

**DAVID Y. IGE**  
Governor

**SHAN S. TSUTSUI**  
Lt. Governor



State of Hawaii  
**DEPARTMENT OF AGRICULTURE**  
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Phone: (808) 973-9600 FAX: (808) 973-9613

**SCOTT E. ENRIGHT**  
Chairperson, Board of Agriculture

**PHYLLIS SHIMABUKURO-GEISER**  
Deputy to the Chairperson

**TESTIMONY OF SCOTT E. ENRIGHT**  
**CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE HOUSE COMMITTEE ON ENERGY AND ENVIRONMENTAL**  
**PROTECTION**

March 31, 2015  
8:30 A.M.  
CONFERENCE ROOM 325

**SENATE BILL NO. 320. SENATE DRAFT 1, HOUSE DRAFT 1**  
**RELATING TO AGRICULTURAL DISTRICTS**

Chairperson Lee and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill 320, SD 1, HD 1. This measure amends Chapter 205, HRS to allow composting within the Agricultural District if a special permit is obtained, and limits composting on lands with Land Study Bureau Overall Productivity Ratings of "A" and "B" to 10 percent of the acreage of the parcel on which composting is proposed, or one acre, whichever is less. A variety of organic solid wastes may be composted but does not appear to include sewage sludge (biosolids) from wastewater treatment facilities. The Department of Agriculture supports composting as a soil amendment where more organic content is desired, however we defer to the counties with respect to their statutes, ordinances, rules, and permits governing composting activities

Thank you for the opportunity to present testimony.



DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**

650 SOUTH KING STREET, 7<sup>TH</sup> FLOOR • HONOLULU, HAWAII 96813  
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KIRK CALDWELL  
MAYOR



GEORGE I. ATTA, FAICP  
DIRECTOR

ARTHUR D. CHALLACOMBE  
DEPUTY DIRECTOR

March 31, 2015

The Honorable Chris Lee, Chair  
and Members of the Committee on Energy  
and Environmental Protection  
Hawaii House of Representatives  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Lee and Members:

Subject: Senate Bill No. 320, SD 1, HD 1  
Relating to Agricultural Districts

The Department of Planning and Permitting (DPP) **opposes** Senate Bill No. 320, SD 1, HD 1, which would permit composting in the agricultural district only with a State Special Use Permit (SUP), and with certain restrictions on "A" and "B" lands.

We support composting, as it helps achieve several environmental goals, including diverting waste streams away from our landfills, preventing the release of methane (a potent greenhouse gas that would otherwise occur due to anaerobic decomposition in landfills), improving soil fertility, and contributing to the State's progress toward achieving its waste reduction goal.

However, we do not agree that all types of composting should require an SUP. We are also concerned about the treatment of sewage sludge, which is explicitly excluded. Does this mean it is a permitted use? Please note that we already allow composting in areas zoned agriculture, differentiating between relatively minor operations from those which may pose odor, vector and water contamination issues.

If there must be special provisions for A and B lands, we ask that the proposed Section (16) (B) language be clarified as follows:

- "(B) Composting operations on land with soil classified as overall productivity rating class A or B shall be limited to ten percent of the lands in the A or B class, or one acre of these lands, whichever is less."

The Honorable Chris Lee, Chair  
and Members of the Committee on Energy  
and Environmental Protection  
Hawaii House of Representatives  
Hawaii State Capitol  
Re: Senate Bill 320, SD 1, HD 1  
March 31, 2015  
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This addresses a common situation where only portions of a lot are under the A or B class. We understand that with this provision, variations of the percentage and acreage limitations cannot be granted under the SUP.

Thank you for this opportunity to testify.

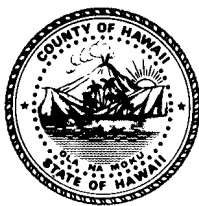
Very truly yours,



George I. Atta, FAICP  
Director

cc: LUPD

*Margaret Wille*  
*Council Member*  
*District 9 - North and South Kohala*



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## **HAWAI'I COUNTY COUNCIL**

*County of Hawai'i*

*Hawai'i County Building*  
*25 Aupuni Street*  
*Hilo, Hawai'i 96720*

*Holomua Center*  
*64-1067 Mamalahoa Highway, Suite C-5*  
*Waimea, Hawai'i 96743*

*West Hawai'i Civic Center Bldg. A*  
*74-5044 Ane Keohokalole Hwy.*  
*Kailua-Kona, Hawai'i, 96740*

Representative Chris Lee, Chair  
Representative Nicole Lowen, Vice Chair  
Committee on Energy and Environmental Protection  
Hearing on SB320 HSCR 1006  
Hawaii State Capitol  
Honolulu, Hawaii 96815

March 30, 2015

Re: SB320 SD1 HD1 Relating to Ag Districts, Composting  
TESTIFYING IN OPPOSITION AS CURRENTLY DRAFTED: please amend

Dear Chair Lee and Vice Chair Lowen and  
Members of the Committee on Energy and Environmental Protection

Compost is the key to sustainable agriculture and should certainly be a permitted use in our agriculturally zoned lands. This should be a no-brainer. So yes, add composting to the list of permissible uses in agriculturally zoned lands.

To do composting, wherever it is located currently requires a Department of Health permit as a solid waste operation to ensure that all environmental concerns and neighboring property concerns are addressed. For this reason adding the requirement of a special permit is excessive – not just duplicative. If you doubt me, take a look at the Department of Health solid waste permit requirement for composting: Hawaii Administrative Rules Chapter 11 Chapter 4 (composting/remediation facilities). **THEREFORE PLEASE DELETE THE PORTION OF THE PROPOSED AMENDMENT THAT REQUIRES A SPECIAL PERMIT.**

If instead you now additionally require a farmer who wants to do composting for himself and others (a certain volume is required to be efficient to achieve necessary temperature thresholds), that farmer would need to obtain a state permit through the Land Use Commission – which generally takes years and many thousands of dollars.

*Serving the Interests of the People of Our Island*  
*Hawai'i County Is An Equal Opportunity Provider And Employer*

March 30, 2015

Page 2 of 2

Again please delete from the current draft of SB320 the requirement for a special use permit. Please note that Director Leithead Todd of the County of Hawaii Department of Environmental Management agrees this added requirement of a special use permit is not necessary and is excessive and will be harmful to our farming community. Please also note that testifiers who checked "Support" of this bill before previous committees agreed that composting should be added as a permitted use – but likewise did not agree that a special use permit should not be required. Yet they were announced simply as "Support". Since there was only a choice between clicking "Support" or "Oppose", their testimony was not appropriately represented (should have read "Support in part; Oppose in part").

Sincerely,

*/s/Margaret Wille*

Margaret Wille  
Council Member District 9  
North & South Kohala

# EKO COMPOST

## URNS DIRT INTO SOIL

March 30, 2015

Aloha Committee Members:

Maui EKO Systems is submitting testimony in OPPOSITION of SB320 as currently written.

Agricultural lands are the most appropriate areas to cite composting facilities. Potential odors, noise, and vector concerns and the respective nuisance mitigation efforts are similar to those of other agricultural operations. Additionally, much of the organic material and the resulting compost product can be used in these agricultural operations.

That said, EKO recommends striking section 16(A), which requires a special use permit is granted. Per the Senate's AGE-ENE Committee Report for SB320 SD1, this amendment was included to ensure composting facilities comply with the Department of Agriculture's pest management plan and any other land use concerns (including potential traffic impacts of new facilities).

Requiring a special use permit is redundant, as the Solid Waste Permit Application for composting facilities already requires these issues to be addressed (Attachment P-2(2.) and Attachment P-3(k.) of the Solid Waste Permit Application). Should the legislature prefer the permit application language regarding these concerns be clearer, EKO recommends the legislature encourages the Department of Agriculture and the Department of Transportation to advise the Department of Health on possible permit application language to address these concerns.

Therefore, EKO recommends SB320 be amended to read as follows:

"(16) Composting operations; provided that: ~~composting operations on land with soil classified as overall productivity rating class A or B shall be limited to on-site uses and not occupy more than ten per cent of the acreage of the parcel, or one acre of land, whichever is lesser.~~

~~(A) A special use permit is granted pursuant to section 205-6; and~~

~~(B) Composting operations on land with soil classified as overall productivity rating class A or B shall be limited to on-site uses and~~

# EKOCOMPOST

## URNS DIRT INTO SOIL

~~not occupy more than ten per cent of the acreage of the parcel, or one acre of land, whichever is lesser.~~

For the purposes of this paragraph, "composting" means a process in which organic solid wastes, including green or yard waste materials, food scraps, animal manures excluding biosolids (sewage sludge), and non-treated wood chips and shavings, are biologically decomposed and stabilized under controlled conditions to produce a stable humus-like mulch or soil amendment. This term includes the processing of organic and non-treated wood waste materials for the generation of wood chips or other materials that can be used as a soil amendment, planting mixes, mulches for horticulture and agricultural applications, and land reclamation."

EKO is in opposition to SB320 as currently written, and asks for your support of amending SB320 to remove the requirement of a special use permit.

Mahalo,

*Brittany Smart*

Marketing & Public Affairs



Testimony for  
Committee on Energy & Environmental Protection  
Tuesday, March 31, 2015, 8:30 a.m., Room 325

Representative Chris Lee, Chair  
Representative Nicole E. Lowen, Vice Chair

SB 320, SD1, HD1 RELATING TO AGRICULTURAL DISTRICTS

Dear Chair Lee and Members of the Committee:

This letter is in SUPPORT with Amendment of SB320, SD1, HD1 which permits composting in agricultural districts if a special use permit is obtained. I am Lynn McCrory, Senior Vice President of Government Affairs for Pūlama lanai. Pūlama Lānaʻi is the entity that has been set up to manage the assets and to work with the community and government as we move the island of Lānaʻi toward sustainability.

We have two composting facilities and are in the process of planning a third facility on the island of Lānaʻi and both have required extensive Department of Health permitting to ensure that the activity meets with all State requirements. All facilities are and would be on ALISH C & D agricultural lands that do not support agricultural crops at this time. The County of Maui requires a special use permit for activities on agriculture land where the uses do not fit with agriculture, i.e. gun & firing ranges, bungee jumping, archery ranges, skateboarding, churches and religious institutions, landfills, cemeteries, crematoriums, and mausoleums, and mining and resource extraction. None of these match to a composting facility both for use or issues with adjoining landowners or environmental concerns.

Composting is a sustainable recycling of food wastes, green waste, animal wastes, non-treated wood chips and shavings. The final product is used to add as a soil amendment to enrich the soil and to retain moisture in the soil. It should not need a special use permit from the County. We ask that you remove Section 1, (16), (A) that reads "A special use permit is granted pursuant to section 205-6."

We humbly ask that you support SB320, SD1, HD1 with the amendment shown above. Mahalo!

Me ke aloha pumehana  
With warm aloha,

Lynn P. McCrory  
Senior Vice President of Government Affairs



lowen2-Thomas

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From: mailinglist@capitol.hawaii.gov  
Sent: Sunday, March 29, 2015 9:41 AM  
To: EEPtestimony  
Cc: amybrinker@mac.com  
Subject: \*Submitted testimony for SB320 on Mar 31, 2015 08:30AM\*

**SB320**

Submitted on: 3/29/2015

Testimony for EEP on Mar 31, 2015 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Amy Brinker	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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lowen2-Thomas

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From: mailinglist@capitol.hawaii.gov  
Sent: Tuesday, March 31, 2015 8:04 AM  
To: EEPtestimony  
Cc: carl.campagna@kamakagreen.com  
Subject: \*Submitted testimony for SB320 on Mar 31, 2015 08:30AM\*

**LATE**

**SB320**

Submitted on: 3/31/2015

Testimony for EEP on Mar 31, 2015 08:30AM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Carl Campagna	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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