

DEPARTMENT OF ENVIRONMENTAL SERVICES
CITY AND COUNTY OF HONOLULU

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IN REPLY REFER TO:
WAS 09-89

March 23, 2009

The Honorable Hermina M. Morita, Chair
and Members of the Committee on
Energy & Environmental Protection
House of Representatives
State Capitol
Honolulu, Hawaii 96813

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

Dear Chair Morita, Chair Ito, and Members:

Subject: Senate Bill 701, SD 2, Proposed HD 1, Relating to Landfills

The City and County of Honolulu's Department of Environmental Services (ENV) reiterates its opposition to Senate Bill 701, SD 2, which proposes to modify Chapter 342H, HRS, to place a moratorium on the construction of new municipal solid waste (MSW) landfills from Kaena Point to Waimanalo Gulch after August 1, 2009, and to the proposed HD 1, which would extend that moratorium to much of the rest of the island of Oahu with the exception of the Waimanalo Gulch landfill.

This measure is an unreasonable interference with home rule. The City and County of Honolulu, as well as the other counties, are responsible for the collection, management, treatment and/or disposal of municipal solid waste within their respective jurisdictions. It is inappropriate for the State of Hawaii to place limits on possible landfill locations on Oahu just as it would be 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.

Moreover, a moratorium on the construction of new MSW landfills on the Leeward coast of Oahu is unnecessary, as Mayor Mufi Hannemann has already committed to not site any new MSW landfills on the Leeward coast. This commitment reflects his understanding of many of the issues identified in Section 1 of both the SD 2 and proposed HD 1.

Bill No. 701

Support Y N

Date 3/23/09

Time 1325

Cat AF AS B C

Type 2 WI

Bill No. 701

Support Y N

Date 3/23/09

Time _____

The Honorable Hermina M. Morita, Chair
The Honorable Ken Ito, Chair
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Cat AF AS AX BC

The SD 2 is unclear whether or not the current Waimanalo Gulch landfill is within or outside the area identified. Without additional clarity, the current SD 2 language potentially impacts the pending expansion of the Waimanalo Gulch Sanitary Landfill which is an essential part of the continuing near term handling of the City and County's solid waste. Any impact to the Waimanalo Gulch expansion would cause severe risk to public health. It is also important to understand that it is physically impossible to site a new landfill in less than five to seven years.

TYPE 1 2 WI

The specific exclusion of the Waimanalo Gulch landfill in the proposed HD 1 would clarify issues regarding the expansion of the Waimanalo Gulch landfill and is appreciated.

The HD 1 proposed expansion of the moratorium to much of the rest of the island of Oahu through the use of "district" names is unclear as to actual intended boundaries. Further, such an expanded moratorium does not appear to consider the needs that would come with a major natural disaster and the need for landfill space to handle the large amounts of disaster debris that would be created.

For such reasons, this bill should not be passed. However, were it to move forward, the bill should be amended to address the concerns about clarity in boundary definitions mentioned above and the specific statement that the proposed moratorium does not apply to the Waimanalo Gulch Sanitary Landfill should be included.

We firmly believe that this bill is an inappropriate intrusion on the responsibility of the City and County of Honolulu and that the SB 701, SD 2 should not be passed, either in its current form or in the form of the proposed HD 1.

Sincerely,



Timothy E. Steinberger, P.E.
Director

GOODSILL ANDERSON QUINN & STIFEL

A LIMITED LIABILITY LAW PARTNERSHIP LLP

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MEMORANDUM

Bill No. 701

Support Y (N)

Date 3/20/09

Time 1526

Cat AF AS AX (B)C

Type (1) 2 WI

TO: Representative Hermina M. Morita
Chair, Committee on Energy & Environmental Protection

Representative Ken Ito
Chair, Committee on Water, Land & Ocean Resources
FROM: Gary M. Slovin
DATE: March 21, 2009
RE: S.B. 701, S.D.1, Proposed H.D.1 – Relating to Landfills
Hearing: Tuesday, March 24, 2009 at 9:00 a.m.

Dear Chairs Morita and Ito and Members of the Joint Committees:

I am Gary Slovin, testifying on behalf of PVT Land Company, the owner and operator of the PVT Construction and Demolition Landfill (“PVT”) in Nanakuli.

As drafted, PVT opposes S.B. 701, S.D.2, proposed H.D.1. It was noted during the Senate hearing on this bill before the Committee on Water, Land, Agriculture and Hawaiian Affairs, that the intent of this bill is not to close the existing PVT landfill. However, we believe that the language of the proposed H.D. 1 which specifically prohibits solid waste landfills “or any component thereof” at page 2, line 21 is problematic, because it could affect the ability of the PVT landfill to continue to operate. For this reason, we feel that deleting the phrase “or any component thereof” would more accurately embody the expressed intent of the measure.

Because of the nature of the way a landfill like the PVT Landfill has to be operated, the landfill may be closed within one year if the bill should pass with the ambiguous language that prohibits the construction or operation of new “components” of landfills. The closing of the only construction and demolition landfill on Oahu would have disastrous effects. Nearly every construction firm on Oahu would be affected as they would not have a place to take their construction and demolition debris. For

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Representative Ken Ito
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example, the City and County's rail project would be dramatically affected if it did not have access to the PVT Landfill. Likewise truckers and hauling companies would be affected as well as they would have no location to send construction and demolition materials. It would be very likely that numerous illegal landfills which spring up all over the island with a huge impact to the environment as people would have to find some alternative to dump their waste.

Further, the PVT Landfill is a key component in the County's disaster planning. If a category 4 hurricane should strike Oahu, it is predicted that over 500,000 cubic yards of trash would be generated almost instantly. The County's disaster plan calls for this material to come to the construction and demolition landfill for sorting of recyclable and reusable material, the sorting out of hazardous waste for proper disposal, and finally disposal of appropriate waste material in the landfill itself. If the PVT Landfill is forced to close it would leave the County with no place to haul this material to remove it from the County's roads, to open the airport, hospitals, fire stations and to get materials moved to a proper facility for handling. Interestingly, the roads leading to the PVT Landfill are among the first roads that need to be opened in the case of a disaster that the landfill is available for disposal of material due to a disaster.

Obviously, the employees who work at the PVT Landfill would also be put out of work.

We realize that landfills are a sensitive issue in any community but they are also a necessary part of the infrastructure of a community. The impact of S.B. 701, S.D.2, proposed H.D.1, as written, would have disastrous affects on Oahu. For these reasons, we respectfully request that the language "or any component thereof" be removed from the bill.

Thank you for the opportunity to testify.



WINDWARD AHUPUA`A ALLIANCE

From the Peaks of *Na Ko`olau* to the Outer Reefs

*Community-Based Planning
Sustainable Economic Development
Restoration, Preservation, Protection & Public Access
Educational & Cultural Programs*

COMMITTEE ON ENERGY & ENVIRONMENTAL PROTECTION

*Rep. Hermina Morita, Chair
Rep. Denny Coffman, Vice Chair*

COMMITTEE ON WATER, LAND & OCEAN RECOURSES

*Rep. Ken Ito, Chair
Rep. Sharon Har, Vice Chair*

SB 701 SD1 HD1 Proposed - RELATING TO LANDFILLS

OPPOSE

Comments with Amendment

PUBLIC HEARING

9 am

Tuesday, March 24, 2009

Conference Room 325

Bill No. 701

Support Y N

Date 3/23/09

Time 10:00a

Cat AF AS AX B C

Type 1 2 WI

My name is Shannon Wood speaking on behalf of the *Windward Ahupua`a Alliance* about the proposed HD 1 to SB 701 SD1 - RELATING TO LANDFILLS.

The *Windward Ahupua`a Alliance*, a 501c3 Hawai`i non-profit corporation, was established in July, 2002. For the past several years, one of our core tasks has been to educate & inform residents, visitors, businesses, policymakers, and the media all across Hawai`i about using Smart Growth planning principles which include designing long-term waste management systems, improving illegal dumping/derelict vehicle legislation & enforcement, developing & implementing comprehensive curbside recycling programs, and setting long-term watershed protection policies based upon *ahupua`a* concepts & principles.

This bill continues to disturb me for three reasons: The first is that it does not address the core question about needing landfills at all. If landfills are bad for the folks who live, work & play in the five districts identified in HD1, then aren't they also bad for people who live in urban Honolulu or Hilo or Lihue or Wailuku? Either ban all landfills because they're inherently bad or invest in making them useful & reusable by building methane production facilities to sell to the utility companies.

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The second concern I have is that both the full *House* and the *Senate's* Energy & Environment Committee have passed out HB 427 HD 1 which authorizes the issuance of \$40,000,000 in *Special Purpose Revenue Bonds* for *One Planet Pacific Energy, LLC*, to build a gasification facility adjoining the construction & demolition material solid waste landfill located in Nanakuli.

Even if the *Senate* moves along the *SPRB*, the fact is that SB 701 in any form will ban the construction of the facility because construction & demolition landfill is privately owned. According to the attorney who provides *WAA* with legal advice upon request, the gasification facility would most likely be seen as an expansion of the landfill rather than a completely separate & unrelated business.

Finally, I am gravely concerned that, if SB 701 in any form passes out, then O`ahu residents will see a significant increase in the *City & County of Honolulu's* operating budget because of the need to ship even more solid waste across the *Pacific Ocean* to Washington State for disposal in a landfill there where it will be converted into methane gas to be sold to utility companies in the *Pacific Northwest*.

It is ironic that not only is the facility run by a competitor of *Waste Management, Inc.* which runs the *Waimanalo Gulch Landfill* for the *City* but also *WMI* is a world-wide industry leader in *methane-to-electricity* conversion.

Although the *Hannemann Administration* claims that sending at least 100,000 TONS of garbage 2500+ miles from O`ahu wrapped in plastic & stowed on the decks of open-air barges will only be temporary until *H-Power's* third boiler is operational and other technologies are installed, the fact is that, if this bill passes, the *City & County of Honolulu* will be shipping our trash across the *Pacific Ocean* for decades to come.

The current fiscal year operating budget allocates \$7.5 million which is expected to be released before June 30, 2009, when the contract is let. The *Hannemann Administration* has proposed an additional \$10 million in the upcoming fiscal year.

Pass this bill out and that figure will double or even triple in the next four to six years because a number of elected officials have made a commitment to Leeward residents to close down *Waimanalo Gulch* or, if necessary, at least not expand it further.

According to research on greenhouse gas emissions using the 100,000 tons figure, the increase in CO₂ will be around two percent per year at a time when the state has committed to reducing its emissions over the next 11 years to 1990 levels. Pass this bill out in any form and that figure will bump up to as much as a ten percent increase.

If you insist upon passing out SB 701 SD1 HD1 Proposed - RELATING TO LANDFILLS, perhaps you need to include an amendment banning the *City & County of Honolulu* from shipping its solid waste out of state.

In conclusion, whether it's for environmental or economic reasons, SB 701 in any form will not work. Therefore I urge that you defer further action on it.

IRON WORKERS STABILIZATION FUND

Fax No. - ^{6 8}587-9608

March 23, 2009

Honorable Hermina M. Morita, Chair
House Committee on Energy & Environmental Protection

Honorable Ken Ito, Chair
House Committee on Water, Land & Ocean Resources

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

Hearing Date - March 24, 2009, 9:00 a.m., Conference Room 325

Support of SB701, SD 2

Bill No. 701

Support Y N

Date 3/23/09

Time 1222

Cat AI AS AX B C

Type 1 2 WI

The purpose of this bill is to place a moratorium on the construction of any new solid waste landfills and/or expansion of any existing private solid waste landfills on the Leeward Coast on or after August 1, 2009.

For the past 18 years, all municipal solid waste (MSW) on Oahu has been deposited at Waimanalo Gulch above Ko Olina on the Leeward Coast. This facility takes in approximately 400,000 tons of MSW yearly. Prior to that, there were various MSW landfills on the Leeward Coast. To compound the burden placed on the residents 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 and in close proximity to the Pacific Ocean. In addition, an entity named Pineridge, just mauka of PVT, operates a concrete/asphalt recycling facility to produce inert fill material, another entity named Bedminster had filed for a MSW compost facility but later withdrew its application, and, still another entity at the Nanakuli "B" site also adjacent to PVT filed an application for a solid waste landfill.

Recent events only highlight that deleterious materials continue to be deposited into the privately-owned PVT landfill. According to media accounts, an old facility at Bellows Field that was used during the World War II era, filled with petroleum related materials, totaling some 8,500 tons, were transported and dumped into PVT. The people of Nanakuli were never given prior notice of this significant dumping right adjacent to and mauka of Nanakuli Town.

Besides the obvious *health risks* that the residents of the Leeward Coast suffer as a result of these 2 landfills and concrete/asphalt recycling facility, they are also negatively impacted by the following: a significant quantity of abandoned military

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ordnance; a disproportionately large homeless population; and, horrendous traffic problems daily. As to these traffic woes, approximately 400 trucks, many in the semi-tractor trailer category, travel to the PVT landfill and other commercial entities (all mauka and in close proximity to Nanakuli town) each day. It is only logical to assume that near gridlock conditions will occur for all Leeward Coast residents each day if any more landfills are opened anywhere on this side of the island.

For the above reasons, especially relating to the *public health and safety* of the residents of the Leeward Coast, we strongly urge that this measure be enacted into law. The residents of the Leeward Coast have suffered disproportionately from the negative environmental concerns generated by these landfills.

Just a short word to the proposed HD 1 to this measure which makes reference to the Waianae District. In HRS Chapter 4 that defines the boundaries of the districts on Oahu, the Waianae District excludes Waianae Uka which is found in the Wahiawa District. Just to remove any possible confusion, we suggest that if HD 1 is to be passed by this committee, it include the words "*and the Waianae Uka portion of the Wahiawa District.*"