



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

**Testimony COMMENTING on SB964
RELATING TO WASTE MANAGEMENT.**

SENATOR MIKE GABBARD, CHAIR
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT
Hearing Date: 2/8/2021 Room Number: Via Videoconference

1 **Fiscal Implications:** Unknown

2 **Department Testimony:** Part I: It is the understanding of the Department of Health
3 (Department) that the main purpose of Part I of this bill is to exclude composting facilities from
4 the buffer zone requirement in Hawaii Revised Statutes (HRS) Section 342H-52. HRS Section
5 342H-52 requires a “waste or disposal facility including a municipal solid waste landfill unit, any
6 component of a municipal solid waste landfill unit, a construction and demolition landfill unit, or
7 any component of a construction and demolition landfill unit,” establish “a buffer zone of no less
8 than one-half mile around the waste or disposal facility”. The Department has concluded that a
9 “waste or disposal facility” is a landfill, and other types of solid waste facilities are excluded
10 given this language in the section itself, the insertion of the buffer zone requirement in Part IV of
11 HRS Chapter 342H that applies to municipal solid waste landfill criteria, and the definition of
12 “facility” in HRS Section 342H-51 to include “...land used for the disposal of solid waste.”
13 Therefore, composting facilities are already excluded from the buffer zone requirement. In order
14 to clarify this further, the Department proposes to (1) remove the extraneous wording “waste or”
15 from the term “waste or disposal facility” in HRS Section 342H-52 and to remove the portion of
16 the statute that excludes redemption centers from the “waste or disposal facility.”

17 Additionally, legislative intent as discussed in a committee report last session, clarified
18 the intent of one of the revisions to HRS 342H-52 was, “Making inapplicable to federal agencies

1 the prohibition on construction, operation, modification, expansion, or closure of a municipal
2 solid waste landfill unit without first obtaining a permit from the Director of Health...”

3 The removal of the Department of Health’s authority from permitting of federal
4 municipal solid waste (MSW) landfills, places the state in non-compliance of 40 Code of Federal
5 Regulations (CFR), Part 239, Subpart C “Requirements for Adequate Permit Programs.” 40
6 CFR Part 239, Section 6, “Permitting requirements,” state, “...(d) The state shall have the
7 authority to collect all information necessary to issue permits that are adequate to ensure
8 compliance with the relevant 40 CFR part 257, subpart B or 40 CFR part 258 federal revised
9 criteria.” Further, 40 CFR 239.13, “Criteria and procedures for withdrawal of determination of
10 adequacy,” states, “(a) The Regional Administrator [of the U.S. Environmental Protection
11 Agency] may initiate withdrawal of a determination of adequacy when the Regional
12 Administrator has reason to believe that: (1) A state no longer has an adequate permit program;
13 or (2) The state no longer has adequate authority to administer and enforce an approved program
14 in accordance with this part.” The loss of a federal approved program will no longer afford other
15 MSW landfills in the State, which are currently all owned by the Counties, the ability to design,
16 operate, close, and monitor their landfill using alternative designs or methods to the federal
17 standard that could be more suitable for local site conditions and more cost-effective. Therefore,
18 the Department respectfully asks that the Department’s authority over federal facilities be
19 reinstated and offer amendments in the section below.

20 Part II: The Department of Health agrees that composting is a great option for organics
21 management and landfill diversion, and respectfully opposes Part II of SB964. The bill proposes
22 to exempt “artisan scale” composting facilities from Department regulations, provided that they
23 do not pose a vector, dust, or odor problem as determined by the Department. “Artisan scale”
24 composting facilities are defined as three different types of composters: (1) receives less than
25 1,000 pounds of organic material per week on average; (2) composts on property under the
26 control of the waste generator; or (3) composts less than 3,000 cubic yards of yard trimmings.

1 The Department is concerned with a blanket exemption of all DOH rules as their purpose
2 is to protect human health and the environment. Although we understand the need to eliminate
3 the burden imposed by certain rules/requirements, eliminating compliance with all DOH rules
4 could compromise public health and welfare.

5 The Department’s concern over composting operations are not limited to vector, dust, and
6 odors, but also fire potential, nutrient loading, water pollution, and the quality of the finished
7 compost (stability, pathogens and other contaminants). We note that there are no proposed
8 restrictions on the compost’s use or distribution. By exempting these facilities from the
9 Department’s regulations, we lose the ability to evaluate the potential impact of the operation
10 and require appropriate controls that are protective of human health and the environment.

11 This bill assumes that the listed categories of “artisan scale” will not create a health and
12 environmental concern, when in fact, the proposed categories are too broad to reach that
13 conclusion. For example, organic material is not defined nor is there a discussion on the type or
14 size of composting operation for a waste generator. Organic material may include treated lumber,
15 sewage sludge, and fats, oils, and grease. Waste generators may include large landowners with
16 multiple property locations.

17 Sewage sludge and other pathogen-containing waste (such as animal waste) may contain
18 pathogenic bacteria, viruses, protozoa, or helminths. If not properly treated through the
19 composting operation, these types of waste could be a source of pathogenic contamination. The
20 proper treatment of sewage sludge for land application is covered under the Department’s
21 Chapter 11-62, Hawaii Administrative Rules. Public health and safety would be compromised if
22 these regulations were exempt.

23 We recognize that not all regulations may be suitable to all types of composting
24 operations. Therefore, the Department already has a tiered solid waste permitting program for
25 relatively small composting facilities that only composts less than 3,000 tons of yard trimmings
26 per year. For this type of operation, the facility receives its solid waste permit after 30 days of
27 submission of a complete application provided that the operation is in conformance with the

1 requirements already listed in the regulations. This type of regulatory oversight of small, low
2 impact operations is preferred over full exemptions such that the Department is notified of its
3 existence and still has an opportunity to evaluate its operations.

4 The Department also regulates the National Pollutant Discharge Elimination System
5 (NPDES) permit program. Composting facilities have federally regulated Standard Industrial
6 Classification codes in 40 CFR 122.26(b)(14) and are required to obtain NPDES permits for
7 industrial storm water discharges. Also, NPDES permits are required for composting facilities
8 that have point source effluent discharges to State surface waters. Therefore, exemption of state
9 regulations regarding NPDES permitting will not absolve the composters' responsibility of
10 complying with federal NPDES permitting requirements.

11 For these reasons we oppose Part II of SB964.

12 **Offered Amendments:**

13 Part I: Section 342H-52, Hawaii Revised Statutes, is amended to read as follows:

14 **“§342H-52 Prohibitions; buffer zones.** (a) No person, including any federal agency,
15 the State, or any county, shall construct, operate, modify, expand, or close a municipal solid
16 waste landfill unit, or any component of a municipal solid waste landfill unit, without first
17 obtaining a permit from the director. All permits for municipal solid waste landfill units shall be
18 subject to any terms and conditions that the director determines are necessary to protect human
19 health or the environment.

20 (b) No person, including the State or any county, shall construct, modify, or expand a
21 [~~waste or~~] disposal facility including a municipal solid waste landfill unit, any component of a
22 municipal solid waste landfill unit, a construction and demolition landfill unit, or any component
23 of a construction and demolition landfill unit without first establishing a buffer zone of no less
24 than one-half mile around the [~~waste or~~] disposal facility. This subsection shall not apply to the
25 continued operation of an existing [~~waste or~~] disposal facility that is properly permitted;

1 provided that continued operation does not require physical expansion, vertical or horizontal, of
2 the facility requiring additional permitting review and a permit modification.

3 For the purposes of this subsection:

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

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

8 Part II: Delete all proposed language.

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

COUNTY COUNCIL

Arryl Kaneshiro, Chair
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Felicia Cowden
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KipuKai Kualii



OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk
Scott K. Sato, Deputy County Clerk

Telephone: (808) 241-4188
Facsimile: (808) 241-6349
E-mail: cokcouncil@kauai.gov

Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawai'i 96766

February 5, 2021

TESTIMONY OF MASON K. CHOCK
COUNCIL VICE CHAIR, KAUAI COUNTY COUNCIL
ON
SB 964, RELATING TO WASTE MANAGEMENT
Senate Committee on Agriculture and Environment
Monday, February 8, 2021
1:00 p.m.
Via Videoconference

Dear Chair Gabbard and Members of the Committee:

Thank you for this opportunity to provide support in favor of SB 964, Relating to Waste Management. My testimony is submitted in my individual capacity as Council Vice Chair of the Kaua'i County Council.

SB 964 proposes to broaden the definition of "food waste" as used in integrated solid waste management, and excludes facilities designed primarily for composting organic material such as food waste and green waste, on-site school campus food waste programs, and recycling drop-off facilities from the requirement that waste or disposal facilities shall not be constructed, modified, or expanded without first establishing a buffer zone of no less than one-half mile from the nearest residential, school, or hospital property line. SB 964 also proposes to establish a class of artisan-scale composting operations exempt from department of health regulations to divert organic materials from Hawai'i's landfills.

Including these proposed elements in the integrated solid waste management processes provides additional avenues and opportunities towards addressing the increasing volume and various types of waste generated throughout the state.

Thank you again for this opportunity to provide testimony. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188 or via E-mail to cokcouncil@kauai.gov.

Sincerely,

MASON K. CHOCK
Council Vice Chair, Kaua'i County Council

AMK:mn

DEPARTMENT OF PUBLIC WORKS

TROY TANIGAWA, ACTING COUNTY ENGINEER

MICHAEL H. TRESLER, ACTING DEPUTY COUNTY ENGINEER



DEREK S.K. KAWAKAMI, MAYOR
MICHAEL A. DAHLIG, MANAGING DIRECTOR

Testimony of Allison Fraley
Acting Solid Waste Chief, County of Kaua'i

Before the
Senate Committee on Agriculture and Environment
Monday, February 8, 2021
Via Videoconference

In consideration of
Senate Bill 964
Relating to Waste Management

Honorable Chair Gabbard and Vice Chair Nishihara and Members of the Committee:

The County of Kaua'i Department of Public Works appreciates the intent of Senate Bill 964 and submits testimony **providing comments** on Section 2. which prohibits the construction, modification or expansion of a waste or disposal without first establishing a one-half mile buffer zone.

We agree with the exclusion of recycling drop-off facilities and composting facilities. However, recycling drop-off facilities are not well defined in the bill. It is unclear whether the construction of a small scale Materials Recovery Facility (MRF) sized for Kaua'i would also be excluded under this bill.

The County of Kaua'i operates four (4) Refuse Transfer Stations permitted in accordance with Federal and State requirements. The one-half mile buffer zone would prevent the expansion of these facilities and could limit the County's ability to manage solid waste.

The Kekaha Municipal Solid Waste Landfill has an estimated capacity of seven years. There is a limited inventory of available land that could host a waste processing facility and we are concerned that this bill would make siting a new landfill or alternate technology to landfill extremely difficult.

In the case of waste reduction facilities, the Puhi Metals Recycling Facility is the only facility on island that accepts and processes white goods, scrap metals, automobiles, and eWaste, and is located within a half-mile of residents. This facility which provides vital waste diversion activities could not expand if the bill were passed, and any lapse in the permit could prevent ongoing operations.

Solid waste management facilities are heavily regulated under Federal and State Rules, so the additional of a one-half mile buffer zone is not necessary and could produce a new public health threat associated with a reduction of waste management systems on Kaua'i.

We urge the Committees to consider the full impact Senate Bill 964 would have and thank you for allowing us to submit this testimony.



SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

Senator Mike Gabbard, Chair
Senator Clarence K. Nishihara, Vice Chair

Date: Monday, February 8, 2021 Time: 1:00 p.m. Place: Via Videoconference

Testimony of Kūpuna for the Mo'opuna

SB 964 – RELATING TO WASTE MANAGEMENT. **SUPPORT**

Aloha Chair Gabbard, Vice Chair Nishihara, and Members of the Committee:

We, Kūpuna for the Mo'opuna, a group of kūpuna Hawaiian homestead farmers committed to the well-being of Hawai'i for the next generations to come, **are in support of SB 964.**

SB 964 seeks to broaden and clarify the definitions pertaining to waste management; to improve Hawai'i's soil health as a means to reverse climate change; and to expand the state's capacity for capturing and processing organic waste. SB 964 is a bold and coordinated response to reverse global warming and make Hawai'i more resilient to the impact of storms, floods, fires, and sea level rise that threaten the very survivability of these fragile islands.

We urge this Committee to PASS SB 964. Mahalo.

Ua mau ke ea o ka 'āina i ka pono!

SB-964

Submitted on: 2/5/2021 12:23:58 PM

Testimony for AEN on 2/8/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Sylvia Dolena	Testifying for PELE LANI FARM LLC	Support	No

Comments:

I support this:

Part I: broadens the definition of "food waste" as used in integrated solid waste management. Excludes facilities designed primarily for composting organic material such as food waste and green waste, on-site school campus food waste programs, and recycling drop-off facilities from the requirement that waste or disposal facilities shall not be constructed, modified, or expanded without first establishing a buffer zone of no less than one-half mile from the nearest residential, school, or hospital property line. Part II: establishes a class of artisan-scale composting operations exempt from department of health regulations to divert organic materials from Hawaii's landfills.



Environmental Caucus

The Democratic Party of Hawaii

February 5, 2021

Re: **Bill #SB964**

Related to Waste Management Hearing: February 8, 2021 at

1:00pm

Position: **Strong Support**

Aloha Chair Gabbard, Vice-Chair Nishihara and members of the Agriculture and Environmental Committee,

The Environmental Caucus of the Democratic Party of Hawai'i (The Party) stands in strong support of SB964, which: broadens the definition of "food waste" as used in integrated solid waste management. Excludes facilities designed primarily for composting organic material such as food waste and green waste, on-site school campus food waste programs, and recycling drop-off facilities from the requirement that waste or disposal facilities shall not be constructed, modified, or expanded without first establishing a buffer zone of no less than one-half mile from the nearest residential, school, or hospital property line. Part II establishes a class of artisan-scale composting operations exempt from department of health regulations to divert organic materials from Hawaii's landfills.

Existing Department of Health regulations for composting are outdated and prohibitive. As we adhere to laws written over 20 years ago, the rest of the nation is moving forward with programs that ease restrictions on composting. This nationwide trend is driven by the need to take decisive action in the era of global warming. Diverting organics to compost piles significantly reduces methane production in landfills, while adding finished compost to soils improves their health and increases their capacity to capture carbon. This bill brings Hawai'i into alignment with reforms being made nationwide. Both Ohio and Guam have had success in their regulations to encourage new programs.

As municipalities across the US take decisive action to reap the many benefits of composting, Hawaii residents are held back by outdated state regulations that treat diverting and processing organic waste as an industrial activity. This bill will align Hawaii with the national trend towards easing restrictions on composting by specifically acknowledging the benefits of small-scale composting efforts that are clearly not industrial in



Environmental Caucus

The Democratic Party of Hawaii

nature and by allowing them to take place on industrial and agricultural lands provided they establish a ½ mile buffer zone around the waste or disposal facility.

Finally, a widespread distributed system of artisan scale composting operations represents the most effective means for capturing and processing organics with the least impact to the environment. Such operations pose no public health threat and there is no reason to hold back operators at this scale as DOH updates the regulations that govern commercial scale operations.

Mahalo for your consideration,

Jeff McKnight

Chair ECDPH Food Security and Agriculture Committee
Vice Chair, Environmental Caucus of the Democratic Party of Hawai'i

SB-964

Submitted on: 2/7/2021 9:27:25 AM

Testimony for AEN on 2/8/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
laurel brier	Testifying for Kauai climate action coalition	Support	No

Comments:

An important step in addressing the Climate Crisis is to get the organics out of the landfill where they produce methane gas and into composting which sequesters carbon. It's creating a business opportunity on Kauai



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

February 8, 2021

HEARING BEFORE THE
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

TESTIMONY ON SB 964
RELATING TO WASTE MANAGEMENT

Via Videoconference
1:00 PM

Aloha Chair Gabbard, Vice Chair Nishihara, and Members of the Committee:

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

The Hawaii Farm Bureau respectfully offers comments on SB 964, which excludes certain waste processing or collection facilities from the mandatory half-mile buffer zone from the nearest residential, school, or hospital property line and establishes a class of operations **exempt** from Hawaii Department of Health regulations.

1. HFB recognizes and supports the diversion of discarded food and other useful wastes away from landfills. The benefits of this and of composting are well-known. We also appreciate the desire to make compost available to Hawaii farmers; however, we do not agree with the statement (on lines 6 through 11 on page 5) copied below and respectfully request it be deleted. All claims in the preamble should be accurate, and science and evidence-based.

"The legislature further finds that the use of composted organics with their vast stores of macro-and micronutrients greatly improves the health of all soils in ways that protect and enhance natural systems, while imported, petroleum-based, and energy-intensive fertilizers destabilize a healthy soil microbiome."

Macro and micronutrients are easily quantified. It is very well-established that composted organics have only about one-tenth the concentration of nutrients as synthetic or mined (bagged) fertilizers which are the main source of fertilizers for the large majority of farmers. These fertilizers, along with best agronomic practices, are the foundation of our highly productive agriculture. This would not be the case if they destabilized healthy soils.

2. Because there are dire potential hazards and threats to public health, the environment, agriculture, and our rural communities from unregulated composting operations, HFB feels strongly that *no* commercial composting facility or operation should be exempt from DOH regulatory oversight, restrictions, inspection, and control. **The smaller size of an operation does**

not eliminate the valid concerns regarding public health and it certainly does not prevent the transmission of destructive invasive species such as Little Fire Ants and Coconut Rhinoceros Beetle.

Thank you for taking our concerns into consideration and for your continued support of Hawaii agriculture.

SB-964

Submitted on: 1/30/2021 4:14:11 PM

Testimony for AEN on 2/8/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Amy Brinker	Individual	Support	No

Comments:

Support

SB-964

Submitted on: 1/30/2021 4:59:43 PM

Testimony for AEN on 2/8/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Candace C Casper	Individual	Support	No

Comments:

It is imperative that this bill passes so we can allow Hawaii County to progress in our attempts to become more sustainable. It is ridiculous that I cannot process my green waste because I live in Ka'u. We have to be better than this! Cut the red tape and allow us to have local composting sites around the island that can be effectively utilized. I attended a zoom meeting about this subject and was excited to see there are smart people on Hawaii Island who can make this happen for us all.

SB-964

Submitted on: 2/1/2021 3:33:21 PM

Testimony for AEN on 2/8/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Danielle Burger	Individual	Support	No

Comments:

SB964 is an essential bill for establishing a circular economy that can divert methane-producing food waste into carbon- and soil- producing compost operations. This is a responsible measure for our environment and for our economy.

SB-964

Submitted on: 2/4/2021 1:57:22 PM

Testimony for AEN on 2/8/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
janice palma-glennie	Individual	Support	No

Comments:

Aloha,

i ask that you support SB964. Please help our islands work towards food security. One of the best ways to do that is to support small scale farmers on every level. With proper oversight, artisan-scale composting allows us to keep food waste out of the landfill and to get nutrients right back into our small farms.

Mahalo and sincerely,

janice palma-glennie

kailua-kona

SB-964

Submitted on: 2/4/2021 2:08:02 PM

Testimony for AEN on 2/8/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Ryan Christopher	Individual	Support	No

Comments:

Our islands need to focus on reducing our waste and finding better alternatives for our waste. This bill will help with that problem.

SB-964

Submitted on: 2/4/2021 2:21:15 PM

Testimony for AEN on 2/8/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Nako'olani Warrington	Individual	Support	No

Comments:

Please support and PASS SB 964. Mahalo nui for this important bill!

SB-964

Submitted on: 2/4/2021 2:42:51 PM

Testimony for AEN on 2/8/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Harriet Burkholder	Individual	Support	No

Comments:

I support this bill.

SB-964

Submitted on: 2/4/2021 2:51:31 PM

Testimony for AEN on 2/8/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Blake Watson	Individual	Support	No

Comments:

Aloha,

As an organic landscaper and farmer, I support the expansion and capacity of locally made soil amendments. As Hawaii Island is quite large, there is a pressing need to have more locations for dropping off green wastes and picking up composts. This bill allows for source point composting, which intergrates well with other value added businesses and is a common sense approach to island sustainability and regenerative practices. The more that we can do to allow for island-made soil improvements, the closer we can get to having food security.

Thank you for supporting this measure,

Blake Watson

SB-964

Submitted on: 2/4/2021 7:59:34 PM

Testimony for AEN on 2/8/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
jeanne wheeler	Individual	Support	No

Comments:

This bill is a wonderful step forward - please pass it! Mahalo

SB-964

Submitted on: 2/4/2021 8:23:05 PM

Testimony for AEN on 2/8/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Margaret Parish	Individual	Support	No

Comments:

Mahalo to Senator Acasio for introducing this bill. This is a no brainer. I strongly support this initiative. Composting is a vital component of waste management and any efforts to increase and institutionalize this practice are well worth the efforts.

SB-964

Submitted on: 2/5/2021 7:15:53 AM

Testimony for AEN on 2/8/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Megan Lamson Leatherman	Individual	Support	No

Comments:

Please support this much-needed bill and it's House companion related to sustainable waste management and artisan-scale composting efforts. Many thanks for your time and consideration.

Me ke aloha,

Megan Lamson Leatherman

Honalo, HI

SB-964

Submitted on: 2/5/2021 11:46:43 AM

Testimony for AEN on 2/8/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Alexia Akbay	Individual	Support	No

Comments:

Aloha e Agriculture Chair Senator Gabbard,

As a resident of Kailua-Kona, HI, I am writing to express my support for SB964 regarding waste management. This bill lays the foundation for multiple important, interactive steps in Hawaii's understanding of waste and the environment.

Most notably, this bill is a massive win for environmental justice by creating landfill buffer zones. Additionally, I believe this portion of the bill is a strategic risk management decision to prevent further health burdens on marginalized communities.

Second, new classification around artisanal composting will allow multiple organizations already on the ground to continue their educational efforts around food waste and better realize the organic value from these waste streams. This is particularly important when looking at Hawaii's current landfill capacity.

While a few minor changes, this bill has transformational potential to support continued innovation, healthier carbon-rich soils for increased agricultural productivity, and public health.

Mahalo nui loa for your time in considering this bill. I hope we will be able to promote these principles across the state.

With gratitude,

Alexia Akbay

SB-964

Submitted on: 2/7/2021 7:07:05 AM

Testimony for AEN on 2/8/2021 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Monica Stone	Individual	Support	No

Comments:

Organic materials like food scraps, green waste, paper and cardboard constitute 50% of the landfill contents here on Hawai'i Island. This translates to a massive resource we are missing out on. As an island without a lot of soil, we can actually aid local food production by composting our organic waste and turning it into soil amendements. This process also draws down carbon from the atmosphere and sequesters it into the soil, making it a valuable tool in addressing climate change.

Please support SB964 and pave the way for a robust network of small scale community composting operations that our state sorely needs.

Mahalo for receiving my testimony,

Monica Stone

Aloha, committee members. Mahalo for taking the time to hear this bill. For the section of this bill regarding exemptions of composting operations from buffer zone requirements, I support the DOH's suggested amendments (copied below) pivoting to restore appropriate oversight authority.

Part I: Section 342H-52, Hawaii Revised Statutes, is amended to read as follows:

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

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

For the purposes of this subsection:

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

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

The section addressing “artisan-scale” composting exemptions *could* address a niche scale of composting, however there are a number of details missing on the specific types of feedstocks that could be construed as “organic materials.” While 1,000 lbs per week of total feedstocks could be considered a low enough volume to be managed effectively with proper training and testing protocols, it is still a significant volume of material to pose some public health risk IF there was no oversight or verification of process. Given that, I would recommend that this section be given much more detail on the types of feedstocks allowed for this exemption level, add requirements for curing, testing any final product that is distributed off-site, and/or lower the exemption threshold to a range more palatable to DOH regulators, such as 500 lbs of organic feedstock per week limited to green waste, pre-consumer vegetative food waste, coffee grinds, spent mushroom substrate, spent grain, and other lower pathogenic organics.

Ultimately, more accessible regulation and permitting on composting (green waste only) and co-composting (green waste plus other organics like food, coffee, manure, grain, etc.) is urgently needed. The hundreds of thousands of tons of food waste alone in our waste stream are creating dire situations for the counties who bear the exorbitant costs of managing those materials that could be diverted for much more effective use; saving hundreds of millions of dollars and preventing environmental justice abuses with new landfill siting. The current composting and co-composting system is overloaded with an abundance of caution and does not serve the public interest by making the barriers to legal compliance so challenging and labor-intensive. While acknowledging that reforming composting regulations will take a lot of work, there are many existing tiered compost models across the country, so we do not need to reinvent the wheel. This issue is more pressing than many realize, and needs to be seen as a high priority, drawing on local and national expertise and energy to expedite reform.

Mahalo for the opportunity to provide comments on this bill.

Jennifer Milholen
Waste Reduction Coordinator
Kōkua Hawai'i Foundation

SB-964

Submitted on: 2/8/2021 10:03:44 AM

Testimony for AEN on 2/8/2021 1:00:00 PM



Submitted By	Organization	Testifier Position	Present at Hearing
Gretchen Losano	Testifying for West Maui Green Cycle, Zero Waste Maui	Support	No

Comments:

Aloha Chair Gabbard, Vice Chair Nishihara and the Agriculture and Environment committee,

I am suggesting some language changes (in line with the Department of Health) and following the EEP House Committee meeting on companion bill HB 856, we have these specific recommendations:

- For SB964, the following proposed language updates (in line with the DOH's requested amendments for this bill:
 - 1) Remove the extraneous wording "waste or" from the term "waste or disposal facility" in HRS Section 342H-52 and
 - 2) Remove the portion of the statute that excludes redemption centers from the "waste or disposal facility."
 - 3) It is also very important to reinstate the Hawaii Department of Health's authority over federal facilities, that was an unintended negative consequence of Act 73 as well.
 - 4) We suggest striking the artisan composting language as it is problematic for many different reasons and does not have the support of the health department.

Mahalo,

Gretchen Losano