



OFFICE OF HAWAIIAN AFFAIRS

**TESTIMONY IN SUPPORT TO SENATE BILL 438 HD1
RELATING TO WASTE DISPOSAL FACILITIES**

House Committee on Water and Land
Hawai'i State Capitol

March 20, 2025

9:30 AM

Room 411

Aloha e Chair Hashem, Vice Chair Lamosao and Members of Committee:

The Office of Hawaiian Affairs strongly **supports SB 438, HD1**, which seeks to protect Hawai'i's water resources and prime agricultural lands by prohibiting landfill units on Class A and B agricultural lands, restricting the construction, modification, or expansion of waste or disposal facilities for solid or hazardous waste near or above significant aquifers, clarifying the application of buffer zones beginning July 1, 2025, to municipal solid waste landfill units and construction and demolition landfill units, and prohibiting landfill units inland of the underground injection control line in counties with populations exceeding 500,000. **This measure aligns with the Native Hawaiian values of mālama 'āina and mālama wai, ensuring that Hawai'i's fragile ecosystem, agricultural productivity, and public health remain safeguarded for generations to come.**

OHA has advocated for the protection of Hawai'i's natural and cultural resources, recognizing that water and 'āina are essential to the survival and well-being of the Native Hawaiian people. Historically, 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 our communities. This bill upholds this ancestral wisdom by implementing critical safeguards against contamination and environmental degradation.

SB 438, HD1, includes several amendments that strengthen the bill's purpose and effectiveness, while others raise concerns. The clarification that landfill units, rather than all waste or disposal facilities, are prohibited on Class A and B agricultural lands ensures that the focus remains on large-scale waste management operations that pose the greatest risk to critical resources. This amendment strengthens the bill by preserving the most productive agricultural lands for farming and food security rather than industrial waste use. The added prohibition on landfill units inland of the underground injection control line in counties with populations exceeding 500,000 is another key improvement, as it provides additional safeguards against contamination of drinking water in highly populated areas. These changes reinforce the intent of the bill by ensuring that landfills are

not placed in areas where they could pose significant risks to aquifers and drinking water supplies.

The removal of the prohibition on the use of fly ash and bottom ash in road building, construction, or as alternative daily cover material on landfills weakens the bill's ability to prevent the spread of potentially hazardous materials into the environment. Ash residue from municipal waste combustors often contains heavy metals and other toxic substances that can leach into surrounding soils and water sources if not handled properly. By eliminating this prohibition, the bill misses an opportunity to set stronger safeguards against pollution and contamination.

Despite this concerning amendment, the bill remains an important step toward ensuring that landfill placement decisions prioritize the protection of Hawai'i's water and land resources. **The existing buffer zone clarifications and landfill siting prohibitions provide necessary long-term protections to prevent environmental disasters like the Red Hill fuel leaks, which demonstrated the devastating consequences of allowing hazardous materials to be stored above aquifers.** The continued operation of existing waste facilities without physical expansion is a practical compromise, allowing time for proper waste management planning while preventing further encroachment into environmentally sensitive areas.

OHA urges the Committee to **pass SB 438, HD1**, to uphold the integrity of Hawai'i's land and water resources and protect the health and well-being of all residents. While certain amendments could be strengthened to ensure greater environmental protections, the bill as a whole remains an important step toward safeguarding Hawai'i's future. Mahalo for the opportunity to testify.



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

**Testimony in OPPOSITION to SB0438 SD2 HD1
RELATING TO WASTE DISPOSAL FACILITIES.**

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

March 20, 2025, 9:30 AM, Conference Room 411

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

3 **Department Position:** The Department of Health (Department) opposes measure.

4 **Department Testimony:** The Environmental Management Division Solid and Hazardous Waste
5 Branch (EMD-SHWB) provides the following testimony on behalf of the Department.

6 This measure proposes to: (1) prohibit landfill units as defined in Hawaii Revised
7 Statutes (HRS) section 342H-52 on land in an agricultural district having soil classification as
8 overall (master) productivity rating class A or B; (2) prohibit the construction, modification, or
9 expansion of any waste or disposal facility for hazardous or solid waste on land that is near or
10 above a significant aquifer as determined by the Department in consultation with the
11 Commission on Water Resource Management (CWRM) and defines a significant aquifer as a
12 freshwater aquifer with the potential for use as a drinking water aquifer, (3) fixes the
13 discrepancy in the application of the definition of the buffer zone; and (4) prohibits landfill units
14 in areas inland of the Underground Injection Control Line in counties with populations of
15 500,000 or greater.

1 We oppose this measure since the Department is unable to enforce Section 4 as
2 currently proposed. In testimony for previous versions of this measure¹, we asked the
3 Legislature to provide clarification and specific criteria for the term significant aquifer. Without
4 this determination, we cannot ascertain the locations with which to apply the restriction. If left
5 to our own interpretation, we will consider all aquifers significant regardless of population and
6 will effectively create a statewide landfill ban.

7 The Department supports the protection of our drinking water resources as the
8 measure intends to address. However, we also see a potential public health crisis looming.
9 Based on their submitted annual reports, the County of Kauai currently has less than three
10 years and the City and County of Honolulu (City) currently has about seven years of permitted
11 landfill capacity remaining (not considering the closure date set by their Special Use Permit).
12 Both counties have spent many years, if not a decade or more, trying to site their next
13 municipal solid waste landfill, and given the proposed measure and current restrictions, will
14 likely be unable to do so.

15 The City's testimony for SB0438 SD2 states that "if SB 438 SD 2 were to become law, the
16 state could amend Act 73 [SLH 2020] to reduce or eliminate several of its restrictions in order to
17 make potential landfill sites available. Alternatively, if SB 438 SD2 were to become law and
18 Act 73 was not amended, the City would have no choice but to pursue a legally prohibited
19 expansion at WGSL [Waimanalo Gulch Sanitary Landfill]." If landfill sites are not available, costs
20 for proper management of waste will significantly increase, and we will likely see increased
21 illegal dumping as a cost avoidance. The impact of illegal dumping will create a greater
22 environmental impact than what this measure is trying to prevent.

¹ https://www.capitol.hawaii.gov/sessions/session2025/Testimony/SB438_TESTIMONY_WTL-HHS_02-10-25_.PDF
https://www.capitol.hawaii.gov/sessions/session2025/Testimony/SB438_SD2_TESTIMONY_EEP_03-13-25_.PDF

1 To see the effects of what could occur if this measure passes, we provide Figures 1-4 in
2 which we have substituted the State's Underground Injection Control (UIC) line for significant
3 aquifers on maps of the counties. Some of the current siting restrictions (conservation district,
4 ½-mile buffer, airport safety, tsunami evacuation zone) are in red and areas inland of the UIC
5 line are in yellow. Based on this, we believe that new landfills or landfill expansions will be
6 severely restricted in the State, especially on Kaua'i, O'ahu, and Hawai'i Islands.

7 **Offered Amendments:** Despite the Department's opposition to further restrictions of landfill
8 siting, if the legislature elects to continue to propose a restriction, the Department offers the
9 following revisions to SECTION 4 of the measure:

- 10 1. Revision of subsection (a) to maintain consistency with the rest of the section.
- 11 2. Removal of subsection (b) in its entirety.
- 12 3. Renumbering subsection (c) to (b) and subsection (e) to (d).

13 The following amendments are to the original HRS language based on the proposed language in
14 the measure. Additions appear as underlined and deletions as bracketed strikeouts.

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

16 "**§342H-52 Prohibitions; buffer zones.** (a) No person, including any federal agency, the
17 State, or any county, shall construct, operate, modify, expand, or close a [~~municipal solid~~
18 ~~waste~~]-landfill unit, or any component of a [~~municipal solid waste~~]-landfill unit, without first
19 obtaining a permit from the director. All permits for [~~municipal solid waste~~]-landfill units shall
20 be subject to any terms and conditions that the director determines are necessary to protect
21 human health or the environment.

22 (b) Beginning July 1, 2025, no[~~No~~] person, including the State or any county, shall
23 construct, modify, or expand a [~~waste or disposal facility including a municipal solid waste~~
24 ~~landfill unit, any component of a municipal solid waste landfill unit, a construction and~~
25 ~~demolition landfill unit, or any component of a construction and demolition~~]-landfill unit or

1 component of a landfill unit without first establishing a buffer zone of no less than one-half mile
2 around the [~~waste or disposal facility~~]landfill unit. This subsection shall not apply to the
3 continued operation of an existing [~~waste or disposal facility~~]landfill unit that is properly
4 permitted; provided that continued operation does not require physical expansion, vertical to
5 the above ground surface or horizontal, of the [facility]landfill unit or component of the landfill
6 unit, requiring additional permitting review and a permit modification.

7 ~~[For the purposes of this subsection:~~

8 ~~“Buffer zone” means the distance between the edge of waste or waste activity and the~~
9 ~~nearest residential, school, or hospital property line.~~

10 ~~“Waste or disposal facility” excludes individual, state certified, non-industrial~~
11 ~~redemption centers.]~~

12 (c) Beginning July 1, 2025, no person, including the State or any county, shall construct,
13 modify, or expand a landfill unit, any component of a landfill unit inland of the underground
14 injection control line in a county with a population greater than five hundred thousand. This
15 subsection shall not apply to the continued operation of an existing landfill unit that is properly
16 permitted; provided that continued operation does not require physical expansion, vertical to
17 the above ground surface or horizontal, of the landfill unit, requiring additional permitting
18 review and a permit modification.

19 (d) For the purposes of this section:

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

22 “Landfill unit” means a municipal solid waste landfill unit or a construction and
23 demolition landfill unit.

24 “Underground injection control line” means the line determined by the department
25 under rules adopted pursuant to section 340E-2.””

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

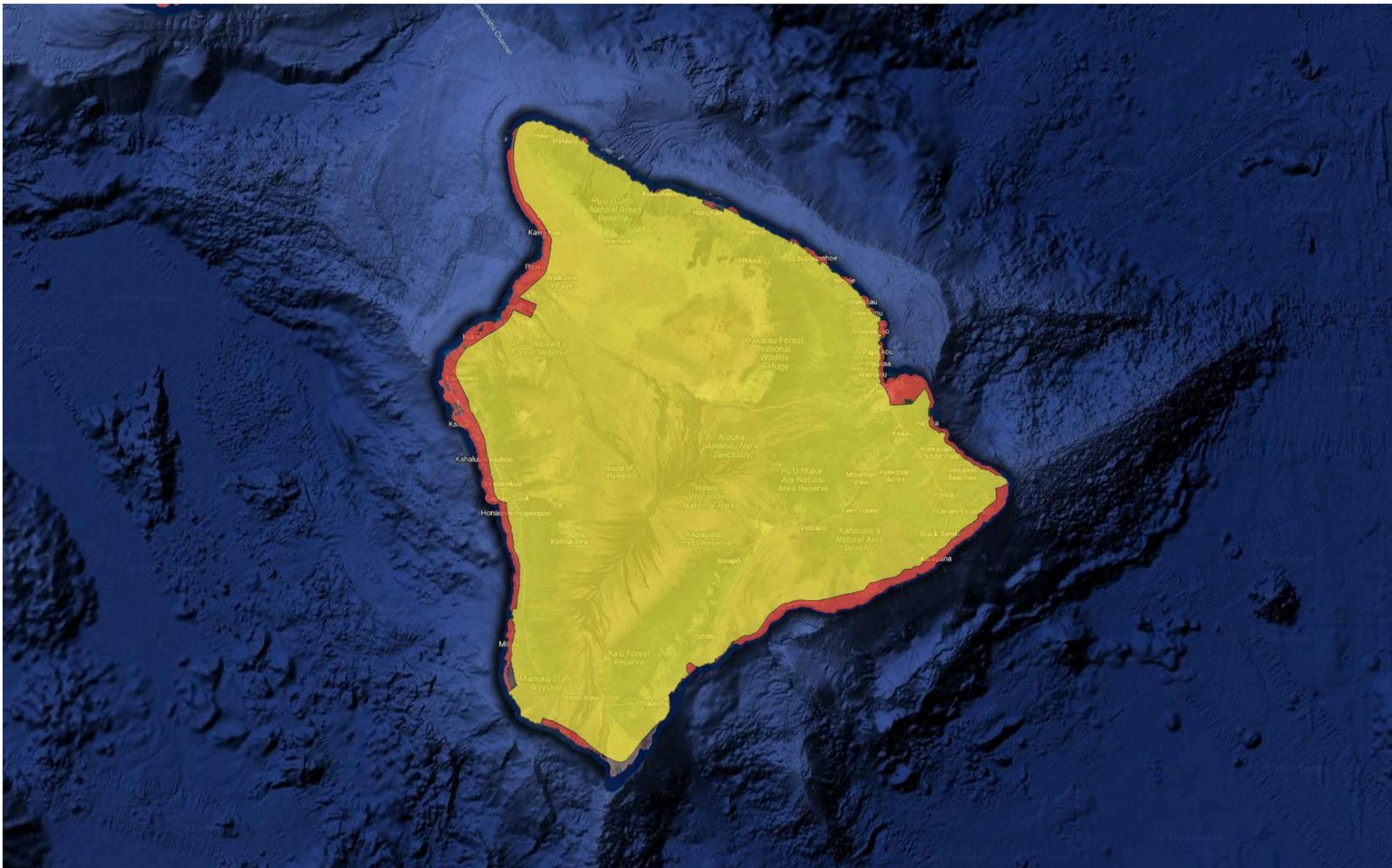


Figure 1: County of Hawaii: Top Layer, Yellow - UIC Line; Bottom Layer, Red - Current Restrictions

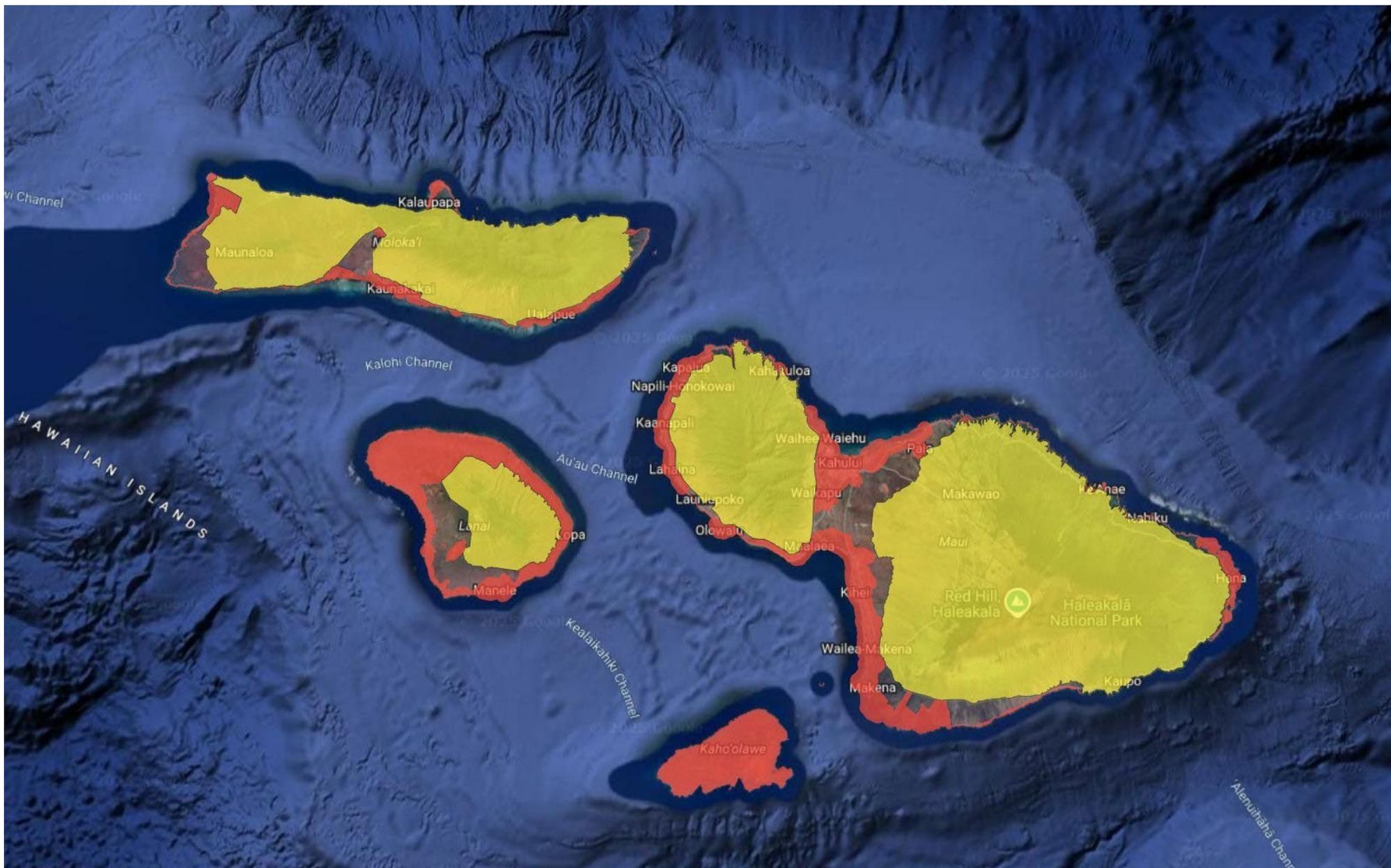


Figure 2: County of Maui. Top Layer, Yellow: UIC Line; Bottom Layer, Red: Current Restrictions

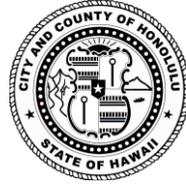


Figure 4: County of Kauai. Top Layer, Yellow: UIC Line; Bottom Layer, Red: Current Restrictions

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

1000 ULU'ŌHI'A STREET, SUITE 308 • KAPOLEI, HAWAII 96707
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DIRECTOR
PO'O

MICHAEL O'KEEFE
DEPUTY DIRECTOR
HOPE PO'O

IN REPLY REFER TO:
WAS 25-47

March 18, 2025

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

Dear Chair Hashem and Vice Chair Lamosao:

SUBJECT: SB438, SD2, HD1 - Relating to Waste Disposal Facilities

The City and County of Honolulu's (City) Department of Environmental Services (ENV) submits the following comments on SB438, SD2, HD1, 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 SD 2 HD 2, known as Act 73, which placed several restrictions on where a landfill could be located. Act 73 prohibits landfills from being located within one-half mile of residential, school or hospital property lines, or within a conservation district. In addition to Act 73, state law restricts landfills in tsunami evacuation zones and federal law prohibits landfills from being located within 10,000 feet of an airport. Combined, these restrictions drastically reduce the number of feasible sites for a landfill to a few small areas above O'ahu's aquifers. Additionally, following extensive discussions between 2023 and 2024, the Navy informed the City it was unable to offer federal land for a City landfill, including land on the Waipi'o Peninsula that the City had previously identified as a viable landfill site.

The Honorable Mark J. Hashem, Chair
The Honorable Rachele F. Lamosao, Vice Chair
and Members of the Committee on Water and Land
415 South Beretania Street
Honolulu, Hawai'i 96813
March 18, 2025
Page 2

It is important to note that if SB438, SD2, HD1 were to become law and locating a landfill near or above an aquifer, on class A or B agricultural land, or inland of the underground injection control line, were legally prohibited, given the restrictions imposed by Act 73, other state and federal laws, decisions and orders and permits, the City and ENV would be left with no legally permissible and feasible options to site a landfill on O'ahu without further action to change existing legal limitations on siting an alternative landfill to WGSL outside the aquifer and not on class A or B agricultural land.

If SB438, SD2, HD1 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 SB438, SD2, HD1 were to become law and Act 73 was not amended, the City would have no choice but to pursue a legally prohibited expansion at WGSL.

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

Sincerely,

For

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

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

630 SOUTH BERETANIA STREET • HONOLULU, HAWAII 96843
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ERNEST Y. W. LAU, P.E.
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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

March 20, 2025

The Honorable Mark J. Hashem, Chair
and Members
House Committee on Water and Land
Hawaii'i State Capitol, Room 411
Honolulu, Hawaii'i 96813

Dear Chair Hashem and Members:

Subject: Senate Bill 438, SD2, HD1: Relating to Waste Disposal Facilities

The Honolulu Board of Water Supply (BWS) strongly supports Senate Bill (SB) 438, Senate Draft (SD) 2, House Draft (HD) 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 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 situated over the aquifer may impact the quality and/or quantity of the water resources used or expected to be used as drinking water.

The Honorable Mark J. Hashem, Chair
and Members
March 20, 2025
Page 2

As an alternative to the underground injection control (UIC) line, the BWS suggests this Committee consider using the BWS *No Pass Zone* as it is less restrictive than the UIC line and will allow more options for the City and County of Honolulu to explore alternative sites for a landfill.

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

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

Thank you for the opportunity to provide testimony in support of SB 438, SD 2, HD 1.

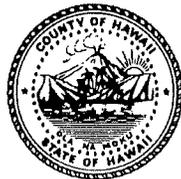
Very truly yours,

A handwritten signature in blue ink, appearing to read 'E. W. Lau', with a long horizontal flourish extending to the left.

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

C. Kimo Alameda, Ph.D.
Mayor

William V. Brillhante Jr.
Managing Director



Wesley R. Segawa
Director

Craig Kawaguchi
Deputy Director

County of Hawai'i

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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March 24, 2025

COMMITTEE ON LAND AND WATER

Rep. Mark J. Hashem, Chair

Rep. Rachele F. Lamosao, Vice Chair

Hawai'i State Capitol

Honolulu, HI 96813

Re: Testimony in Opposition of Senate Bill (SB) 438 SD2 HD1 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 Hashem, Vice Chair Lamosao and Committee Members,

The County of Hawai'i Department of Environmental Management submits this testimony in opposition to SB 438 SD2 HD1. While we share the bill's goal of protecting aquifers and agricultural lands, the current draft presents flaws that will impede our ability to manage solid waste sustainably.

Key Concerns and Impacts:

1. Effective Landfill Ban via UIC Line Restriction (Section 342H-52(b)):
 - o The proposed use of the Underground Injection Control (UIC) line as a landfill boundary will effectively ban future landfills on the majority of Hawai'i Island (See attached map).
 - o This restriction eliminates vast areas crucial for future waste disposal, creating an unmanageable constraint on our long-term planning.
2. Unworkable Buffer Zones (Section 342H-52(c)):
 - o Even with a reduced buffer zone (¼-mile), combined with the UIC line and agricultural land restrictions, viable landfill siting becomes virtually impossible.
 - o The existing ½-mile buffer in Act 73, further solidified in this bill, exacerbates this problem.
3. Lack of Adequate "Grandfather Clause" (Section 342H-52(c)):
 - o The bill fails to provide a robust "grandfather clause" to protect existing, properly permitted landfills with proven safe operation.
 - o This creates regulatory uncertainty and could jeopardize the continued operation of essential facilities, despite their environmental compliance.
4. Increased Regulatory Burden and Impaired Waste Management:
 - o The combined restrictions will significantly increase the regulatory burden, hindering development and discouraging investment in critical waste management infrastructure.

- This directly threatens the County's ability to manage solid waste effectively and protect public health.
- 5. Broad Prohibition of Solid Waste Activities on Agricultural Lands (Section 183C-4 & 342G-1, HRS):
 - The bill's language extends beyond landfills, prohibiting all solid waste activities (including composting, recycling, etc.) on designated agricultural lands.
 - This severely limits options for waste reduction facilities.
- 6. Concerns regarding the UIC line use.
 - Using the UIC line as a boundary creates very limited space for future landfills, especially in conjunction with the other restrictions.
 - The figure provided shows how limiting these restrictions are.

Proposed Solutions:

- Reconsider the UIC line restriction: Explore alternative methods for aquifer protection that do not eliminate vast land areas.
- Provide a strong Grandfather clause: Protect existing landfills that are operating correctly.
- Refine Buffer Zone Requirements: Reevaluate buffer zones to ensure they are scientifically justified and do not create impractical siting constraints.
- Clarify Agricultural Land Prohibitions: Narrow the scope of prohibitions to focus on high-risk waste disposal activities, allowing for essential recycling and composting facilities.
- Collaborative Approach: Engage in a collaborative process with the County to develop effective and sustainable waste management solutions.

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

RICHARD T. BISSEN, JR.
Mayor

JOSIAH K. NISHITA
Managing Director



OFFICE OF THE MAYOR
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WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov

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

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

DATE: March 17, 2025

SUBJECT: **OPPOSITION OF SB438, RELATING TO LANDFILLS**

Thank you for the opportunity to testify in OPPOSITION of this measure which prohibits landfill units on land in an agricultural district with class A or B soils. Prohibits the construction, modification, or expansion of any waste or disposal facility for solid waste or hazardous waste on land that is near or above a significant aquifer. Clarifies that beginning July 1, 2025, the existing buffer zone between waste or disposal facilities and residential, school, or hospital property lines applies to municipal solid waste landfill units or components, construction and demolition landfill units, and their components. Prohibits the construction, modification, or expansion of a landfill unit inland of the underground injection control line in a county with a population greater than five hundred thousand, with certain exemptions.

We do not oppose protecting drinking water, but do **OPPOSE** 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. As the LSB studies classifying the Agricultural Lands has not been updated since its inception, the classifications do not reflect the current conditions. This bill would prevent any further expansion of needed facilities.

Mahalo for your consideration.

SOLID WASTE DIVISION

DEPARTMENT OF PUBLIC WORKS

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

BOYD GAYAGAS, DEPUTY COUNTY ENGINEER



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

Testimony of Allison Fraley
Solid Waste Division Chief
County of Kaua'i, Department of Public Works

Before the
House Committee on Water and Land
Thursday, March 20, 2025; 9:30 a.m.
Via Conference Room 325 and Videoconference

In consideration of
Senate Bill 438 SD2, HD1
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 **offers comments** on Senate Bill 438 SD2, HD1 relating to waste disposal facilities.

Regarding prohibiting landfills on class A or B agricultural lands, please note that there is an existing process at the County and State levels requiring approval of a special permit covering agricultural land proposed for use as a landfill. These processes ensure public notice and input, public hearings, and a thorough review is performed on proposed projects, that if permitted, would be justified. Special permits typically include a series of conditions specific to the location and use of the land. These processes provide a means for case-by-case review of proposed non-agriculture type land uses that permits only those that are essential for public health and safety, such as a modern landfill operation, without applying a blanket prohibition on agricultural zoned lands.

Should the committee decide to keep agricultural land use restrictions in the bill, we respectfully request consideration of an amendment to the bill to remove the restriction on siting landfills above class B agricultural land, and to limit this prohibition to class A agricultural land only. If SB 438 SD2 HD1 were to become law as written and locating a landfill on class B agricultural land were prohibited, Kaua'i County would not have feasible options for siting a new landfill. Despite extensive efforts to provide opportunities for recycling, reuse, and minimization of landfill waste, the generation of municipal solid waste is an unavoidable reality in our County, as well as the State of Hawai'i. Safe disposal of this waste is necessary, and the current landfill capacity on Kaua'i and potential new sites are significantly limited.

Should the committee decide to keep the restriction on class B agricultural land, we alternatively request consideration of an amendment limiting this restriction to counties with a population greater

than 500,000 residents, similar to the section of the bill relating to the underground injection control line. While we strive to maintain solidarity with our counterparts across the state, we request this potential amendment to ensure that Kaua'i has options to site a new landfill.

We would like to note that while the proposed bill defines "significant aquifer" as a freshwater aquifer with the potential to be used as a drinking water source, this definition requires clarification and study. Aquifers could be treated to provide potential use as a drinking water source. This bill could prohibit expansions of existing landfills and siting of new landfills on Kaua'i, as all land overlays an aquifer of some type. A restriction on construction, modification, or expansion of existing and proposed landfills over an aquifer, significant or otherwise, would further limit the already heavily restricted options for siting a fully lined and regulated landfill required to manage municipal waste safely. The design of modern landfills considers geological and hydrological factors to ensure they are constructed and operated without harm to the public.

The County of Kaua'i has spent decades seeking a new landfill site. Limited land availability and increased restrictions for landfill siting due to State and Federal restrictions and the recently passed Act 73 have made this work increasingly challenging. Waste disposal facilities are not optional, and facilities like landfills that can safely manage waste must be available to the public. We urge the committee to consider this bill's impacts on all existing landfills in the state and future landfill siting options.

Thank you for the opportunity to testify on this measure.



SIERRA CLUB OF HAWAI'I

HOUSE COMMITTEE ON WATER & LAND

March 20, 2025

9:30 AM

Conference Room 411

In **SUPPORT** of **SB438 SD2 HD1**: RELATING TO WASTE DISPOSAL FACILITIES

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

On behalf of our over 20,000 members and supporters, the Sierra Club **STRONGLY SUPPORTS** SB438 SD2 HD1, which will help to keep us from failing in our kuleana to safeguard our precious and limited drinking water aquifers from irreparable contamination.

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

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

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

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

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



SIERRA CLUB OF HAWAI‘I

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

With the ongoing Red Hill water crisis still unfolding, we must remember the importance of protecting our remaining clean water sources throughout the islands, if we wish to do right by our children, grandchildren, and all future generations who will call Hawai‘i home. As our climate continues to destabilize and water and other natural resources become ever more scarce, we have a heightened kuleana to safeguard what resources we still have, to provide our islands’ future residents and communities with the best chance of a hopeful existence that we can give them. SB438 SD2 HD1 is one step to ensuring that we do not fail in this existential duty.

Accordingly, the Sierra Club urges the Committee to **PASS** SB438 SD2 HD1. Mahalo nui for the opportunity to testify.



445 South Street
Morristown, NJ 07960
862.345.5000

March 18, 2025

Honorable Mark J. Hashem, Chair
Honorable Rachele F. Lamosao, Vice Chair
and Members on the Committee on Water and Land

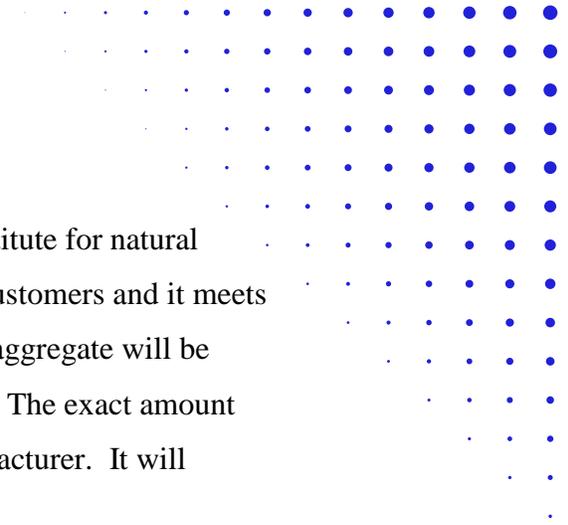
Re: SB 438, SD2, HD1 - RELATING TO WASTE DISPOSAL FACILITIES
SUBMITTING COMMENTS

Dear Chair Hashem, Vice Chair Lamosao, and Members:

Reworld is the operator of the HPOWER waste-to-energy facility owned by the City and County of Honolulu. The City and Reworld are working in partnership on a project to move up the waste hierarchy and reduce the amount of waste sent to the landfill. We oppose any amendment to SB 438, SD2, HD1 that would prohibit the reuse of ash from waste-to-energy facilities. **The ash amendment being proposed is not germane to the underlying bill to ban landfills over aquifers, and would also kill the City's project to reuse ash to prolong the life of the existing landfill. We respectfully request that any language or amendment related to an ash prohibition be rejected from inclusion in SB 438, SD2, HD1.**

As an important point of clarification, the permit application that has been submitted to DOH is not for the use of ash. It is for use of commercial aggregate that has been recovered from bottom ash through a series of screening and metal recovery steps. This process is analogous to the recovery of metal from ash in that it separates a usable commodity from the non-usable fraction.

HPOWER ash results from a carefully controlled combustion process in an engineered and monitored facility using municipal solid waste (MSW) sources that are specifically allowed by permit. It is routinely tested and has been shown to be non-hazardous in accordance with USEPA's toxicity characteristic leaching procedure (TCLP). Currently, this material is sent to the Waimanalo Gulch landfill for disposal. The project would reduce the amount of ash sent to the landfill by up to 60%. This would reduce disposal costs for the City, save precious landfill capacity, reduce truck traffic and offset the need for importation of aggregate.



The recovered aggregate will be used in asphalt as a substitute for natural aggregate only if it meets the technical requirements of asphalt customers and it meets the environmental requirements established by the HDOH. The aggregate will be used only as a partial substitute for natural aggregates in asphalt. The exact amount will be established by the HDOH and the asphalt/concrete manufacturer. It will probably comprise about 25% of the total asphalt mix.

The aggregate will be recovered from bottom ash, not “combined ash”. Therefore, fly ash, which contains higher concentrations of constituents of concern (CoC), is not present in the ash feedstock involved in this project or the recovered aggregate product.

We ask that the committee reject and remove any amendments which seeks to block the City’s sustainable waste management project involving HPOWER ash. Efforts being made to make the City and County of Honolulu less dependent on dwindling Oahu landfill capacity should be supported, not prevented.

Thank you for the opportunity to testify.

Frazier Blaylock
Senior Director, Government Relations
Reworld (f/k/a Covanta)
4960 Fairmont Avenue #605
Bethesda, MD 20814





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March 20, 2025

HEARING BEFORE THE
HOUSE COMMITTEE ON WATER & LAND

TESTIMONY ON SB 438, SD2, HD1
RELATING TO WASTE DISPOSAL FACILITIES

Conference Room 411 & Videoconference
9:30 AM

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

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

The Hawai'i Farm Bureau supports SB 438, SD2, HD1, which prohibits landfill units on land in an agricultural district with class A or B soil and 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. Protecting Hawai'i's water resources and prime agricultural lands is essential for the long-term sustainability of both agriculture and public health.

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

In addition to safeguarding aquifers, SB 438, SD2, HD1 protects Class A and B agricultural lands from being used for landfill units. These lands represent Hawai'i's most productive farmland, essential for food security and reducing reliance on imports. Preserving these lands for farming rather than industrial uses aligns with the state's commitment to increasing local food production and supporting the agricultural economy.

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

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

We urge the committee to pass SB 438, SD2, HD1 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

March 19, 2025

To: Chair Mark J. Hashem, Vice Chair Rachele F. Lamosao, and Members of the Committee on Water & Land

Date: Thursday, March 20, 2025 Time: 9:30 a.m.

Place: Via Videoconference and Conference Room 411

Subject: Testimony in Strong Support of SB438 SD2 HD1 with Proposed Amendment

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

The Environmental Caucus of the Democratic Party of Hawaii strongly supports SB438 SD2 HD1, with a proposed amendment to reinstate the **requirement that toxic incinerator ash not be used in road building, construction, or as alternative daily cover, but must instead be disposed of in a double-lined and duly licensed solid or hazardous waste landfill**. This amendment was included in SB438 SD2 but was removed in SB438 SD2 HD1. Reinstating this provision is critical to ensuring the protection of Hawaii's environment and the health and safety of its residents.

Toxic Chemicals in Incinerator Ash: Incinerator ash contains a range of hazardous substances, including:

- **Dioxins and Furans:** Persistent organic pollutants (POPs) that are highly toxic and can cause cancer, reproductive and developmental issues, and immune system damage.
- **Heavy Metals:** Such as lead, cadmium, mercury, and arsenic, which are toxic to humans and the environment, causing neurological, developmental, and systemic health problems.
- **Polychlorinated Biphenyls (PCBs):** Known carcinogens that also affect the immune, reproductive, and endocrine systems.
- **Hexavalent Chromium:** A potent carcinogen that can contaminate soil and water.

Why Incinerator Ash Should Be Classified as Hazardous Material:

- The presence of these toxic chemicals poses significant risks to human health and the environment if not properly managed.

- Using incinerator ash in construction or as alternative daily cover can lead to the leaching of hazardous substances into soil and groundwater, contaminating drinking water supplies and agricultural lands.
- Proper disposal in double-lined and licensed hazardous waste landfills ensures containment and minimizes the risk of exposure to these harmful substances.

Key Points in Support of SB438 SD2 HD1:

1. Protecting Agricultural Lands:

- Prohibiting landfill units on agricultural lands with Class A or B soils ensures that Hawaii's most fertile lands remain dedicated to food production and agricultural sustainability.

2. Safeguarding Aquifers and Water Resources:

- Prohibiting the construction, modification, or expansion of waste disposal facilities near or above significant aquifers is essential to protecting Hawaii's drinking water supply from contamination.

3. Strengthening Buffer Zones:

- Clarifying that buffer zones apply to municipal solid waste landfill units, construction and demolition landfill units, and their components ensures that residential, school, and hospital properties are adequately protected from the adverse impacts of waste facilities.

4. Prohibiting Landfills Inland of the Underground Injection Control Line:

- Restricting landfill construction inland of the underground injection control line in counties with populations greater than 500,000 reflects a commitment to safeguarding densely populated areas from potential environmental hazards.

SB438 SD2 HD1 represents a vital step toward responsible waste management and environmental stewardship in Hawaii. We urge the committee to pass this measure with the proposed amendment to ensure comprehensive protection for our lands, water, and communities.

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

Respectfully submitted,

Melodie Aduja and Alan Burdick

Co-Chairs Environmental Caucus of the Democratic Party of Hawaii

Comments before
March 20, 2025
House Committee on Water and Land

**IN SUPPORT OF
Senate Bill 438**

Relating to Landfill Siting

Mike Ewall, Esq.
Founder & Director
Energy Justice Network
215-436-9511
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www.EnergyJustice.net

Aloha Honorable Committee members. Energy Justice Network is a national organization supporting grassroots groups working to transition their communities from polluting and harmful energy and waste management practices to clean energy and zero waste solutions. In Hawai'i, we've been working with residents who first sought our support in 2015. Since mid-2022, we have supported residents in forming the Hawai'i Clean Power Task Force and Kōkua nā 'Āina to address numerous energy and waste issues in the state.

We support this bill to prevent building landfills over the aquifer. The Honolulu Board of Water Supply has rightfully spoken up against putting this ash over our aquifer, whether in a landfill or in road-building, and we concur. **We urge you to amend SB 438 to restore the language that the senate incorporated in [SB 438 SD2](#) and [SB 446 SD2](#) to ban the use of toxic incinerator ash in roads, construction, or as daily landfill cover.** If it is too dangerous to have the same ash in a double-lined landfill over O'ahu's aquifer, it is surely too dangerous to put in roads all over the aquifer with no liners.

Please add this language to protect against this reckless ash "recycling" proposal, as follows, inserting the following on page 14, line 19:

AMENDMENT:

Section 342H-52 Prohibitions; buffer zones:

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

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

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

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

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

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

The City and County of Honolulu ("city") is pursuing permits from the Department of Health to build a facility near the H-POWER trash incinerator in Campbell Industrial Park in Kapolei. This facility would be owned by the city and operated by Reworld (formerly Covanta) – the same owner/operator relationship that they have for the H-POWER incinerator. These proponents of ash "recycling" into roads have been spreading misinformation that needs to be corrected.

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

Department of Health would not be regulating ash reuse "case-by-case." DOH would be permitting the ash recycling facility, enabling the county to then mix the toxic ash into asphalt at which point it is deregulated and not subject to case-by-case determinations.

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

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

They are not “removing aggregate” from the bottom ash. Reworld also claims that they’re removing “aggregate” from the ash as if that is separate from the ash. The City and County of Honolulu and Reworld claim that they’d be diverting 60% of the ash from the landfill. If this is the case, it is the ash itself that they want to put into roads, not just some rocks they pull out of the ash. It will be the same ash that research shows will leach arsenic and other toxic metals in real-world landfill conditions over time.

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

Ash recycling into roads is failed technology. Schemes to “recycle” toxic incinerator ash into roads have failed across the country, in Tennessee, Maine, Oregon, York County, Pennsylvania – and most recently, Bucks County, Pennsylvania, which is the model that the City and County of Honolulu is holding up as the project they want to copy. That plant, owned and operated by Reworld (Covanta) removes metals from trash incinerator ash, and used to provide the remaining ash to a nearby asphalt company to use in roads. They stopped doing this in September 2022 and were going to restart in 2023, but never did. That project apparently failed, and ash is now going back to landfills, anyway.

Ash is not safe as daily landfill cover. Ash should never be used as alternative daily cover material for itself at a landfill. Daily cover is required to prevent harmful wastes from blowing into the community at night, and the idea of “alternative daily cover material” is a ploy by the landfill industry to save money by not putting soil on top of the landfill each day while making money taking waste instead. However, ash is fine material and there are examples from across the country where this has blown off of the landfill into communities. It’s better to require tarps for daily cover than to allow ash to be “cover” for itself, risking exposure to wind-blown ash particles.

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

EPA’s test does saying ash is “non-hazardous” does not mean it’s safe, non-toxic, or inert. EPA’s test for whether ash is hazardous does not account for exposure to ash by inhalation, ingestion, or even by touching it, as they now admit on their [website](#).

EPA’s test only looks at what leaches out under short-term lab conditions under a certain pH, where toxic chemicals like lead and cadmium do not leach out. Scientific experts have documented that this does not represent real-life conditions and that actual leaching of toxic chemicals from incinerator ash happens in real-life, even if not in EPA's test to determine whether

the ash is technically and legally “hazardous.” It is clear that passing this test does NOT mean that incinerator ash is “non-toxic” or “inert.” It is far from that.

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

EPA’s statement says:

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

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

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

In a 2/23/2022 meeting we had with key staff at the U.S. Environmental Protection Agency’s Office of Land and Emergency Management (the office that handles solid waste), EPA staff confirmed that the TCLP test is based solely on what leaches out of ash, not on exposure pathways involving inhalation or ingestion. This is a concern because there are exposure pathways not being considered. Incinerator workers are the first to be exposed. I’ve toured incinerators where you can write your name in the layer of ash dust that has settled and built up on the floor, yet workers are not wearing respiratory protection. There are anecdotes from communities where ash has blown off of trucks. When ash is dumped from trucks on the surface of landfills, there can be clouds of ash dust blowing away during that activity, which has been video documented by workers in one case I’ve seen. Incinerator ash is typically used as alternative daily cover material at landfills, which risks ash blowing into communities.¹ There are several examples of this that

¹ Historically, landfills are required to use soil as daily cover at the end of each day to prevent waste blowing into communities at night. However, the industry has learned that they can save money by not paying to fill their air space with clean soil, and *make* money taking waste in place of soil. The practice of using waste as “alternative daily cover material” (ADCM) has become commonplace, even though it can involve exposing the community to wind-blown incinerator ash or other wastes permitted to be used as ADCM. There are numerous cases of incinerator ash blowing off of landfills when ash is used as cover material for itself.

we're aware of. One – at the City of Baltimore's Quarantine Road Landfill – was noticed by the Maryland Department of the Environment and the city was ordered in 2010 to stop the practice since ash was blowing off-site (we believe that they have continued the practice). See the bottom of page 2 in this [memo](#). Off-site wind-blown ash has also been documented at an ash monofill in New England. Some landfills, like Old Dominion Landfill in Monroe (Henrico County), VA, use ash to build internal roads in landfills where trucks drive over the ash and can kick it up and track it off-site. The potentials for inhalation and ingestion are significant.

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

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

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

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

2024-11: Supporting Safe Management of Incinerator Ash

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

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

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

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

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

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

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

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

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

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

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

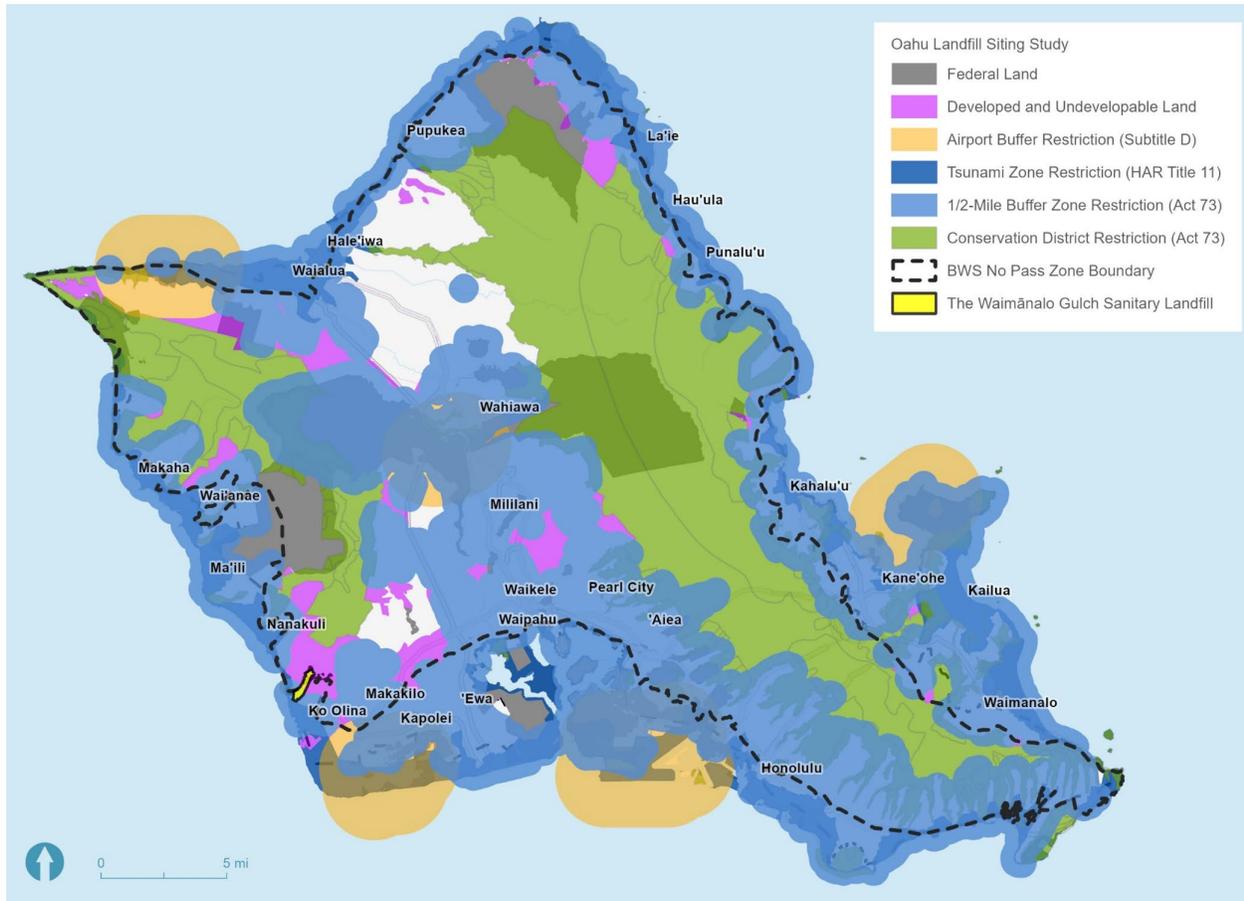
BACKGROUND INFORMATION IN SUPPORT OF SENATE BILL 438

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

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

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

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



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

1. Reduce toxicity by ending incineration

There are two things that make landfills particularly harmful: toxicity (from leachate and landfill gas releases) and climate impacts from gas generation. The toxicity is made far worse when burning waste and landfilling ash. The proposed landfill on Oʻahu is primarily for the toxic ash from the H-POWER trash incinerator.² The landfill will be far less dangerous if trash is placed there without burning it first, which makes it more possible for toxic chemicals in waste to get out and to blow off of trucks and off of the top of the landfill (especially when ash is used as daily cover material). The City and County of Honolulu is pursuing an even more dangerous plan – to take this toxic ash and build roads with it, which would essentially be linear unlined landfills all over the

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

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

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

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

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

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

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

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

SB-438-HD-1

Submitted on: 3/19/2025 6:02:17 PM

Testimony for WAL on 3/20/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Hedwig C Warrington	Kupuna for the Moopuna	Support	Written Testimony Only

Comments:

In SUPPORT OF SB438 SD2 HD1.

This bill is crucial for protecting our vital groundwater resources, now and for the next generations to come. **We urge you to pass SB438 SD2 HD1.**

Mahalo,

Kūpuna for the Mo‘opuna

SB-438-HD-1

Submitted on: 3/18/2025 9:13:23 AM

Testimony for WAL on 3/20/2025 9:30:00 AM

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

Comments:

My name is Geraldine Best and I am testifying in **SUPPORT** of SB 438 to protect our vital and precious water resources by prohibiting construction, modification, or expansion of landfills above the aquifer. While in **SUPPORT** of SB 438, its does **NOT** go far enough to protect the safety, health and physical well being of area residents and the community(s) surrounding them.

While attention is focused on protecting our aquifer, it is equally important to **increase the buffer zone** from 1/2 mile to **1 mile** --- thus further protecting the communities surrounding the landfill. Landfills are proven sources of dust, noxious fumes, traffic and environmentally hazardous elements that have **NO** place next to schools, hospitals, homes and/or communities surrounding them. A 1 mile buffer zone will provide some measure of protection from the many hazardous elements produced by being next to a land fill.

Protection of our aquifers along with increasing the buffer zone to 1 mile between the landfill and schools, homes/communities and hospitals is a **MUST**. Your **SUPPORT** of this bill is **TANTAMOUNT** to preserving /protecting our aquifers, schools, homes/communities and hospitals for now and for the future.

SB-438-HD-1

Submitted on: 3/18/2025 5:29:01 PM

Testimony for WAL on 3/20/2025 9:30:00 AM

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

Comments:

Thank you in advance!!!

This bill protects our water quality by preventing the building of landfills over the aquifer where it could threaten our only drinking water supply. Please restore the amendment that was in the final senate bill preventing the same toxic incinerator ash that would be in the landfill from being used to build roads.

The Honolulu Board of Water Supply has rightfully spoken up against putting this ash over our aquifer, whether in a landfill or in road-building. If it's too dangerous to have the same ash in a double-lined landfill over the aquifer, it is surely too dangerous to put in roads all over the aquifer with no liners.

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

Section 342H-52 Prohibitions; buffer zones:

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

SB-438-HD-1

Submitted on: 3/18/2025 6:00:42 PM

Testimony for WAL on 3/20/2025 9:30:00 AM

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

Comments:

Thank you in advance for considering this support. This bill protects our water quality by preventing the building of landfills over the aquifer where it could threaten our only drinking water supply. Please restore the amendment that was in the final senate bill preventing the same toxic incinerator ash that would be in the landfill from being used to build roads.

The Honolulu Board of Water Supply has rightfully spoken up against putting this ash over our aquifer, whether in a landfill or in road-building. If it's too dangerous to have the same ash in a double-lined landfill over the aquifer, it is surely too dangerous to put in roads all over the aquifer with no liners.

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

Section 342H-52 Prohibitions; buffer zones:to (d) No person shall utilize fly ash, bottom ash, or a combination of fly ash and bottom ash from a municipal waste combustor, including any ash residue that remains after removal of metals for recycling into new metal products, for the purposes of road building, construction, or as alternative daily cover material on a landfill. Notwithstanding use of Waimanalo Gulch Landfill cells constructed as of July 1, 2025, fly ash, bottom ash, or a combination of fly ash and bottom ash from a municipal waste combustor shall be disposed of only in a double-lined and duly licensed municipal solid waste or hazardous waste landfill.

SB-438-HD-1

Submitted on: 3/19/2025 8:12:23 AM

Testimony for WAL on 3/20/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Lauren R. Kaiser	Individual	Support	Written Testimony Only

Comments:

Aloha Chair and Committee Members,

I am writing to express my strong support for SB438, which would prohibit landfill units on land in agricultural districts with class A or B soils and prevent the construction, modification, or expansion of waste disposal facilities for solid or hazardous waste on land near or above significant aquifers. This bill is crucial to protecting O‘ahu's precious groundwater resources and preserving our limited agricultural lands. Our island's aquifers are irreplaceable sources of fresh water that sustain our communities. Once contaminated, these water sources can be damaged for generations or permanently lost.

Similarly, our prime agricultural lands are finite and essential for food security and sustainability. Using these valuable lands for waste disposal represents a short-sighted approach that compromises our long-term resilience and self-sufficiency. I strongly support the bill's intent to prevent a new double-lined landfill for H-POWER's incinerator ash from being built over the aquifer or on agricultural land.

However, I respectfully request an important amendment to address a significant loophole in the current version of the bill. The bill currently allows the same ash to be placed throughout the island in the form of roads with no liners. This represents an inconsistent approach to environmental protection. If we recognize that this ash poses enough risk to require special restrictions for landfills, we should apply similar precautions when the same material is used in road construction over our aquifers.

I urge the committee to amend SB438 to extend appropriate environmental safeguards to all uses of incinerator ash, ensuring comprehensive protection for our aquifers regardless of how the ash is utilized. Thank you for your consideration of this testimony and for your work to protect Hawai‘i's precious natural resources.

SB-438-HD-1

Submitted on: 3/19/2025 8:25:56 AM

Testimony for WAL on 3/20/2025 9:30:00 AM

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

Comments:

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

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

I urge the Committee to pass this important measure.

SB-438-HD-1

Submitted on: 3/19/2025 10:41:04 AM

Testimony for WAL on 3/20/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Shannon Rudolph	Individual	Comments	Written Testimony Only

Comments:

BAD IDEA to use incinerator ash on roads - good idea to not store it over aquifers.

SB-438-HD-1

Submitted on: 3/19/2025 11:16:34 AM

Testimony for WAL on 3/20/2025 9:30:00 AM

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

Comments:

This bill would still protect the aquifer on O‘ahu by preventing a new double-lined landfill for H-POWER's incinerator ash from being built over the aquifer or on agricultural land.

SB-438-HD-1

Submitted on: 3/19/2025 11:41:16 AM

Testimony for WAL on 3/20/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Shannon Matson	Individual	Comments	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Committee Members,

This bill protects our water quality by preventing the building of landfills over the aquifer where it could threaten our only drinking water supply. Please restore the amendment that was in the final senate bill preventing the same toxic incinerator ash that would be in the landfill from being used to build roads.

The Honolulu Board of Water Supply has rightfully spoken up against putting this ash over our aquifer, whether in a landfill or in road-building. If it's too dangerous to have the same ash in a double-lined landfill over the aquifer, it is surely too dangerous to put in roads all over the aquifer with no liners.

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

Section 342H-52 Prohibitions; buffer zones:

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

Mahalo for your consideration,

Shannon M.

Hawai'i Island Resident

SB-438-HD-1

Submitted on: 3/19/2025 6:00:59 PM

Testimony for WAL on 3/20/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Uilani Naipo	Individual	Support	Written Testimony Only

Comments:

I **strongly support SB438 SD2 HD1** that would prohibit the construction, modification, or expansion of waste and disposal facilities above “significant” aquifers on islands with a population greater than 500,000.

This bill is needed to protect our vital groundwater resources, particularly on O‘ahu, and especially in light of a short-sighted proposal to site a landfill over a drinking water aquifer serving Central and North O‘ahu. Landfills inevitably leak, and placing one above a drinking water aquifer will only result in the further contamination of our islands’ most precious resource, by highly toxic landfill leachate. This measure accordingly ensures that we do not threaten the water security of our children and future generations by siting landfills above their drinking water sources.

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

Please **PASS SB438 SD2 HD1**.

SB-438-HD-1

Submitted on: 3/19/2025 6:10:16 PM

Testimony for WAL on 3/20/2025 9:30:00 AM

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

Comments:

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

My name is Benton Kealii Pang, Ph.D., and I strongly support SB438 SD2 HD1, which would prohibit the construction, modification, or expansion of waste and disposal facilities above “significant” aquifers on islands with a population greater than 500,000.

As a biologist with over 35 years of experience working in conservation and invasive species management in Hawai‘i, I have seen firsthand the impact of environmental mismanagement on our fragile island ecosystems. The proposal to site a landfill over a drinking water aquifer serving Central and North O‘ahu is deeply concerning. Landfills inevitably leak, and placing one above a drinking water aquifer poses an unacceptable risk of contamination from highly toxic landfill leachate. Once our water is contaminated, there is no easy fix. This measure is a proactive step to ensure the long-term health and safety of our island residents and ecosystems.

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

I urge you to PASS SB438 SD2 HD1.

Mahalo for your time and consideration, Benton Kealii Pang, Ph.D.

SB-438-HD-1

Submitted on: 3/19/2025 7:15:37 PM

Testimony for WAL on 3/20/2025 9:30:00 AM

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

Comments:

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

My name is Monica Morris and I strongly support SB438 SD2 HD1, which would prohibit the construction, modification, or expansion of waste and disposal facilities above “significant” aquifers on islands with a population greater than 500,000.

This bill is crucial for protecting our vital groundwater resources, particularly on O‘ahu, and especially in light of a short-sighted proposal to site a landfill over a drinking water aquifer serving Central and North O‘ahu. Landfills inevitably leak, and placing one above a drinking water aquifer will only result in the further contamination of our islands’ most precious resource, by highly toxic landfill leachate. This measure accordingly ensures that we do not threaten the water security of our children and future generations by siting landfills above their drinking water sources.

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

I urge you to PASS SB438 SD2 HD1.

Sincerely,
Monica Morris

SB-438-HD-1

Submitted on: 3/19/2025 9:15:42 PM

Testimony for WAL on 3/20/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Karen Luke	Individual	Support	Written Testimony Only

Comments:

Aloha Chair, VC, and Members of the Committee,

I strongly support SB438, SD2, HD1 to prohibit the construction, modification, or expansion of waste and disposal facilities above “significant” aquifers on islands with a population greater than 500,000. Oahu has had too many problems with our primary source of water. We need strong laws to protect our aquifers.

Mahalo for your consideration.

Karen Luke in Ewa Beach

SB-438-HD-1

Submitted on: 3/19/2025 10:09:47 PM

Testimony for WAL on 3/20/2025 9:30:00 AM

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

Comments:

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

My name is Bo Bredfa and I **strongly support SB438 SD2 HD1**, which would prohibit the construction, modification, or expansion of waste and disposal facilities above “significant” aquifers on islands with a population greater than 500,000.

This bill is crucial for protecting our vital groundwater resources, particularly on O‘ahu, and especially in light of a short-sighted proposal to site a landfill over a drinking water aquifer serving Central and North O‘ahu. Landfills inevitably leak, and placing one above a drinking water aquifer will only result in the further contamination of our islands’ most precious resource, by highly toxic landfill leachate. This measure accordingly ensures that we do not threaten the water security of our children and future generations by siting landfills above their drinking water sources.

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

I urge you to **PASS SB438 SD2 HD1**.

Sincerely,
Bo Breda

SB-438-HD-1

Submitted on: 3/19/2025 10:11:55 PM

Testimony for WAL on 3/20/2025 9:30:00 AM

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

Comments:

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

My name is William Reese Liggett and I **strongly support SB438 SD2 HD1**, which would prohibit the construction, modification, or expansion of waste and disposal facilities above “significant” aquifers on islands with a population greater than 500,000.

This bill is crucial for protecting our vital groundwater resources, particularly on O‘ahu, and especially in light of a short-sighted proposal to site a landfill over a drinking water aquifer serving Central and North O‘ahu. Landfills inevitably leak, and placing one above a drinking water aquifer will only result in the further contamination of our islands’ most precious resource, by highly toxic landfill leachate. This measure accordingly ensures that we do not threaten the water security of our children and future generations by siting landfills above their drinking water sources.

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

I urge you to **PASS SB438 SD2 HD1**.

Sincerely,
William Reese Liggett

SB-438-HD-1

Submitted on: 3/19/2025 10:15:00 PM

Testimony for WAL on 3/20/2025 9:30:00 AM

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

Comments:

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

My name is Peter Wilson and I **strongly support SB438 SD2 HD1**, which would prohibit the construction, modification, or expansion of waste and disposal facilities above “significant” aquifers on islands with a population greater than 500,000.

This bill is crucial for protecting our vital groundwater resources, particularly on O‘ahu, and especially in light of a short-sighted proposal to site a landfill over a drinking water aquifer serving Central and North O‘ahu. Landfills inevitably leak, and placing one above a drinking water aquifer will only result in the further contamination of our islands’ most precious resource, by highly toxic landfill leachate. This measure accordingly ensures that we do not threaten the water security of our children and future generations by siting landfills above their drinking water sources.

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

I urge you to **PASS SB438 SD2 HD1**.

Sincerely,
Peter Wilson

SB-438-HD-1

Submitted on: 3/19/2025 10:21:02 PM

Testimony for WAL on 3/20/2025 9:30:00 AM

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

Comments:

I strongly support SB438 SD2 HD1.

Our precious groundwater resources must be protected and this bill is crucial for ensuring our water, now and for generations to come, remains clean and safe.

Please pass SB438 SD2 HD1.

SB-438-HD-1

Submitted on: 3/19/2025 10:50:48 PM

Testimony for WAL on 3/20/2025 9:30:00 AM

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

Comments:

My name is Barbara Altemus and I **strongly support SB438 SD2 HD1**, which would prohibit the construction, modification, or expansion of waste and disposal facilities above “significant” aquifers on islands with a population greater than 500,000.

This bill is crucial for protecting our vital groundwater resources, particularly on O‘ahu, and especially in light of a short-sighted proposal to site a landfill over a drinking water aquifer serving Central and North O‘ahu. Landfills inevitably leak, and placing one above a drinking water aquifer will only result in the further contamination of our islands’ most precious resource, by highly toxic landfill leachate. This measure accordingly ensures that we do not threaten the water security of our children and future generations by siting landfills above their drinking water sources.

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

I urge you to **PASS SB438 SD2 HD1**.

Sincerely,
Barbara Altemus

SB-438-HD-1

Submitted on: 3/19/2025 11:15:32 PM

Testimony for WAL on 3/20/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Michele Mitsumori	Individual	Support	Written Testimony Only

Comments:

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

My name is Michele Mitsumori and I strongly support SB438 SD2 HD1, which would prohibit the construction, modification, or expansion of waste and disposal facilities above “significant” aquifers on islands with a population greater than 500,000.

This bill is crucial for protecting our vital groundwater resources, particularly on O‘ahu, and especially in light of a short-sighted proposal to site a landfill over a drinking water aquifer serving Central and North O‘ahu. Landfills inevitably leak, and placing one above a drinking water aquifer will only result in the further contamination of our islands’ most precious resource, by highly toxic landfill leachate. This measure accordingly ensures that we do not threaten the water security of our children and future generations by siting landfills above their drinking water sources.

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

I urge you to PASS SB438 SD2 HD1.

Sincerely,
Michele Mitsumori

SB-438-HD-1

Submitted on: 3/20/2025 4:18:00 AM

Testimony for WAL on 3/20/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Michael Plowman	Individual	Support	Written Testimony Only

Comments:

Strongly Support.

SB-438-HD-1

Submitted on: 3/20/2025 4:20:16 AM

Testimony for WAL on 3/20/2025 9:30:00 AM

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

Comments:

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

My name is [Your name] and I **strongly support SB438 SD2 HD1**, which would prohibit the construction, modification, or expansion of waste and disposal facilities above “significant” aquifers on islands with a population greater than 500,000.

This bill is crucial for protecting our vital groundwater resources, particularly on O‘ahu, and especially in light of a short-sighted proposal to site a landfill over a drinking water aquifer serving Central and North O‘ahu. Landfills inevitably leak, and placing one above a drinking water aquifer will only result in the further contamination of our islands’ most precious resource, by highly toxic landfill leachate. This measure accordingly ensures that we do not threaten the water security of our children and future generations by siting landfills above their drinking water sources.

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

I urge you to **PASS SB438 SD2 HD1**.

Thank you.

Sincerely,

Dr. Jodi Rodar

SB-438-HD-1

Submitted on: 3/20/2025 5:34:57 AM

Testimony for WAL on 3/20/2025 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Noel Shaw	Individual	Support	Written Testimony Only

Comments:

Please make decisions that protect our most precious resource, water. Especially as people who live in the middle of the ocean on the most populated island, our water being clean and healthy for human consumption is the life line we depend on. We're already limited because of past harms done to these precious resources in recent years. Do not put us in a position that brings yet another threat to our water and to the water future generations of us will be dependent upon. Find another space for our waste and consider who should carry the burden of it carefully. It matters.

These decisions may require us to adapt our habits as island people but it's a necessary shift if we're going to be able to keep calling this place home. Take care our water, make reducing our waste accessible, let's do better!!! Ola I ka wai.