

LINDA LINGLE  
GOVERNOR OF HAWAII



CHIYOME LEINAALA FUKINO, M.D.  
DIRECTOR OF HEALTH

STATE OF HAWAII  
DEPARTMENT OF HEALTH  
P.O. Box 3378  
HONOLULU, HAWAII 96801-3378

In reply, please refer to:  
File:

HOUSE COMMITTEE ON ENERGY AND ENVIRONMENTAL PROTECTION

HOUSE COMMITTEE ON WATER, LAND AND OCEAN RESOURCES

Bill No. 761

H.B. 761, RELATING TO LANDFILLS

Support Y  N

Testimony of Chiyome Leinaala Fukino, M.D.  
Director of Health

Date 2/11/09

February 12, 2009  
9:35 A.M.

Time 11:22a

Cat AF  AS  AX B C

Type  1  2 WI

1 **Department's Position:** The department respectfully opposes this bill.

2 **Fiscal Implications:** None

3 **Purpose and Justification:** This bill proposes to prohibit the construction of new municipal solid  
4 waste (MSW) landfill units in the areas of Nanakuli, Waianae, Maili, Makaha and Makua, Oahu after  
5 August 1, 2009.

6 The department opposes this measure because we believe that this is a case of home rule. In  
7 general, the counties are responsible for the collection, management, treatment and/or disposal of solid  
8 waste. As such, the City and County of Honolulu, in evaluating available solid waste management  
9 options, should be given the opportunity to evaluate all possibilities, so that they can select the most  
10 appropriate action for their county. However, we are not taking a position now on the City's proposed  
11 expansion of Waimanalo Gulch Landfill, which we understand to be before the Land Use Commission.

12 Thank you for the opportunity to testify.

13

DEPARTMENT OF ENVIRONMENTAL SERVICES  
**CITY AND COUNTY OF HONOLULU**

1000 ULUOHIA STREET, SUITE 308, KAPOLEI, HAWAII 96707  
TELEPHONE: (808) 768-3486 • FAX: (808) 768-3487 • WEBSITE: <http://envhonolulu.org>

MUFI HANNEMANN  
MAYOR



February 11, 2009

The Honorable Ken Ito, Chair  
and Members of the Committee on Water, Land & Ocean Resources  
House of Representatives  
State Capital  
Honolulu, Hawaii 96813

Dear Chair Ito and Members:

Subject: House Bill No. 761, Relating to Landfills

The City and County of Honolulu's Department of Environmental Services (ENV) opposes House Bill No. 761, which proposes modify Chapter 342H, HRS, to place a moratorium on new landfills on the leeward coast after August 1, 2009.

First, the City and County of Honolulu, and the other counties, are appropriately responsible for the siting of municipal solid waste landfills within their jurisdiction. It is inappropriate for the State of Hawaii to place limits on possible landfill locations on Oahu just as it would be inappropriate for the State to place similar limitations on locations of landfills in Kauai, Maui, or Hawaii counties. This alone is reason for this bill not to move forward.

Second, the premise of the findings in the bill is incorrect.

All citations received by the City and County of Honolulu and Waste Management Hawaii were self reported to the Department of Health and have been resolved.

The blue ribbon panel's recommendation for a new landfill was based on evaluation of all sites on Oahu with potential to become landfill sites. Over forty sites island-wide were evaluated for suitability with respect to RCRA Subtitle D criteria; present land use; Board of Water Supply review and evaluation; landfill capacity requirements; community, environmental and land use; and, economic, technical, and other considerations. In addition, members of the blue ribbon panel included six residents of the leeward coast.

TIMOTHY E. STEINBERGER, P.E.  
ACTING DIRECTOR

MANUEL S. LANUEVO, P.E., LEED AP  
DEPUTY DIRECTOR

ROSS S. TANIMOTO, P.E.  
DEPUTY DIRECTOR

IN REPLY REFER TO:  
WAS 09-48

Bill No. 761

Support Y  N

Date 2/11/09

Time 10:36a

Cat AF AS  B C

Type  2 WI

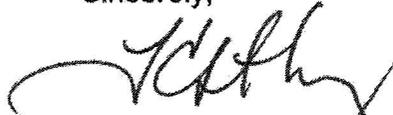
The Honorable Ken Ito, Chair  
and Members of the Committee on Water, Land & Ocean Resources  
February 11, 2009  
Page 2

Third, the bill is inconsistent in its definitions of "leeward coast". In Section 1, the existing Waimanalo Gulch is identified as being on the leeward coast; also it identifies that "the blue ribbon panel's recommendations for a new location were still largely biased toward siting a new landfill on the leeward coast"; and the proposed language for Chapter 342H is entitled "Leeward coast landfills; moratorium" while it specifically proposes the moratorium only for Nanakuli, Waianae, Maili, Makaha, and Makua.

Were this bill to move forward, the bill and language should be rewritten to remove references to the "leeward coast" and should address only the five specific areas. As written, the bill could unintentionally affect the pending expansion of the Waiamanalo Gulch landfill which is an essential part of the continuing near term handling of the County's solid waste. Any impact to the Waimanalo Gulch expansion would cause severe risk to the overall County's public health. It is also important to understand that it is physically impossible to site and construct a new landfill in less than five to seven years.

We firmly believe that this intrusion on the responsibility of the City and County of Honolulu is inappropriate and respectfully request that this bill not be passed.

Sincerely,



Timothy E. Steinberger, P.E.  
Acting Director

Bill No. 761

Support  Y  N

Date 2/11/09

Time 8:02

Cat AF AS AX  B  C

# IRONWORKERS STABILIZATION FUND

Honorable Representative Morita, Chair  
Honorable Representative Ito, Chair  
Members of the House Committee on Energy and Environmental Protection  
Members of the House Committee on Water, Land & Ocean Resources  
Hawaii State Capital  
415 South Beretania Street  
Honolulu, HI 96813

Type  1  2  WI

RE: IN SUPPORT OF HB761, RELATING TO LANDFILLS  
Hearing: Thursday, February 12, 2009

Dear Chair Morita and Chair Ito, and the House Committee on Energy & Environmental Protection & Committee on Water, Land & Ocean Resources:

The Ironworkers Stabilization Fund and the Ironworkers Union Local 625 STRONGLY SUPPORTS the passage of HB761, which does not allow any new landfills on the leeward coast.

We would like to amend this bill to add the following language:

"§342H- Leeward coast landfills; moratorium. (a) Any law to the contrary notwithstanding, no person, including any government agency or entity, shall construct or operate a new municipal solid waste landfill unit, or private landfill or expansion of any existing private landfill or any component of the preceding portion of this section on or after August 1, 2009

Thank you for the opportunity to submit this testimony in support of HB 761. We hope you can amend the language in this bill to include our portion.

# IRON WORKERS STABILIZATION FUND

**Fax No. - 586-9608**

February 11, 2009

Hon. Hermina M. Morita, Chair  
Committee on Energy & Environmental Protection  
State Capitol - Room 314

Hon. Ken Ito, Chair  
Committee on Water, Land & Ocean Resources  
State Capitol - Room 420

Ironworkers Stabilization Fund - T. George Paris, Executive Managing Director

Hearing Date - February 12, 2009, 9:35 a.m. - Conference Room 325

Support of HB 761, Relating to Landfills

The purpose of this bill is to place a moratorium on the construction of any new municipal solid waste (MSW) landfills on the Leeward Coast, stretching from Nanakuli to Makua.

For the past 18 years, the only MSW landfill on Oahu has been grounded at Waimanalo Gulch above Ko Olina. This facility takes in approximately 400,000 tons of MSW yearly. Prior to that, there were various MSW landfills west of Waimanalo Gulch. To compound the burden placed on the people of the Leeward Coast, all of Oahu's construction and demolition waste, including asbestos, is dumped into the privately-owned PVT landfill that is adjacent to and mauka of Nanakuli town.

Besides the obvious health risks that the residents may suffer as a result of these 2 large landfills, the Leeward Coast also suffers from these compounding problems: the H-Power plant is located at the Campbell Industrial Park; a significant quantity of abandoned military ordnance is buried in the waters off the coast; the homeless population is the largest on Oahu; and the daily horrendous traffic conditions are well known. Approximately 400 trucks, many in the semi-tractor trailer category, travel to the PVT landfill and other commercial entities each day. It does not take much imagination to envision near gridlock conditions for the Leeward residents each day if any more landfills are opened anywhere in Nanakuli, Maili, Waianae, Makaha or Makua.

For the above reasons, we respectfully request that this measure be passed. Enough is enough. The people of the Leeward Coast should not be burdened further with any more negative environmental concerns.

Bill No. 761  
Support 9 N  
Date 2/11/09  
Time 12:06P  
Cat AF AS AX BC  
Type 1 2 WI

Bill No. 761

Representative Hermina Morita, Chair, Committee on Energy & Environmental Protection

Support  Y  N

Representative Ken Ito, Chair, Committee on Water, Land, & Ocean Resources

Date 2.11.09

Thursday, February 12, 2009

9:35 a.m., Conference Room 325

Time 10:08a

Testimony in **Support** of HB 761

Cat AF AS AX B  C

Aloha Chairs Morita and Ito and members of the committees:

Type  1  2 WI

My name is Cynthia K.L. Rezentes and I am a concerned resident of the Wai'anae Coast. I **support the intent** of HB 761 to place a moratorium on any future, new municipal solid waste landfill on the Leeward Coast including the areas of: Nanakuli, Waianae, Maili, Makaha, and Makua.

I would encourage two modifications to the bill be adopted:

- 1) extend the intent of restricting future landfills on the Leeward Coast to include **all** landfills, including construction and demolition debris landfills, composting landfills, etc., and
- 2) include the area of Ohikilolo as being restricted from any future landfills.

These modifications to the bill do not alter the intent of the bill but strengthens the intent of the bill which is to eliminate the Leeward Coast, including these specific areas, from being subjected to future threats of landfills and the numerous health and safety concerns which come with landfills, especially within populated areas.

Please support this bill with the modifications enumerated.