, as the City does not currently operate a double-lined landfill. In  
17 addition, we do not have data to support that a double liner system is needed over the current  
18 lined landfill that City is using. Lastly, given decades worth of data, HPOWER combined ash is  
19 not a hazardous waste, and thus, is not required by existing state and federal laws and  
20 regulations to be disposed in a hazardous waste landfill. If the City is required to dispose of this  
21 waste at a hazardous waste landfill, then this waste must be shipped out of state because  
22 Hawai'i does not have a hazardous waste landfill. Being that the City generates on the order of  
23 130,000 tons of ash per year, this will be a significant cost.

24 Housekeeping Issues

1 In reviewing the measure, we noted a discrepancy between the definition of “buffer  
2 zone” and its application in section 342H-52(b), HRS. Based on the definition of “buffer zone,”  
3 we understand the intent of the law is to ensure a buffer zone between the edge of waste or  
4 waste disposal activity and the nearest residential, school, or hospital property line, rather than  
5 from the property line of the disposal facility. The counties should be given the opportunity to  
6 incorporate the buffer zone within their own properties rather than relying on external sources.  
7 Thus, we would like to clarify that point and offer proposed amendments.

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

11 Include proposed amendments to remove discrepancy in the definition and application  
12 of “buffer zones.” We do not want to prohibit landfill facilities from obtaining more land to  
13 secure buffer zone distances. Note that we created a new definition of “landfill unit” to only  
14 apply to the listed subsections. Being that this part is specific to Municipal Solid Waste Landfill  
15 Criteria, the subsections 342H-52(b) and (c), HRS, expands to construction and demolition  
16 landfills, we want to be careful to not affect the definitions intended for the remainder of the  
17 Part. The state relies on Part IV of chapter 342H, HRS, to ensure compliance with federal  
18 regulations so that we may maintain our state program approval.

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

20 **“§342H-52 Prohibitions; buffer zones.** (a) No person, including any federal agency, the  
21 State, or any county, shall construct, operate, modify, expand, or close a municipal solid waste  
22 landfill unit, or any component of a municipal solid waste landfill unit, without first obtaining a  
23 permit from the director. All permits for municipal solid waste landfill units shall be subject to  
24 any terms and conditions that the director determines are necessary to protect human health  
25 or the environment.

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

11 For the purposes of this subsection:

12 "Buffer zone" means the distance between the edge of waste or waste disposal activity  
13 and the nearest residential, school, or hospital property line.

14 "Landfill unit" means a municipal solid waste landfill unit or a construction and  
15 demolition landfill unit.

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

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



**TESTIMONY IN SUPPORT TO SENATE BILL 438 SD1**  
**RELATING TO WASTE DISPOSAL FACILITIES**

Senate Committee on Ways and Means  
Hawai'i State Capitol

February 26, 2025

10:03AM

Room 211

---

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

The Office of Hawaiian Affairs (OHA) strongly **supports SB438 SD1**, which prohibits the construction, modification, or expansion of any waste or disposal facility on land near or above a significant aquifer and on Class A and B agricultural lands. This measure upholds the fundamental Native Hawaiian values of mālama 'āina (care for the land) and mālama wai (care for water) by ensuring that Hawai'i's limited water and agricultural lands base are protected from contamination and environmental degradation.

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

This measure is particularly critical in the wake of environmental crises such as the Red Hill fuel leaks, which demonstrated the irreversible damage that can occur when pollutants are allowed to be stored directly above our critical aquifers. SB 438 SD1 provides a proactive approach to preventing similar disasters by ensuring that hazardous waste facilities are not located in areas where they could threaten drinking water supplies. Likewise, Class A and B lands represent the highest-quality soil in the islands, supporting the cultivation of crops that could allow Hawai'i to reduce its costly dependence on imported food products. Allowing landfills in these areas would permanently remove them from agricultural use, reducing Hawai'i's ability to achieve food self-sufficiency.

OHA strongly urges the Committee to **PASS** SB 438 SD1 to uphold the integrity of Hawai'i's water and land resources, ensuring they remain sources of life and sustenance for generations to come. Mahalo for the opportunity to testify.

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

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

RICK BLANGIARDI  
MAYOR  
MEIA

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

ERWIN KAWATA  
DEPUTY MANAGER  
HOPE MANAKIA



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

February 26, 2025

The Honorable Donovan M. Dela Cruz, Chair  
and Members  
Senate Committee on Ways and Means  
Hawai'i State Capitol 211  
Honolulu, Hawai'i 96813

Dear Chair Dela Cruz and Members:

Subject: Senate Bill 438, SD1: Relating to Waste Disposal Facilities

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

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

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



The Honorable Donovan M. Dela Cruz, Chair  
and Members  
February 26, 2025  
Page 2

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

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

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

Thank you for the opportunity to provide testimony in support of SB 438, SD 1.

Very truly yours,



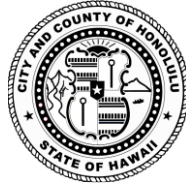
ERNEST Y. W. LAU, P.E.  
Manager and Chief Engineer



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

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

RICK BLANGIARDI  
MAYOR  
MEIA



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

MICHAEL O'KEEFE  
DEPUTY DIRECTOR  
HOPE PO'O

IN REPLY REFER TO:  
WAS 25-31

February 21, 2025

The Honorable Donovan M. Dela Cruz, Chair  
The Honorable Sharon Y. Moriwaki, Vice Chair  
and Members of the Committee on Ways and Means  
415 South Beretania Street  
Honolulu, Hawai'i 96813

Dear Chair Dela Cruz and Vice Chair Moriwaki:

SUBJECT: SB 438, SD1 - Relating to Waste Disposal Facilities

The City and County of Honolulu's (City) Department of Environmental Services (ENV) submits the following testimony in **strong opposition** to SB 438, SD1, Relating to Waste Disposal Facilities.

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

By way of background, in 2020, the Hawai'i State Legislature passed SB 2386 SD2 HD 2, known as Act 73, which placed several restrictions on where a landfill could be located. Act 73 prohibits landfills from being located within one-half mile of residential, school or hospital property lines, or within a conservation district. In addition to Act 73, state law restricts landfills in tsunami evacuation zones and federal law prohibits landfills from being located within 10,000 feet of an airport. Combined, these restrictions drastically reduce the number of feasible sites for a landfill to a few small areas above O'ahu's aquifers. Additionally, following extensive discussions between 2023 and 2024, the Navy informed the City it was unable to offer federal land for a City landfill, including land on the Waipi'o Peninsula that the City had previously identified as a viable landfill site.

It is important to note that if SB 438, SD1 were to become law and locating a landfill

The Honorable Donovan M. Dela Cruz, Chair  
The Honorable Sharon Y. Moriwaki, Vice Chair  
and Members of the Committee on Ways and Means  
February 21, 2025  
Page 2

above an aquifer or on class A or B agricultural land were legally prohibited, given the restrictions imposed by Act 73, other state and federal laws, decisions and orders and permits, the City and ENV would be left with no legally permissible and feasible options to site a landfill on O'ahu without further action to change existing legal limitations on siting an alternative landfill to WGS� outside the aquifer and not on class A or B agricultural land.

If SB 438, SD1 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 438, SD1 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 SD1 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 about 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. Does this requirement mean that the landfill could no longer accept H-POWER ash? ENV notes the Waimānalo Gulch Landfill was designed to receive H-POWER ash, has permits to do so, and has been accepting H-POWER ash since H-POWER opened in 1990. The Waimānalo Gulch Landfill liner system has never leaked into the underlying soil.

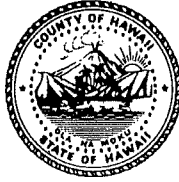
Should you have any questions, please contact me at (808) 768-3486.

Sincerely,

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

C. Kimo Alameda, Ph.D.  
*Mayor*

William V. Brilhante Jr.  
*Managing Director*



Wesley R. Segawa  
*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 24, 2025

### COMMITTEE ON WAYS AND MEANS

Sen. Donovan M. Dela Cruz, Chair  
Sen. Sharon Y. Moriwaki, Vice Chair  
Hawai'i State Capitol  
Honolulu, HI 96813

**Re: Testimony in Opposition of Senate Bill (SB) 438 SD1 Relating to Waste or Disposal Facilities, which Prohibits the construction, modification, or expansion of any waste or disposal facility for hazardous waste or solid waste on land that is near or above a significant aquifer as determined by the Department of Health, in consultation with the Commission on Water Resource Management; Prohibits waste or disposal facility on class A and B agricultural land.**

Dear Chair Dela Cruz, Vice Chair Moriwaki and Committee Members,

The County of Hawai'i Department of Environmental Management (DEM) respectfully submits this testimony in strong opposition to SB 438 SD1. While we acknowledge and share the bill's stated intent to protect our vital aquifer resources and agricultural lands, the current draft presents significant concerns that, if enacted, will severely impair the County of Hawai'i's ability to manage solid waste effectively and sustainably.

### Detailed Analysis of SB 438 SD1 and Critical Concerns:

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

- We understand the Committee's intention, as discussed during the SB446-SD1 hearing on February 19, 2025, to prohibit landfills mauka of the Underground Injection Control (UIC) line.
- As the provided map illustrates, this would effectively create a future landfill ban for the majority of the Island of Hawai'i. The blue polygon accurately depicts the substantial area rendered unusable for future waste disposal facilities.
- Using the UIC line as a definitive boundary, effectively bans future landfill placement on most of the island.

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

- Act 73's imposition of a ½-mile buffer zone, and the committee's proposal to reduce it to ¼-mile, do not adequately address the County's need for viable landfill siting options.
- When combined with the proposed UIC line restrictions and agricultural land prohibitions, the buffer zone limitations effectively eliminate potential sites.
- Section 342H-52(c) of SB 438 SD1, while maintaining the ½-mile buffer, further compounds this issue.

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

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

**4. Increased Regulatory Burden and Uncertainty:**

- The combined restrictions of SB 438 SD1 will significantly increase the regulatory burden on landfill operators, hindering future development and discouraging investment in essential waste management infrastructure.
- This could severely impact the County's ability to manage solid waste and protect public health.

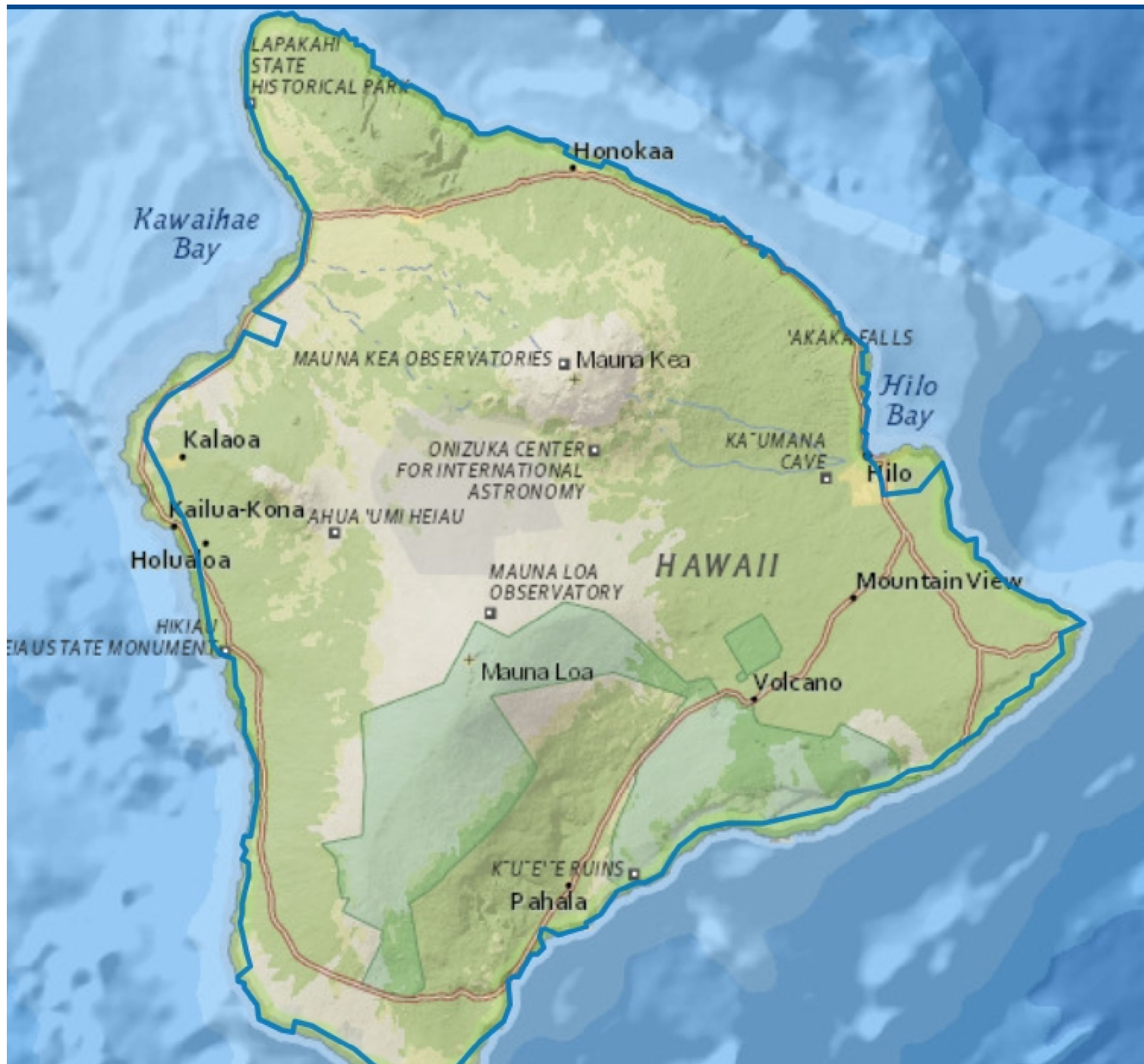
By addressing these concerns, the legislature can achieve the goal of protecting our vital aquifer resources and agricultural lands without severely compromising the County of Hawai'i's ability to effectively manage solid waste and protect public health.

Thank you for your careful consideration.

Best Regards,

  
Craig Kawaguchi  
DEPUTY DIRECTOR

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

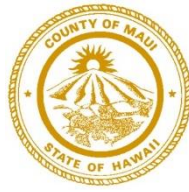


Esri, Garmin, HERE, UNEP-WCMC, USGS, NASA, ESA, METI, NRCAN, GEBCO, NOAA, increment P Corp., I Hawi



**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)

**LATE**

TO: Senator Donovan Dela Cruz, Chair  
Senator Sharon Moriwaki, Vice Chair  
Committee on Ways and Means

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

DATE: February 24, 2025

SUBJECT: **OPPOSITION OF SB438 SD1, RELATING TO WASTE DISPOSAL FACILITIES**

Thank you for the opportunity to testify in **OPPOSITION** of this measure. The act prohibits the construction, modification, or expansion of any waste or disposal facility for hazardous waste or solid waste on land that is near or above a significant aquifer as determined by the Department of Health, in consultation with the Commission on Water Resource Management. Prohibits waste or disposal facility on class A and B agricultural land. Prohibits the use of fly ash, bottom ash, or a combination of fly ash and bottom ash from a municipal waste combustor, including any ash residue that remains after removal of metals for recycling into new metal products, for the purposes of road building, construction, or as alternative daily cover material on a landfill. Requires fly ash, bottom ash, or a combination of fly ash and bottom ash from a municipal waste combustor to be disposed of in a double-lined and duly licensed municipal solid waste or hazardous waste landfill.

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

1. This Act would unfairly limit siting a solid waste facility by linking the leak at Red Hill to a landfill, two different types of operations and with different environmental regulatory requirements and controls.
2. The Resource Conservation and Recovery Acts (RCRA), Hawaii Environmental Policy, and Hawaii Administrative Rules Title 11, Section 58.1 were specifically developed to protect groundwater and already consider environmental, health and safety risks to nearby communities and eco systems. The Commission on Water Resource will always have an opportunity to submit comments and testimony to any landfill being sited or expanded.

3. The existing half-mile buffer already impacts current and future landfills within the County, limiting future expansion or requiring the County to site new landfills at a greater expense. Prohibiting locating landfills on Class A or B agricultural lands greatly reduces the ability to locate a solid waste facility away from populated areas.

Mahalo for your consideration.





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

February 26, 2025

HEARING BEFORE THE  
SENATE COMMITTEE ON WAYS AND MEANS

**TESTIMONY ON SB 438, SD1**  
RELATING TO WASTE DISPOSAL FACILITIES

Conference Room 211 & Videoconference  
10:03 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 438, SD1**, which prohibits the construction, modification, or expansion of any waste or disposal facility for hazardous or solid waste on land near or above a significant aquifer, as determined by the Department of Health, in consultation with the Commission on Water Resource Management. The bill also prohibits waste or disposal facilities on Class A and B agricultural lands. Protecting Hawai'i's water resources and prime agricultural lands is essential for the long-term sustainability of both agriculture and public health.

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

In addition to safeguarding aquifers, SB 438, SD1 protects Class A and B agricultural lands from being used for waste disposal facilities. These lands represent Hawai'i's most productive farmland, essential for food security and reducing reliance on imports. Preserving these lands for farming rather than industrial uses aligns with the state's commitment to increasing local food production and supporting the agricultural economy.

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

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

We urge the committee to pass SB 438, SD1 to protect Hawai'i's vital water sources and agricultural lands while ensuring responsible waste management practices.

Thank you for the opportunity to testify on this measure.



# Environmental Caucus of The Democratic Party of Hawai'i

---

February 21, 2025

## **Testimony in Support of SB 438 SD1 - Relating to Waste Disposal Facilities**

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

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

Date: February 26, 2025, 10:03 AM

Place: Conference Room 211 and Videoconference

Subject: Support for SB 438 SD1 - Relating to Waste Disposal Facilities

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

We, the Environmental Caucus of the Democratic Party of Hawai'i, submit this testimony in strong support of SB 438 SD1. This bill is a crucial measure to protect Hawai'i's precious natural resources and ensure the health and safety of our communities. By prohibiting the construction, modification, or expansion of waste disposal facilities in sensitive areas, we are taking significant steps toward preserving our environment for future generations.

### **Key Points:**

#### **1. Protecting Significant Aquifers:**

- a. Prohibits waste facilities near or above significant aquifers.
- b. Ensures the integrity of our drinking water sources.

#### **2. Preserving Agricultural Land:**

- a. Prohibits waste facilities on class A and B agricultural land.
- b. Safeguards our food security and supports local agriculture.

#### **3. Prohibiting Use of Ash:**

- a. Prohibits the use of fly ash and bottom ash for road construction, building construction, and as landfill cover material.
- b. Mandates disposal of ash in double-lined, licensed landfills.

## **Arguments in Support:**

### **1. Safeguarding Water Resources:**

- a. Our aquifers are a critical source of drinking water for the community.
- b. Contamination from hazardous and solid waste can have devastating long-term impacts.
- c. The bill ensures thorough consultation with the Department of Health and the Commission on Water Resource Management to identify significant aquifers, promoting responsible planning and protection.

### **2. Supporting Agriculture:**

- a. Class A and B agricultural lands are essential for our local food production and economy.
- b. These lands should be preserved for their intended purpose, free from the risks associated with waste disposal.
- c. By prohibiting waste facilities on these lands, we prioritize the sustainability and productivity of our agricultural sector.

### **3. Ensuring Safe Disposal Practices:**

- a. Fly ash and bottom ash from municipal waste combustors contain toxic substances that can harm the environment and public health.
- b. Prohibiting the use of these ashes in road construction, building construction, or as landfill cover reduces the risk of exposure to hazardous materials.
- c. Requiring disposal in double-lined, licensed landfills promotes safer and more responsible waste management practices.

SB 438 SD1 represents a comprehensive approach to protecting our environment and public health. We urge the Committee to pass this bill and commend the efforts of the bill's sponsors, Senator Dela Cruz, Senator Kidani, and Senator Moriwaki, for their dedication to environmental stewardship.

Thank you for considering our testimony.

Mahalo nui loa,

Melodie Aduja and Alan Burdick

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

**SB-438-SD-1**

Submitted on: 2/22/2025 11:28:59 AM

Testimony for WAM on 2/26/2025 10:03:00 AM

Submitted By	Organization	Testifier Position	Testify
HN Warrington	Testifying for Kupuna for the Moopuna	Support	Written Testimony Only

Comments:

Kūpuna for the Mo‘opuna is in **STRONG SUPPORT of SB438 SD1.**

**SB438 SD1** prohibits the construction, modification, or expansion of waste and disposal facilities on land above drinking water aquifers.

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

Protecting our water is about protecting our health, our environment, and the future of everyone who calls Hawai‘i home, now and for the next generations to come. Mahalo.



# SIERRA CLUB OF HAWAI'I

## SENATE COMMITTEE ON WAYS AND MEANS

February 26, 2025

10:03 AM

Conference Room 211

### In **SUPPORT** of **SB438 SD1**: RELATING TO WASTE DISPOSAL FACILITIES

---

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** SB438 SD1, which will help to keep us from failing in our kuleana to safeguard our precious and limited drinking water aquifers from irreparable contamination.

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

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

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

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

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



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

With the ongoing Red Hill water crisis still unfolding, we must remember the importance of protecting our remaining clean water sources throughout the islands, if we wish to do right by our children, grandchildren, and all future generations. As our climate continues to destabilize and water and other natural resources become ever more scarce, we have a heightened kuleana to safeguard what resources we still have, to provide our islands' future residents and communities with the best chance of a hopeful existence that we can give them. SB438 SD1 is one step to ensuring that we do not fail in this existential duty.

Accordingly, the Sierra Club urges the Committee to **PASS** SB438 SD1. Mahalo nui for the opportunity to testify.

February 26, 2025

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

Re: SB438 SD1, Relating to Waste Disposal Facilities  
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 landfills. **We strongly oppose the amendments added to SB 438 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 438 SD1.**

As an important point of clarification, the permit application 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 U.S. EPA's toxicity characteristic leaching procedure (TCLP). Currently, this material is sent to the Waimanalo Gulch landfill for disposal. The project would reduce the amount of ash sent to the landfill by up to 60%. This would reduce disposal costs for the City, save precious landfill capacity, reduce truck traffic and offset the need for importation of aggregate.

The recovered aggregate will be used in asphalt as a substitute for natural aggregate only if it meets the technical requirements of asphalt customers and 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 that 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-438-SD-1**

Submitted on: 2/22/2025 4:44:19 PM

Testimony for WAM on 2/26/2025 10:03:00 AM

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

Comments:

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

My name is Susan RobertsEmery, I am Co-chair of the Green Party of Hawai'i. We **strongly support SB438 SD1**, which would prohibit the construction, modification, or expansion of waste and disposal facilities on land above drinking water aquifers.

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

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

We, the Green Party of Hawai'i, urge you to **PASS SB438 SD1**.

Mahalo,

Susan RobertsEmery

Green Party of Hawai'i

Paauilo

**SB-438-SD-1**

Submitted on: 2/24/2025 1:34:31 PM

Testimony for WAM on 2/26/2025 10:03:00 AM

Submitted By	Organization	Testifier Position	Testify
Breanne Fong	Individual	Support	Written Testimony Only

Comments:

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

My name is Breanne Fong, and I **strongly support SB438 SD1**, which would prohibit the construction, modification, or expansion of waste and disposal facilities on land above drinking water aquifers.

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

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

I urge you to **PASS SB438 SD1**.

Sincerely,  
Breanne Fong

**SB-438-SD-1**

Submitted on: 2/22/2025 10:54:42 AM

Testimony for WAM on 2/26/2025 10:03:00 AM

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

Comments:

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

My name is William Reese Liggett and I **strongly support SB438 SD1**, which would prohibit the construction, modification, or expansion of waste and disposal facilities on land above drinking water aquifers.

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

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

I urge you to **PASS SB438 SD1**.

Sincerely,  
Reese Liggett

**SB-438-SD-1**

Submitted on: 2/22/2025 1:15:12 PM

Testimony for WAM on 2/26/2025 10:03:00 AM

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

Comments:

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

My name is Craig Tanaka and I **strongly support SB438 SD1**, which would prohibit the construction, modification, or expansion of waste and disposal facilities on land above drinking water aquifers.

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

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

I urge you to **PASS SB438 SD1**.

Sincerely,  
Craig Tanaka

**SB-438-SD-1**

Submitted on: 2/22/2025 1:32:04 PM

Testimony for WAM on 2/26/2025 10:03:00 AM

Submitted By	Organization	Testifier Position	Testify
Kathryn Takakuwa	Individual	Support	Written Testimony Only

## Comments:

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

My name is Kathi Takakuwa and I strongly support SB438 SD1, which would prohibit the construction, modification, or expansion of waste and disposal facilities on land above drinking water aquifers.

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

I believe policy action that focuses attention and resources on the REDUCTION of waste we (individuals and businesses) produce, which would extend the life of a landfill, should be undertaken in parallel with finding safe locations for landfills. Such initiatives would

- heighten public awareness the unnecessary waste we produce , with as much emphasis on
- practical ways for any citizen to refuse, repair, and repurpose instead of creating rubbish.

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

I urge you to PASS SB438 SD1.

Sincerely,  
Kathi Takakuwa

Eileen Cain  
720 Mahi'ai St., Apt. E  
Honolulu, Hawai'i 96826-5635  
eileencaïn808@gmail.com  
February 22, 2025

Aloha Chair Dela Cruz,  
Vice Chair Moriwaki, and  
members of the Hawai'i State Senate Ways and Means Committee,

I am testifying in **STRONG SUPPORT of SB438 SD1**, which would prohibit the construction, modification, or expansion of waste and disposal facilities on land above **drinking water aquifers**.

My name is Eileen Cain and I have been a resident of Honolulu for nearly 50 years.

We citizens need you, our elected officials, to protect our waters. The aquifers we depend on for our health and our very lives must be kept safe from pollution, including pollution from landfills. Once waters become contaminated, that contamination cannot be reversed. The present and future generations need to know that we will always have potable water.

I urge the Committee to **PASS SB438 SD1**. Mahalo for the opportunity to testify.

Mahalo for your attention to this matter.

Aloha,

Eileen Cain

**SB-438-SD-1**

Submitted on: 2/22/2025 4:57:09 PM

Testimony for WAM on 2/26/2025 10:03:00 AM

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

Comments:

Please **support SB438 SD1 to protect** our vital groundwater resources. Our aquifers are irreplaceable sources of freshwater that sustain our communities and ‘āina. Once contaminated, these water sources can be permanently damaged, putting public health and our environment at risk.

Mahalo,

Bill and Bobbie Best, Wailuku



**SB-438-SD-1**

Submitted on: 2/22/2025 9:01:42 PM

Testimony for WAM on 2/26/2025 10:03:00 AM

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

## Comments:

My name is Tia Pearson and I **strongly support SB438 SD1**, which would prohibit the construction, modification, or expansion of waste and disposal facilities on land above drinking water aquifers.

I think it's self-explanatory as to why it's a bad idea to put a landfill or waste and disposal facilities above our drinking water. They can leak toxins into our water supply. Once contaminated, these water sources can be permanently damaged, putting public health and our environment at risk.

**SB-438-SD-1**

Submitted on: 2/23/2025 11:48:26 AM

Testimony for WAM on 2/26/2025 10:03:00 AM

Submitted By	Organization	Testifier Position	Testify
Chai Blair-Stahn	Individual	Support	Written Testimony Only

Comments:

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

My name is Chai Blair-Stahn and I **strongly support SB438 SD1**, which would prohibit the construction, modification, or expansion of waste and disposal facilities on land above drinking water aquifers.

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

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

I urge you to **PASS SB438 SD1**.

Sincerely,  
Chai Blair-Stahn

**SB-438-SD-1**

Submitted on: 2/23/2025 1:26:47 PM

Testimony for WAM on 2/26/2025 10:03:00 AM

Submitted By	Organization	Testifier Position	Testify
Lela Kalama	Individual	Support	Written Testimony Only

Comments:

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

My name is Lela Kalama and I **strongly support SB438 SD1**, which would prohibit the construction, modification, or expansion of waste and disposal facilities on land above drinking water aquifers.

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

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

I urge you to **PASS SB438 SD1**.

Sincerely,  
Lela Kalama

Keaau, HI

**SB-438-SD-1**

Submitted on: 2/23/2025 1:37:14 PM

Testimony for WAM on 2/26/2025 10:03:00 AM

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

## Comments:

I strongly support SB438 SD1, which would prohibit the construction, modification, or expansion of waste and disposal facilities on land above drinking water aquifers.

This bill is vital for protecting our aquifers, which sustain our environment as well as providing our communities with safe drinking water. The disastrous Red Hill fuel leak demonstrates the far-reaching consequences of groundwater contamination. Pollutants can remain in groundwater systems for generations, with severe impacts on public health and on natural ecosystems.

Please pass SB438 SD1 to protect the future of Hawaii and its residents.

**SB-438-SD-1**

Submitted on: 2/23/2025 3:35:23 PM

Testimony for WAM on 2/26/2025 10:03:00 AM

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

Comments:

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

My name is Emily Gambino and I **strongly support SB438 SD1**, which would prohibit the construction, modification, or expansion of waste and disposal facilities on land above drinking water aquifers.

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

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

I urge you to **PASS SB438 SD1**.

Sincerely,  
Emily Gambino

**SB-438-SD-1**

Submitted on: 2/24/2025 1:13:48 AM

Testimony for WAM on 2/26/2025 10:03:00 AM

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

Comments:

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

My name is Bo Breda and I **strongly support SB438 SD1**, which would prohibit the construction, modification, or expansion of waste and disposal facilities on land above drinking water aquifers.

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

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

I urge you to **PASS SB438 SD1**.

Sincerely,  
Bo Breda

**SB-438-SD-1**

Submitted on: 2/24/2025 1:15:07 AM

Testimony for WAM on 2/26/2025 10:03:00 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 Ways and Means Committee,

My name is Peter Wilson and I **strongly support SB438 SD1**, which would prohibit the construction, modification, or expansion of waste and disposal facilities on land above drinking water aquifers.

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

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

I urge you to **PASS SB438 SD1**.

Sincerely,  
Peter Wilson

**SB-438-SD-1**

Submitted on: 2/24/2025 7:36:22 AM

Testimony for WAM on 2/26/2025 10:03:00 AM

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

## Comments:

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

My name is Samuel Lee from ‘Aiea, and I **strongly support SB438 SD1**, which would prohibit the construction, modification, or expansion of waste and disposal facilities on land above drinking water aquifers. This bill is crucial for protecting our vital groundwater resources. Our aquifers are irreplaceable sources of freshwater that sustain our communities and ‘āina. Once contaminated, these water sources can be permanently damaged, putting public health and our environment at risk. We have seen firsthand the damages of contaminated water through Red Hill and we must do better to ensure that situations like that never occur again. Protecting our water is about protecting our health, our environment, and the future of everyone who calls Hawai‘i home.

Sincerely,  
Samuel Lee



**SB-438-SD-1**

Submitted on: 2/24/2025 8:50:42 AM

Testimony for WAM on 2/26/2025 10:03:00 AM

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

Comments:

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

My name is Jen Ballou and I **strongly support SB438 SD1**, which would prohibit the construction, modification, or expansion of waste and disposal facilities on land above drinking water aquifers.

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

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

I urge you to **PASS SB438 SD1**.

Sincerely,

Jen Ballou

**SB-438-SD-1**

Submitted on: 2/24/2025 9:33:14 AM

Testimony for WAM on 2/26/2025 10:03:00 AM

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

Comments:

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

My name is Lisa Darcy and I **am following and strongly support SB438 SD1**, which would prohibit the construction, modification, or expansion of waste and disposal facilities on land above drinking water aquifers.

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

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

I urge you to **PASS SB438 SD1**.

Sincerely,  
Lisa Darcy

**SB-438-SD-1**

Submitted on: 2/24/2025 9:14:04 AM

Testimony for WAM on 2/26/2025 10:03:00 AM

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

Comments:

I strongly support SB438 SD1.

This bill is crucial for protecting our precious groundwater resources for every single living being on this island and for generations to come.

Thank you.

**SB-438-SD-1**

Submitted on: 2/24/2025 10:22:39 AM

Testimony for WAM on 2/26/2025 10:03:00 AM

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

Comments:

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

My name is Nathan Leo Braulick and I **strongly support SB438 SD1**, which would prohibit the construction, modification, or expansion of waste and disposal facilities on land above drinking water aquifers.

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

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

I urge you to **PASS SB438 SD1**.

Sincerely,  
Nathan Leo Braulick

**SB-438-SD-1**

Submitted on: 2/24/2025 12:47:48 PM

Testimony for WAM on 2/26/2025 10:03:00 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 Ways and Means Committee,

My name is Kaleiheana Stormcrow and I **strongly support SB438 SD1**, which would prohibit the construction, modification, or expansion of waste and disposal facilities on land above drinking water aquifers.

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

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

I urge you to **PASS SB438 SD1**.

Sincerely,  
Kaleiheana Stormcrow

**SB-438-SD-1**

Submitted on: 2/24/2025 1:04:20 PM

Testimony for WAM on 2/26/2025 10:03:00 AM

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

Comments:

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

My name is Lory Ono, and I **strongly support SB438 SD1**, which would prohibit the construction, modification, or expansion of waste and disposal facilities on land above drinking water aquifers.

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

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

I urge you to **PASS SB438 SD1**.

Sincerely,

Lory Ono

**SB-438-SD-1**

Submitted on: 2/24/2025 1:29:47 PM

Testimony for WAM on 2/26/2025 10:03:00 AM

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

Comments:

I strongly support this bill. Thank you.

**SB-438-SD-1**

Submitted on: 2/24/2025 3:30:14 PM

Testimony for WAM on 2/26/2025 10:03:00 AM

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

Comments:

Support



**SB-438-SD-1**

Submitted on: 2/24/2025 3:51:21 PM

Testimony for WAM on 2/26/2025 10:03:00 AM

Submitted By	Organization	Testifier Position	Testify
DIANE CHOY FUJIMURA	Individual	Support	Written Testimony Only

## Comments:

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

My name is Diane Choy Fujimura and I strongly support SB438 SD1 which would prohibit the construction, modification, or expansion of waste and disposal facilities on land above drinking water aquifers.

This bill is crucial for protecting our vital groundwater resources. Our aquifers are irreplaceable sources of freshwater that sustain our communities and 'aina. Once contaminated, these water sources can be permanently damaged, putting public health and our environment at risk. One only has to look at the Red Hill Bulk Fuel Tank catastrophe, which is still not resolved at this date.

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

I urge you to PASS SB438 SD1.

Sincerely,

Diane Choy Fujimura

**SB-438-SD-1**

Submitted on: 2/24/2025 4:51:07 PM

Testimony for WAM on 2/26/2025 10:03:00 AM

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

Comments:

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

My name is Kylie Hopkins and I **strongly support SB438 SD1**, which would prohibit the construction, modification, or expansion of waste and disposal facilities on land above drinking water aquifers.

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

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

I urge you to **PASS SB438 SD1**.

Sincerely,  
Kylie Hopkins

**SB-438-SD-1**

Submitted on: 2/24/2025 5:40:44 PM

Testimony for WAM on 2/26/2025 10:03:00 AM

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

## Comments:

I strongly support SB438 SD1 that prohibits the construction, modification, or expansion of any waste or disposal facility for hazardous waste or solid waste on land that is near or above a significant aquifer as determined by the Department of Health, in consultation with the Commission on Water Resource Management. This measure also prohibits waste or disposal facility on class A and B agricultural land, and the use of fly ash, bottom ash, or a combination of fly ash and bottom ash from a municipal waste combustor, including any ash residue that remains after removal of metals for recycling into new metal products, for the purposes of road building, construction, or as alternative daily cover material on a landfill. In addition, this measure requires fly ash, bottom ash, or a combination of fly ash and bottom ash from a municipal waste combustor to be disposed of in a double-lined and duly licensed municipal solid waste or hazardous waste landfill.

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

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

I urge the Committee to pass this important measure.

**SB-438-SD-1**

Submitted on: 2/24/2025 8:28:10 PM

Testimony for WAM on 2/26/2025 10:03:00 AM

Submitted By	Organization	Testifier Position	Testify
Susie Davis	Individual	Support	Written Testimony Only

Comments:

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

Thank you for your work to protect the health of the people of Hawaii and the fragile environment of our islands.

My name is Susie Davis and I **strongly support SB438 SD1**. This bill will prohibit the construction, modification, or expansion of waste and disposal facilities on land above drinking water aquifers. It is crucial for protecting our vital groundwater resources. Our aquifers are irreplaceable sources of freshwater that sustain our communities and ‘āina. Once contaminated, these water sources can be permanently damaged, putting public health and our environment at risk.

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

I urge you to **PASS SB438 SD1**.

Sincerely,  
Susie Davis

Kapaau, HI

**SB-438-SD-1**

Submitted on: 2/24/2025 9:46:13 PM

Testimony for WAM on 2/26/2025 10:03:00 AM

Submitted By	Organization	Testifier Position	Testify
Adrie Nossaman	Individual	Support	Written Testimony Only

Comments:

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

My name is Adrie Nossaman and I **strongly support SB438 SD1**, which would prohibit the construction, modification, or expansion of waste and disposal facilities on land above drinking water aquifers.

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

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

I urge you to **PASS SB438 SD1**.

Sincerely,  
Adrie Nossaman

**SB-438-SD-1**

Submitted on: 2/25/2025 3:43:11 AM

Testimony for WAM on 2/26/2025 10:03:00 AM

Submitted By	Organization	Testifier Position	Testify
Philip Kitamura	Individual	Support	Written Testimony Only

Comments:

I support SB 438

**SB-438-SD-1**

Submitted on: 2/25/2025 9:37:59 AM

Testimony for WAM on 2/26/2025 10:03:00 AM

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

Comments:

Regarding waste disposal facilities

As an individual studying marine biology in the kingdom of Hawai'i, I am aware of the amount of disposal that ends up on landfills. The consumption of single use products is highly impacting ecosystems around coastal and inland areas as all products are carried through strams, rivers and water canals. It is essential that waste disposal facilities terminate practices that contribute to the continuation of polluted waters.

**SB-438-SD-1**

Submitted on: 2/25/2025 9:42:20 AM

Testimony for WAM on 2/26/2025 10:03:00 AM

Submitted By	Organization	Testifier Position	Testify
Ronnie N Inagaki	Individual	Support	Written Testimony Only

Comments:

## Written Testimony in Support of SB438 SD1

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

My name is Ronnie Inagaki, and I am writing in **\*\*strong support of SB438 SD1\*\***, which seeks to prohibit the construction, modification, or expansion of waste and disposal facilities on land above drinking water aquifers.

This bill is **\*\*essential\*\*** for protecting our invaluable groundwater resources. Hawai‘i’s aquifers are not only a primary source of freshwater for our communities but also a vital component in sustaining our ‘āina. These aquifers are irreplaceable; once contaminated, the damage is often irreversible, posing significant risks to both public health and the environment.

The importance of safeguarding our water cannot be overstated. **\*\*Water is life\*\***, and protecting it ensures the health, safety, and well-being of the people of Hawai‘i now and for generations to come. Allowing waste facilities to jeopardize these critical resources would be a disservice to everyone who calls Hawai‘i home.

I respectfully urge you to **\*\*PASS SB438 SD1\*\*** to ensure the continued protection of our aquifers, our health, and our future.

Mahalo for your time and consideration.

Sincerely,

Ronnie Inagaki



**LATE**

**SB-438-SD-1**

Submitted on: 2/25/2025 10:30:30 AM

Testimony for WAM on 2/26/2025 10:03:00 AM

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

Comments:

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

My name is Hideki Kimukai and I strongly support SB438 SD1.

Mahalo nui,

Hideki Kimukai

**LATE**

**SB-438-SD-1**

Submitted on: 2/25/2025 3:43:23 PM

Testimony for WAM on 2/26/2025 10:03:00 AM

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

Comments:

My name is Sue Alana

92-1250 #68 Makakilo Dr.

Kapolei Hi. 96707

I am writing in support of Senate Bill 438.

808-551-1656

**LATE**

**SB-438-SD-1**

Submitted on: 2/25/2025 6:42:34 PM

Testimony for WAM on 2/26/2025 10:03:00 AM

Submitted By	Organization	Testifier Position	Testify
Ryan Edwards	Individual	Oppose	Written Testimony Only

Comments:

Aloha,

im writing this testimony to oppose bill SB438 SD1 because we don't need any waste disposal centers built on top of a fresh water aquifer. The dangers that would be involved with this would be similar to what red hill is going through right now and it could lead to major and catastrophic situations for our natural fresh water resources. We should be protecting resources like these instead of trying to harm them. Mahalo for your time and have a blessed day.

Ryan Edwards

**LATE**

**SB-438-SD-1**

Submitted on: 2/26/2025 6:46:35 AM

Testimony for WAM on 2/26/2025 10:03:00 AM

Submitted By	Organization	Testifier Position	Testify
Nancy Harter	Individual	Support	Written Testimony Only

Comments:

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

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

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

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

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

Sincerely,  
Nancy Harter