

SB 2358

Measure Title: RELATING TO WASTE MANAGEMENT.

Report Title: Disposal of Liquid or Solid Waste; Contracts; Payments

Description: Beginning July 1, 2016, requires that all state and county agency contracts that include disposal of liquid or solid waste to provide a receipt that the waste was received and disposed of at a licensed facility before full or partial payment is made for those contractual services.



**STATE OF HAWAII
DEPARTMENT OF HEALTH**

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**Testimony in SUPPORT of S.B. 2358
RELATING TO WASTE MANAGEMENT**

SENATOR GLENN WAKAI, CHAIR
SENATE COMMITTEE ON ECONOMIC DEVELOPMENT, ENVIRONMENT, AND
TECHNOLOGY

SENATOR CLARENCE K. NISHIHARA, CHAIR
SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND
MILITARY AFFAIRS

Hearing Date: February 10, 2016
Time: 1:20 p.m.

Room Number: 414

1 **Fiscal Implications:** None.

2 **Department Testimony:** The Department supports this measure. This measure proposes to
3 require all state and county agency contracts that include disposal of liquid or solid waste to
4 provide a receipt that the waste was received and disposed of at a licensed facility before full or
5 partial payment is made for those contractual services.

6 Hawaii Revised Statutes 342H-30 requires that, "No person, including any public body, shall
7 discard, dispose of, deposit, discharge, or dump solid waste, or by contract or otherwise arrange
8 directly or indirectly for the disposal of solid waste...anywhere other than a permitted solid
9 waste management system without the prior written approval of the director." This measure will
10 not only help state and county waste generators comply with this law, but also will help prevent
11 their contractors from illegal dumping.

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

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DAVID Y. IGE
GOVERNOR



DOUGLAS MURDOCK
Comptroller

AUDREY HIDANO
Deputy Comptroller

STATE OF HAWAII
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
P.O. BOX 119, HONOLULU, HAWAII 96810-0119

WRITTEN TESTIMONY
OF
DOUGLAS MURDOCK, COMPTROLLER
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES
TO THE
SENATE COMMITTEES
ON
ECONOMIC DEVELOPMENT, ENVIRONMENT, AND TECHNOLOGY
AND
INTERGOVERNMENTAL, AND MILITARY AFFAIRS
ON
FEBRUARY 10, 2016

S.B. 2358

RELATING TO WASTE MANAGEMENT

Chair Wakai, Chair Nishihara, and members of the Committees, thank you for the opportunity to submit written testimony on S.B. 2358.

The Department of Accounting and General Services (DAGS) does not support S.B. 2358. The proposed requirement creates an undue burden on the State or County contracting agency and would be difficult to enforce.

Under some contracts, the State or County may have an obligation to make partial payments before the need for waste disposal. This bill would block partial payments until the contractor begins the waste disposal process.

In addition, this bill will not preclude improper disposal of waste. For example, it would be possible to dispose of enough waste to submit a receipt and subsequently improperly dispose of the remainder, or to submit waste disposal receipts from other projects to appear to satisfy the requirement. Chain-of-custody logs are costly and time consuming and for this reason, are only used for regulated and hazardous waste disposal. Without an established chain-of-custody system in place, there is no way to ensure the receipt is directly related to waste from any specific project, making this measure unenforceable.

Thank you for the opportunity to submit written testimony on this matter.

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GCA of Hawaii

GENERAL CONTRACTORS ASSOCIATION OF HAWAII

Quality People. Quality Projects.

Uploaded to Capitol Website

February 10, 2016

TO: HONORABLE GLENN WAKAI, CHAIR, HONORABLE SAM SLOM, VICE CHAIR AND MEMBERS OF THE SENATE COMMITTEE ON ECONOMIC DEVELOPMENT, ENVIRONMENT AND TECHNOLOGY

HONORABLE CLARENCE NISHIHARA, CHAIR HONORABLE WILL ESPERO, VICE CHAIR AND MEMBERS OF THE SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS

SUBJECT: **OPPOSITION TO S.B. 2358, RELATING TO WASTE MANAGEMENT.**
Beginning July 1, 2016, requires that all state and county agency contracts that include disposal of liquid or solid waste to provide a receipt that the waste was received and disposed of at a licensed facility before full or partial payment is made for those contractual services.

HEARING

DATE: Wednesday, February 10, 2016
TIME: 1:20 p.m.
PLACE: Conference Room 414

Dear Chairs Wakai and Nishihara, Vice Chairs Slom and Espero and Members,

The General Contractors Association of Hawaii (GCA) is writing to express grave concerns about S.B. 2358, Relating to Waste Management and is requesting that the bill be deferred.

The GCA is an organization comprised of over approximately 570 general contractors, subcontractors, and construction related firms. The GCA was established in 1932 and is the largest construction association in the State of Hawaii. The mission is to represent its members in all matters related to the construction industry, while improving the quality of construction and protecting the public interest.

S.B. 2358 proposes to require that state and county agencies require proof of a dump receipt for liquid or solid waste from a permitted waste facility before payment is made for those contractual services in public works construction. Additionally, S.B. 2358 requires that owners include a provision in their contract that would mandate proof of a dump receipt for liquid or solid waste prior to payment being made.

While GCA understands the intent of this measure, GCA is opposed to this bill because (1) it will infringe on contracts; (2) the proposed language will not resolve the issue of illegal dumping; and (3) it could interrupt in receipt of payments for public works. The more appropriate and proper way to address such activity would be to impose some type of penalty to hold those illegally dumping waste accountable. Two years ago the Honolulu City Council worked on a bill that would increase fines for illegal stockpiling and grading of material not

properly permitted. The penalty approach is the type of deterrent that will address the problem directly, instead of what this measure proposes to do.

There are a number of reasons why requiring a dump receipt will not deter such illegal dumping, particularly because (1) receipts from a permitted waste facility can be altered and used to satisfy an agency's receipt requirement; (2) there is no way to enforce such receipt mechanism by the agency as it would have no way to confirm the materials were from the claimed project, especially if a contractor has multiple projects ongoing at the same time; and (3) the bill could potentially block a contractor from receiving payments until waste disposal process is complete, which does not always coincide with payment schedules.

For these reasons, we are requesting that this bill be deferred.

LARRY JEFTS FARMS, LLC
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KUNIA, HAWAII 96759
(808) 688-2892

SB2358, Relating to Waste Management
Sen EET/PSM Hearing – Weds. Feb 10, 2016 – 1:20 pm
Written Testimony by: Larry Jeffs
Position: Support, With Comments

Chair Wakai and Chair Nishihara, and Members of the Senate EET/PSM
Committees:

I am Larry Jeffs, owner and operator of Larry Jeffs Farms, LLC, which is part of our family-run business of farms on Oahu and Molokai, under the administrative umbrella of Sugarland Growers, Inc. We have more than 35 years of Hawaii farm experience on Molokai and Oahu.

SB 2358 requires a receipt for the disposal of liquid or solid wastes at a licensed facility before full or partial payment is made to the contractor. This should curtail the problem of illegal dumping of liquid or solid wastes. The illegal disposal of liquid or solid waste is a problem for protection of Hawaii's soil and water resources.

Comment:

We note that the bill requires a receipt from a licensed facility to the exclusion of other acceptable receivers of waste.

It is suggested that flexibility be given to the use of cold plane material for farm use based on a pre-approved recycling plan that is part of the farmer's approved soil and water conservation plan. Construction and maintenance companies generate cold plane material through the controlled removal of existing pavement surfaces to restore the pavement surface to the specified grade and cross-slope. It is good fill-material on farms, and such use reduces landfill.

Your support of this measure and consideration of our comment is appreciated.

Thank you for the opportunity to present testimony.

wakai1 - Lilinoe

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 08, 2016 6:41 PM
To: EET Testimony
Cc: annmarie@hawaii.rr.com
Subject: *Submitted testimony for SB2358 on Feb 10, 2016 13:20PM*

SB2358

Submitted on: 2/8/2016

Testimony for EET/PSM on Feb 10, 2016 13:20PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Ann Marie Kirk	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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wakai1 - Lilinoe

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 09, 2016 3:14 PM
To: EET Testimony
Cc: prentissc001@hawaii.rr.com
Subject: Submitted testimony for SB2358 on Feb 10, 2016 13:20PM

SB2358

Submitted on: 2/9/2016

Testimony for EET/PSM on Feb 10, 2016 13:20PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Charles Prentiss	Kailua Neighborhood Board	Support	No

Comments: We have a serious problem in Hawaii because companies that are contracted by private companies, Counties, the State, and the Federal Government to dispose of hazardous waste are not required to show where they dump the material, even when their contract says it must be exported to the mainland. We have seen recent examples of silt being dumped in Nanakuli, and bilge water and oil being dumped onto land that drains into Kawainui Marsh. Fines are issued when they are discovered, but they are hard to catch. These are ongoing activities, but only these two have been discovered. This bill would require disposal receipts. It is critically needed. All Neighborhood Board Chairs are asked to put this on their agenda.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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